JUVENILE HOMICIDE
- A CRIMINOLOGICAL STUDY ON THE POSSIBLE CAUSES OF
JUVENILE HOMICIDAL DELINQUENCY IN JAMAICA

Dissertation

zur Erlangung der Würde einer Doktorin
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"Two schoolboys in a fight. In times not too far past, the scuffle would have ended with a bloody nose, a torn shirt, scraped knuckles. Today – a few days ago to be exact – in a St. Catherine schoolyard, two schoolboys got in a fight. When it ended, there was no bloodied nose, no scraped knuckles. Instead, one boy lay dead, the result of a knife plunged repeatedly into his abdomen allegedly by his opponent. The dead boy was 15 years old. His accused killer is 14."

Jamaica Gleaner News:
"Old-time Fisticuffs Now Deadly
Stabbing as Murder Goes to School"
June 11, 2007

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Table of Abbreviations

AD	Anno Domini
AI	Amnesty International
AT	Allgemeiner Teil (German for *general part*)
BBC	British Broadcasting Corporation
BSI	Bureau of Special Investigations
CARICOM	Caribbean Community and Common Market
CCJ	Caribbean Court of Justice
CCPA	Child Care and Protection Act
CEO	Chief Executive Officer
CIA	Central Intelligence Agency
CND	Commission on Narcotic Drugs
CNN	Cable News Network
COHA	Council of Hemispheric Affairs
CSI	Community Security Initiative
DCP	Deputy Commissioner of Police
DJ	Disc Jockey
DPP	Director of Public Prosecutions
Dr.	Doctor
Dr. jur.	Doctor of Jurisprudence (Latin from *doctor juris*)
DRF	Disputes Resolution Foundation
ECOSOC	Economic and Social Council
ed. / eds.	editor / editors
e.g.	for example (Latin from *exempli gratia*)
est.	estimated
et al.	and others (Latin from *et alii*)
etc.	and so on (Latin from *et cetera*)

et sqq.	and the following (Latin from *et sequunturque*)
F.B.I.	Federal Bureau of Investigation
FCC	Federal Communications Commission
GDP	Gross Domestic Product
GoJ	Government of Jamaica
HHTI	Homicides per Hundred Thousand Inhabitants
Hon.	Honourable
IANSA	International Action Network on Small Arms
Ibid.	the same (Latin from *ibidem*)
ICVS	International Crime Victim Survey
ID	identification card
i.e.	that is (Latin from *id est*)
IMF	International Monetary Fund
ISCF	Island Special Constabulary Force
JAMAL	Jamaican Movement for the Advancement of Literacy
JCF	Jamaica Constabulary Force
JCPC	Judicial Committee of the Privy Council
JDF	Jamaica Defence Force
JLP	Jamaica Labour Party
JMD	Jamaican Dollar
JSLC	Jamaica Survey of Living Conditions
kg	kilogramme
KMA	Kingston Metropolitan Area
lit.	alphabetic character (Latin from *litera*)
Ltd.	Limited
MDG	Millennium Development Goals
min.	minute
MP	Member of Parliament

MSchrKrim	Monatszeitschrift für Kriminologie und Strafrechtsreform
n/a	not applicable
NPEP	National Poverty Eradication Programme
No.	Number
OCJS	British Offending, Crime and Justice Survey
OPA	Offences against the Person Act
p. / pp.	page / pages
PAHO	Pan American Health Organization
PBPL	Population Living Below the Poverty Line
PERF	Police Executive Research Forum
PhD	Doctor of Philosophy
PIOJ	Planning Institute of Jamaica
PKS	Polizeiliche Kriminalstatistik
PNP	People's National Party
PPCA	Police Public Complaints Authority
Prof.	Professor
PZI	Problemzentriertes Interview
RDS	Research Development and Statistics
re	relating to (Latin ablative of *res*)
SALW	Small Arms and Light Weapons
SOS	Save our Souls
STATIN	Statistical Institute of Jamaica
TV	television
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children Fund
UNODC	United Nations Office on Drugs and Crime

URL	Uniform Resource Locator
U.S.	United States
USD	United States Dollar
v. / vs.	verse / versus
WHO	World Health Organization

Contents

JUVENILE HOMICIDE

A Criminological Study on the Possible Causes of Juvenile Homicidal Delinquency in Jamaica

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Introduction and Opening References

I.   Introduction

The aim of the present study is to generate a plausible and scientifically substantiated hypothesis to explain the high proportion of male juveniles responsible for the homicide rate in Jamaica.[1] The study examines a group of 20 juvenile homicidal delinquents and is based on the assumption that homicides by juveniles can be understood as a reaction that emerges situationally and is based on a complex bundle of causes.

By way of introduction and in order to understand the phenomenon of juvenile homicidal delinquency it is indicated to set out a few facts and numbers: Jamaica is the third largest island in the Caribbean with an area of 10'991 square kilometres, located about 145 kilometres to the south of Cuba and 160 kilometres to the west of Hispaniola.[2] Presently, Jamaica counts 2'804'332 inhabitants (July 2008 est.).[3] Its population is comprised of 91.2% Blacks, 6.2% mixed and 2.6% other or unknown. Queen's English is the official national language, whereas Patois is the jargon spoken in most social settings.[4]

According to history books, Jamaica was discovered by Christopher Columbus on May 3rd, 1494, and was settled by the Spaniards in the early 16th century.[5] British forces seized the

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[1] Jamaica has been chosen as a case study for this dissertation because of its conspicuous relationship with the problem of homicides over many years. Although various endeavours have been made to try to lower the rate of homicides, very few are engaged in efforts of prevention and depict long-term sustainable solutions.

[2] For the data presented in this paragraph see the CIA World Factbook 2008 – Jamaica, Geography. For details on the geography of Jamaica see Zahl, pp. 12-14; Allsworth-Jones, pp. 46-49.

[3] CIA World Factbook 2008 – Jamaica, People.

[4] For a brief evolutionary history of Jamaica's language see Zahl, pp. 140-141. "They speak English an'chat Patwah." Ibid., p. 141. See also Ettmayer, pp. 73-75.

[5] Data presented in this paragraph was obtained from Robertson, in: History, Heritage and Culture of Jamaica, pp. 24-52; Gardner, pp. 13-236; Gleaner: Jamaican History I: 1494-1692, Columbus to the Destruction of Port Royal, obtained from: http://www.discoverjamaica.com/gleaner/discover/geography/history1.htm [as of January 2009].

island in 1655 and began full colonisation in 1661. In 1666, the Spanish were expelled and Jamaica was formally ceded to England in 1670. Jamaica became an independent state on August 6, 1962, remaining a member of the Commonwealth of Nations.[6] The Government of Jamaica is a Westminster-Whitehall style constitutional monarchy with a bicameral Parliament. The titular sovereign, Queen Elizabeth II of the United Kingdom, is represented by the Governor General in Jamaica. The Prime Minister as leader of the governing party in the legislature is the head of government. The Honourable Bruce Golding was sworn in as Prime Minister on September 11, 2007.[7] Jamaica's economy, characterised by stagnant growth, faces serious long-term problems such as high interest rates, increased foreign competition, exchange rate instability, a sizable merchandise trade deficit, large-scale unemployment and underemployment and a debt-to-GDP ratio of 135%.[8] Jamaica's per capita dept burden is said to be the fourth highest in the world.[9]

However, Jamaica is amongst the leaders of the globe in another area as well: International comparisons of crime rates reveal that Jamaica has one of the highest homicide rates in the world.[10] Jamaica, the land of wood and water and the embodiment of white sandy beaches, tropical palm trees and dazzling sunshine has persistently had one of the world's highest homicide rates and has been described as the murder capital of the world in 2006. It was given this title by the BBC news after more than 1'600 people were killed in the year 2005; a tally of at least five people murdered a day.[11]

Globally, 520'000 people (8.8 individuals per 100'000 inhabitants)[12] were killed in inter-personal conflicts[13] in the year 2000, wherefrom approximately 199'000 were killed by young

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[6] For detailed information on the history of Jamaica see this study, § 9 Chapter II. Historical Background and Cultural Influences in General, pp. 103 et sqq.

[7] For details on the political system in Jamaica see this study, § 9 Chapter XIII. Public Organisational and Political Structures, pp. 176 et sqq. See also Bogues, in: History, Heritage and Culture of Jamaica, pp. 363-387.

[8] For details on Jamaica's economy see this study, § 9 Chapter III. Socio-Economic Indicators, pp. 108 et sqq. See also Lemard, pp. 7-9.

[9] CIA World Factbook 2008 – Jamaica, Economy. See also Ettmayer, p. 121.

[10] Meeks-Gardner/Powell/Grantham-McGregor (2001), p. 35; Lemard, pp. 1, 8 with further references. Referring to an international comparison of homicide rates see Wright/Miller, p. 694. See also this study, § 5 Chapter II. Extent of Homicide in Jamaica, pp. 58 et sqq.

[11] BBC Caribbean: "Jamaica 'Murder Capital of the World'", January 3, 2006. See also British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 11min.

[12] The amount of homicides per 100'000 inhabitants is abbreviated as HHTI in the following.

[13] For a definition of interpersonal conflicts see the WHO World Report on Violence and Health, pp. 5-6. The WHO divides violence into three broad categories according to characteristics of those committing the violent act. The categories are those of self-directed violence, collective violence and interpersonal violence. The latter again is divided into two subcategories: Family and intimate partner violence and community violence (that is violence between individuals who are unrelated, and who may or may not know each other, generally taking place outside the home). Although the WHO refers to homicides and homicide rates, it does not define what a homicide is. In view of their definition of violence (ibid., p. 5) in general and interpersonal violence in particular, an explicit

people aged 15 to 29 years (9.2 HHTI aged 15 to 29 years).[14] Young men featured the world's highest homicide rate with 19.4 homicides per 100'000 male inhabitants aged 15 to 29 years.[15] The homicide rate varied greatly between the different regions of the world. High income countries in Europe, Asia and the Pacific featured a rate of 0.9 HHTI, whereas in Africa and South America it amounted to 17.6 HHTI. With the exception of the United States of America, all countries that featured a rate over 11.0 HHTI were developing states or states experiencing rapid economic and social changes. According to official homicide statistics, homicide rates are thus higher in countries with a low socio-economic status.[16] Jamaica – with the socio-economic status of a small island developing state – by far exceeds the median homicide rate of developing states. In 2006, for example, there were 1'340 homicides in Jamaica: That is 49 HHTI. The year before, there was a record of 1'674 homicides; 58 HHTI.

In a nutshell: Globally, homicidal delinquency is eye-catching and alarming. By international comparison, this trend is even more conspicuous in Jamaica. Juvenile homicidal delinquency constitutes one of Jamaica's biggest social problems and a major challenge at present.[17] One question naturally arises: How can this homicidal strain be explained?

While there is strong interest in and vast literature on homicide in the United States, comparable homicide studies in other countries are fairly rare.[18] Considering Jamaica, it is astonishing that there is almost no data available on homicide although the country has one

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definition of homicide is superfluous though. A homicide can be defined as the intentional use of physical force or power against another person or against a group or community that results in death.

[14] The data presented in this paragraph is based on the WHO World Report on Violence and Health, pp. 10-11. See also Lemard, p. 11. With reference to statements about the relationship between age and crime see Smith, in: The Oxford Handbook (2002), pp. 702-745 with selected further reading and references.

[15] Referring to the increase in violence-related deaths occurring in the male population see Lemard, p. 2; wright/Miller, pp. 697-698. The women's homicide rate is much lower in comparison to their male counterparts (4.4 HHTI). The gender difference may occur for biological reasons or may result from men's increased risk of engaging in violent behaviour. This study's focus is limited to male juvenile homicide in Jamaica and does not include the examination of the gender difference in homicide rates. With reference to gender-based theories of delinquency see Williams/McShane, pp. 252-272 with extensive bibliographical references. See also The Oxford Handbook (2002), pp. 491-530. For a detailed review of today's state of affairs concerning biological theories in crime aetiology such as the aggression theory with a decrease of the serotonin level and high concentrations of testosterone and the like see Hohlfeld (2002). For summaries see Ellis, Lee, pp. 287-315; Schmitt, pp. 18-20.

[16] See UNODC/World Bank, pp. 26, 31. See also Eisenberg (2005), p. 999; Wright/Miller, pp. 694, 696.

[17] According to National Security Minister Dr. Peter Phillips, the crime rocking Jamaica threatens the very survival of the Jamaican state more than anything. See the Jamaica Observer: "Politics One of the Causes of Crime Wave, Says Phillips", March 19, 2007. See also Security Link, p. 1.

[18] For attempts to explain this phenomenon see Wilbanks, p. 116. In regards to research review on juvenile homicide in general see Ewing (1991), pp. 13-30. Wilbanks and Ewing both emphasise that the literature on juvenile homicide is sparse in quantity as well as in quality.

of the highest homicide rates in the world. There are the books of Ellis (1992) and Headley (1994) and the publication of the proceedings of a seminar by Phillips and Wedderburn (1987) on the crime problem in Jamaica in general. However, specific studies on homicidal violence in Jamaica are limited to the efforts by Wilbanks (1978), Harriott (2000, 2003) and Lemard (2004). With the exception of the latter three, there are no other known studies of homicidal delinquency in Jamaica. Thus, despite Jamaica being characterised as the murder capital of the world, a paucity of published data on homicides preponderates. To date, there is sparse existing empirical knowledge on juvenile homicidal delinquency in Jamaica, and the knowledge that exists has not resulted in the implementation of sustainable solutions. There is an urgent need to undertake empirical work in order to advance the understanding of the homicidal crime phenomenon. The purpose of the present research study is to close the existing gap and to help the process of comprehending the problem of fatal juvenile delinquency by engaging empirical research in serious efforts to describe and explain the epidemic.

It is crucial to understand the causes of juvenile homicide in order to be able to develop social policies that make the incidents of juvenile homicide less likely and its effects less damaging as juvenile homicide does not only depict a problem for society, but is also an indicator of other problems in society. The present study is based on the premise that homicides can be prevented. The basic idea of risk-focussed prevention is that fundamental research identifies plausible key risk factors for offending in order for intervention programmes to be implemented.[19] Without the knowledge of plausible risk factors developed measures to prevent and combat fatal youth violence cannot achieve success in effectuating changes.

Understanding juvenile homicidal delinquents and their actions and thus ascertaining a plausible explanation for their high homicide rate can only be achieved by going back to those whose acts are to be explained: The juvenile homicidal delinquents.[20] The present research study therefore attempts to give an explanation for the high homicide rate in Jamaica from the subjects' points of view and to unfold the meaning of their acts and experiences. The aim is to give an account of their subjective view in order to be able to

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[19] "Violence in Jamaica has reached epidemic levels much like that of an incurable infectious diseas. However violence like most infectious diseases can be prevented." Lemard, p. 7. Urbaniok even goes as far as to claim that every criminal offence can be predicted. See Urbaniok, pp. 218-241.

[20] On this note see Athens, p. 20: "How can one ever expect to get to the bottom of a problem when one scrupulously avoids all direct contact with it? Thus, although one needs not be a violent criminal to discover the cause of others becoming violent criminals, it is only a matter of common sense that extensive direct contact with violent criminals is absolutely essential if one expects ever to achieve this goal."

relate to the possible causes of their behaviour.[21] Hence, the present report focuses on self-report offending.[22] The presented findings are based upon data gathered from face-to-face, guided, semi-structured interviews with 20 young Jamaican men in September and October 2007. These young men have committed at least one homicide between the years 2002 and 2006 and were aged between 12 and 25 years at the time of the homicide. Self-report delinquents are able to provide information about the history of events that preceded the homicides. They can also provide an informative basis on which variables stand in the foreground concerning homicidal delinquency.[23] The summary of events that delves into the participants from birth to the homicide event provides an insight into the reasons why they committed their homicides. At this point it is crucial to note that the present research question only accounts for the subject group of the present study and is not representative for homicidal delinquents in general. Yet, further studies can be undertaken and conclusions drawn from the data obtained in this study.

The author acts on the assumption that juvenile homicide is generated as a reaction that emerges situationally and is based on a complex bundle of causes which lead to an increased susceptibility to homicide. In order for a juvenile homicide to occur, the bundle of causes is presumed to comprise various criminogenic factors which on the one hand have to concur cumulative and on the other hand have to be triggered by the intrinsic homicide circumstances. In order to establish convincing knowledge about plausible risk factors for homicidal offending, it is important to measure a wide range of possible explanatory variables. The aim of the present study is not merely to gather all imaginable risk factors though or to select only a few seemingly interesting ones, but to illustrate the multitude of possible influencing factors and to point out their reciprocal effects. The author acts on the assumption that the various single factors are made up of social conditions as well as individual traits of the respective juvenile. A combination of these single factors – whose

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[21] Explaining this approach, Kvale draws an analogy conclusion to a doctor's diagnosis: "The doctor does not start by asking the patient why he is sick, but rather what is wrong, what he is feeling, and what the symptoms are. On the basis of the information obtained, the doctor may then formulate a hypothesis of which illness may be likely. Further questioning proceeds from this hypothesis and on the basis of the patient's answers and results from other methods of investigation, the doctor then makes the diagnosis. For both the researcher and the doctor there are cases where it is important to know the subject's own explanations of his or her condition and to ask questions about why." Kvale, pp. 32-33. See also Lemard, pp. 31-35.

[22] Self-report offending researches can provide valuable insights into the factors that lead people to kill and into how people at risk can be assisted. See for example Kelly/Totten, p. 28. In their social-psychological study of youth homicide in Canada Kelly and Totten interviewed 17 men and 2 women who were convicted for murder when they were aged between 12 and 17 years in order to explore the conditions leading to and occurring at the time of the murder. The same goal is sought in the present research study by conducting valuable interviews with juvenile male homicidal delinquents.

[23] Referring to self-report offending see Maguire, in: The Oxford Handbook (2002), pp. 363-268; Kunz, p. 64. With reference to the utilisation of self-report offending research see Lempp, p. 165.

precise interplay is yet unclear and subject matter of the present study – does not lead to a homicide in a linear causal way though, but has to be triggered by specific situational given evidentiary facts. From this point of view, a homicide comprises three main components: First, the peculiarity of the delinquent (individual factors),[24] second, the various social circumstances surrounding the delinquent (social factors)[25] and third, the immediate homicide context (situational factors).[26] The specific factors have to be examined in order to plausibly explain the high juvenile homicide rate in Jamaica.

II.   Opening References

The present research study focuses on developing an empirically tested and plausible explanation for the origin of juvenile homicidal delinquency in Jamaica. The research specifically has the aim to give an insight into the lives and life approaches of the respondents in all its aspects, to identify the different forms of appearances of homicides and particularly to reveal the causation from the view of the juvenile delinquents. By this means, the present research goes beyond a mere statistical finding of delinquent acts and juvenile delinquents. It is about the attempt to reveal the background of the juvenile delinquent's homicides and to issue a plausible explanation for the existing homicide data. This task is achieved with the aid of self-report offending surveys of those whose acts are to be explained.[27] The research is exclusively concerned with the juvenile years of life in which delinquent behaviour is most pronounced and focuses on the juveniles themselves; how they grew up, how they perceive their lives and what triggered them to commit the respective homicide(s). The present study takes a multidisciplinary approach in exploring the juvenile homicidal delinquents and the backgrounds of their homicides.

The subject of the present research project refers to three aspects that raise different questions: At first, questions emerge referring to the definition of juvenile homicidal delinquency and to the extent of juvenile homicide in Jamaica.[28] In the second instance questions arise from a penal angle: What are the reactions of the Jamaican criminal justice system towards juvenile homicidal delinquency?[29] Further researches which might be based upon the findings of the present study eventually may be crucial from a viewpoint of criminal

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[24] See this study, § 9 Chapter X. Individual Characteristics and Attitude towards Life, pp. 159 et sqq.

[25] See this study, § 9 Chapter III. Socio-Economic Indicators, pp. 108 et sqq.

[26] See this study, § 9 Chapter XVII. Situational Factors, pp. 210 et sqq. See also Smith/Green, p. 418, 419-422.

[27] See Kunz, p. 64.

[28] See this study, § 1 Chapter II. Juvenile Homicidal Delinquency – An Introducing Definition, pp. 9 et sqq. and § 5 Crime Situation in Jamaica: Extent of Homicide, pp. 58 et sqq.

[29] See this study, § 4   Law of Homicide in Jamaica, pp. 44 et sqq.

policy: To what extent does a penal centred reaction suffice? Is there a need for primarily political steps and strategies related to juveniles?

As set out above, the present study aims at developing a plausible explanation for the percentage of male juveniles allegedly responsible for the high homicide rate in Jamaica and is based on the assumption that juvenile homicidal delinquency can be understood as a situational arisen reaction on the basis of a complex bundle of causes. As the study does not act on the assumption of a precise and restricted hypothesis, but aims at generating such a hypothesis, and the goal of the study is not merely to measure numerical peculiarities, but to reproduce the subjective view of the concerned persons in order to be able to comprehend plausible causes for their actions and give the official figures a meaning, a qualitative approach was applied.

Within the analysis of plausible causes of juvenile homicidal delinquency in Jamaica, the research study primarily concentrates on socio-structural aspects, i.e. on social criteria such as material resources and social stratum, schooling, occupation and income. But juveniles also differ in other areas of life such as personal attitudes and self-perception, future orientations, social boundaries, the relation towards governmental institutions, the socio-spatial context and other influencing factors. Numerous feasible influencing variables are the focus of the study. The findings of the research project are expected to give conclusions about which risk factors the affliction of juvenile homicide depends on within the scope of the subject group. Based upon these findings, further conclusions can be drawn and possibly appropriate measures to combat and prevent juvenile homicidal delinquency can be effectively and sustainably developed.[30]

Naturally, in such a limited space and time it is impossible to give anything remotely approaching a full account of the various positions and issues in question. The range of perspectives in the present study is covered to the point where a brief exposition of each position is given and the outline of a connected argument indicated. Exclusions are unavoidable. The selection of positions and issues is thus not complete and definite. The present study cannot be a review of all criminological theories and an examination of all imaginable risk factors for juvenile homicidal delinquency, but it is a glance through the telescope whereas a stimulated reader can zoom in closer and investigate deeper if interest has been aroused.

The study presents itself in the following working steps: After determining and specifying the research subject (§ 1), as a second step a review of the relevant criminological literature and

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[30] Thus, the expectation of the present study is that its findings will add a new dimension to the study of homicides in Jamaica and that they will benefit strategies to prevent homicides in Jamaica.

an analysis of existing theoretical approaches to explain (juvenile) homicidal delinquency in general is carried out (§ 2). In a third step, juvenile homicidal delinquency will be highlighted from various angles relating specifically to Jamaica: First, the law of homicide in Jamaica will be outlined (§ 4), second, the extent of homicide in Jamaica (§ 5) and third, a review of existing studies of juvenile homicidal delinquency in Jamaica is carried out (§ 6). After details on the conceptual design and structure of the study (§ 7) and statements of particulars about the study (§ 8), the various plausible risk factors for homicidal delinquency of Jamaican juveniles will be explored assessed on a group of 20 subjects (§ 9). The summary of the results (§ 10) is followed by the conclusion (§ 11).

First Chapter: Research Subject and Theories of Delinquency

§ 1   Research Subject

I. In General

The present research study is limited to a specific offence type (homicides) as well as in terms of the age group of the subjects (juveniles).[31] Both in criminal law and in criminology, a distinction is made between delinquency of children, juveniles and adults.[32] Research subject of the present study is delinquency of the age cohort of juveniles, respectively the origin of or rather the plausible risk factors for juvenile homicidal delinquency in Jamaica; assessed on a group of 20 subjects. The question thus arises who is to be considered a juvenile and what precisely is embraced by the term homicidal delinquency. In order to arrive at a reliable conclusion, the field of research has to be thoroughly defined first and foremost.[33] The technical term 'juvenile homicidal delinquency' has to be made observable by providing a definition which represents and specifies it.[34]

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[31] The various definitions of juvenile delinquency and considerations of what delinquent behaviour of juveniles constitutes have a major impact on any study of juvenile delinquency and juvenile justice. This particularly has to be considered when comparing studies. For detailed bibliographical references concerning the correlation between age, gender and delinquency see Schwind, pp. 58-59.

[32] On the one hand, this classification appears to be inexpedient as defined age limits do not find any developmental psychological or sociological equivalence. On the other hand, the classification can be considered expedient as the penal consequences are different at any one time.

[33] Up to date, there is no uniform definition of juvenile delinquency. The definition of juvenile delinquency is subject to interpretation, variation and subjectivity.

[34] In empirical social research, the process of giving particulars on how factors that are indicated by a term can be measured is called operationalisation. See Schnell/Hill/Esser, pp. 127-137; Kunz, p. 5.

II. Juvenile Homicidal Delinquency – An Introducing Definition

1. Defining Delinquency

a) Colloquial Language

Delinquency in general is referred to as the tendency to fail to do what is required by law. In colloquial language, it is often (mis-)applied as deviant behaviour.[35] Deviance cannot be equated with delinquency though. Deviant behaviour more likely means the violation of social norms rather than the exceeding of legal limits.[36]

The term delinquency derives from the Latin verb *delinquere* and means to fail, to misdemean.[37] Also the substantives delict and delinquent originate from the ancient Latin verb. A delict – from Latin *delictum* – is used to refer to a crime, criminal offence or misdemeanour; a delinquent to a criminal, criminal offender, misdemeanant or thug.[38] The expression delinquent is often applied as a euphemism in order to avoid the negatively touched synonyms such as criminal or thug as these expressions are perceived as being devaluating or discriminating. This may also be the reason why juveniles who commit criminal offences are often characterised as delinquents rather than as criminals or criminal offenders.[39] Hence, delinquency is often used as a synonym for crime, criminal offence, contravention and the like.[40]

b) From a Penal Perspective

There is no existing penal definition of delinquency. In order to be able to determine the meaning of delinquency, its synonyms crime or criminal offence have to be consulted. A crime cannot be defined in a straightforward manner though, as it covers a multitude of acts and omissions which have to be specified and can vary from one legal system to another.

A crime can roughly be defined as the unlawful and culpable commission or omission of an act usually deemed socially harmful or dangerous, which violates the basic values and beliefs in society that are manifested as criminal laws that society agreed upon, and which is

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[35] In reference to the definition of deviant behaviour see Lamnek (2007), pp. 47-58.

[36] See Garner, p. 482. For examples see Junger-Tas/Marshall, pp. 318-321. Junger-Tas and Marshall accentuate that "there should always be some clear distinction between criminal behavior in a legal sense and behavior that infringes on social or moral norms but is not defined as criminal." Ibid., p. 318.

[37] Filip-Fröschl/Mader, p. 136.

[38] Filip-Fröschl/Mader, pp. 111, 136.

[39] Whitehead/Lab, pp. 2-3.

[40] See Schwind, p. 4.

subject to criminal sanctions at any one time.[41] Thus, a crime is any unlawful and culpable conduct or omission specifically defined and prohibited by public law which requires sanctioning by the state through the medium of criminal trial and conviction. As the penal definition of crime is committed to the legislator's arbitrary power of disposal,[42] the term crime is not timely and spacious autonomic.[43] A crime is a behaviour which a criminal code defines as criminal at a particular time.[44] The behaviours subject to criminal sanctions perpetually change. The necessity of justification hereby dictates that the legislators have to set forth that and why it is necessary and reasonable to punish a specific behaviour by law.[45] The general principle *nullum crimen, nulla poena sine lege* constitutes that there cannot be any penalty without a law.[46] This principle is also referred to as the principle of legality.[47]

A criminal offence in general consists of the conduct on the one hand, known as the *actus reus*, and the concurrent state of mind, known as the *mens rea,* on the other hand.[48] The physical elements generally comprise all happenings beyond the mind of the person who commits the crime, while the mental side comprises all the relevant procedures which play in the mind of the respective person. The causation – the relation between cause (the offender's action) and effect (the violation of a legally protected right) – is the third constituent element of a criminal offence.[49] A crime is not a homogenous type of behaviour and the *actus reus* consists of a great variety of criminal acts.

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[41] See Rossini, p. 96; Killias (2001), p. 349; Gottfredson/Hirschi, p. 33; Junger-Tas/Marshall, p. 319; Schwind, p. 3; Schmitt, p1. Garner defines a crime as short as: "An act that the law makes punishable"; Garner, p. 399. See also Sutherland/Cressey: "Criminal behaviour is behaviour in violation of the criminal law", Sutherland/Cressey, p. 4.

[42] Killias clearly points out that not all members of a given society have the same possibilities to influence the contents of criminal laws. This can be viewed as a source of discrimination of the unprivileged classes and that criminal laws are applied selectively which means that delinquent behaviour is what people define as delinquent and a delinquent is someone who has received that definition or label. See Killias (2001), pp. 349, 351, 363-366.

[43] Schwind, p. 4.

[44] Killias (2001), pp. 349, 351; Riklin, p. 23; Kunz, pp. 15-16, 28-29, 66.

[45] See Stratenwerth AT I, pp. 61-67 with further references concerning the question which the criterions are upon which the decision about the punishable behaviour is geared to.

[46] Meyer, p. 102; Stratenwerth AT I, pp. 79-87.

[47] Thus, Section 20(7) Jamaican Constitution states: "No person shall be held to be guilty of a criminal offence on account of any act or omission which did not, at the time it took place, constitute such an offence, […]".

[48] Garner, pp. 39, 1006-1007; Sutherland/Cressey, pp. 12-13.

[49] This relationship is also referred to as causality. See Wright/Miller, p. 701. Neuman acts on the assumption that causality is established through temporal order (the cause must come before the effect), association (they need to act together) and the elimination of plausible alternatives (no spuriousness). See Neuman, pp. 63-69. See also Garner, p. 233.

c) From a Criminological Perspective

Criminology derived from the classical theory of human behaviour.[50] Its idea of crime was that people pursue self-interest by avoiding pain and seeking pleasure. Avoiding pain and seeking pleasure is a universal conception of human nature, may it concern legal or illegal acts. According to the classical theory of human behaviour, crimes are solely an expression of fundamental human tendencies undertaken in self-interest.[51] They only distinguish themselves from other acts by being threatened with penalty by law. This classical idea vanished with the development of the scientific perspective.

The current criminological doctrine and research on delinquency accepts the definition of crime as determined by political-legal acts and basically builds upon the term crime from the penal perspective.[52] Whilst crime from a penal perspective is seen as a specific culpable act or omission defined, prohibited and punished by law, crime from a criminological perspective is seen as a broader phenomenon.[53] The criminological definition of crime does not confirm precisely to the legal definition of delinquency. There are many different approaches to the generation of a criminological term of delinquency[54], but it is a term which is not secure from subjective ratings and difficult to render more precisely.[55] No real behaviour can be declared as a delict without a penal valuation. Crime from a criminological perspective thus does not get by without a penal appraisal.[56]

d) Used Term in this Disquisition

In the following, details on delinquency are employed in a general way to refer to criminal offences as an overall (macro-) phenomenon. A delinquent is an individual who has committed a crime, whether or not his or her criminality has been proven by means of the accepted court procedures and his or her criminal behaviour resulted in penal consequences. Thus, delinquents belong to the collectivity of people who committed crimes but have not necessarily been prosecuted, be it because their acts or omissions remained undiscovered, or were never reported.

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[50] Lamnek (2007), pp. 64-70.

[51] Gottfredson/Hirschi, p. 5.

[52] See Eisenberg (2005), pp. 6-8; Löschper, p. 1.

[53] See Schmitt, pp. 1-2.

[54] Gottfredson and Hirschi have – as example – reinterpreted the classical tradition of defining crime as 'behaviour in violation of law' by building upon force and fraud which they recognise as ever-present possibilities in human affairs. According to their view, crimes can be defined as "acts of force and fraud undertaken in pursuit of self interest". Gottfredson/Hirschi, p. 15.

[55] Eisenberg (2005), pp. 6-9.

[56] Gottfredson/Hirschi, p. 3. To the question of independence of criminology and an independent criminological crime-term, see Eisenberg (2005), pp. 9-11.

The present study does not refer to the total quantity of criminal offences though. In order to narrow down the subject matter of the study and to have a restricted field of research, as well as for technical and methodological reasons, a limitation of the criminal offences which are focussed on has to be made. The field of research is not only limited to an extract of criminal offences but also to a specific form of perpetration. In the following, on the one hand, a restriction to crimes of violence is imposed.[57] Violence refers to psychological or physical injury or damage.[58] But violence also suggests that the injury or damage has not just occurred accidentally, but has been inflicted with deliberate intent and/or pre-meditation.[59] A crime of violence can either by its nature pose a substantial risk that force will be used, is attempted or threatened to be used against a person or property of another person, or constitute a felony which involves a substantial risk that physical force against a person or property of another person may be used in the course of committing the felony. The most important (physical) violent crimes are assaults, rapes and homicides.[60]

Within the violence related crimes on the other hand, a restriction is imposed to homicides. The term homicide derives from the Latin expressions *homo* (human being)[61] and *caedere* (to cut, to kill)[62] and means the killing of a human being by another human being.[63] Homicide is an umbrella term and comprises manslaughters and murders.[64] Whilst manslaughter results from an intentional act done without malice or premeditation and while in the heat of passion or on sudden provocation, murder is the criminal offence of unlawfully and unjustifiably killing another human being purposely, knowingly and recklessly with extreme indifference to

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[57] For a definition of self-inflicted, interpersonal and collective violence see Lemard, pp. 1-3. For a definition of violence, the different types of violence and theories on violence see ibid., pp. 19-28 with further references.

[58] The World Health Organization in its first World Report on Violence and Health defined violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation." See WHO World Report on Violence and Health, p. 5.

[59] Kassis, p. 56.

[60] Referring to the economic multiplier effects violence can create see Lemard, p. 4.

[61] Georges, pp. 3067-3069.

[62] Georges, pp. 897-899.

[63] Wright/Miller, pp. 693, 700.

[64] Ashworth, p. 231; Ashworth/Mitchell, in: Ashworth/Mitchell, pp. 3-5, 7-14; Wright/Miller, pp. 693-694, 700. See also this study, footnote 13. A distinction can also be made between planned and unplanned homicides. While some offenders intend to kill another person and plan their homicide, they can also be engaged in dangerous, violent behaviour where death is an unintended, though perhaps not unforeseen consequence of their actions. It is important to see that homicides are not homogenous events but that there are various types of homicides. Homicides can vary according to the type of the victim, the context in which they occur and other circumstances. Thus, there are significant differences in forms and consequences of violent behaviour by juveniles.

human life or during the course of a serious felony.[65] The respective criminal law defines the specific circumstances which qualify a homicide a murder.

In a nutshell: Homicide in the scope of this study is death deliberately inflicted on a person by another person.

2. Defining Juvenile

a) Colloquial Language

Juveniles are generally referred to as young people who are not yet adults but not children anymore either. They are said to be situated in the period of transition between childhood and adulthood and are circumscribed as youths, adolescents or teenagers.[66] The primary criterion to distinguish juveniles from other groupings is usually a specific age which may vary per culture and over time. Commonly, juveniles are defined as being somewhere between 10 and 30 years of age.

The stage the juveniles are situated in is referred to as adolescence. Adolescence derives from the Latin verb *adolescere* and means to grow up.[67] People in this period of human development constitute a specific population group which is caught in a period of physical, psychological and social transition.[68] This specific developmental phase of life is usually affected not only by physical changes and sexual development, but also by mental and emotional difficulties and situations of stress.[69] It is strongly coupled with a conflict afflicted adjustment process into society. Adolescents, youths or juveniles are the young people within that specific phase of life.

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[65] Beyer/Redden, pp. 487, 602; Wright/Miller, p. 700. For detailed remarks on the differentiation between murder and manslaughter and particularly for the various case groups which in general common law jurisdictions can reduce murder to manslaughter (such as provocation, duress, diminished responsibility, infanticide, killing in pursuance of a suicide pact, mercy killing) see Ashworth, pp. 232-246; Ashworth/Mitchell, in: Ashworth/Mitchell, pp. 4, 14-15; Wright/Miller, pp. 700.

[66] A teenager or teen is an artefact of the English counting system and includes all the persons whose age is a number ending in 'teen', i.e. all the persons who are between thirteen and nineteen years of age. See Goldberg, p. 26 with further references.

[67] Georges, p. 144.

[68] Dünkel, in: Riklin, p. 82; Schmitt, p. 96.

[69] See Flowers' definition of adolescence: "Adolescence is a time in our lives when our behavioural patterns are most susceptible to influence. These transitional years are often accompanied by new wants and desires, sexual and drug experimentation, loss of respect for authority, peer pressure, recognition of differences in opportunity among our contemporaries, frustrations of various kinds, a yearning for adventure, loneliness – a search for one's identity." Flowers, p. ix. Referring to the transitional stage see also Killias (2001), pp. 207-208. Killias acts on the assumption that in earlier times, children basically passed from childhood directly to adulthood whilst the transitional stage developed from the time of industrialisation and modernisation.

b) From a Penal Perspective

In general, a country's or state's criminal code distinguishes between children, juveniles and adults with the consequence that defendants falling within the definition of a child are excluded from criminal liability for their actions if they have not reached the age of criminal responsibility at the time of the respective action, while adults are held fully criminal responsible for their acts.[70] Children below a certain age are not responsible for criminal acts by reason of incapacity, while juveniles are subject of special enquiries with respect to capacity. Juveniles take in an exceptional position within the legal system. The respective criminal code defines which persons are to be seen as juveniles and appoints whether they can be held criminally responsible for their actions and if so, to what degree. As juveniles are still in the special stage of development, just and effective responses to criminal offences committed by them have to be different from those for more mature persons.[71] It is acted on the assumption that juveniles have less well-formed intentions and characters than adults what in turn lowers the degree of unlawfulness and liability of their crimes.[72] This implies that it is wrong to hold them accountable for their actions to the same degree as adults. Their criminal culpability for any given act is reduced and society's interest in making investments in their development that can restore them to a healthy developmental process is increased. Juveniles take in a special status in society and juvenile offenders sustain a different response than adult offenders. This also means that there might be a greater opportunity to intervene in the future development of juveniles than would be true for adults.

A clear determination of a specific legal age limit is behoved with regard to legal certainty. Therefore, the legal definition of a juvenile is effected by the determination of an appointed and non-flexible age limit. Jamaica's Child Care and Protection Act 2004 (CCPA) constitutes in the Preliminary that a child is a person under the age of eighteen years and a juvenile a person between the age of twelve and eighteen years. Article 63 [Age of Criminal Responsibility] explicitly adheres that no child under the age of twelve years can be guilty of any criminal offence. Thus, while law breakers under the age of twelve years cannot be held criminally responsible, and law breakers above the age of eighteen years are held criminally

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[70] Schwind, pp. 62-63; Newburn, in: The Oxford Handbook (2002), p. 532.

[71] Moore/Tonry, pp. 4-6.

[72] See Schmitt, p. 96. There are various reasons why juveniles are said to be less criminally liable than adults. First, the development of their intellectual power and willpower is not completed yet. The ability of rational control of the will is gradually developing (biological reason). Second, juveniles are not as familiar with the demands of the legal system for an ordered social life. The ability to distinguish between right and wrong develops in a social learning process which is often not completed in adolescence (social reason). And third, as juveniles are situated in a stage of development, they are still rather shapeable (pedagogical reason). See details in Schmitt, p. 96 with further references.

responsible according to the Offences against the Person Act (OPA), the CCPA applies for young law breakers – juveniles – who are between the ages of twelve and eighteen years.[73]

c) From a Criminological Perspective

The concept of defining juveniles as young people within the transitional stage between childhood and adulthood is very elastic. A limitation of the period of life by appointing a specific age qualification seems to be inexpedient as the legally drawn age qualification does not find any psychologically-environmental or sociological correspondents. Adolescence is the time of puberty, graduation from school, beginning of professional training, cord clamping of the parents, building up new friendships and relationships and particularly the finding of ones own identity. The way to stand on ones own feet steadily – financially and with all the requirements of academic and professional, sexual, physical and social nature – is characterised by changes and susceptibility to crises.[74] The transitional stage is generally seen as a problematic period in the life course which is not well stabilised and susceptible to risk. Conflict at this developmental stage is not unusual.

The meanings of adolescence and juveniles always have to be looked at in connection with the respective form of society as they are subordinated to metamorphoses. The terms change with the time and are a product of modernisation.[75] Given the different speeds at which people develop physically as well as intellectually, any form of explicit age limit is arbitrary and irrational. Instead of defining juveniles on the basis of an explicit age limit, there is the possibility to conduct the definition on a basis of qualitative characteristics such as, for example, corporal pubescence as the beginning of the transaction period and the achievement of financial, professional and emotional autonomy for the ending.

It also has to be borne in mind that the period of adolescence has extended itself backwards as well as forwards in the recent years. On the one hand, the educational way is longer and the starting of families begins at a later age than in former times in many countries. The boundaries to adulthood are not as clear as they were in earlier times and are achieved to

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[73] With reference to the discussion about the determination of the age of criminal responsibility see the UN CRC, p. 5. The Committee on the Rights of the Child expressed concern about the proposed low legal age of criminal responsibility in the Child Care and Protection Act 2004 (12 years) and recommended that the State party rose the minimum legal age of criminal responsibility to an internationally acceptable age. Before the age of criminal responsibility was actually fixed at 12 years in the Act, it was discussed in many forums (including the Joint Select Committee of Parliament) over a great period of time when the provisions of the Act were examined and discussed. See for example Jamaica Observer: "Should Teens be Tried as Adults?", October 27, 2008.

[74] Goldberg specifies several developmental challenges juveniles face within the life period between childhood and adulthood. Goldberg, p. 29.

[75] Killias (2001), pp. 207-208; Newburn, in: The Oxford Handbook (2002), p. 533.

varying moments nowadays.[76] On the other hand, puberty begins earlier than in former times. Many behavioural patterns have therefore expanded into early adolescence or even childhood.[77] This general extension of the adolescence is involved with developmental problems. There can be a discrepancy between the various developmental areas. Also, as there are no selective limits between the periods of life, there is a lack of specific codes of conducts and patterns of orientation for the juveniles which they can hold on to. Their developmental problems can lead to excessive demands which in turn may lead to deviant or delinquent behavioural patterns.[78]

d) Used Term in this Disquisition

An inflexible determination of an age limit is indeed problematic given the different speeds of physical and intellectual development of young people. The limit often does not correspond to the biological, psychological and social background. Nevertheless, in order to conduct a research, a specific target group has to be appointed and therefore very specific and particularly revisable factors have to be set out as a working base. Qualitative factors are different with every person and hardly revisable. For the purpose of the present study an explicit age limit is therefore appointed.

As set out before, Jamaica's Child Care and Protection Act 2004 refers to young people between the ages of twelve and eighteen years. This age limitation serves the evaluation of the penal consequences of the respective criminal offence. The present study is to be viewed detached from possible penal consequences though. It shall include all persons within the above mentioned transitional stage of human development during which the young person matures into an adult with the corresponding biological, psychological and social changes. The term juvenile should be interpreted extensively and involve young people who are already subject to the Offences against the Person Act. Although they are subject to the criminal code and are criminally responsible, they are still within the age of growing up; the so-called coming-of-age. Though they are treated as adults, they often still show lineaments typically for juveniles and therefore are incorporated into this study.

Various age specifications of juveniles have occurred in previous researches and reports.[79] For the International Youth Year in 1985, the United Nations General Assembly, for example,

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[76] For the transformation of the phase of adolescence from earlier days to today see Newburn, in: The Oxford Handbook (2007), pp. 575-577.

[77] Such as for example sexual relations or the pursuit of independency.

[78] For an extensive review on the developmental problems of juveniles see Goldberg, pp. 31-32.

[79] See Blank/Minowa, p. 3 for further references.

defined youths as persons above the age of 15 and beneath the age of 25 years.[80] To this day, their statistics are based on this definition. Within the category of youths, a distinction is made between teenagers – young people between the age of 13 and 19 years – and young adults – young people between the age of 20 and 24 years – as they may differ in the psychological, sociological and health problems they face. The World Health Organization (WHO) defines adolescence as the period of life between 10 and 29 years included.[81] The World Bank defines youth for its studies as spanning the adolescent period from 10 to 24 years of age.[82] The British Offending, Crime and Justice Survey (OCJS) – the national longitudinal, self-report offending survey for England and Wales – examines the extent of offending among young people aged from 10 to 25 years.[83] In Jamaica, the National Centre for Youth Development has traditionally focused on the 15 to 24 age group, whereas recent reports present data for the entire 10 to 24 age range.[84]

The present study interprets juveniles in an extensive way and includes young people between the ages of 12 and 25 years.[85] On inspection of articles such as the following there would even be well obvious reasons to include children as young as 10 years who are not criminally responsible for reasons already mentioned:

„Homicide detectives in the Kingston Central and Kingston West police divisions are trying to locate a gang of homeless children who are suspected of killing street people in downtown Kingston. Police report that since last month six street people were murdered. […] 'We found big stones beside the bodies and their heads were bashed in. There were no gunshot or stab wounds.' […] The police say the gang of children are between 10 and 15 years old and are known to roam the streets late at nights. According to one cop, the gang was suspected of setting street people on fire but have raised their level of cruelty after none of their victims died. […]"[86]

Yet the minimum age of the subjects of the present study was determined to the age at which they could be held criminally responsibility for their actions.

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[80] See the official Youth at the United Nations website at: http://www.un.org/esa/socdev/unyin/qanda.htm#1 [as of January 2009].

[81] WHO World Report on Violence and Health, p. 25. See also Goodburn/Ross, p. 74.

[82] World Bank Country Study, p. 7.

[83] See the official website of the Home Office, Research Development and Statistics (RDS), at: http://www.homeoffice.gov.uk/rds/offending_survey.html [as of January 2009].

[84] National Centre for Youth Development: Situation Assessment Report, pp. 14-15; National Centre for Youth Development: Youth in Jamaica, p. 6.

[85] Thus, the term juvenile is used deferring from the penal definition. This is innocuous though, as the present study is not primarily concerned with the penal consequences of specific behavioural patterns, but with possible coherences between specific criminogenic factors and delinquency.

[86] Jamaica Gleaner: "Gang of children killing homeless people", October 8, 2006.

3. Juvenile Homicidal Delinquency

When juveniles are conceived as young people aged between 12 and 25 years, juvenile delinquency concerns the overall phenomenon of all intentional and culpable conducts or omissions specifically defined and prohibited by law by persons within this age range.[87] As set out before, the criminal offences which this research study focuses on are limited to homicides, i.e. voluntary manslaughters and murders. Juvenile homicidal delinquency in the present study therefore comprises all infringements of elements of voluntary manslaughter and murder offences committed by young people between the ages of 12 and 25 years.

§ 2   Theories of Delinquency

I. In General

Throughout the history of juvenile justice, criminologists and others in the field of deviant behaviour interested people have sought to explain why juveniles act in certain ways.[88] There has been a continuous stream of writing flowing on juvenile delinquency. To name a few: Thrasher studied 1'313 gangs in Chicago in the 20s[89], Whyte discussed juvenile delinquency in Boston in the 30s[90], Matza in New York in the 60s[91], Parker in Liverpool in the 70s[92] and Foster in South East London in the 80s[93].

Juvenile delinquency is generally explained as expression of developmental play and problem behaviour with comparatively harmless derailments of temporary nature only.[94] It is

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[87] In contrast hereunto a legal distinction can also be made between a juvenile delinquent who is anyone who has broken a clause of the implemented criminal law and a status offender who is a juvenile who has violated a law applicable only to juveniles such as consistent talk back to the parents, incorrigibility, truancy or running away from home. Here, the conduct would not be considered an offence were it committed by an adult. See Flowers, pp. 3-4. With reference to juveniles and delinquency in general see Newburn, in: The Oxford Handbook (2002), pp. 540-548.

[88] For a chronological summary of the historical development of juvenile delinquency from prehistory to date see Hess/Clement (1990). Most explanations and hypothesis before 1990 moved around a very specific model of causal factors such as economic crises, urbanisation or heredity transmission. At the end of the nineteenth century, the phenomenon of juvenile delinquency was reduced to a familial problem.

[89] Thrasher (1927).

[90] Whyte (1981).

[91] Matza (1990).

[92] Parker (1974).

[93] Foster (1990).

[94] Extensive references in: Periodischer Sicherheitsbericht 2001, pp. 475-486; Storz, in: Riklin, pp. 18, 21.

perceived as being episodic and classified as 'ordinary' as basically every young person contravenes against penal clauses at one point of the transitional stage of life.[95]

The so-called theories of delinquency are attempts to verify the roots, trends and specific characteristics of delinquent behaviour.[96] A classification is usually made into biological, psychiatric, psychological, socio-psychological, socio-structural and socialisation theories.[97] The representatives of the biological theories hold the view that heredity transmission and physiology play a role in the question of the roots of delinquency.[98] Psychiatric theories correlate delinquency with psychiatric clinical pictures such as psychosis, oligophrenia, psychopathy, diminished intelligence, aggressive temper and the like. They act on the assumption that delinquency is based on a dissocial personality.[99] The psychological school of thought focuses on the individual human being and attributes delinquency to mental, emotional and personality disorders.[100] Socio-psychological theories are situated between the individual theories such as the biological and psychological ones (on the micro level) and the social theories (on the macro level).[101] They ascribe crime to a combination of individual

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[95] Schellenberg, in: Riklin, p. 40. The Periodischer Sicherheitsbericht 2001 acts on the assumption that almost 90% of all juvenile males violate a law eventually. See p. 479.

[96] Referring to the question what a theory of delinquency is, see Williams/McShane, pp. 1-14 with further references. For the particular conceptions of delinquency that emerged in the eighteenth century that are collectively known as the classical school of criminology see Williams/McShane, pp. 15-32.

[97] For a historical sketch of theories of delinquency see Lamnek (2007), pp. 59-109 including an extensive chronological timetable of the developing of the theories on pp. 107-109. See also Schmitt, pp. 16-39.

[98] The teachings of the father of modern criminal research, Cesare Lombroso, constitute the origin of the crimino-biological schools. For details on Lombroso see Kürzinger, pp. 626-635; Whitehead/Lab, pp. 68-70; Schwind, pp. 91-94. See also Lombroso (1976). For a detailed review of today's state of affairs concerning biological theories in crime aetiology see Hohlfeld (2002). See also Ellis, Lee, pp. 287-315; Schmitt, pp. 18-20. Recently, a new biological theory with regard to homicides has been introduced: The so-called homicide adaptation theory. Namely, Duntley and Buss propose that humans evolved psychological adaptations to facilitate killing. See Duntley, Joshua D. / Buss, David M.: The Plausability of Adaptations for Homicide, in: Carruthers/Laurence/Stich, pp. 291-305. See also the critical review essay by Dennen, van der, pp. 320-335.

[99] With reference to psychiatric theories of delinquency see Ross (2000), particularly pp. 21-23 with further references.

[100] The psychological theories include psychoanalytic, personality disorder and rational choice theories. For detailed information including further references on the psychoanalytic approach see Whitehead/Lab, pp. 83-87; Hurrelmann, pp. 49-126; Fortin, in: Riklin, p. 24. To learn more about the different personality disorder theories see Flowers, pp. 118-123 with further references. For information on the rational choice theory see Schwind, pp. 116-118; Downes/Rock, pp. 236-248; Rock, in: The Oxford Handbook (2002), pp. 59-60; Rock, in: The Oxford Handbook (2007), pp. 16-17; Eisenberg (2005), pp. 68-70; Williams/McShane, pp. 235-251.

[101] Delinquency is both an individual and social phenomena. Therefore, a distinction is made between micro-theories based on the individual characteristics of the delinquent and macro-theories gearing to the social context. There are also theories that see delinquency as a construct of a formal system of control.

processes of development and the social environment that surrounds the individual.[102] Socio-structural theories of delinquency on the other hand do not aim at explaining individual processes of development, but at describing influences on the societal level that influence or determine deviance.[103] Delinquency is explained as being an inherent part of every community – it constitutes a natural appearance and response to the social structure, environment, social life and other circumstances related to crime formation. Socialisation theories research the correlations between the process of socialisation including educational deficiency and behavioural patterns on the one hand and delinquent behaviour on the other hand. They thus conceive the process of the origination and development of the personality of an individual in a reciprocal dependency with the societal mediated social environment.

Last but not least, the so-called labelling approach denies theories of delinquency to a large extent and acts on the assumption that delinquent behaviour emerges from specific processes of definition and attributions of the instances of social control.

In the aggregate, there are numerous theories of delinquency from which only an extract can be outlined in the following. Emphasis has been placed on simplicity and straightforward presentation.[104] Additionally, it cannot be gone into detail of the biological, psychiatric and psychological theories as the researcher's basic knowledge to examine and means to analyse such individual factors were insufficient in the present study. Particulars are thus given for the socio-psychological, the socio-structural and the socialization theories as well as the labelling approach.

II. Socio-Psychological Theories

1. Social Learning Theories

The fundamental idea that forms basis of the social learning theories points towards early childhood experiences as significantly related to later patterns of violent delinquency.[105]

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[102] For a summary of the socio-psychological theories see Schmitt, pp. 20-24.

[103] For an extensive illustration of the various types of theories see Whitehead/Lab, pp. 65-153. See also Lamnek (2007), pp. 94-106; Schmitt, pp. 24-30.

[104] To gain a real appreciation for the theories of delinquency see the suggested readings and the bibliographical references in Williams/McShane, pp. 12-13.

[105] The social learing theory as such was developed by Julian Rotter. In Social Learning and Clinical Psychology (1954), Rotter suggested that the effect of behaviour has an impact on the motivation of people to engage in that behaviour. People wish to avoid negative consequences, while desiring positive results or effects. If one expects a positive outcome from a behaviour, or thinks there is a high probability of a positive outcome, then they will be more likely to engage in that behaviour. The behaviour is reinforced, with positive outcomes, leading a person to repeat the behaviour. This social learning theory suggests that behaviour is influenced by environmental stimuli, and not by psychological factors alone. Albert Bandura – in Social Learning Theory (1977) – then expanded on the Rotter's idea. In regards to the different learning theories see Killias (2001), pp. 242-252; Hurrelmann, pp. 69; Williams/McShane, pp. 217-234 with further references. The most prominent

Theorists of the social learning perspective assume that delinquent behaviour is not inherited, but is learned or fortified equally to standard-conforming behaviour through personal social interaction within the process of communication with other people in society who constitute their primary source of reinforcement.[106] Hereby, learning is not to be understood as school learning, but as social learning. It is a reflection of the norms, beliefs, values and behavioural characteristics one learns from those he or she interacts with. There are various perceptions on how the learning process proceeds. In the following, the classical conditioning, the operant conditioning and the learning by observation and modelling shall be detailed.

According to the model of classical conditioning, social behaviour becomes a reflex response to stimulus, as in the case of Ivan Pavlov's Dogs.[107] Social behaviour is acquired by certain stimuli or also reactions of fear. It is therefore widely assumed that the punishment of an undesired behaviour leads to an avoidance of that particular behaviour in the future. Classical conditioning can either occur as a result of failed processes of conditioning or as a purposeful education of delinquent behaviour.

Operant conditioning as a theory was developed by Burrhus Frederic Skinner[108] and deals with the reinforcement of behaviour through a complex system of rewards and

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learning theory is Edwin Sutherland's differential association theory. According to this theory, delinquent behaviour is primary learnt through the interaction with others, particularly intimate personal groups. Until joining a peer group, the juveniles do not behave delinquent. The association with the delinquent group leads to a delinquent value system, out of which criminal behaviour follows. A person becomes delinquent when settings that advantage violations of the law outbalance those settings that negatively influence violations of the law. For further information on the differential association theory see Sutherland/Cressey, pp. 74-80; Whitehouse/Lab, pp. 113-117; Killias (2001), pp. 237-242; Downes/Rock, pp. 73-75; Rock, in: The Oxford Handbook (2002), p. 62; Lamnek (2007), pp. 190-222; Schmitt, p. 23; Williams/McShane, pp. 79-95 with extensive bibliographical references. Williams and McShane act on the assumption that Sutherland's differential association theory remains one of the most popular theories of criminal behavior today. Williams/ McShane, p. 87.

[106] See Bandura (1977), p. 22; Rotter/Chance/Phares, pp. 17-24; Bandura (1986), pp. 151-155 with further references. Bandura sets forth that through the communication process people share information, give meaning by mutual feedback to the information they exchange, gain understanding of each other's views and thereby influence each other. At the same time the opinions and behaviour of those who possess status and prestige are likely to have greater impact on what spreads through a social network than the activities of peripheral members. Bandura acts on the assumption that "most human behaviour is learned observationally through modelling". Bandura (1977), p. 22. See also Newman/Newman, pp. 135-137 with further references; Schwind, p. 118; Fortin, in: Riklin, p. 24; Schmitt, p. 22.

[107] Pavlov was interested in studying reflexes when he saw that the dogs drooled without the proper stimulus. Although no food was in sight, their saliva still dribbled. It turned out that the dogs were reacting to lab coats. Every time the dogs were served food, the person who served the food was wearing a lab coat. Therefore, the dogs reacted as if food was on its way whenever they saw a lab coat. Pavlov then tried to figure out how these phenomena were linked.

[108] See Skinner, Burrhus Frederic: About Behaviourism, Alfred A. Knopf, New York 1974.

punishments.[109] If a child is treated well (bad) after a specific behaviour, the treat will become a reinforcer for the same behaviour in the future. The child will (not) repeat the same behaviour (positive and negative reinforcer).[110] Humans thus learn according to the trial and error principle. Behaviour that is rewarded has an increased probability of repetition, whereas behaviour that is punished has a decreased probability of repetition. Behaviour is thus governed by its consequences. Operant conditioning can also lead to the development of creative behavioural patterns in order to arrive at one's destination. For example, if an achievement is composed of an illegally acquired reward, the absence of punishment if having successfully offended lead to a continuation of the delinquent behaviour.

Albert Bandura's social learning theory posits that people learn from one another, via observation, imitation and modelling.[111] People learn through observing others' behaviour, attitudes, and outcomes of those behaviours. "Most human behavior is learned observationally through modeling: from observing others, one forms an idea of how new behaviors are performed, and on later occasions this coded information serves as a guide for action."[112] Social learning theory explains human behaviour in terms of continuous reciprocal interaction between cognitive, behavioural and environmental influences. As the learning process is cognitive, this theory – unlike the above mentioned conditioning theories – does not only encompass reactive imprints, but can be viewed as a process of self-monitoring.[113]

In general, the display of delinquent or conforming behaviour depends on the relative amount of influence favouring either delinquent or conventional behaviour. As the social learning theorists assume that delinquent behaviour is learned through social interaction with others, they contend that delinquency is a social rather than antisocial behavioural pattern. In relation to juvenile homicide, one would have to act on the assumption that the juvenile grew up in a culture of violence, surrounded by violent people, experiences and incidents – such as homicides – whereas these behavioural patterns are learned and internalised and then again reflected as a fairly normal pattern of behaviour within that field of interaction. Behavioural patterns are violence-legitimate and behavioural dispositions aggressive.

With the simple explanation of crime by the social learning theories, delinquent behaviour is fairly simplified. On the one hand, individual differences between learning motivations and patterns of behaviour are ignored. On the other hand, the statements can hardly be verified

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[109] See Williams/McShane, pp. 219-220. Referring to reinforcement and reinforcement value see Rotter/Chance/Phares, pp. 17-24.

[110] See Whitehead/Lab, pp. 91-93, 116-117.

[111] Bandura (1977), p. 27. Bandura (1986), pp. 151-155. See also Hurrelmann, pp. 64-67; Williams/McShane, p. 220.

[112] Bandura (1977), p. 22.

[113] See Hurrelmann, p. 66 with further references.

due to the plurality of possible social contacts nowadays. So far, tests have almost only been conducted with animals, not with human beings though. Also, an important question remains unexplained: How can the genesis of delinquency per se be explained? The social learning theories do not explain how delinquent behaviour comes into existence and say nothing about possible causes of origination.[114] If it is learned through the interaction with others, where are its roots? If delinquent behaviour only appears by learning from others, where are the incipiencies of this behaviour? Furthermore, crimes out of drive and in affect cannot be explained by these theories as these types of crimes are characterised by irrational behavioural patterns which usually constitute exactly the opposite of what one has learned.

Due to the fact that the social learning theories do not say anything about a possible genesis, but instead put forth statistical coherences and specific risk constellations. A universally valid statement cannot be made referring to their significance in explaining the causation of juvenile homicide. It is advisable to resort to other theories as well.

2. Social Control Theories

Instead of looking for factors that lead juveniles into delinquency, the social control theories flip the coin and seek to explain why people do not become delinquent.[115] This school of thought assumes that every person has the potential and opportunity to commit a delinquent act, but fear and social constraints in most cases keep him or her from doing it.[116] Internal psychical control – the inner containment – as well as a firm net of informal external social relationships, bonds and accountabilities – the outer containment – contribute to the desistance from delinquent behaviour and keep most of the people as law abiding citizens.[117] The more the internal and external controls are loosened or absent, the higher is the probability of delinquency or other deviant behaviour. Travis Hirschi states that the common property of control theories at their simplest level is the assumption that "delinquent acts result when an individual's bond to society is weak or broken".[118] He specifies four elements of bonds to society: Attachment, commitment, involvement und belief. Attachment means the bond of affection and adhesion towards important attachment figures such as parents, friends and teachers. Commitment is the bond to generally accepted norms. Involvement means the involvement in socially accepted activities and the belief in and the acceptance of the central value system of society.[119] The more a person features those characteristics, the smaller the chances are that he or she becomes delinquent. The more the boundaries are loosened or disturbed, the more likely is the threat of a criminal derailment.[120] Thus, according to the social control theories, every person is rootedly a murderer whereas inner and outer containments keep the majority of people back from effectively committing a

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[114] Lamnek (2007), p. 260.

homicide. Those who commit a homicide, have a weak or broken bond to society and a low inner containment.

The basic approach of these theories appears to be quite reliable. According to the researcher's opinion, they are not only successful in explaining some aspects of delinquency such as how the episodic delinquency of most adolescents can be comprehended (bonds are just being built up in that phase of life) and why even the most delinquent youths engage in delinquency only under certain circumstances (a certain outer containment can always be assessed), but have also been empirically proven.[121] Furthermore, they take into consideration not only social, but also individual factors. However, no explanation is given how a bond to society gets week or breaks and thus how the outer containment gets weaker. The supporters of the social control theories explain why a person is delinquent, but not, how he or she became delinquent. Their explanation seems to be tautologous as the causes are blanked out and instead a mere probability is declared. Fluctuations between appropriate and delinquent behaviour as well as variations between individuals under the same terms are not substantiated.

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[115] Travis Hirschi – an American criminologist known for his social-control perspective on juvenile delinquency and crime – put the issue baldly: "The question "Why do they do it?" is simply not the question the theory is designed to answer. The question is, "Why don't we do it?"" Hirschi, p. 34. See also Downes/Rock, p. 230; Rock, in: The Oxford Handbook (2002), pp. 56-59; Rock, in: The Oxford Handbook (2007), pp. 13-16; Eisenberg (2005), pp. 66-67; Schwind, p. 115; Williams/McShane, p. 193; Schmitt, p. 20.

[116] Downes/Rock, pp. 225-260; Flowers, p. 124; Eisenberg (2005), p. 65. Referring to the social control theory in general see Williams/McShane, pp. 193-216 with further references.

[117] This theory is therefore also referred to as containment theory. See Whitehead/Lab, pp. 128-130; Williams/McShane, p. 197.

[118] Hirschi, p. 16. See also Williams/McShane, pp. 199-201; Rock, in: The Oxford Handbook (2002), p. 57; Schmitt, p. 21.

[119] Hirschi, pp. 187-196; Goldberg, pp. 140-141; Flowers, pp. 125-126; Rock, in: The Oxford Handbook (2002), p. 57; Williams/McShane, pp. 200-201.

[120] Thrasher's study of 1'313 Chicago gangs effectively illustrates the social control concept of delinquency. He assessed that in all researched neighbourhoods juveniles naturally established playgroups that can be differentiated in socially disorganised neighbourhoods by the inability of social institutions to control the delinquent behavioural patterns of these groups. Thrasher, pp. 132-147. For detailed information on the control theory see Rock, in: The Oxford Handbook (2007), pp. 240-243 with further references; Flowers, pp. 124-127; Whitehead/Lab, pp. 125-130.

[121] Whitehead/Lab, p. 128.

III. Socio-Structural Concepts

1. Anomie Theory

The French sociologist Émile Durkheim[122] described anomie as an emerging state of social deregulation and thus as a social condition of inordinateness and a lack of norms in 1893.[123] The norms that regulate people's expectations as to how they ought to behave with each other erode and people no longer know what to expect from one another.[124] The moral convictions that are anchored in society flop or lack due to times of social transformation.[125] The culture shifts. If conditions change quickly, the social system comes under pressure and the erosion of existing norms without clear alternatives lead to disorientation, dissatisfaction and conflict. The effect is to introduce alienation, isolation and desocialisation. Individuals lose the sense of what is right and wrong. This vacuum in turn leads to an increase of delinquency.[126] Thus, the meaning of anomie according to Durkheim does not refer to a state of mind, but to a property of the social structure in which individual desires are no longer regulated by common norms and where, as a consequence, individuals are left without moral guidance in the pursuit of their goals. In short: Anomie implies social unrest.

The theory of anomie after Robert Merton, who picked up the thoughts of Durkheim, seeks to explain how come the frequency of delinquent behaviour varies in the diverse social classes based on the northern American societal structure.[127] Delinquent behaviour is seen as a symptom for the discrepancy between culturally defined goals and the socially structured means for achieving those goals.[128] If the social structure of opportunities is unequal and prevents the majority from achieving what society expects from them, some of them will turn to illegitimate means in order to achieve and realise their aspirations. Others will retreat or

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[122] Durkheim acted on the assumption that social anomie could be translated into behavioral determinants such as suicide. He explored the differing suicide rates among Protestants and Catholics, explaining that stronger social control among Catholics resulted in lower suicide rates. According to Durkheim, people have a certain level of attachment to certain groups. Exceptionally high or low levels of social integration may result in increased suicide rates. Low levels of social integration have this effect as a low social integration results in a disorganised society, causing individuals to turn to suicide as a last resort, while high levels of integration cause people to kill themselves in order to avoid becoming burdens on society. See Durkheim, Émile: Suicide. A Study in Sociology, Routledge, London 2002.

[123] For details on Durkheim's theory of anomie see Williams/McShane, pp. 96-115; Downes/Rock, pp. 106-114; Rock, in: The Oxford Handbook (2002), pp. 52-53; Rock, in: The Oxford Handbook (2007), pp. 11-13; Schmitt, p. 24.

[124] See Williams/McShane, p. 96.

[125] Ibid., pp. 96-97.

[126] Ibid., p. 97.

[127] For a detailed elaboration of the history of origins of anomie see Whitehouse/Lab, pp. 130-132 and for the different meanings of anomie see Rock, in: The Oxford Handbook (2007), pp. 11-13; Lamnek (2007), pp. 110-146.

[128] See Schmitt, pp. 24-25; Williams/McShane, p. 97.

drop into deviant subcultures. There are said to be five different modes of adaptation individuals use to cope with the problem that they cannot achieve society's expectations.[129] Each mode reflects an individual's acceptance or rejection of culturally prescribed goals and socially institutionalised means to achieve those goals. The individuals can be content with their situation and adapt their targets and legal methods to the social change even if they do not succeed (conformity), they can screw down or even give up their targets but keep the legal methods (ritualism), they can deny cultural targets and methods to achieve them and flee into illusory worlds such as drugs and alcohol (withdrawal), they can accept the cultural targets but try to achieve them with illegal methods (innovation) or they can reject targets and methods in order to re-arrange existing social structures (retreatism).[130] The mode of adaptation varies from individual to individual and can only be understood in the light of individual circumstances. The applicable mode of adaptation of delinquency is innovation. According to Merton's theory, an individual can only adapt to one mode whereas it is said to be impossible to adapt to several modes of adaptation. Given this statement, a person who – for example – consumes drugs could therefore not be a criminal at the same time. This logic clearly contradicts given facts.

Even though the anomie theory has been widely researched and advocated, there are still definitional problems.[131] For example, no details are given on the question what exactly culturally defined goals or even social classes are. Do really all people from all social classes have the same goals in life? Which goals would these be? Additionally to these definitional problems there is a lack of explanations. Such as for example no explanation can be given for the delinquency of the upper class that can achieve the culturally defined goals by legal means. And why do people in a specific situation behave conform, while others become delinquent?[132] How is the decision made to choose the one way of adaptation or the other? The anomie theory cannot give any answers to these questions. And though the anomie theory can be called in to explain property and estate crimes of the underclass, the same does not apply for crimes against life and limb and crimes committed by people from the upper-class. In reference to homicides one would have to act on the assumption that the homicide serves the attainment of a culturally accepted goal the perpetrator would otherwise

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[129] For extensive details on the anomie theory after Merton with its different types of adaptation as well as its indicators see Merton, pp. 185-248. According to Merton it is obvious that an imperfect coordination of goals and means to achieve those goals leads to anomie. See also Downes/Rock, pp. 114-119; Rock, in: The Oxford Handbook (2002), pp. 53-54; Rock, in: The Oxford Handbook (2007), pp. 11-13; Eisenberg (2005), pp. 58-60. Referring to Merton's five modes of adaptation see also Williams/McShane, pp. 101-102.

[130] Whitehead/Lab, pp. 132-134; Schwind, pp. 133-135; Eisenberg (2005), p. 59; Lamnek (2007), p. 256.

[131] Lamnek (2007), pp. 110-111. In regards to the various definitions see ibid., pp. 111-146.

[132] See the remarks in Lamnek (2007), pp. 254-255.

not achieve. Homicides committed for the sake of profit (for example a homicide during the course of a robbery or to eliminate a rival) could be explained this way. Not so however homicides that are committed out of drive and in affect and do not stand in connection with the attempt to attain a culturally accepted goal. Thus, the anomie theory only seems to explain delinquency partial in regard to certain types of crimes whereas it depends on the delinquent's motivation. It is not suited to explain crimes of violence such as homicides altogether.

2. Social Disorganisation Theory

The theory of social disorganisation is also referred to as the ecological research of the Chicago School[133] and is particularly reflected in the work of Clifford Shaw und Henry McKay.[134] Social disorganisation describes the breakdown of conventional social structures within a community that is characterised by largely transitory, heterogeneous and economically underprivileged people and the incapability of organisations, groups and individuals as part of that community to effectively solve their problems.[135] It was established that delinquent behaviour in a certain way concentrates on specific districts in town and researchers found that delinquency rates were highest in the central cities and decreased the further the distance was away from the centre.[136] These so-called 'delinquency areas'[137] do not only stand out by their high delinquency rates: The social control in such areas is reduced

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[133] Referring to the heritage, the perspective and a classification of the Chicago School see the details in Williams/McShane, pp. 56-78 with further references and suggested readings. See also Rock, in: The Oxford Handbook (2002), pp. 61-62; Hollin, in: The Oxford Handbook (2002), pp. 149-150; Bottoms/Wiles, in: The Oxford Handbook (2002), pp. 621-624, 642.

[134] See Shaw/McKay (1942).

[135] See Schmitt, p. 28; Williams/McShane, p. 60.

[136] The sociologists of the Chicago School discerned five principal concentric zones shaping a city: The central business district at the very core, the zone in transition about that centre, an area of stable working-class housing, middle-class housing and the outer suburbia. The sociologists plotted the incidence of social problems on to census maps of the city, and it was the zone in transition that was found repeatedly to house the largest proportions of the poor, the illegitimate, the illiterate, the mentally ill, prostitutes and: Juvenile delinquents. Shaw and McKay discovered that the rates of juvenile delinquency residence conformed to a regular spatial pattern and were highest in the zone in transition, that the same spatial pattern was shown by other indices of social problems in the city and that the spatial pattern of rates of delinquency showed considerable long-term stability. See Shaw/McKay (1942). For a general discussion of Shaw and McKay's work see Snodgrass, pp. 1-19. For further supporting documents consult Reckless, pp. 239, 250; Short, pp. 123, 244, 200; Wirth, pp. 226-285. See also Schwind, p. 138 with further references; Williams/McShane, pp. 59-62; Rock, in: The Oxford Handbook (2002), pp. 54-56; Bottoms/Wiles, in: The Oxford Handbook (2002), pp. 621-624. Consult Whitehead/Lab, pp. 107-113 for graphics and further references, 642-644.

[137] In respect of the geographical concentration of crime and criminality – also known as environmental criminology – see Bottoms/Wiles, in: The Oxford Handbook (2002), pp. 620-656 with further references and selected further reading.

to a minimum.[138] The social disorganisation theory identifies the characteristics of communities with high crime rates and thus draws on social control theory to explain why these characteristics contribute to delinquency. Delinquency is seen as a lack of social stability existing in a specific area.[139] It is assumed that people will commit criminal acts when the surrounding society is unable to prevent them from doing so. Criminal acts are said to be more likely in communities that are economically deprived, large in size, high in multiunit housing, high in residential mobility and high in family disruption. These factors are said to reduce the ability or willingness of community residents to exercise effective social control, provide young people with a stake in conformity and socialize them so that they condemn delinquency and develop self-control.[140]

The theory of social disorganisation is not a single coherent theory but borrows several arguments from various theories. It incorporates miscellaneous social and ecological factors. The gearing towards pure social and ecological factors is not possible though. The individuals and their individual characteristics cannot be kept out of consideration. If one did so, all people living in the same social area would have to be delinquent. It is not as simple as that though. Another fact is that many cities do not follow such a simple pattern of growth. The question to which extent homicides could be predicted – if possible at all – by examining social disorganisation variables is yet unclear.[141] Why does diminished informal social control in communities precisely result in homicide?[142] Why are homicides generally concentrated in social disorganised areas? The question of why the escalation process characterises juvenile homicide yet remains unclear respectively the exact social disorganisation variables attributed to homicide such as family disruption, socio-economic status, population propensity and the like have to be clarified for each group that is to be sampled individually. As not one social disorganisation variable had presented a consistently positive relationship

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[138] Schwind, pp. 137-141.

[139] Relating to the physical structure of communities, the best known approach is the so-called broken-windows theory according to which visible signs of disorder within an area such as shattered glass, litter, abandoned houses and the like erode the solidarity within a community and weaken social control. The visible negligence of a community leads to a social neglect and increase of crime. See Schmitt, pp. 28-29; Schmidt, p. 28.

[140] The concept of self-control was introduced by Gottfredson and Hirschi. Their concept of self-control is the most recent version of social control theory. For details on the self-control theory see Gottfredson/Hirschi (1990), particularly pp. 85-120. See also Rock, in: The Oxford Handbook (2002), p. 57;. 57; Williams/McShane, pp. 375-378. People with low levels of self-control are said to be vulnerable to the temptations of the moment. Criminal acts in general provide immediate gratification of desires; may it be the gratification of a sexual or material desire or the desire for revenge. In the foreground of delinquent acts therefore stands the relief of momentary irritation upon objective opportunities. See Williams/McShane, p. 376.

[141] For a review of theoretical and empirical literature on social disorganisation with particular reference to homicide see Pridemore, pp. 127-156.

[142] It is easier to explain property and estate offences as well as offences against the public policy.

with homicide rates on geographic areas across studies, there is a continued need for research in this domain. While the theory of social disorganisation offers valuable clues to the distribution of crime, it does not issue a statement for the causes of delinquency.

3. Subcultural Theories

The fundamental idea of the subcultural theories is based on William Foote Whyte's findings that American slums are not disorganised, but are regulated by an own subcultural system of norms and regulations differing from the system of the dominant society.[143] A key aspect is thus the cultural diversity within a given population.[144] There are said to be at least two cultures: The culture of the city or a certain area of a city (the majority culture) and the culture(s) of specific groups living in certain areas (the subcultures). The subculture exists within and is part of the larger majority culture. According to the subcultural theories, delinquency is explained as a result of individuals attempting to act in accordance with the subcultural norms. Their acting may be considered delinquent by the larger cultural mandates of society.[145] The lower class has its own lifestyle and traditions and conformity to this lifestyle suggests deviation from middle class standards. Referring to homicides, this would mean that violence and homicide are part of the subculture and conform the lifestyle of the people living within that subculture (for example as instruments of power).[146] At this, it is crucial to differentiate between an ordinary culture in which, for various reasons, there may be found eruptions of violence and thus isolated homicides from individuals and a criminal subculture in which violence, even amounting to murder, is actually a part of the culture constituting not only isolated cases but depicting a social epidemic. Subcultures are thus collective reactions towards disproportionate situations in a given society, as the frustration of the disadvantaged can be compensated by joining together with people who have the same adaptive difficulties.

Though the subcultural theories seem to have a certain explanatory power, they however lack a definition of what a subculture is and how subcultures develop.[147] This may be due to the fact that the definition is dependent on the specific country respectively area that is to be studied. But if all people strive for the same goals, why do some of them leave their former lifestyle behind and commence a new one? How can delinquency in socio-economic middle

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[143] See Whyte (1966). For details on the subcultural theories and further references see Williams/McShane, pp. 116-139.

[144] Referring to subcultural theories of delinquency in general see Lamnek (2007), pp. 147-189; Eisenberg (2005), p. 61; Rock, in: The Oxford Handbook (2002), pp. 73-74; Rock, in: The Oxford Handbook (2007), pp. 31-33.

[145] Eisenberg (2005), p. 61.

[146] See hereto Salehi, pp. 76-78 with further references.

[147] See Lamnek (2007), pp. 257-258.

or upper class be plausibly explained? And while within this theory homicides and acts of violence directed towards those who are made responsible for the disadvantage of the members of the subculture can be explained, how does it comport towards homicides within the group of the members of the subculture? Also, with the circulating explanation of delinquency, the roots of delinquency are not defined.

A modification of the subcultural theory is the so-called theory of cultural conflict that rests upon the idea that delinquent behaviour can result from the conflict between different cultural codes of conducts and different moral conducts.[148] Social problems thus mostly occur where people cannot adopt a new culture and therefore build up an own system of values and norms deviating from the prevailing system. Particularly immigrants are confronted with this conflict. However, the theory can also be adopted for lower-class juveniles who cannot succeed the middle-class orientation of society. As result of the failure to succeed in the middle-class culture, lower-class juveniles join groups and act in concert with their own (sub-)cultural norms instead of the mandates of the larger culture. By following one set of cultural mandates, the juvenile violates the proscriptions of another culture. The outcome is delinquency according to the norms of the larger culture.[149]

The theory of cultural conflict may contribute to an explanation for delinquency but is limited to such cases in which the diverse codes of conducts directly relate to criminal norms. As it focuses mainly on immigrants, it does not contribute to the explanation of delinquency of locals. Locals are usually not geared to norms of another culture. The theory also contradicts the experience that the majority of the respective population group is not criminally burdened.

Overall, a more definitive assessment of the role of cultural variables in general on interpersonal violence requires the specification of a theoretical model which would allow for a full range of cultural and situational variables, and data that would allow researchers to avoid problems of aggregation bias, multicollinearity and interdependence among units of analysis.

4. Differential Opportunity Theory

Another theory seeking to explain juvenile delinquency is the so-called differential opportunity theory developed by Richard Cloward and Lloyd Ohlin.[150] First, it assumes that there is a discrepancy between the aspirations lower class juveniles strive for and what they have access to. Because the lower class juveniles cannot lower their aspirations as derived from middle class standards and they don't have access to the legitimate means to reach

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[148] Downes/Rock, pp. 158-160; Eisenberg (2005), p. 61.
[149] Whitehouse/Lab, pp. 118-120.
[150] See Cloward/Ohlin (1961); Williams/McShane, pp. 59-62, pp. 121-125 with further references.

culturally defined goals, they reach for illegitimate means to achieve these cultural goals. Second, the theory also sets forward that there are unequal access chances to illegitimate means and opportunities.[151] Thus, even the availability of illegitimate means depends on chances of access. The chances of access determine whether a person can resort to illegal means or not.

Cloward and Ohlin proposed a theory of delinquent gangs accentuating three types of delinquent gangs: The criminal gang, the conflict gang and the retreatist gang.[152] The criminal gang is said to emerge in areas where conventional as well as non conventional values of behaviour are integrated by a close connection of illegitimate and legitimate businesses.[153] This type of gang is stable. Contrary, the conflict gang is non stable and non integrated. This gang aims to find a reputation for toughness and destructive violence.[154] The retreatist gang is equally unsuccessful in legitimate as well as illegitimate means. They are known as double failures, thus retreating into a world of sex, drugs and alcohol. The retreatists thus suffer from a double failure, i.e. there is no opportunity for them to succeed through either legitimate or illegitimate means.[155] Cloward and Ohlin further state that the varying form of delinquent cultures depends upon the degree of integration that is present in the community.

Thus, the theory acts on the assumption that it is the social structure of a community that determines the access juveniles have to learning, performance and other social structures. However, access chances per se are not the reason why a person becomes delinquent and cannot serve as explanation. Yet, the theories can be crucial in explaining why in certain situations a delinquent way is chosen.

IV. Socialisation Theories

Socialisation theories research the correlations between processes of socialisation and delinquent behaviour.[156] The main focus of socialisation theories in general is on children and juveniles.[157] Particularly the following instances of socialisation are investigated in relation to

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[151] See Williams/McShane, p. 121.

[152] For details on the three ideal types of delinquent gang subcultures proposed by Cloward and Ohlin see Williams/McShane, pp. 122-123.

[153] With reference to the criminal gang see Williams/McShane, p. 121.

[154] With reference to the conflict gang see Williams/McShane, p. 122.

[155] Referring to the retreast gang see Williams/McShane, p. 122.

[156] See Hurrelmann, p. 7; Veith, p. 1. Referring to the five stages the modification the problem understanding of the socialisation theory has gone through see Veith, pp. 2-15.

[157] Hurrelmann, p. 8.

delinquency propensity: The family, the school, the peer group and the milieu an individual grows up in.[158]

The family is the first and most important social institution.[159] Family members with negative upbringing behaviour in a wider sense are likely to raise children with negative behavioural patterns. There are a number of factors that might contribute to high-risk child education such as structural family characteristics[160], socio-economic attributes of the household[161], functional characteristics of the family[162] and upbringing behaviour[163]. Children growing up with various risk factors in the familial area are prone to lack interpersonal communication skills and a social network. These personality traits are said to strongly influence the relationship to other people and particularly reduce latitudes in interactions.[164] Delinquent behaviour may emerge as a result.[165]

The school as an institution of education inherits the function of a bridge between the family and society and is given principal responsibility for the task of socialising those who are not socialised sufficiently by the family.[166] School experiences are said to be able to foster the tendency towards violence and delinquency.[167] Negative academic factors are for example a low quality of education (no professional teaching staff, no adequate forms of participation), a low quality of the schools (referring to class size, location and condition of the school building), a paucity of educational opportunities, a low sense of belonging to or low bonding at school (low commitment and educational aspirations), poor performance in school or academic failure, illiteracy, frequent school transitions, truancy and dropping out of school.[168]

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[158] With reference to the definition of socialisation and the various instances of socialisation see Salehi, pp. 16-17.

[159] In regards to the family as primary instance of socialisation see Schwind, pp. 185-220 with further references.

[160] Structural family characteristics are for example single parent households, divorces or the size of the household. For details see Hurrelmann, pp. 127-156.

[161] Socio-economic factors of a family are for example the occupation of the respective family members, the earnings, possible unemployment and the like. See for example Hurrelmann, pp. 182-184.

[162] Functional characteristics of a family are for example the family relation, the harmony within the family, etc. For details see Hurrelmann, pp. 156-186.

[163] Upbringing behaviour includes the style of raising children, inconsistency in the upbringing behaviour, aggression, neglect and the like.

[164] Kassis, pp. 98-99; Ewing (1991), p. 25.

[165] With reference to the socialisation within the family in light of the socialisation theories see Hurrelmann, pp. 127-186.

[166] With reference to the school as secondary instance of socialisation see the details in Schwind, pp. 220-245 with further references; Hurrelmann, pp. 187, 197.

[167] Kassis, p. 18.

[168] With reference to the socialisation within the schools in light of the socialisation theories see Hurrelmann, pp. 187-238.

With increasing age, children are geared more and more to standards of people of similar age.[169] Peer groups, understood as groupings of like-minded juveniles of approximately the same age and interests, forming a circle of friends, take on a further important function of socialisation. It is assumed that peer group influences can be powerful predictors of delinquent behaviour:[170] Some juveniles might learn from their peer group how to commit crimes by acquiring the contacts and techniques and receiving the necessary tools and skills training whilst internalising anti-social values, attitudes and motives.[171] It is acted on the assumption that peers constitute the social setting where deviance and delinquency can develop most frequently.[172]

At this, the milieu in a broader sense has to be mentioned; the social and cultural setting or environment a person lives in including the people and institutions with whom the person interacts.[173] Members of the same social environment will often think and behave in similar styles and patterns. It can be seen as a tight and more cohesive social entity within the context of the larger society and depicts a strongly influencing social institution as children do not only spend time with their family and peers and in school, but grow up in a particular setting surrounding and influencing them day-to-day. There are effects within the milieu that can negatively influence its residents such as socio-economic deprivation, i.e. the existence of a high level of unemployment, poverty and residential overcrowding, the appearance of physical disorder (the presence of dirty streets, poor street lighting, garbage, empty alcoholic bottles, graffiti, vandalism, abandoned cars), physical condition of housing (the presence of vacant or burned out houses, dilapidated parks), alcohol and tobacco influence (the presence of alcohol and tobacco signs, numerous bars and liquor stores) as well as social disorder (the presence of groups of people gathering in the street, being noisy, drinking alcohol in public, consuming illegal drugs, participating in high risk behaviour, driving dangerously, showing disregard for community and personal well-being, misuse of public space, environmental damage, verbal abuse, fighting, cussing, hustling, begging, prostitution, drug sales, racial segregation of minority groups, availability of guns, disrupted families, lack of social resources[174] and investment potential, and particularly high crime rates).[175] The occurrence

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[169] Ibid., pp. 240-241, 244-245.

[170] Kelly/Totten, p. 14.

[171] With reference to the socialisation within the peer group in light of the socialisation theories see Hurrelmann, pp. 239-249.

[172] Ibid., p. 240.

[173] Hurrelmann hereby speaks of tertiary socialisation. See Hurrelmann, p. 239.

[174] Such as libraries, schools and other learning centres, child care, organised social and recreational activities, medical facilities, family support centres, employment opportunities and others.

[175] See Sampson/Raudenbush, p. 4. They act on the assumption that disorder is directly linked to crime. Disorder is said not to cause crime, but it is assumed that disorder and crime are manifestations of the same phenomenon. Disorder in a neighbourhood might indicate that its

of negative milieu factors wreaks havoc on the lives of its residents day-to-day. Simply living in such a (legitimately dreaded) environment not only places juveniles at risk of falling victims to violence, but also of starting to resort to violence.[176]

By investigating coherences between the various instances of socialisation and delinquent behaviour merely statistical correlations are presented, not saying anything about the actual causes of delinquency and interdependencies. The delinquent behaviour might still be caused by a variety of other contributing factors. The researched correlations are therefore rather risk factors or risk constellations than actual theories. One can say though that the occurrence of such risk factors at least raises the probability that an individual becomes delinquent, what is very important for prevention programmes.

V. Labelling Approach

The representatives of the labelling approach[177] arrive at the conclusion that delinquent behaviour emerges from specific processes of definition and attributions by the instances of social control.[178] It is said that delinquent behaviour is behaviour that people so label, a delinquent hence someone whom other people so label.[179] It is also said that being labelled delinquent in turn forces individuals to act according to the label.[180] The individual is simply responding to the actions of society in the only way made available to him or her.[181] With this assumption the aetiological orientation in terms of cause-and-effect relations of the hitherto existing approaches is abandoned.

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residents are indifferent to what happens in their neighbourhood what may lead to more serious offences. No direct relationship with homicides was detected.

[176] With reference to the socialisation within the milieu in light of the socialisation theories see Hurrelmann, pp. 249-254.

[177] The labelling approach can be dated back to Howard Becker who has shaped the term. See Becker (1963). For details on the labelling approach in general see Williams/McShane, pp. 140-164 with further references.

[178] "[…] behaviour is not inherently deviant or criminal, but rather, deviance is a matter of interpretation and judgment. "Crime" is constructed and negotiated in social discourses and processes of social interaction in and with institutions of social control." Löschper, abstract. E.g.: "By no means is the police, as a kind of "interface" between criminal justice system and society, merely translating everyday incidents into the vocabulary of criminal law, nor is the police applying criminal law to "reality", rather reality is continuously being created." Ibid., pp. 3-4. See also Meuser/Löschper, p. 2; Downes/Rock, pp. 154-158; Rock, in: The Oxford Handbook (2002), pp. 70-73; Rock, in: The Oxford Handbook (2007), pp. 28-31; Eisenberg (2005), pp. 71-76 with further references; Lamnek (2007), pp. 223-244; Schwind, p. 145; Williams/McShane, p. 140.

[179] One of the most frequently cited of all passages in sociological criminology was Becker's dictum that "deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender". The deviant is one to whom that label has successfully been applied; deviant behaviour is behaviour that people so label." Becker (1963), p. 9. See also Schmitt, pp. 25-26.

[180] Eisenberg (2005), pp. 71-76; Rock, in: The Oxford Handbook (2002), p. 73; Schmitt, p. 26.

[181] See Williams/McShane, p. 143.

Initial point is the assumption of delinquency being ubiquist, i.e. a normal appearance that is spread equally over all the social classes. It is the police and the justices that make the decision about who is going to be stigmatised – labelled – as a delinquent. Hereby, it is distinguished between primary and secondary deviation: The primary deviation is the deviation that occurs in the forefront of the social reaction. The social reaction then leads to a stigmatisation of the deviant person as delinquent. This perception of others is conferred to the self-perception and the deviant person begins to act according to the label. Now the stage of secondary deviancy is reached.[182]

The fact that the underclass is over-represented within the group of labelled delinquents is explained with a different way of treatment between the different social classes because people occupying the lower end of the socio-economic scale tend to have the least power to resist stigmatising labels. Can the high homicide rate in Jamaica thus be explained by the definition and attributions of Jamaica's instances of social control?

According to this theory it follows that empirical research cannot be conducted and preventive fight against crime cannot occur.[183] Though one cannot deny that the obviously selective procedure of justice and other institutions is a subject needy for examination and there is some truth in this explanation, the issue gets turned upside down by saying the justice and other institutions would actually produce or at least foster delinquency with their labelling. The institutions do not produce delinquency, but label a certain behaviour as such. Thus, they do not produce homicide or homicidal delinquents.[184] They rather appoint who gets punished if the killing of a person occurs. The labelling approach is thus not a theory of delinquency. It explains the reaction to delinquency, but not the origin of delinquent behaviour.[185] Also, the labelling approach does not apply for all types of crimes. Particularly relating to crimes committed in affect or wantonly, the labelling approach collapses. Homicides for example do not have anything to do with the discrimination of specific classes (yet it would explain why for example more juveniles are criminally prosecuted) and one cannot buy him- or herself free or be acquitted without reason. Also, often a stigmatisation is linked with the labelling process to a lesser extent inherently, but a good deal more with intelligence of specific criminal offences. White-collar crime for example that is mostly committed by middle and upper-class members is a lot harder to clear up than homicides. Also the assumption that crime is ubiquist has been refuted given the fact that registered criminal offenders are stronger charged if a distinction is made between gravity and

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[182] Referring to primary and secondary deviation see Williams/McShane, pp. 147-148; Rock, in: The Oxford Handbook (2002), p. 73; Schmitt, p. 26.

[183] Lamnek (2007), p. 264.

[184] For a critical review see Schmitt, pp. 27-28.

[185] Filser, p. 111.

frequency of crimes. While a wide dispersion cannot be denied referring to minor offences, felony offences are not evenly distributed.

Homicides do not constitute harmless derailments. A homicide is the violence-related killing of one human being by the act or omission of another; it is considered one of the worst crimes to commit of all.[186] Youth-criminological theories of crime that acknowledge the character of normality, ubiquity and episodicity of juvenile delinquency cannot grasp dealing with the phenomenon of homicides. It has to be acted on the assumption of another approach of explanation. The explanation for persistent and/or heinous delinquents needs to be found in a special developmental pattern.[187]

VI. Juvenile Gang Delinquency as Specific Research Subject

1. Definition and Determinants of Juvenile Gangs

Collectives of delinquents are bound to attract the attention of not only law enforcement agencies, but also the media and the general public. As groups of delinquents are more capable of impacting on the social, economic and political order than individuals, juvenile gangs are examined in detail separately in this chapter. There is little consensus among researchers on the area of juvenile delinquency in composing a uniform definition to apply to delinquent juvenile gangs.[188] Every day, groups are formed by young children and teenagers.[189] There is a controversy about where such a peer group ends and the gang begins.

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[186] While harm caused by other forms is remediable at least to a certain degree, harm caused by homicide is absolutely irremediable. Death is final. See Ashworth, p. 227. The legally protected interest 'life' is considered being the one most worthy and needy of protection.

[187] See Periodischer Sicherheitsbericht 2001, p. 484.

[188] Frederick Thrasher was among the first to define a juvenile gang in the 1920s as "an interstitial group originally formed spontaneously and then integrated through conflict. It is characterized by […] meeting face to face, milling, movement through space as a unit, conflict, and planning. The result of this collective behaviour is the development of tradition, unreflective internal structure, espirit de corps, solidarity, morale, group awareness, and attachment to local territory." Thrasher conducted a monumental study that constituted the first serious attempt at documenting, comprehending and enumerating the phenomena of juvenile gangs. He identified 1'313 youth gangs with a conservative estimate of 25'000 members operating in Chicago. See Thrasher, pp. 5, 45-57. Referring to alliances of delinquents in general and their various forms of appearances see Eisenberg (2005), pp. 913-926.

[189] Thrasher goes as far as to call spontaneously formed play-groups of children "gangs in embryo" as they give their members a 'we' feeling and commence the process of ganging. To become a gang though, it has to begin to excite disapproval and opposition and requires a more definite group-consciousness. It then becomes a conflict group. See Thrasher, pp. 26-27, 30.

A delinquent gang can be defined as a group of delinquent individuals – at least three – who have united in the long run.[190] They are not just occasional and situational predefined opportunity groups that get together and act spontaneously but have a more or less strong structure and relate to crime.[191] The onset may have formed spontaneously, but then assimilated through conflict.[192] Gangs are viewed as a factor in poorer and more disorganised areas of a community. The delinquent behaviours relate to status, respect, prestige, celebrity, satisfaction, belonging, ownership, monetary gain, profit and revenge.[193] The activities can include gang wars, drug dealing and murder.[194] The members of the gang do not only perceive themselves as a definable group and manifest group awareness, but also are seen as a distinguishable group of people with noticeable leadership by third parties.[195] Regularly, they are attached to a specific area or territory.[196] Recruits mostly emanate from those juveniles residing in the area controlled by the gang. Also, there is a specific dynamic of the group as each act of a single gang member influences the way of acting of the other gang members.[197] This can lead to the phenomena of peer pressure.

In general, juvenile members of gangs are predominantly male.[198] Females can be members as well, but mostly are just followers or so-called 'hangers-on' (such as girlfriends or sisters of the male gang members).[199] The structural make-up of gangs varies.[200] Every gang has its

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[190] See Thrasher's definition: „Gangs represent the spontaneous effort of boys to create a society for themselves where none adequate to their needs exists. What boys get out of such association that they do not get otherwise under the conditions that adult society imposes is the thrill and zest of participation in common interests, more especially in corporate action, in hunting, capture, conflict, flight, and escape. Conflict with other gangs and the world about them furnishes the occasion for many of their exciting group activities." Thrasher, p. 37. For further definitions of juvenile gangs see Whitehead/Lab, pp. 157-159; Short, in: Handbook of Youth and Justice, pp. 237-243.

[191] See Short, in: Handbook of Youth and Justice, p. 240.

[192] Thrasher clearly puts forth that a gang is a conflict group that develops through strife and thrives on warfare, "so much of their activity is outside the law that fighting is the only means of avenging injuries and maintaining the code." Thrasher, p. 173.

[193] See Hurrelmann, pp. 119-138. Hurrelmann acts on the assumption that delinquency is a symptom of adolescents' orientation towards status and respect. See also Short, in: Handbook of Youth and Justice, pp. 242-243.

[194] Flowers, p. 99.

[195] Schwind, pp. 576-577; Thrasher, p. 55. With reference to leadership in the gang see Thrasher, pp. 344-363.

[196] Thrasher provides close details of the geographical basis of ganging: "In the more crowded sections of the city, the geographical basis of a gang is both sides of the same street for a distance of two blocks. […] In the less crowded sections where the parks are available, the play-groups which frequent them usually live within a radius of only a few blocks. The whole group has simply transplanted itself to the park." Thrasher, p. 28. Referring to gangland see ibid., pp. 5-25.

[197] See Short, in: Handbook of Youth and Justice, pp. 251.

[198] Flowers, p. 101.

[199] Flowers, p. 99. For more information about females and gangs see Whitehead/Lab, pp. 167-168; Trasher, pp. 221-247.

[200] With reference to the structural makeup and organisation of gangs see Thrasher, pp. 249-276, 309-327. For detailed information on the characteristics of gangs (such as age, social class, area,

peculiar character. Members of the gangs are characterised by their courage, dauntlessness, fearlessness and cold-bloodedness in ticklish situations.[201] Also, there often exists a code of honour to be honest within the gang, not to betray any of the gang members and not to turn any member of the own gang over to the police.[202] The police are perceived as the enemy number one. An infraction of the code brings speedy and certain punishment. Disloyalty of a gang member towards the gang may even be punished by death.[203]

In today's society, juvenile gangs, particularly in inner city areas, depict a serious problem law enforcement is confronted with.[204] Several researches have come to the conclusion that juveniles commit more delinquent acts while being in company of other juveniles than when they are alone.[205] Group participation may vary according to the type of offence. For example, there are gangs specified on the distribution of drugs; so-called drug gangs. The gang members whose main activities lie on the property or estate sector – such as burglary, theft and robbery – aim for a financial benefit. In order to enforce that benefit, violence can be applied. The acts are not geared to violence, but if there is any kind of barrier or anyone standing in their way, violence will be applied. Within the conflict and violence orientated gangs, violence seems to be their one and only method of articulation.[206]

Gang delinquency has a serious effect on the general public. Today, gang violence often appears in terms of so-called 'forays'.[207] A foray can be defined as an attack by at least two gang members upon a single or a few members of another gang. The attack is unannounced and carried out from the ambush. It usually involves lethal weapons, particularly firearms,

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organisation and activities) see Whitehead/Lab, pp. 172-177; Short, in: Handbook of Youth and Justice, pp. 245-246.

[201] Thrasher, pp. 328-343. At this point it has to be outlined that it is only the group that renders its members courageous, dauntless and fearless. It is the backing of the group that makes the individuals seemingly strong.

[202] Thrasher, pp. 284-288; Stone, in: Phillips/Wedderburn, p. 51; Gentles, in: Crime and Violence, p. 51; Zahl, p. 73: "«Informer haffi dead» («Denunzianten müssen umgebracht werden!»)"; Jamaica Gleaner: "'Informer-fi-dead' Culture must end – DPP" of December 17, 2008; British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 4.29min. Numerous dancehall lyrics promote this so-called culture of silence and set forth what happens if someone tells the police what he or she has seen. See for example Jamaica Gleaner: "45s Aimed at Informers – Records Advocate Violence Against Those Who Cooperate With Cops", June 25, 2006: "While Tony Rebel's Chatty Chatty simply comments "every likkle ting yu run gone fi police", Buju Banton declared "gunshot fi buss up inna informer head" in Man Fe Dead, another version recommending the same treatment for petty thieves. Snow's Informer declared "Informer/You know say daddy me Snow me-a gon blame/A licky boom-boom down/'Tective man he say, say Daddy Me Snow me stab someone down the lane/A licky boom-boom down", while Wayne Wonder crooned "informer, mus dead".

[203] See Thrasher, pp. 292-293.

[204] Together with other crime events which might often be diurnal-dependent such as terrorism, homicidal maniacs, and the like.

[205] Whitehead/Lab, pp. 155-157 with further references.

[206] With reference to the various gang types see Short, in: Handbook of Youth and Justice, p. 250.

[207] Whitehead/Lab, pp.170-172 with further references.

and can include a getaway motor vehicle. A foray often leads to a retaliatory foray by the other gang.[208] Hatred and thirst for revenge are continually stimulated by repeated insults and aggression. The violence occurs more frequently and seems to be more impersonal due to the hit-and-run tactics of the foray. Most violence though is not directed against the general public but against other gang members.[209]

2. Theories of Juvenile Gang Delinquency

There are various approaches to explain juvenile gang delinquency. According to the reaction-formation theory – which is a mix between the anomie, the social disorganisation and the subculture theory – there is an objective lack of chances in respect of social opportunities for juveniles who arise from the lower-class compared to the statuses determined by middle class norms and values.[210] Lower-class juveniles desire middle class goals as well, but find themselves deprived from approved opportunities to attain those goals due to a financial lack or disadvantages in institutional settings. By entering a gang as a reaction to the failure to acquire status as determined by the middle class, the possibility to participate in the economic success opens up while at the same time new friendships with juveniles who share the same destiny are found.[211] Own standards are developed with which success, status, solidarity, self-esteem and respect can come. As set out already, the delinquent behaviours relate to respect, belonging, monetary gain and profit. While the outward appearance of gang behaviour is different from socially accepted activities, the reasons for the behaviour are not much different from that of most other delinquent juveniles. The gang gives its juvenile members a feeling of solidarity, mutual support and acceptance. A gang is, in one way or the other, a response to society. May it be a reaction to the lack of chances in respect of social opportunities for lower-class juveniles or may it be a reaction to society's general failure to provide organised and supervised activities adequate to absorb the juvenile's interests and exhaust their energies.[212] Other disorganised conditions such as

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[208] "Wherever hurt is done, you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, bruise for bruise, wound for wound." Exodus 21, vs. 23-26. The basis of this law of retaliation is the principle of proportionate punishment.

[209] See for example Gray, in: Harriott (2003), p. 29. It is a part of the present study not only to highlight whether the respondents are members of a gang or not, but also whether they have committed their homicides as gang members or as individuals who just belong to a gang. That a gang member is involved in a homicide does not automatically mean that the homicide was gang-related. It is about showing whether or not most homicides of the respondents were gang and therefore group related or rather acts of individuals. See § 9 Chapter VII. Peer Relations, pp. 137 et sqq.

[210] This theory was proposed by Albert Cohen. See Cohen (1971). See also Flowers, p. 105.

[211] "The crucial condition for the emergence of new cultural forms is the existence, in effective interaction with one another, of a number of actors with similar problems of adjustment." Cohen, p. 59.

[212] In reference to the socialisation process into violence see Short, in: Handbook of Youth and Justice, pp. 247-248.

uncommon family life or insufficient schooling do not directly produce gangs, but the gang is an interstitial growth, flowering where other institutions fail to function efficiently.

In general it can be determined that gang delinquency is socially more visible than delinquency of individuals.[213] Most studies find that the vast majority of gangs is found in lower-class areas and is comprised of lower-class juveniles.[214] This tendency though may be somewhat related to the attention given to lower-class areas of the community by the formal justice systems. The questions how delinquency of the upper-class can be explained or which the other contributing factors to delinquency are, remain unsolved.

§ 3   Summary and Conclusion

As homicides do not constitute a homogeneous type of crime, a disaggregation of homicides into specific subcategories is necessary.[215] Homicides can result from various motivations such as hatred, fear, drive, money and the like. As there are varying homicide subtypes, they can also have correspondingly variant aetiologies. While for example aggression and other drive theories perceive homicide as a reactive, emotional and uncontrollable force, social learning theories view homicide as the purposeful and projected appliance of violence. Robertz therefore distinguishes between emotional and instrumental aggression.[216] The present research project includes homicide in all its varying subtypes. In following studies, based on the findings of this research project, future endeavours may then concentrate on specific categories of homicides.

Particularly the sociological theories of delinquency which depict the most prevalent explanations of delinquent behaviour today are not to be disregarded. A reason behind the dominance of sociological concepts entails the ability to test such theories and provide empirical proof. Yet, there exists no theory that is suitable to explain juvenile homicidal delinquency expediently. Though they seem to be quite plausible, they are still in need for further and more comprehensive research (the social disorganisation theory), lack definitions (the subcultural theories and the anomie theory) or have been refuted as an actual theory of delinquency (the labelling approach). The anomie theory is not suitable for the explanation of

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[213] WHO World Report on Violence and Health, p. 215.

[214] Miller (1958), pp. 5-20; Cohen, pp. 24-31; WHO World Report on Violence and Health, pp. 21-22; Short, in: Handbook of Youth and Justice, p. 212. See also Midwest, pp. 1-2: "The majority of gangs come from the low socioeconomic groups in society and many young people join gangs due to family and social problems. Most gangs are part of the urban, inner city and many families in these areas suffer from bleak unemployment, violence and disparity. […] Most gangs are intra-racial and members share common family, social, and economic backgrounds."

[215] For the different types of homicides and their various motivations see Koslowski, p. 91.

[216] Robertz, p. 33 with further references. With reference to instrumental use of violence see Salehi, pp. 76-78 with further references.

crimes of violence. General societal developments are not helpful in explaining juvenile homicidal delinquency as it is only a small set of offenders that engage in high rates of a variety of criminal activities for an extended period of time and the majority of today's juveniles are not violence-prone.[217]

Taken everything into account, there exists no plausible and comprehensive cognition in regards to the causes of juvenile homicidal delinquency to this date.[218] Delinquency in general is not homogenous and consists of a great variety of criminal acts. So do homicides. Consequently, it is not likely that a single theory of delinquency can be sufficiently precise enough to aid in fully understanding the various types of homicidal delinquency. While a cut of delinquency may be explained by some of the above mentioned theories, none of them offers a comprehensive explanation for the rate of juvenile homicidal delinquency. There is an increasing consensus that different theories cover different domains of activities. Therefore each theory should be viewed as applicable to different domains of behaviour.

Homicidal behaviour comprises various differing influencing factors complementing or aggravating each other. A multiple causation approach therefore seems to be indicated.[219] Such an approach aims at comprising the diverse (micro- and macro-) environmental effects as well as the specific personality traits of the delinquent.[220] The existence of a combination of multiple criteria raises the probability of delinquency.[221]

Relating to multiple causation approaches there are such that couple miscellaneous theories of delinquency[222] and such that study a multitude of individual and social factors of probands actually unattached from theories of delinquency. The former is pragmatically oriented, the latter empirically.

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[217] Henggeler, p. 13 with further references.

[218] Schwind, pp. 85, 161. In regards to empirical valuation and an overall evaluation of the various theories of delinquency see Lamnek (2007), pp. 280-291.

[219] It is acted on the assumption that there is no mono-causal explanation of homicidal delinquency. See Gottfredson/Hirschi, p. 83; Smith/Green, p. 418; Schwind, p. 86; Schmitt, p. 30.

[220] Smith/Green, p. 418. Athens speaks about a "method of analysis of socio-biological interplay". Athens, p. 14.

[221] Even Lombroso had already stated: "Every crime has its origin in a multiplicity of causes, often intertwined and confused, each of which we must, in obedience to the necessities of thought and speech, investigate singly. This multiplicity is generally the rule with human phenomena, to which one can almost never assign a single cause unrelated to the others." See Lombroso (1918), p. 1. See also Periodischer Sicherheitsbericht 2001, p. 484: "die Erklärung bei persistenten Tätern besteht gerade nicht, wie im Falle der episodischen Delinquenz, in einem generellen, sondern in einem besonderen Entwicklungsmuster, in einer spezifischen Akkumulation von individuellen und sozialen Risiken, die sich zudem vermutlich wechselweise verstärken." See also Lamnek, pp. 77-82.

[222] See Hurrelmann, pp. 124-126.

Naturally, particularly the empirically oriented multiple causation approach can be accused of lacking a theory as it does not set forth any specific factors.[223] It does not give any details on the question how the factors are selected and runs the risk of a data graveyard. Though it is stated that crime in general and juvenile homicidal delinquency in particular is a product of a large number and great variety of factors, these factors cannot now and probably cannot ever be organised into general propositions to explain homicidal delinquency. The approach does not have the aim of being a theory and to make general propositions to explain delinquency though. Its aim is straightforward to deny mono-causal explanations and instead to demonstrate that in each individual case specific factors contribute to delinquency. Specific risk factors have to be pointed out based on the individual cases. The factors are selected widest possible whereas it is searched for similarities. A data graveyard is avoided by outlining only the common risk factors. The heart of the message is that delinquency is multi-factorial and that the factors can vary from case to case and according to the respective offence.[224]

The aim of the present study is thus to outline the specific factors that contributed to the homicides of the 20 juvenile respondents of the present study in order to learn whether there are any common factors. The mere determination of risk factors for delinquent acts does not explain the origin of the act though. The present study therefore goes one step further than the simple listing of risk factors of a multiple causation approach by determining in which connection one factor stands with another and to which extent it has been involved with the origin of the act and providing indices to which extent these factors have caused the origin of the act.[225] The risk factors will be outlined independently from the above mentioned various theories of delinquency, yet considering the relevant factors of those theories that point at a plausible explanation for juvenile homicidal delinquency.

At this point it has to be borne in mind that the results are mere statements of probability and the combination of multiple factors therefore only raises the probability of delinquency and does not lead to delinquency forcedly. Coherences are only statements of probability. Yet, in

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[223] For critics on the multiple causation approach see Schmitt, p. 30.

[224] See Lemard, p. 9. Most research on juvenile delinquency seeks to identify risk factors that are associated with an increased probability of delinquency. However, it is also important to identify protective factors. Protective factors are associated with a decreased probability of delinquency. Protective factors may have more implications than risk factors for prevention and treatment. Thus, in order to develop theories of juvenile delinquency, it is important to establish how these risk factors have independent, additive, interactive or sequential effects. For details on protective factors see Fortin, in: Riklin, p. 28; Farrington, in: The Oxford Handbook (2002), pp. 660-662.

[225] Also Salehi acts on the assumption that a scientific explanation cannot be satisfied with the mere listing of possible risk factors, but has to declare in which connection one factor stands with the other and how they were involved with the development of the offence. See Salehi, pp. 14-15.

general, the probability of delinquency increases with the number of risk factors. In other words: The probability of delinquency increases, not delinquency per se.

Second Chapter: Law of Homicide and Crime Situation in Jamaica

§ 4   Law of Homicide in Jamaica

I. Offences against the Person Act 1864 (OPA)

1. Mandatory Elements of Homicide

As a former British colony and current member of the Commonwealth, Jamaica has a common law, accusatorial justice system.[226] Its criminal code is enacted in the Offences against the Person Act of 1864 (OPA). The first chapter of the OPA deals with homicide. In common law, homicide is generally subdivided into murder and manslaughter.[227]

Murder[228] is viewed as the most serious form of homicide at which one person unlawfully kills another person either intending to cause death or serious injury.[229] Murder in common law jurisdictions encompasses two elements that have to be fulfilled by the offender: The *actus reus* (a wrongful act – the act of killing another human being)[230] and the *mens rea* (the corresponding guilty mind – the intention to kill or cause grievous bodily harm).[231] The *mens rea* is proved not only when the defendant's aim is to kill or cause grievous bodily harm, but when death or grievous bodily harm is a virtually certain consequence of the defendant's act.[232] The *actus reus* and the *mens rea* must concur in point of time. Also the defendant's

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[226] Wilbanks, p. 116.

[227] See Ashworth, p. 231; Ashworth/Mitchell, in: Ashworth/Mitchell, pp. 3-5, 7-14; Wright/Miller, p. 700.

[228] See the following chapters, pp. 47-50

[229] A person intends to kill if it is his or her purpose to kill by the act or omission charged, or if he or she foresees that death is practically certain to follow from the respective act or omission. The intent to cause really serious injury is sufficient for murder without any proof that the defendant intended or even contemplated the possibility that death would result. See Lemard, p. 77; Ashworth/Mitchell, in: Ashworth/Mitchell, p. 4; Wilson, in: Ashworth/Mitchell, pp. 26-35.The Jamaican police force uses the following definition of murder: "Murder is a felony and is committed when a person of sound memory and discretion, unlawfully kills any reasonable creature in being with malice aforethought either expressed or implied. The death must occur within a year and a day." Data source: Jamaica Constabulary Force.

[230] The *actus reus* can also be called the external element or objective element of a crime.

[231] In common law jurisdictions, murder is often defined as the unlawful killing of another human being with 'malice aforethought'. Malice aforethought is a precise intention to cause death or serious injury. In the Jamaican OPA malice aforethought is not mentioned expressively, but is a basic prerequisite for the conviction of murder. See also Section 4(1) OPA: "Where a person kills another in the course or furtherance of some other offence, the killing shall not amount to murder unless done with the same malice aforethought (express or implied) as is required for a killing to amount to murder when not done in the course or furtherance of another offence." Thus, murder according to Section 2 OPA implies malice aforethought.

[232] *Mens rea* thus refers to the mental element of the offence that accompanies the *actus reus*.

acts or omissions must be the operating and most substantial cause of death with no *novus actus interveniens*.[233] If any of the general defences such as self-defence, infancy or partly diminished responsibility apply, an accused will be acquitted of murder. If a partial defence is applicable, the liability will be reduced to manslaughter.[234]

Manslaughter[235] is viewed as a less serious offence than murder, although it also concerns the killing of another human being. The differential lies between the levels of fault based on the *mens rea*.[236] Manslaughter may be either voluntary or involuntary, depending on whether the accused has the required *mens rea* for murder or not.[237] Voluntary manslaughter is on hand when the accused kills another human being with the necessary *mens rea* for murder but is not liable for murder because he satisfies the test for a mitigatory defence such as provocation or diminished responsibility. Involuntary manslaughter in contrast is on hand when the accused did not intend to cause death or serious injury but caused the death of another human through recklessness or criminal negligence.[238] The *mens rea* required for murder does not exist.

2. Murder According to Section 2(1)(a) to (f) OPA

2. – (1) Subject to subsection (3), every person to whom section 3(1A) applies or who is convicted of murder committed in any of the following circumstances shall be sentenced in accordance with section 3(1)(a), that is to say –

    (a)   the murder of –

        (i)   a member of the security forces acting in the execution of his duties or of a person assisting a member so acting;

        (ii)   a correctional officer acting in the execution of his duties or of a person assisting a correctional officer so acting;

        (iii)   a judicial officer acting in the execution of his duties; or

        (iv)   any person acting in the execution of his duties, being a person who, for the purpose of carrying out those duties, is vested under the provisions of any law

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[233] This means no new act breaking the chain of causation.

[234] See Ashworth/Mitchell, in: Ashworth/Mitchell, pp. 4, 14-15. Referring to partial defences to homicide see Lacey, in: Ashworth/Mitchell, pp. 107-131 and referring to diminished responsibility in particular see Mackay, in: Ashworth/Mitchell, pp. 55-83.

[235] See this study, § 4 Chapter 4. Manslaughter According to Section 9 OPA, pp. 49 et sqq.

[236] Ashworth/Mitchell, in: Ashworth/Mitchell, p. 4.

[237] Referring to the differentiation between voluntary and involuntary manslaughter see Ashworth/Mitchell, in: Ashworth/Mitchell, pp. 3-5, 7-14; Eisenberg (2005), p. 663. Referring to the context and culpability in involuntary manslaughter see Clarkson, in: Ashworth/Mitchell, pp. 133-165.

[238] Criminal negligence is generally defined as failure to exercise a reasonable level of precaution given the circumstances.

in force for the time being with the same powers, authorities and privileges as are given by law to members of the Jamaica Constabulary Force, or the murder of any such member of the security forces, correctional officer, judicial officer or person for any reason directly attributable to the nature of his occupation;

(b)   the murder of any person for any reason directly attributable to –

     (i)   the status of that person as a witness or party in a pending or concluded civil cause or matter or in any criminal proceedings; or

     (ii)   the service or past service of that person as a juror in any criminal trial;

(c)   the murder of a Justice of the Peace acting in the execution of his judicial functions;

(d)   any murder committed by a person in the course or furtherance of –

     (i)   robbery;

     (ii)   burglary or housebreaking;

     (iii)   arson in relation to a dwelling house; or

     (iv)   any sexual offence;

(e)   any murder committed pursuant to an arrangement whereby money or anything of value

     (i)   passes or is intended to pass from one person to another or to a third party at the request or direction of that other person; or

     (ii)   is promised by one person to another or to a third person at the request or direction of that other person,

     as consideration for that other person causing or assisting in causing the death of any person or counselling or procuring any person to do any act causing or assisting in causing that death;

(f)   any murder committed by a person in the course or furtherance of an act of terrorism, that is to say, an act involving the use of violence by that person which, by reason of its nature and extent, is calculated to create a state of fear in the public or any section of the public.

Section 2(1) OPA reveals that the killing of another person with clearly specified qualities accounts as murder. The victims are either people who are engaged with law enforcement in some kind of way and are acting in the execution of their duties; thus persons with certain authorities and privileges, taking part in a trial as a witness, party or juror or acting as justices of the peace (lit. a-c). Further included are killings that occur in the course of the furtherance of another serious felony (lit. d) and killings that are executed in conjunction with the passing

on or promising of money or valuable assets (lit. e). Last, a homicide is considered a murder if a state of fear is created in the public or any section of it (lit. f).

Section 3(1)(a) OPA constitutes that every person who is convicted of murder falling within the above mentioned sections shall be sentenced to death or to imprisonment for life.

Thus, life sentence is the only option that judges have other than the sentence to death when sentencing murderers. Life sentence is hence mandatory if a death sentence is not declared.[239] The life sentence for murder requires a tariff that sets the minimum term representing retribution without any prospect of parole thus the minimal time that must be spent in prison before an offender can be considered for parole.

In Jamaica, the death penalty was restricted in the Offences against the Person (Amendment) Act 1992. The Amendment Act limited the death penalty to certain types of aggravated murder: Murders according to Section 2(1)(a) to (f) OPA.[240] Although Jamaica still maintains the death penalty for those types of murders, there has not been any execution since February 1988.[241] At present, there are at least 50 persons who have been condemned to death by Jamaican courts and are imprisoned in the St. Catherine District Prison in Spanish Town. There has been a de facto moratorium in Jamaica for 15 years. The so-called 'Privy-Council's Landmark Decision' holds that the execution of a person who has spent a prolonged period – in practice more than five years – on death row is likely to constitute inhuman and degrading treatment, and thus is unconstitutional.[242] Capital punishment could only continue to be imposed if it was carried out promptly. If a person had been held on death row for more than five years, commutation had to be ordered. Thus, sentences have since consequently been commuted to a term of imprisonment.

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[239] A conviction for murder in Jamaica used to envisage a mandatory death penalty under the OPA 1864 until 2005. In 1992, the Offences against the Person (Amendment) Act 1992 introduced a mandatory death sentence for specific categories of murder. Section 2(1) OPA 1864 provided that capital murder was committed in circumstances where certain specified persons were murdered, or murder was committed in furtherance of certain specified offences or contract killing. Murder not falling within these categories was deemed non-capital murder. According to Section 3(1)(A) Amendment Act 1992, a defendant was also liable for the death sentence if he had committed two or more non-capital murders on the same occasion. In 2005, the Offences against the Person (Amendment) Act 2005 was assented to. It established a new sentencing process for persons convicted of murder and did no longer distinguish between capital and non-capital murder. For an offence that was formerly capital murder now death or imprisonment for life is envisaged and for an offence that was formerly non-capital murder imprisonment for life or such other term as the court considers appropriate not less than fifteen years. Thus, the practice of mandatory death penalty that provides the sole option of death was replaced by the practice of the discretionary death penalty with the judicial choice between life and death.

[240] This was the first statutory restriction on the use of capital punishment in the region.

[241] Nathan Foster and Stanford Dinnal were the last to be executed on February 18, 1988.

[242] See Earl Pratt and Ivan Morgan v. Attorney-General of Jamaica and The Superintendent of Prisons, Saint Catherine's Jamaica (1994) 2 A.C. 1 PC (Privy Council Appeal No. 10 of 1993). See also Lambert Watson v. The Queen 2004 WL 1372515 PC (jam).

Due to the high rate of murders in Jamaica today, the discussion about the death penalty has remained lively and is overtly a political issue. The voices who call for the execution of death penalties are sound.

"While the powers that we wrangle over what is constitutional and cruel or unusual, Jamaica has become a killing field. While we wait and while we ponder whether to hang or not to hang, good people, business people, police officers, men, women and children are being slaughtered. In their homes, on the street, even in church, nowhere is safe, there is no sanctuary."[243]

While the discussion about the death penalty in Jamaica goes on, the execution of offenders below the age of 18[244] years is prohibited under leading international instruments of worldwide and regional scope relating to human rights and the conduct of armed hostilities.[245]

3. Murder According to Section 2(2) OPA

Section 2(2) in connection with 3(1)(b) OPA stipulates that every person convicted of murder other than a person convicted of murder in the circumstances specified in Section 2(1)(a) to (f) and 3(1A) OPA shall be sentenced to imprisonment for life or such other term as the court considers appropriate, not being less than 15 years. This type of murder was formerly known as non-capital murder.

Thus, murder according to Section 2(2) OPA does not enlist specified offenders or victims, specified offence circumstances or the like, but accounts as catch-all element for murders that do not fall in the category of Section 2(1)(a) to (f) OPA.

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[243] Jamaica Gleaner: "Jamaica a Killing Field!", August 30, 2004.

[244] Amnesty International believes that the exclusion of child offenders from the death penalty is so widely accepted in law and practice that it has become a rule of customary international law (*opinio juris*). See AI Index ACT 50/007/2002, pp. 5, 16. Amnesty International is even of the opinion that there are strong arguments for holding that the prohibition of the use of the death penalty against child offenders is a peremptory norm of general international law (*jus cogens*). See ibid., pp. 6, 16. This development was anticipated by the Privy Council Commission in its Roach and Pinkerton decision: See Roach & Pinkerton v. United States, Case 9647, Inter-Am. C.H.R. 147, OEA/ser. L/VII.71, doc. 9 rev. 1 (1987). The Roach and Pinkerton decision also is available at: http://www.wcl.american.edu/pub/humright/digest/interamerican/english/annual/1986_87/res0387.h tml [as of January 2009]. The Judicial Committee of the Privy Council which sits in the UK was the final court of appeal in Jamaica prior to the establishment of the CCJ. The JCPC has played an active role in reviewing individual death penalty convictions and ensuring that basic human rights standards were met.

[245] See Article 37 lit. a Convention on the Rights of the Child; Article 6(5) International Covenant on Civil and Political Rights; Article 4(5) American Convention of Human Rights. See also AI Index ACT 50/007/2002, p. 24. And see particularly Section 78.-(1) of the Child Care and Protection Act: "Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of eighteen years, but in place thereof such person shall be liable to be imprisoned for life."

4. Manslaughter According to Section 9 OPA

Section 9 OPA does not give any details on what manslaughter constitutes and what is required for a conviction of manslaughter, but merely states that:

> *"Whosoever shall be convicted of manslaughter shall be liable to be imprisoned for life, with or without hard labour, or to pay such fine as the court shall award in addition to or without any such other discretionary punishment as aforesaid."*

However, the OPA sets forth in Sections 5 to 7 that people exhibiting certain characteristics or the occurrence of certain settings make the offender turn liable to be convicted of manslaughter instead of murder.[246] These specified circumstances are:

- Persons suffering from diminished responsibility according to Section 5(3) OPA
- Provocation according to Section 6 OPA
- Suicide Pact according to Section 7(1) OPA

Section 5(1) OPA states that an offender shall not be convicted of murder if he was suffering from such abnormality of mind as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing. The abnormality of mind has to be proven by the defence. Subsection (3) however states that a person who but for this section would be liable to be convicted of murder shall be liable to be convicted of manslaughter instead.

According to Section 6 it is up to the jury to take into account both done and said to the effect which, in their opinion, would have on a reasonable man. If the jury comes to the conclusion that the offender was provoked to lose his self-control and the provocation was enough to make a reasonable man do what the offender did, the offender shall be liable to be convicted of manslaughter.[247]

It shall also not be murder but manslaughter if – according to Section 7(1) OPA – a person acts in pursuance of a suicide pact between him and another person. It is up to the defence to prove that the person charged was acting in pursuance of a suicide pact.

Thus, a conviction for manslaughter only occurs if certain circumstances that diminish the offender's liability are given.

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[246] Also Steigleder – examining the difference between murder and manslaughter – puts forth that manslaughter is given if someone has killed another person without being a murder. See Steigleder, pp. 6-11.

[247] See also Wilbanks, pp. 116-117.

II. Child Care and Protection Act 2004 (CCPA)

The Child Care and Protection Act 2004 (CCPA) applies for children in Jamaica.[248] The CCPA provides for the care and protection of children and young people and for other connected matters. It is set forth in the preliminary that a child is a person under the age of eighteen years. The main object and paramount consideration of the CCPA is to promote the best interests, safety and well being of children.[249] According to Section 2.-(3)(a) children need to be protected from abuse, neglect and harm or threat of harm.[250] Section 9.-(1) CCPA sets forth:

> *A person commits an offence if that person, being an adult having the custody, charge or care of any child wilfully –*
>
> *(a)   assaults, physically or mentally ill-treats, neglects, abandons or exposes such child; or*
>
> *(b)   causes or procures the child to be assaulted, physically or mentally ill-treated, neglected, abandoned or exposed, in a manner likely to cause that child unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body or any mental derangement).*

The act does not only encompass the protection and rights of children, but also their criminal responsibility and the process that has to be applied if children are detained or brought before a court. In Section 63 it is presumed that children under the age of twelve years cannot be found guilty of any offence. Thus, children below the age of twelve years cannot be held criminal responsible at all, young people between the age of twelve and eighteen age only according to the CCPA and people aged eighteen years and above can be held fully criminal responsible. The difference between the OPA and the CCPA mirrors the difference between criminal law based on the offence and criminal law based on the offender. The former puts the actual culpable act – the offence – in perspective and rather places the offender to the background. The consequences for a juvenile offender though rather based on the offender himself and his individual needs and prognoses. In general, juvenile justice is not about retribution, but personality oriented and aims at keeping young people from the commission of further delinquency on a pedagogic and therapeutic basis.

According to Section 67.-(2)(b) CCPA, an apprehended child is generally to be released. This does not account for murder according to Subsection (i). If the charge is one of murder or another serious crime, the child is to be detained in a juvenile remand centre until it can be

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[248] The CCPA replaces the Juveniles Act 1951. See Section 95 and the First Schedule CCPA.

[249] The passage of the CCPA allows Jamaica to fulfil its commitment under the Convention of the Rights of the Child which was ratified by Jamaica in May 1991.

[250] In order to be able to efficiently protect and enforce the rights of children, a Children's Commission of Parliament known as the Children's Advocate was established. See Section 4.-(1) CCPA.

brought before a court. According to Section 68.-(1) CCPA a child may even be committed to an adult correctional centre if it has attained the age of 14 years and has an unruly or depraved character.[251] Special Children's Courts were established to hear charges against children and applications in relation to children in need of care and protection.[252] Those courts are exclusively for children below the age of eighteen years. Yet Section 72.-(4) CCPA sets forth that where a child is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a Children's Court if a person who has attained the age of eighteen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting the offence. Where a child that has not attained the age of fourteen years is charged with any offence or that has attained the age of fourteen years is charged with any offence other than an offence specified in the Fourth Schedule of the CCPA, the charge shall finally be disposed of by a Children's Court. Where a child has attained the age of fourteen years and is charged with an offence specified in the Fourth Schedule of the CCPA – amongst others "murder or manslaughter" and "any firearm offence as defined in the Gun Court Act" – the proceedings for the child's committal for trial shall be heard in a Children's Court and then the court shall commit the child for trial to another court.[253] Thus, trials concerning homicides committed by children above the age of 14 years are conducted not by Children's Courts but by regular courts with summary jurisdiction.[254] According to Section 78.-(1) CCPA and if the offence was committed by the child at an age of under eighteen years, such a child can at most be liable to be imprisoned for life. The sentence of death cannot be imposed on a child offender.

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[251] As specified in the commitment warrant. See also Sections 76.-(6) and 78.-(2) CCPA.

[252] See Section 72.-(1) CCPA.

[253] Section 74 CCPA highlights that if a child is tried before a court that is not a Children's Court, that court has all the powers of a Children's Court.

[254] The increased importance of the juvenile's responsibilities referring to serious crimes leads to a decrease of the protection and tolerance model which reflects the particular status of the juvenile in this specific phase of life and makes him or her less criminal accountable compared to grown up offenders. While the increased weighting of the responsibilities can be achieved by decreasing the age for criminal responsibility in general (this constitutes a transfer in general), in Jamaica this occurs through the partial exclusion of specific age and offence combinations – a young person between the age of 14 and 18 who has committed a serious crime such as a murder for example (selective transfer). See Stump, p. 12. In the U.S., there is an increased sanctioning of young offenders according to the criminal law for adults – commonly also referred to as juvenile jurisdiction waiver. Thus, juveniles are equated with adults and called to account for their acts in equal measure. See Stump, pp. xx, 89-99.

§ 5 Crime Situation in Jamaica: Extent of Homicide

I. Measurement of Delinquency in General

1. Official Delinquency Data

For methodological reasons, the initial point for criminological research mostly refers to perceived, reported and officially registered criminal cases that have been cleared up. With a perceived, reported and recorded complaint and clarified case, the criminologist has a base to proceed to study the phenomenon 'delinquency'. In the space of time between the perpetration of the offence to the clearing-up of the case, there are multifaceted variables that can possibly influence the outcome. After the perpetration of the crime it depends on the victim's perception of the crime, on a possible complaint, the intelligence by the police, the indictment by the justice system and finally on the sentence.[255] From the time when criminal offences are reported, they officially get registered in some sort of statistic which constitutes the key official publication in respect of crime figures. Criminal statistics comprise all official data that deal with crime and in which the results of governmental activities in investigation and prosecution of prohibited conducts or omissions are registered.[256] They are the product of a record-keeping process predominantly geared to organisational – foremost of the police and the courts[257] – aims and needs. There are various criminal statistics of multiple institutions such as the police (e.g. arrest data), the justice (e.g. conviction statistics) or the correctional services. Criminal statistics can give information about the reported case, the type of offence, the criminal offender, the victim, the damages and the consequences of the criminal offence and the proceedings. Their aim is to provide a review on the situation of crime. This is conducted by quantitative orientation that gives only sparse information on the heaviness of the criminal offence or the contribution to the offence. As for reasons of data protection, the criminal statistics appear anonym with no personal details on the persons involved. Neither can the proportion of collectively committed criminal offences be seen.[258]

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[255] Concerning the complete process from the perception of the crime and the criminal complaint to the rendition of judgement see Eisenberg (2005), pp. 245-409.

[256] Schwind, p. 20. Referring to the various existing crime statistics and their limitations see Killias (2001), pp. 41-54. See also Schmitt, pp. 4-9; Kunz, pp, 11-17, 57-60; Maguire, in: The Oxford Handbook (2002), pp. 322-375 with extensive further references.

[257] Police statistics provide information on the number of offences coming to the attention of the police, the number of arrests police make and the number of referrals by the police to the court. Court data present a picture of the cases and perpetrators who reach the adjudication stage of the system. Finally, correctional agencies compile data on the individuals under their care.

[258] With reference to crime statistics in quantitative and qualitative aspects see Schmitt, pp. 6-8.

Particularly for violent crimes, researches have conducted that collective perpetration is of great importance.[259]

Although criminal statistics provide a valuable statistical measure of the level of crime that is prevalent in a given society, can be called in to observe crime trends and include regional and international comparisons of crime trends and developments, their capability to illuminate the backgrounds of the offences is limited. The data are too gross and undifferentiated and statistical methods too weak to make powerful explanations for the backgrounds of the offences, the offenders and particularly plausible risk factors for the occurrence of the offences. Thus, the available data on criminal offences obtained from criminal statistics allow only tolerably accurate observations of the size, scale and directions of criminal offences and the epidemic's historical past. The situation of crime shown in such crime statistics is generally referred to as 'revealed field'. It illustrates the totality of all the acquainted criminal offences to the police and the justice system and registered by them. As the revealed field is dependant on various factors such as the perception of the offence, the complaint by victim and the control behaviour of the police, it can vary enormously. Due to the dependent and multifaceted factors, the explanatory power of crime statistics is restricted.[260] It is thus not possible to conclude the effective delinquency as crime statistics only show an incomplete picture of crime with a lack of knowledge about the figure of crimes which have not been reported to or recorded by the police.[261] This field is referred to as the 'dark field'.

2. Unofficial Delinquency Data

The state of knowledge about delinquency levels does thus not merely consist of data quoted in official criminal statistics. There are also cases which go undetected, are not reported to the police or having been reported are not officially recorded by the police and therefore do not show up in such statistics.[262] The dark field is the deviation between the revealed field and the presumed effective delinquency.[263] Within the presumed effective delinquency, a

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[259] Goldberg, p. 81 with references to further studies; Kaiser, pp. 517-524, 591; Schwind, p. 70.

[260] For detailed information on the shortcomings of crime data in official statistics see Flowers, p. 20; Whitehead/Lab, pp. 16-18; Eisenberg (2005), pp. 151-153. Sutherland and Cressey even go as far as to note that "The general statistics of crime and criminals are probably the most unreliable and most difficult of all the statistics". Sutherland/Cressey, p. 25. For further references see their chapter on "Indexes of Crime", pp. 25-50.

[261] Further references in regard to the problem of exclusive reliance on official statistics can be found in: Henggeler, p. 14; Schmitt, p. 9-12.

[262] Schwind, p. 34. The dark field thus differs according to varying variables: It is influenced by the behaviour of presumed offenders as well as the behaviour and reaction of the presumed victim(s) and maybe even third persons. It is influenced by social processes of interaction. See Eisenberg (2005), p. 637. In regards to important drawbacks of police and other official statistics see Junger-Tas/Marshall, p. 292.

[263] Concerning the dark field in general see Eisenberg (2005), pp. 131, 637-644; Schwind, pp. 34-51.

distinction can be made between the assumable criminal offences that have not been reported at all and those which have been reported but no criminal offender is known.[264] In order to clarify the dark field and conclude a review on the process of delinquency, research in the dark field which tries for cognitions on the ratio between the revealed and the dark field has to be conducted.[265] This can occur through the conduction of experiments or participatory observation, but more efficiently through the questioning of criminal offenders, victims or informants.[266] The most important questionings are self-report and crime victimization surveys. Former have become an important supplement to official statistics in gauging the dimensions and incidence of juvenile delinquency.[267] Researchers are able to gain a deeper insight into juvenile delinquency than with official sources by asking the juveniles whether they have ever or during a particular time frame committed delinquent acts.[268] Compared to official counts of criminal offences, self-reports appear to show a great deal more delinquency.[269] Victim surveys on the other hand contact randomly selected households and ask respondents if they have been victims of criminal acts and about the nature of such acts.[270] But also with such surveys the results have to be relativised: For many reasons such questionings remain fragmentary and cannot admit to a final evaluation on the number of effective criminal offences.[271] For example, there are criminal offences that not even the victim gets notice of or just forgets again, that are taken as mere nothing or the damage is seen as insignificant, or it may be that the victim does not want to invest the effort, is afraid of either being prosecuted him- or herself or is terrified of reprisal by the criminal offender or may not have any trust in the law enforcement agencies. Also, criminal offenders may be underrepresented in studies concerning the dark field as they are often less likely to be in school, more difficult to locate and less likely to cooperate. Insofar the dark field is influenced by social processes of interaction and varies by multifaceted variables. Results of researches in the dark field can give information about whether the official controlling system selects the cases incidentally or if there are specific categories and offenders that are under-

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[264] Eisenberg (2005), p. 131.

[265] With reference to the dark field and research within the dark field see Kunz, pp. 16-25, 55, 60-65.

[266] Eisenberg (2005), p. 132; Schwind, pp. 35-49. Re dark field research particularly with reference to juvenile delinquency see Albrecht, Hans-Jörg, pp. 381-398.

[267] In regards to self-report methodology in crime research see Kunz, p. 64. See also Junger-Tas/Marshall, pp. 291-367. They point out that self-report surveys have two main goals: "to establish prevalence and incidence rates of crime and delinquency of specific populations that have higher validity than do official delinquency measures, and to search for correlates of offending and test aetiological theories of crime." Ibid., p. 293.

[268] These self-reports are also referred to as crime offender surveys. Regarding self-reported delinquency see Killias (2001), pp. 54-64; Kunz, p. 64.

[269] For a critique – problems and advantages – of self-report data see Whitehead/Lab, pp. 29-30.

[270] With reference to victim surveys see Killias (2001), pp. 64-81.

[271] Henggeler, p. 14.

or over-selected. Despite researches in the dark field, a clear and final presumption about the review on the effective situation of delinquency can therefore hardly be achieved.

3. Ratio between Revealed Field and Dark Field

It is a moot point whether the established trends in criminal statistics reflect real changes in the level of offending or have to be ascribed to changes in the propensity of the public reporting and the police recording criminal offences.[272] As criminal statistics are restricted to the revealed field, the question arises, which the relationship is between the revealed field and the dark field.[273] It also has to be borne in mind that a conclusion from the development of the recorded crime to the effective delinquency is only possible, if – for the respective reference period – all influencing factors besides the process of crime have stayed constant.[274] As the subject matter of research in general is limited to the clarified revealed field, the determined characteristics of criminal offenders are merely the characteristics of a small proportion of all reported cases.

Generally, findings have come to the conclusion that there are more unreported than reported crimes.[275] It is assumed that crimes exhibiting a certain severity such as hostage-taking or killings are reported to the police nearly without exception.[276] As with homicides there is a corps or someone may report a person missing, one could assume that most killings get known to the police.[277] As Jamaica's former Opposition Senator Colonel Trevor MacMillan, retired army officer and former police commissioner, commented in his first address to the Upper House in the Senate as regards to statistics showing recent reductions in major crimes:

"[…] the only police stats I can think we must accept is the murders, because there are bodies […] we have to be very wary when we start quoting stats except for murder,"[278]

Thus, generally – as bodies are found or people reported missing –, homicide statistics factually and chronologically are said to stand close to effective delinquency and to be

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[272] Eisenberg (2005), pp. 635-637.

[273] Referring to this question see also Schmitt, p. 12.

[274] See Schwind, pp. 53-54.

[275] Schwind, p. 50; Eisenberg (2005), p. 638; Whitehead/Lab, pp. 34-35.

[276] See for example Grossman/DeGaetano, p. 26.

[277] Cook and Laub come to the conclusion that both the homicide counts and the homicide arrest statistics are more reliable than for other types of crimes; see Cook/Laub, in: Youth Violence, p. 33. See also UNODC/World Bank, p. 7: "Murder figures are generally considered the most reliable indicator of the violent crime situation in a country, since most murders come to the attention of the police". For detailed information about methodical problems within the research of the dark field see Eisenberg (2005), pp. 133-136.

[278] Sunday Observer: „Careful of Crime Stats, Warns MacMillan", October 15, 2006; see also Jamaica Gleaner: "Unreported Crime a Problem – MacMillan", October 14, 2006.

reliable.[279] Yet, the possibility for the existence of a dark field remains. May it be that pseudo-natural death causes are not identified as homicides or may it be that people are killed who are not missed by anybody or are not reported missing and therefore vanish into thin air unnoticed. The size of the dark field Jamaica cannot be estimated.[280] In the present study it is acted on the assumption that the official crime statistics do not correspond to effective delinquency and that there is a dark field of indeterminate size.[281]

4. Excursus: Victimisation and Perception of Crime

Whenever the topics 'juveniles' and 'delinquency' are addressed, most people immediately think of youths as criminal offenders at very first. Young people do not only appear as criminal offenders though, but also on the other side of the scale; as victims of crimes.[282] It is highlighted that globally approximately 40% of all murder victims are between the age of 13 and 25 years whereas even a larger number of young people are injured from gunshot and knife wounds and from other forms of violence each year.[283] For victims of a crime, this experience forms a part of their life story. Each victim has to find his or her own way to deal with his or her experience. For some this may not take up much time. For others this process may never be finished.

The purpose of the so-called victimology is the study of why certain people become victims of crimes, the relation between the victim and the offender, the consequences that result from the perpetration of a crime and particularly the process of becoming a victim, i.e. the examination of how lifestyles affect the chances that a certain person will become a victim of a certain crime – also referred to as the so-called victimisation.[284] Victimisation does not only

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[279] UNODC/World Bank, p. 7. See also Morenoff/Sampson/Raudenbush, p. 9, who consider homicide to be the most accurately recorded of all crimes. Yet Eisenberg points out that even with homicides the extent of the dark field cannot be underestimated due to pseudo-natural death causes that are registered as suicides, accidents, fatalities or just as missing cases. See Eisenberg (2005), pp. 637-644 for details on research within the dark field in general and p. 738 for research within the dark field of homicides in particular. See also Eisenberg (2007), p. 389; Scheib, p. 236.

[280] Wilbanks for example acts on the assumption that the actual number of offenders for the reporting years 1968-1976 with 2'081 reported homicides is much larger and estimates between 3'000 and 5'000 actual homicides. See Wilbanks, p. 124.

[281] As this study is not about the estimation of the amount of crime not reported to police but about the background of and plausible risk factors for homicidal delinquency of a group of 20 juvenile respondents, the exact size of the dark field does not play a decisive role. As the majority of the respondents of the present study has not been brought in connection with their homicides, data resulting from the present study hails from the dark field to a large extent.

[282] The terms victim and victimology derive from the ancient Latin word *victima*.

[283] Blank/Minowa, p. 13.

[284] Referring to victimisation see Schwind, pp. 393-429 with further references; Zedner, in: The Oxford Handbook (2007), pp. 461-495. Zedner's article traces the genesis of victimology, examines fear of crime, constraints of lifestyle and the impact of crime on its victims and refers to selected further reading.

entail the direct consequences of the criminal act, but can also result in increasing fear which in turn can spread and lead to suspicion in the community.[285]

According to Gottfredson and Hirschi, victims do not only overwhelmingly tend to be male, young and of low income, but they also tend to share nearly all – if not all – social and personal characteristics with the offenders.[286] Thus, the social profile of the offenders tends to be fairly similar to that of their victims and hence depicts a pattern of intra-class victimisation.[287] Homicidal violence in general is a male on male, poor on poor, urban phenomenon.[288] See also the statement of a Bill Riley, a lifer interviewed by Tony Parker in London:

> "We did never attack middle class people or rich people, it was our own that we were brutalising… As long as we don't attack people who are part of society, and invite the wrath of the police, we can live amongst our own and do what we want with our own. So there was a form of perverse power to be had there. We were totally disempowered, we had no power, we were the dregs of society. So one way to get a little bit of power for ourselves was to brutalise our own, if you know what I mean…"[289]

A United Nations study on crime reporting prevalence has come to the finding that in Jamaica, the crime reporting prevalence is negatively associated with crime rates, thus that crime rates are higher where a lower percentage of crimes are reported to the police.[290]

The perception of crime is the subjective apperception of crime by individuals through media reports and individual experiences.[291] If violence and homicides occur often enough, then

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[285] According to Killias, increased fear of becoming a victim seriously influences ones quality of life. See Killias (2001), p. 399. Referring to crime, the perception of crime and victimisation see Killias, pp. 399-436.

[286] Gottfredson/Hirschi, pp. 17, 32. See also Koslowski, pp. 66-72; Jepson/Parker, p. 72.

[287] See also Hoefer, pp. 711-715; Koslowski, p. 114.

[288] See UNODC/World Bank, pp. 26, 31; WHO World Report on Violence and Health, pp. 10-11; Koslowski, p. 116; Kunz, p. 92; Lemard, p. 3. Referring to the victimisation of women in Jamaica see Jones, in: Harriott (2003), pp. 113-132.

[289] Jepson/Parker, p. 72.

[290] UNODC/World Bank, p. 39. It is acted on the assumption that the level of trust and confidence in the police is lower in areas with higher local crime rates. Whether the low trust in the police actually leads to higher crime (because the police are less effective without support from the population) or whether higher crime rates lead to lower levels of police trust cannot be determined.

[291] Blumstein conducted a survey in 1994 and asked the American people how the crime problem had changed in recent years. Most people claimed that crime had become incessantly worse, particularly the violent crimes. Yet, crime statistics present a picture that is much more one of oscillation around a strikingly flat trend. Violent crime trends have generally remained within a fairly confined range. It has to be noted though that although the overall national homicide rate has not increased over the past 20 years, homicides by youths under the age of 24 have grown significantly. See Blumstein, pp. 10-11. With reference to crime staged by the media see Kunz, pp. 95-96.

fear of becoming a victim of either one becomes omnipresent. It is acted on the assumption that this fear in turn can lead to the situation that the common occurrence of violence itself becomes a cause in sustaining or expanding overall levels of violence.[292] This can lead to several consequences as for example to individuals arming themselves for self-defence and adopting hypersensitive and vigilant stances towards the conduct of others or to the weakening of the sources of formal and informal social control so that areas are essentially abandoned to those who are most capable of the use of violence.[293] For Jamaica, a research team commissioned by the Jamaica Gleaner has interviewed a total of 1'008 Jamaicans in 84 communities across Jamaica. The poll revealed that 72% of the Jamaicans see crime and violence as the most pressing problem facing the country.[294] Thus, in Jamaica a dull ambience in which an omnipresent state of fear of violent acts is on hand may be prevalent. Delinquents may be shaped by brutal and threatening roles.

II. Extent of Homicide in Jamaica

1. Historic Development of Reported Crime – The Official Picture

In order to identify the Jamaican homicide problem at its whole extent, it is necessary to show the complexity of homicide quite plainly by dealing with officially recorded data first and foremost. Societal and political discussions concerning delinquency in general demand brute facts to begin with.[295] Therefore, a brief historic development of officially recorded homicidal

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[292] Moore/Tonry, pp. 3-16.

[293] Grossman/DeGaetano, pp. 48-59.

[294] See Jamaica Gleaner: „Gleaner-Bill Johnson Poll – Crime Still Top Concern for Jamaicans", June 7, 2006.

[295] In Jamaica, these facts can be obtained from the Crime Statistics Unit of the Jamaica Constabulary Force (police statistics) and from the Department of Correctional Services (correctional records). Data can also be obtained from the Statistical Institute of Jamaica (STATIN), the Ministry of Health, the Constabulary Communications Network of the Jamaica Constabulary Force, the Statistical Yearbook of Jamaica, newspapers and other media such as the Jamaica Gleaner and Jamaica Observer, the Caribbean Media Corporation, CNN and BBC, organisations and institutions engaged with international and regional crime such as ECOSOC, CARICOM, the CIA World Factbook or the United Nations World Crime Statistics and national and regional reports such as the Hirst Report 1991, the Wolfe Report 1993, the PERF Report 2001, the Report by the National Committee on Crime and Violence 2001, the National Security Strategy Green Paper 2005 or the Emancipation Park Declaration 2005.

delinquency is outlined. The following figures are based on official (police and correctional) records.[296]

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[296] Such criminal records merely count offences and not offenders. Many offenders commit more than one offence over a period of time though. This makes it difficult to estimate the number of offenders over any period of time. Also, it is difficult to judge a realistic development from statistical data as none of the statistics gives an answer to the question whether the registered incline can be attributed to demographic developments, increased willingness of the population to report offences or intensified police investigation. When considering numeric data, it is therefore important to compare not only the raw numbers but particularly also the rates of occurrences. In the data presented in this report, the numbers of homicide events are used per 100'000 inhabitants. This allows easier yearly comparisons as changes in the homicide rates cannot be attributed to changes in the number of the population. See also Kelly/Totten, p. 22. Wilbanks outlines that statistics of the Criminal Investigation Department of the Jamaica Constabulary Force do not have any data on homicides beyond simple counts of the number of such crimes that occur in each police area by year. It is therefore not possible to conduct a sociological study of the patterns of criminal homicide in Jamaica without consulting the records maintained by each police station in the country. See Wilbanks, p. 118.

Reported Homicide Figures 1960-2007

(Total numbers and homicides per 100'000 inhabitants [HHTI]):[297]

Year	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969
Total	60	51	63	70	70	65	111	102	110	153
HHTI	4	3	4	4	4	4	6	6	6	8

Year	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Total	152	145	188	232	195	266	367	409	381	351
HHTI	8	8	10	12	10	13	18	20	18	17

Year	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Total	889	490	405	424	484	434	449	442	414	439
HHTI	42	23	19	18	21	19	20	19	17	18

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total	542	561	629	654	690	780	925	1'038	953	849
HHTI	23	23	26	26	28	31	37	42	37	33

Year	2000	2001	2002	2003	2004	2005	2006	2007
Total	887	1'139	1'045	975	1'471	1'674	1'374	1'583
HHTI	34	44	40	36	54	58	49	49

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[297] Source: Statistics obtained – on inquiry – from Gillian Haughton, Director of Communications & Public Affairs, Ministry of National Security, Kingston, Jamaica; Jamaica Constabulary Force, 2006. See also UNODC/World Bank, p. 10, Table 1.7.

Reported Homicides 1960-2007
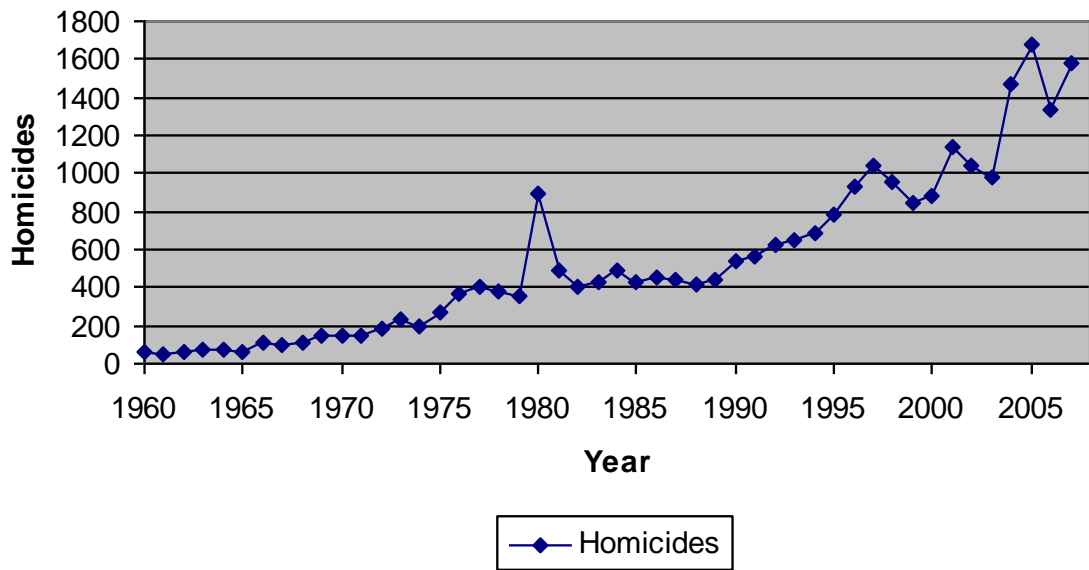
International Homicide Rates 2006
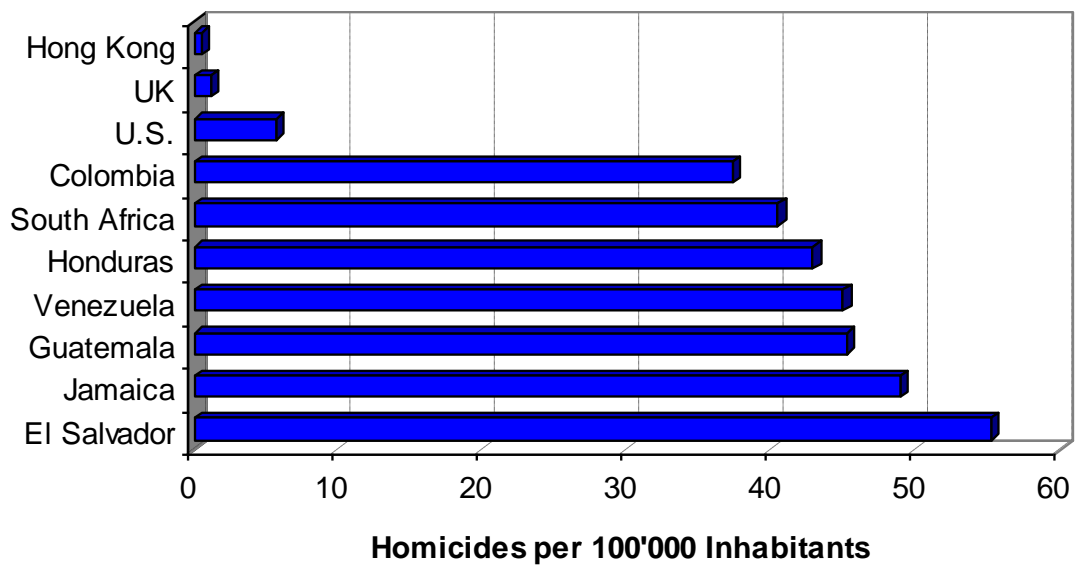
Country Ranking List Referring to Homicides in the Year 2006:

Country	Homicides (absolute)	HHTI	Rank
El Salvador[298]	3'928	55.3	1
Jamaica[299]	**1'374**	**49**	**2**
Guatemala[300]	5'885	45.2	3
Venezuela[301]	12'257	45	4
Honduras[302]	3'278	42.91	5
South Africa[303]	19'202	40.5	6
Colombia[304]	16'790	37.3	7
…	…	…	...
U.S.[305]	17'034	5.7	n/a
…	…	…	…
UK[306]	755	1.2	n/a
…	…	…	…
Hong Kong[307]	35	0.5	n/a

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[298] Policía Nacional Civil / Comisión Económica para América Latina y el Caribe: Número de Víctimas y Tasas de Homicidios Dolosos en El Salvador (1999–2006), at: http://www.ocavi.com/docs_files/file_386.pdf [as of January 2009].

[299] UNODC/World Bank, p. 10, Figure 1.7.

[300] Policía Nacional Civil: Número de Víctimas y Tasas de Homicidios Dolosos en Guatemala (1999–2006), at: http://www.ocavi.com/docs_files/file_385.pdf [as of January 2009].

[301] Justicia y la Seguridad en Venezuela: Plan 180, pp. 4-5, at: http://www.chacao.gov.ve/plan180/anodespues.pdf [as of January 2009].

[302] Policía Nacional Preventiva (Homicidios) / Comisión Económica para América Latina y el Caribe: Número de Víctimas y Tasas de Homicidios Dolosos en Honduras (1999–2006), at: http://www.ocavi.com/docs_files/file_384.pdf [as of January 2009].

[303] Institute for Security Studies: Crime Statistics 2007: Report on the Crime Situation in South Africa, South African Police Service, Pretoria 2007, p. 7, Table 1.

[304] Colombian National Police: Crime Report 2005, pp. 5-9. For information on homicides and general crime trends see United Nations Office on Drugs and Crime: Crime, Violence, and Illegal Arms Trafficking in Colombia, pp. 11, 18. For a map exhibiting homicide rates from 1998 to 2007 see Policía Nacional: Focos y continuidad geografica de la tasa de homicidias en Colombia, at: http://www.derechoshumanos.gov.co/observatorio/imagenes/homicidio98_07.pdf [as of January 2009].

[305] U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Service Division: Crime in the United States 2006, at: http://www.fbi.gov/ucr/cius2006/offenses/violent_crime/murder_homicide.html [as of January 2009].

[306] Nicholas/Kershaw/Walker, pp. 36, 49, 56, 167.

As the raw figures and the corresponding graphics disclose, Jamaica exhibits a steady increase in homicide rates ranging from 4 reported homicides per 100'000 inhabitants in 1960 to 49 per 100'000 in 2007; an increase in the tune of no less than 1'125%![308] In the list of worldwide countries by homicide rates, Jamaica ranked number 2 in the year 2007. Thus, a quantitative increase in the revealed field can be clearly observed. The question arises what this development can be attributed to and whether the actual homicide rate can be ascribed to historical evolutions and conditions or the present homicidal state constitutes a rather new phenomena.[309]

2. Annotations to the Official Figures

The theories of delinquency that have been revised above merely take an examination of a cross-section as starting point. Such a cross-section however can be complemented by a historical glance of the processes that describe the fluctuations of crime. Epochs can be affected by various social determining factors. Possible influencing factors may be political circumstances such as war, slavery or colonisation, economic conditions such as wealth or crises, social factors such as unemployment, illiteracy or poverty as well as cultural developments such as changes in society's values or transformations of familial structures. Possible coherences can only be interpreted within the scope of a historical analysis:

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[307] Hong Kong Police Force: Crime Statistics, at: http://sc.info.gov.hk/gb/www.police.gov.hk/hkp-home/english/statistics/compare05.htm [as of January 2009].

[308] Wilbanks, who examined the homicide rates over a 25 year period from 1956 to 1980, outlines that the homicide rate in total increased by 877% with an increase in murders of 1'600% and a decrease of manslaughters of 26%. See Wilbanks, p. 117. He also concludes that a greater increase occurred in urban areas and particularly the poorest and most violent sections of Kingston. Ibid., p. 118. Referring to the growing problem of lethal violence in Jamaica see also the statement of the Minister of National Security Peter Phillips: "The statistics presented […] cannot even begin to portray the horror of violence that has become rampant in our society, or to measure the devastation that has been unleashed on Jamaica by criminal elements. The murder of a baby while held in his grandmother's arms, and the slaying of three-year-old twins in their bed are unspeakable personal tragedies that statistical data can never adequately portray." Security Link, p. 1.

[309] A feasible way to examine crime patterns also across national boundaries would be to look at changes over time within particular countries and then to see whether similar patterns have occurred elsewhere. At this point it is crucial to note though that legal definitions of the various offences differ substantially. Data on homicide may (e.g. Germany) or may not (e.g. U.S.) include attempted homicides, the recording may be carried out differently, statistical counting rules may have changed over time, the statistical counting may be carried out by various means, the effectiveness of a country's police force may have impacts on the statistics, the willingness of involved people to report crimes to the police may vary between countries, the age group defined as juveniles may vary greatly, etc. In short, national recording differences may lead to the appearance of differences in offence rates. Thus, simple comparisons of official juvenile delinquency data do not provide reliable information on the frequency with which the specific offences are committed. The lack of uniformity makes valid international comparisons of offences very difficult. Therefore, an international comparison was not undertaken in the present study.

Since its discovery, Jamaica has lived with violence.[310] Its history begins with the devastation of its entire native society by European wars of conquest in the early 16th century. The aboriginal people were gradually exterminated and replaced by African slaves who had to live under the control of the slave masters in brutal circumstances. The period of slavery and colonialism was a period of intense international conflict as well as of considerable internal instability characterised by the ever-present threat of slave rebellion. After the abolition of the slave trade and slavery, the legacy of slavery was retained by the partition of the population into two classes. The old oligarchic system remained and the will of the greater masses was not deemed important but instead ignored. In 1944, Jamaica had its first election under full universal adult suffrage and became an independent state on August 6, 1962. Yet, the awakening into the struggle for nationhood was slow and painful. The initial optimism following the independence vanished as Jamaica lagged economically. The island's economy of the 1960s was an added source of both hope and disillusion. The 1967 election then was a crucial one as it was the first when political patronage was wielded on a substantial scale. The level of violence was said to have increased.[311]

Deteriorating economic conditions led to recurrent violence across the country during the mid-70s. Particularly Kingston was left out from the prosperity from bauxite and tourism. The city was swelling with migrants from the rural parishes who were running to a city where they envisioned plenty of work, decent housing, running water and transportation. What they found though were low-quality jobs – if any at all –, garbage dumps, stinking gullies and empty land that had been turned into shantytowns by the political parties for their supporters. But the shantytowns were not the only legacy the political parties brought the country: It is reported that they also brought in guns, handing them over to chosen men within the communities – also known as gunmen or dons[312] – to enforce their own rules.[313] Political gun violence became a fact of life in those areas where the political parties had embarked on their struggle for supremacy. At the time, the incidence of violent crimes was greater than the

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[310] Ellis, in: Phillips/Wedderburn, p. 4.

[311] Clarke, p. 427. Party-political violence as a whole can be dated back to the colonial period. The use of violence accelerated with the increase of clientelism and the professionalisation of party-political violence by the recruitment of gangs to become electoral enforcers for the politicians. The support for political parties had become fanatic. See ibid., pp. 435-436. For an extensive report on the historical (-political) roots of violence in Jamaica see Sives, in: Harriott (2003), pp. 49-61.

[312] See footnote 645. For further information on dons in Jamaica see also Kerr, pp. 1-17; Henry-Lee, pp. 95-97; Clarke, p. 426; Phillips, in: Phillips/Wedderburn, p. vii.

[313] See the "Road Map to a Safe and Secure Jamaica", developed by the Special Task Force on Crime, convened by the Leader of the Opposition at that time, Bruce Golding, pp. 8-9, 17; United Nations Common Country Assessment for Jamaica 2006-2010, pp. 60-61. See also Clarke, p. 433; Lemard, pp. 47-48, 167 with further references.

incidence of property crimes[314] whereby the violence was reported to be mostly carried out by gunmen organised in gangs affiliated to the one or the other of the two parties.[315]

Politicians from both parties were suspected of being downright warlords.[316] The rift between the two parties was immense with intransigent election campaigns. In 1980, there was the bloodiest election ever: There were 889 murders that year, over 500 more than were reported in the previous year, and most of them stemmed from political warfare."[317] Once again, the deep and painful schism between rich and poor, the separation of the downtown poor from the fortunate uptowners was striking.

After the peak in the politically driven violent 1980 election, homicide rates dropped to pre-election levels and were relatively stable throughout the 1980s. The 1988 election then in contrast was a relatively peaceful election in which only about two dozen people died. Thus, up to the mid 80s, many – if not most – homicides were politically motivated or at least occurred in connection with politics.[318] Since the 1988 election there has been a decline in partisan-political violence.[319]

As violence receded from politics, criminal gangs formed and concentrated on drugs. Drug money at this point provided an alternative to the beneficiaries the gunmen had formerly received from the politicians.[320] The international drug trade became detached from the political parties and the gunmen were no longer dependent on material support from the politicians. Their fights were not over political control anymore, but concerned gang disputes, protection of drug turf and revenge killings.[321] As the gunmen were no longer susceptible to political control, an imbalance of power emerged.[322] Clashes turned out to be more volatile and given to sudden escalations and violence had become unmanageable.[323]

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[314] Harriott, in: Harriott (2003), p. 6; Gayle (2002), p. 65.

[315] See British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 2.07min. Ross points out that gangs and political parties in Jamaica are intertwined to such an extent that they cannot live without each other. See also Stone, in: Phillips/Wedderburn, p. 24; Kerr, pp. 1-17; Henry-Lee, pp. 95-97; Clarke, p. 426; Gray, in: Harriott (2003), p. 20; Gunst, p. 66; Lemard, p. 47.

[316] Ibid., p. 18.

[317] Ibid., p. 111.

[318] With reference to socio-political implications of crime and violence in Jamaica see Stone, in: Phillips/ Wedderburn, pp. 19-48. See also Clarke, p. 430; Harriott, in: Harriott (2003), p. xiii.

[319] Clarke, p. 431; Harriott, in: Harriott (2003), p. 7.

[320] Clarke., p. 433; Sives, pp. 79-80; Lemard, pp. 52-53.

[321] Also in Ross Kemps report, several residents of inner-communities in Kingston point out that today, politics have taken a back seat and no political wars are fought anymore, but instead pure gang wars. See British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 20.33-27.35, 35.40min.

[322] Clarke, p. 434; Mogensen/McKenzie/Wilson/Steadman, p. 3; Sives, p. 82. The formerly by the politicians distributed guns could not be recovered anymore and thus remained in the hands of the badmen.

[323] Harriott, in: Harriott (2003), p. 9; Sives, p. 79; Lemard, p. 52.

Thus, in short, one can distinguish two distinct waves of homicidal escalation in Jamaica: The first was driven by the political struggle for one-party electoral dominance in communities of the urban poor in Kingston in the mid 60s until the mid 80s. The second began in the mid 80s and was associated with violence resulting from activities of conflict gangs including the drug trade.[324] A significant shift towards inter-group conflicts can be denoted. And exactly this shift – the growth in inter-group conflicts – is crucial for the explanation of the increase in the homicide rate in Jamaica: Due to the membership in gangs, larger numbers of persons are involved in occurring conflicts. A conflict with a single member of a gang can affect the entire gang and draw in other members to the conflict.[325] This way, internal conflicts may be displaced onto the groups, hence involving a lot more people. Additionally, with the backing of a group, there are fewer social constraints to commit a homicide and moral neutralisation will be better facilitated if the homicide occurs in the name of a group instead in the name of an individual.[326] Current research reasons that the homicide rate in Jamaica in the first instance is not driven by domestic violence, but by interpersonal violence and group interactive conflicts which may be variously triggered.[327]

Harriott, a senior lecturer in political institutions and methodology at the University of the West Indies, Mona, Jamaica, highlights the unclear and washy connection between interpersonal and inter-group conflict as follows:

> The problem of homicidal violence is concentrated in the socially marginalized inner-city communities of Kingston and Spanish Town where party political affiliation has helped to shape the identity of these communities and where conflict between these communities have persisted for some three decades, appearing at different times as

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[324] Harriott, in: Harriott (2003), p. 92.

[325] See McKenzie, p. 56: "If yuh kyaan ketch Quaco yuh ketch im shirt." This proverb is heavily used in Jamaica. It generally means that if you cannot exact retribution against the right person, then punish the nearest person related to him or her. The belief that members of a family benefit from one another is at the root of this idea; members of the family share the benefits and the troubles. This logic – when used in the world of Jamaican gangs – is alarming. An infringement against one member of the gang constitutes an infringement against all and every member of the gang will seek revenge. Sometimes violence is organic and unplanned, the revenge is taken whenever an opportunity arises, there may be no urgency about this and an attack can happen after the victim has long forgotten about the original problem. If one gang member infringes a member of another gang, it is as if the entire of the transgressor's gang was involved, and retribution will be taken against any member of the gang the infringement came from. This can create an ever-increasing spiral of violence that appears to be random and pointless from outside. The spiral gets wider if a family member or friend (not a gang member) is involved. Once the revenge cycle starts it is very difficult for the people involved to stop it. It takes in a certain self-dynamic. See Harriott, in: Harriott (2003), pp. 98, 109; Short, in: Handbook of Youth and Justice, p. 251.

[326] Ibid., p. 94. See also Thrasher's clear statement: "The undirected gang or gang club demoralizes its members. It aids in making chronic truants and juvenile delinquents and in developing them into finished criminals." Thrasher, p. 367. Referring to the demoralisation of the gang in general see ibid., pp. 369-408. See also Schmitt, p. 38.

[327] Harriott (2000b), p. 9; Lemard, pp. 124-151, 157-159, 161, 170.

political conflicts, as gang conflicts or as disputes triggered by organized crime. Many seemingly trivial interpersonal problems may thus rapidly develop into major inter-group conflicts that result in the loss of many lives. The social dynamics are such that interpersonal conflicts at times quickly escalate into gang conflicts and inter-community wars and gang conflicts. A number of communities may quickly be involved and may even be defined in party political terms without the active involvement of the formal party organisation.[328]

And the trend continues in the 21st century. Generalising, the homicide rate has been steadily rising from 2000 to 2005, with a decrease in 2006. While Jamaica globally ranked number 7 in homicides per capita, it has ranked position four, five and four for the years 2001 to 2003.[329] Consistent with global trends, young males from 15-29 years of age are disproportionately represented, both as victims and perpetrators of homicides.[330] This demographic group is also said to be responsible for 80% of the violent crimes in general, 75% of the homicides in particular and 98% of all major crimes in Jamaica.[331] Then, in the years 2004 and 2005, official crime data indicated a record number of annual homicides with 54 respectively 58 homicides per 100'000 inhabitants.[332] Violence today has become the leading cause of death for young Jamaican males.[333]

In 2006, the homicide rate fell by 9 percentage points to 49 homicides per 100'000 inhabitants. This decline is most probably attributable to law enforcement action in general. In order to cut down crime, a special police unit was formed in October 2004 to counter drug-trafficking and to stem the rising crime rate and gang violence in Jamaica: The so-called Operation Kingfish. This multinational task force – the governments of Jamaica, the U.S., the UK and Canada are involved – has had great success with the interception of drugs and the seizure of numerous boats, vehicles, firearms and an aircraft up to the end of 2006.[334] While the recent decline is encouraging, it yet has to be borne in mind that the homicide rates in Jamaica still remain among the highest in the world.[335]

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[328] Harriott (2000b), p. 10.

[329] See Clarke, p. 433.

[330] Smith/Green, p. 418.

[331] Ibid., p. 418.

[332] For comparison, Smith and Green act on the assumption that the global average lies at 19.4 homicides per 100'000 inhabitants. See Smith/Green, pp. 417-418. See also the BBC Caribbean: "Jamaica 'murder capital of the world'", January 3, 2006 and the Los Angeles Times: "Rise in Bloodshed Beclouds Caribbean Paradise", April 4, 2006, in which Jamaica is titled the "murder capital of the world" with a raw number of 1'674 homicides for the year 2005.

[333] Smith/Green, p. 418.

[334] See UNODC/World Bank, pp. 8-9, 19, Figure 1.7; Caribbean Net News: "Scotland Yard to Work in Jamaica from March 1", February 10, 2005.

[335] Jamaica ranked position two worldwide in 2005.

3. Coherent or Detached Approach?

A view of the raw homicide figures in Jamaica reveals that there has been a steady increase in both absolute figures and per capita figures of homicides. Jamaica has moulted to the country with the highest homicides per capita of the world. Juveniles are both killing and being killed at rates that are substantially higher than at any previous time.

The historical, political and social background of Jamaica and the homicide figures provide information to various questions which arise looking at the raw data such as whether the increase in homicides constitutes a steady, coherent ascent or a rather new and detached phenomena, whether there have been specific developments over the last few years which are cause of concern and whether fatal violence has changed quantitatively and qualitatively comparing to former times.

In the previous chapter it has been outlined that the homicide figures have steadily increased. Yet, the increase cannot be traced back to a steady, coherent ascent, but to two distinct waves. While the first wave was driven by political motivations in the mid 1960s until the mid 1980s and characterised by interpersonal violence, the second wave was characterised by a noticeable shift towards social – and for the most part politically detached – inter-group conflicts.[336] The increase in inter-group conflicts results in the involvement of a lot more people and thus to more fatal occurrences in the end. While in the first wave conflicts largely remained on the individual level, during the second wave interpersonal conflicts suddenly developed into major inter-group conflicts. Violent activities have become more vicious and the perpetrators a lot more heinous than 20 years ago.[337]

Thus, the appearance of today's homicide phenomena can be traced back to political patronage emerging in the 1940s and having its height in 1980. Today, the violence has shifted away from politics and has to be ascribed to a new, detached phenomenon: Hazardous social inter-group conflicts that are prone to escalation and the excess use of force.

In short: Violence has always been and most probably still is an integral part of Jamaican culture and thinking. It both unifies and divides society at the same time.

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[336] See Lemard, p. 9 including graph 1-1. Lemard highlights that "The types of violence existing in Jamaica are varied and the multiplicity of factors as well as the complexity of the interrelationship between them create an entrenched structure supporting violence".

[337] See also Smith/Green, p. 417.

§ 6 Previous Studies on Juvenile Homicidal Delinquency in Jamaica

It can be anticipated that there is the urgent need to undertake empirical work in order to advance the understanding of the juvenile homicidal phenomenon in Jamaica.[338]

To date, there have only been few studies of violence in Caribbean societies in general.[339] These studies have either been very generally held discussions on delinquency as an overall phenomena which include a discussion of violent crimes (but without going into details of homicides in extension), or – if concerned with violence in more detail – are limited to exploring domestic or political violence for the most part.[340] The literature on this aspect of life in Jamaica in particular has been very sparse.[341] The past two decades have only revealed the publication of the proceedings of an important seminar by Phillips and Wedderburn (1988)[342] and the books by Ellis (1992)[343] and Headly (1994)[344].[345]

> The publication of Peter Phillips and Judith Wedderburn – consisting of four
> contributions on crime and violence in Jamaica – was presented to a symposium on
> "Crime and Violence in Jamaica: Causes and Solutions", that was held by the

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[338] This does not only account for Jamaica, but for research on homicides in general. It is acted on the assumption that no recapitulatory statement of the most important research on homicidal delinquency can be made as there are no generally binding cognitions in relation to the origin of homicides as present, the previous works are very differing due to the varying study branches, it rather concerns descriptions of individual cases with sparse scientific explication and previous research was mostly conducted under forensic-psychiatric cognitive interest, thus under the aspect of criminal responsibility. See Salehi, pp. 10-13; Steigleder, p. 12; Simons, p. 32.

[339] See Phillips, in: Phillips/Wedderburn, p. viii; Harriott, in: Harriott (2003), pp. ix, 89; Smith/Green, p. 418; Meeks-Gardner/Powell/Grantham-McGregor (2001), p. 35.

[340] See Harriott, in: Harriott (2003), p. 89.

[341] See Wilbanks, pp. 116, 120; Phillips, in: Phillips/Wedderburn, p. viii.

[342] Phillips, Peter/Wedderburn, Judith (eds.): Crime and Violence: Causes and Solutions, Occasional Publication No. 2, University of the West Indies, Department of Government, Kingston 1988.

[343] Ellis, Hyacinthe M.: Identifying Crime Correlates in a Developing Society: A Study of Socio-economic and Socio-demographic Contributions to Crime in Jamaica, 1950-1984, Peter Lang, New York 1992.

[344] Headley, Bernard D.: The Jamaican Crime Scene: A Perspective, Eureka Press, Mandeville 1994.

[345] For law enforcement and political explanations for Jamaica's crime rate see: Wolfe Report (1993); PERF Report (2001); Report of the National Committee on Crime and Violence (2002); National Security Strategy (2005); Road Map to a Safe and Secure Jamaica (2006). The Report of the National Committee on Crime and Violence for example identifies following root causes of crime and violence in general: Over-centralisation of power and authority that leaves communities without the wherewithal to solve their own problems or to settle their disputes, excesses in policing which have fractured the relationship with communities and cause some persons to look for protection elsewhere, political tribalism that has bred a dependency syndrome in many of the nation's citizens and divided communities along party lines, non-traditional community leadership that has its roots in tribal politics and the drug culture, and protracted economic hardships, which have denied many citizens the opportunity to earn a livelihood or to have a meaningful existence. See the Report of the National Committee on Crime and Violence, pp. iii-ix, 6. For a summary of the various task force findings see Lemard, pp. 70-72.

Department of Government, University of the West Indies, Mona, Jamaica, in collaboration with the Friedrich Ebert Stiftung on November 28, 1987. The four contributions rather represent discussion-pieces than lengthy academic treatises. They come to the conclusion that Jamaica exhibits a strong cultural tradition of violence which has germinated by their very own institutions, the breakdown of society and the decline in the Jamaican economy since the 1960s. Individuals are said to have embarked on an adaptive strategy for survival referring to the prevailing political and socio-economic conditions. The basis for violence in Jamaica is clearly outlined: Class politics and economic problems.

Hyacinthe Ellis is a lecturer in social psychology and criminology at the University of the West Indies, Mona, Jamaica. She has sought to explain socio-economic, socio-demographic and crime correlates in general over a period of 35 years (1950-1984). The crimes considered were limited to shooting with intent, robbery, burglary and total crime reported. Various macro-level indicators were selected and tested by simple correlation techniques. Thus, the study used a mere statistical analysis approach. Ellis finds that the high crime rate in the country is associated with periods of low economic growth, high unemployment, and a large cohort in the 14 to 24 year age group. The study in particular reveals that the population's age structure is the most important single factor that counts for the increase in criminal violence, the decline in the growth of the economy and the increase in overall crime. It remains to be noted at this point that the details are limited to the time span up to 1984 and thus remain within the first wave of homicidal escalation.

Bernard Headley is a professor of criminology at the Department of Sociology, Psychology and Social Work at the University of the West Indies, Mona, Jamaica. His study looks at Jamaica's crime problem in general and takes into consideration factors such as plantation slavery, protracted colonialism and continued economic dependency. He comes to the conclusion that criminal elements in Jamaica in general have resulted from historical contradictions of the country's social and economic systems and from vagaries of the country's national political culture. According to Headley, crime in Jamaican in general is the result of too many people being denied the rewards of the country's independence.

Specific studies of homicidal violence in Jamaica in particular have been limited to efforts by Wilbanks (1981)[346], Harriott (2000, 2003)[347] and Lemard (2004)[348]:[349]

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[346] Wilbanks, William: Homicide in Jamaica, in: Ilanud Al Dia, 4 (11-12) 1981, pp. 114-125.

William Wilbanks has taught criminal justice at the Florida International University in Miami and has done profound research on criminal justice as well as homicide patterns and trends particularly in the U.S. In his article on homicide in Jamaica he presents data on homicide victimisation in Jamaica against the background of American data over a 25 year period (1956-1980) and outlines patterns of Jamaican homicide from a sample of 50 police murder cases obtained from the Denham Town Police Station in Western Kingston. Wilbanks comes to the conclusion that 50% of the murders were motivated by political feuding between gangs of rivalling political parties and 70% of the murders involved guns. One finding was the complete absence of domestic homicides. 58% of all homicides involved acquaintances and 42% appeared to involve strangers. He also outlines that other studies have concluded that social and political forces have been seen as being largely responsible for the increase in violence. Economic and social conflicts were brought about by the transition from colonial to post-colonial rule which in turn generated a great deal of inter-party political violence and then in turn again moved towards a larger class war.

Anthony Harriott is senior lecturer in political institutions and methodology at the University of the West Indies, Mona, Jamaica. Harriott acts on the assumption that the high murder rate in Jamaica and particularly in Kingston might be accounted for by an escalation dynamic associated with the formation of conflict-engendering social identities whereas social identity refers to the groups or categories that members of the society are socially recognised as belonging to. He attributes the first homicidal escalation to the political struggle for party dominance in western Kingston (community identity largely shaped by party identity) and the second to a more developed informal sector (gang identity overlaid on party and community identity). The main category of conflict driving the murder rate is inter-group conflicts. Harriott was thus the first author who distinguished between two homicide waves which he ascribed to different causes. He adds that in response to the ineffectiveness and unavailability of law enforcement, self-help and retaliatory response to conflicts are developed and sustained.

Glendene Lemard has a PhD in international relations from the University of Miami, completed in 2004, and is research assistant professor at the School of Public Health of

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[347] Harriott, Anthony: Making Dopies: A Study of Criminal Homicides in Jamaica, Paper presented at the Annual Meeting of the Academy of Criminal Justice Sciences, New Orleans, March 21-26, 2000; Harriott, Anthony: Social Identities and the Escalation of Homicidal Violence in Jamaica, in: Harriott: Understanding Crime in Jamaica: New Challenges for Public Policy, University of the West Indies Press, Kingston 2003, pp. 89-112.

[348] Lemard, Glendene: Violence as a Global Health Challenge: A Case Analysis of Jamaica Using an Interdisciplinary Approach, University of Miami, Miami 2004.

[349] See Wilbanks, p. 116; Harriott, in: Harriott (2003), p. 89.

the University of Massachusetts Amherst. Her dissertation research used an interdisciplinary approach to studying violence in Jamaica. The aim of the study was to create a profile of Jamaican homicide victims and to describe the circumstances, motives and the weapons used in homicide incidents. The study is based upon police narratives for all Jamaican homicides from 1998 to 2002. Referring to the homicides and the offenders she comes to the conclusion that the main motives were disputes (29%) and reprisals (30%), and that gunshot wounds were the cause of death in 66% of all homicides. Though she agrees with other researchers that fatal violence has become a common feature of dispute resolution in Jamaica, she – with reference to Harriott – comes to another conclusion concerning inter-group conflicts: Lemard outlines that homicides in Jamaica are not primarily gang or robbery related, but rather caused by arguments or reprisals and thus interpersonal. In no age group the main motive was drugs or gang activity.

In short: Despite the dimension and severity of the homicidal problem in Jamaica, the literature on this phenomenon is sparse and the output and range of issues dealt with are fairly limited. With the exception of Lemard's study, the criminological research so far tended to be primarily concerned with theoretically informed speculation about the root causes of crime, instead of actually revealing empirical evidence. The conclusions of the various researchers correspond to a large extent. The researchers agree about the beginnings and roots of Jamaica's violence: A combination of the country's national class political culture (inter-party political strains) and the decline in growth of the economy. As most studies were produced quite some time ago, they do not dwell on whether the homicidal escalation concerns an old or rather new and detached phenomenon. Merely the studies of Harriott and Lemard are from the 21st century and thus the only ones which were able to identify the second wave of homicidal escalation. However, their conclusions do not correspond. While Harriott ascribes the high homicide rate to inter-group conflicts, Lemard refers to interpersonal conflicts arisen by arguments or reprisals. On the basis of the barely existent empirical work and the fact that the existing younger studies do not correspond there exists the urgent need to undertake the missing empirical work required to advance the understanding of the juvenile homicidal phenomena.

Third Chapter: In Search of Causal Factors for Juvenile Homicidal Delinquency in Jamaica

§ 7 Conceptual Design and Structure of the Study

While in a first step a definition of the research subject was rendered and an analysis of existing theories of delinquency in general as well as of relevant literature by finding previous work on the subject of juvenile homicidal delinquency in Jamaica in particular was presented, in a next step the conceptual design and the structure of the present empirical study are to be discussed in order to reveal the procedure and make the process retraceable. The empirical method is specified in the following four chapters: Chapter one (I.) encompasses basic explanatory notes concerning the applied empirical method. Chapter two (II.) specifies the investigational sample for the research project and details the applied data collection method as well as the particular design and subject areas of the interview guide. Chapter three (III.) determines the selection of and approach to the sample respondents, including details on quality assurance. After remarks on the documentation of the interview data, the data evaluation process is specified in chapter four (IV.). Chapter five (V.) comprises a recapitulation of the applied methodology.

I. Basic Explanatory Notes with Regard to the Empirical Method

In reference to acknowledged data collection methods, qualitative methods are pitted against quantitative methods.[350] On the one hand, qualitative research methods involve the analysis of data as for example interview transcripts and aim at generating a detailed description whereas the researcher may only know roughly what he or she is looking for in advance. The object of research is largely unexplored and hypotheses are to be generated. As qualitative research concerns the reconstruction of meaning and sense, the qualitative approach is geared to subjectivity; it concerns in-depth interviews in which the respondent's

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[350] Today, many academics act on the assumption that the two types of socio-scientific approaches – qualitative and quantitative analysis – are indispensable and complementary in terms of a division of research. See for example Mayring (2002), pp. 19, 135, 149; Flick/Kardorff/Steinke, pp. 24-26; Kelle/Erzberger, in: Flick/Kardoff/Steinke, pp. 299-309. With regard to the general discussion on quantitative and qualitative research methods, see the introductory article of Fielding/Schreiner (2001), or for a deeper insight Mayring (2001) or Markard (1991). Particularly Mayring calls for the combination of the two paradigms. Neuman on the other hand points out that although qualitative and quantitative approaches share the basic principles of science, they still differ significantly. Whilst quantitative techniques can be seen as data condensers, qualitative methods can be viewed as data enhancers. Neuman, pp. 13-20, 151-177. See also Garz/Kraimer, pp. 1-20 for the classical contrasting of quantitative and qualitative methods. Garz and Kraimer point out that there are theorists who refuse a combination of both tendencies (the purists) and theorists who plead for a conjunction (the pragmatics).

interpretations of events or acts are central. Such in-depth interviews leave room for open narratives and give the respondents the opportunity for self-portrayal. The respondents and the data revealed from them take in centre-stage of the study. The aim is not to empirically condense available data, but to enhance as much information as possible in order to arrive to an overall picture of a given situation. Qualitative research concerns a process that generates meaning and is recommended particularly during earlier phases of research projects as it reveals background information which then can be processed and condensed in following phases. Quantitative research on the other hand involves the analysis of numerical data with the aim to classify features, count them and construct statistical models in order to explain what is observed. As it seeks precise measurement and analysis of target concepts, it is viewed as being rather objective. The researcher knows fairly clear in advance what he or she is looking for, which is why this approach is recommended during later phases of research projects. A hypothesis is already existent and can be verified or falsified with a quantitative approach.[351]

It is acted on the assumption that the choice of the to-be applied method – qualitative or quantitative – depends on the research question as well as on the cognition that is sought to be gained. The central issue of concern of the present study adheres to the question how the Jamaican rate of homicides committed by young males can be explained. The explanation shall neither merely rely on a statistical analysis of existing administrative data on homicide in Jamaica nor on statements of people concerned with the Jamaican homicide phenomenon revealing their subjective opinions that are not more than probability statements though, but shall emanate directly from those who have committed homicides in Jamaica and can therefore give valuable insights into their patterns of actions and mindset. The information shall be revealed from those whose acts are to be explained. So the research question is rather: How do the young men who have committed homicides explain their acts? This is an open question which calls for the formulation of a hypothesis in the first instance.[352] As the present study cannot resort to profound empirical data material or comprehensive literature, the analysis has to be conducted exploratory. Within explorative surveys, the interview is the most applied scientific research method to systematically gather information about attributes

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[351] In regards to the dichotomisation of quantitative versus qualitative research methods see Kvale, pp. 66-70. "Quality refers to what kind, to the essential character of something. Quantity refers to how much, how large, the amount of something." Ibid., p. 67. Mayer points out that in quantitative research the reality is confronted with hypothesis which were deductively developed from theories while in qualitative research theories and hypothesis are generated directly from the real social world, thus that single cases can inductively lead to generalisable theories. See Mayer, p. 23 with further references.

[352] The question is not only open, but also not specified. A research method that aims at generating theories and hypothesis is straightforward characterised by the inability to precise a research question conclusively or to concentrate the survey on only a subarea of the field of study. See Froschauer/Lueger, p. 21.

of people. As the aim of the present study is to learn about the backgrounds and causes which lead the subject group to commit homicides and thus to persuade juvenile homicidal delinquents to give details on their fields of action and the reasoning behind their actions in order to minimise the ignorance in this field, the juvenile homicidal delinquents take in a central position within the scientific process and form the target group of the survey.[353] The present study seeks to give the juvenile homicidal delinquents the possibility for self-portrayal. As they are the ones who have committed the homicides, they are the ones who can reveal in-depth background information about their behavioural patterns and mindset. The aim of the present study is hence to reveal an insight into the way of thinking and acting of the homicidal delinquents.

Thus, in order to arrive to as much background information and achieve as much knowledge and structural coherences as possible and based on the fact that no profound empirical data material and comprehensive literature is available, a qualitative approach was chosen.[354] With so little previous knowledge and empirical evidence, a quantitative survey cannot be conducted. The style of qualitative data collection serves the formulation of a hypothesis and may be able to (at least plausibly and partially) close the existing gab of knowledge in the field of juvenile homicidal delinquency in Jamaica.[355] Based on the findings of the present study – the generated hypothesis – further and more specific studies of quantitative nature may be conducted in order to precisely measure and analyse target concepts. In that case the researcher would know more clearly what he or she is looking for and could verify the existing hypothesis with quantitative research methods.[356]

The further underlying eminent question in connection with the data collection method is whether the interview data collection ought to be carried out in a rather open (not standardised) or closed (standardised) method.[357]

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[353] See Junger-Tas/Marshall, p. 300: "Studies of offenders, however, select samples of respondents known to have committed crimes, such as prisoners or arrestees. These surveys often deal with the question of "why"; they include enumeration, description, and analyses of causality".

[354] The question what respondents of a study consider as relevant from their own perspective and how they perceive and characterise their world and way of living stands in the centre of the present study. This accounts for qualitative interviews in general. See Froschauer/Lueger, pp. 16-17.

[355] The methodical procedure of formulating a hypothesis is inductive as it is reasoned from the particular to the general. The goal of qualitative research is to gain large amounts of data, from the perspective of selected individuals, on a particular subject. Conclusions are then drawn to the general. As the qualitative approach does not know it advance what precisely it is looking for, it allows for information to flow in both directions. See Hesse-Biber/Leavy, p. 134.

[356] The methodical procedure of verifying existing hypothesis is deductive. It is a matter of reasoning from the general to the particular.

[357] For the difference between standardised and not-standardised interviews see Atteslander, pp. 134-135; Eisenberg (2005), p. 111; Froschauer/Lueger, pp. 76-77. It has to be borne in mind though that this question is not dichotomous as there are various intermediate forms and not just two polar ones (completely standardised, closed-ended interview versus open-ended, narrative interview).

While fully standardised interview schedules meticulously pre-formulate all questions, determine the sequence of questions and present fixed response alternatives and the interviewer does not have any scope to form the interview, not standardised, open interviews resign an interview schedule. Only catchwords or topics that are to be addressed during the interview are preset, whilst the respondents can freely respond to the questions without any requirements or response limitations.

Both methods have advantages and disadvantages.[358] On the one hand, standardised interview techniques are easier to code and analyse. As fixed response alternatives are presented to the respondents, they do not have to be articulate to formulate their answers and do not need to think as hard. Their response alternatives are limited to an extent determined by the interview schedule designer in advance. The interview schedules, due to their identical and fixed set-up, also allow for a greater degree of comparison between the interviews. Because the data obtained from such standardised interview schedules has a higher degree of standardisation, it is easier to generalise. On the other hand though, standardised interviews tend to put words into the mouths of the respondents and cannot gather information that is settled beyond the dimensions considered important to and determined by the researcher. Thus, issues not considered by the interviewer schedule designer remain in the dark and limit the outcome of the study. Also, issues may be too complex to reduce to a small set of response alternatives. Furthermore, errors can occur if interview questions are misinterpreted.[359]

A fully standardised interview would thwart the aim of the present research in different ways:

First, a completely standardised procedure contradicts the explorative interest of the present research that aims at describing the subjective explanatory statements of the respondents as precise and impartial as possible.[360] A hypothesis shall not be reassessed, but generated.[361] The aim is to reproduce the respondents' subjective view in order to be able to relate to possible backgrounds and causes of their behaviour. The respondents' life history is to be described from their own perspective. Therefore, the interview guide has to be open, allow for discoveries not anticipated by its designer and be flexible. Flexibility renders the outcomes more object-adequate. The respondents shall be given an opportunity to share their story in their own words and to provide their own perspective on a range of topics such as how they perceive themselves and their lives and make sense of their behavioural

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[358] With reference to standardised interview techniques see the remarks, references and box 10.5 in Neuman, pp. 286-289. See also Berg, pp. 92-97; Atteslander, pp. 136-139.

[359] McBurney/White, pp. 238-239.

[360] With reference to explorative interests see Neuman, pp. 33-34.

[361] In regards to the generation of hypothesis see Killias (2001), pp. 6-12; Kromrey, pp. 108-109; Froschauer/Lueger, p. 18.

patterns. They should be able to answer elaborately and to reveal the reasoning behind their answers. Thus, the people affected by the research question are made to the initial point of the study.[362] As the present scientific process begins with the open question how the respondents explain the homicides committed by them, the applied science ought to be characterised by reflexivity and quality. Outcomes and returns of the procedure significantly structure the shaping of the following steps; continuous improvement and back references form part of the procedure.

Second, a fully standardised procedure seems mere difficult compatible with the interactionistic approach of various possible influencing factors.[363]

As there are not only the two polar forms of completely standardised, closed-ended interviews versus open-ended, narrative interviews, but various intermediate forms, a balance was stricken in the present research project. Namely, the method selected for the present research project was a semi-standardised respectively semi-structured interview.[364] A semi-standardised interview guide is a framework for an interview schedule. It comprises open questions with no response alternatives in order for the respondents to answer freely and unrestricted in their own words. The interviewer can flexibly handle the situation of the interview by having the possibility to dig deeper.[365] It is not meant stick meticulously to the sequence of questions. Such an open interview schedule form is suitable for the exploration of problems for which no comprehensive knowledge exists yet. Semi-structured interviews rely on a certain set of questions and try to guide the conversation to remain, more loosely, on those questions.[366] They allow individual respondents latitude and freedom to talk about what is of interest or important to them. There is room for the conversation to go in new and unexpected directions. Semi-structured interviews allow building up an intense contact with the respondents and most notably generate a high personal commitment during the course of the intense, about one hour to two hours lasting interview while enough space is left for the

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[362] See Warren, in: Handbook of Qualitative Research, p. 83; Hesse-Biber/Leavy, p. 120; Mayring (2002), pp. 19-20. Mayring refers to this situation as 'subject orientation'. As open ended interviews pick up at the individual case respectively subject, it is also referred to as individual case orientation. See Mayring (2002), pp. 24-27, 41-46. The fewer individual cases there are, the deeper one can go into the specific features of the case and the more precise is the analysis.

[363] Yet, a complete renunciation of any structuring cannot be converted in reality. A researcher always structures in one way or another – even if not conscious. While a high grade of standardisation of interviews is considered as guarantor of objectivity and reliability of empirical researches, validity seems to be less secured the more one gears to objectivity and reliability.

[364] To the difference between low-structured, semi-structured and highly-structured interviews see Atteslander, pp. 124-125. To learn more about the methods of carrying out an interview investigation see Kvale's seven states of interview investigation in Kvale, pp. 81-108. Kvale emphasises that openness is the very virtue of qualitative interviews. Ibid. p. 84.

[365] Marshall/Rossman, pp. 101-102; Mayer, p. 36.

[366] Referring to semi-structured or semi-standardised interviews see Berg, pp. 95-97; Atteslander, p. 125; Mayer, p. 36.

appearance of new empirical findings.[367] If a semi-structured interview guide is consequently applied, the comparableness of the data is increased. Thus, also semi-structured interviews proceed according to rules and theoretical principles.[368]

II. Concept Development

1. Investigational Sample

The present study is limited to homicides committed by young Jamaican men. Thus, not the entire youth population was included in the study.[369] If a study does not include the population as a whole – also referred to as a general population sample –, but only a subset of the population with specific characteristics – such as male juvenile homicidal delinquents – , it is referred to as seldom population.[370] While male juvenile homicidal delinquents in Jamaica are the subjects of the present study, only a cut-out of that target population could effectively be interviewed – the so-called inference population.

The target population of the present study is composed of the entirety of young men in Jamaica who have committed a homicide within the last five years prior to the interview – e.g. between the years 2002 and 2006 – and where aged between 12 and 25 years at the time of the respective homicide(s).[371] The frame population thus consisted of those juvenile homicidal delinquents in Jamaica who had been convicted for their homicide(s) and added to the revealed field, as well as of those who had not been convicted for their homicides and added to the dark field. The exact quantity of the frame population cannot be disclosed due to the unknown size of the dark field.

As with qualitative research methods comprehensive coverage and circumscription and thus qualitative coherences stand in the foreground and it is abstained from quantitative, numerical statements, the amount of conducted interviews is constricted. Generally, research suggests that the qualitative research method with interview guides should not exceed a

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[367] In search for the most adequate empirical method for the present research, various influencing factors played a role. Not only does an open procedure make more sense in regards to the desired outcome, but is also easier to finance (less paper and copy costs), requires less broad methodical requirements (an interviewer schooling, but no additional specific computer programme and statistical skills) and is more practical under feasibility considerations.

[368] See Mayer, p. 36 with further references.

[369] Referring to investigational samples in guided and semi-structured interviews see Mayer, pp. 37-41.

[370] Schnell/Hill/Esser, p. 294.

[371] The age is restricted to juveniles as defined above, p. 16. The time frame was limited to the five years prior to the study as incidents dated too far back would place several constraints on the present study such as dwindling capacity for remembering, the life expectancy of Jamaican young men and the relatively new phenomenon of juvenile homicide in the dimension at hand. Concerning the differentiation between target population and frame population see Kromrey, pp. 271-272.

manageable falling number of 20-30 cases.[372] Available resources as well as the aim of the research project have to be kept in mind. The findings of the present study are based upon 20 interviews with young men who have committed a homicide during the last five years prior to the interview and were between 12 and 25 years of age at the time of the respective homicide(s). The present study represents a preliminary study that lies within the scope of the falling number of qualitative guided interviews. Though the study is not based on a large sample size, the interviews are appropriate due to the objective of the study that is to explore, circumscribe, analyse and understand rather than to generalise. As the scope is limited to 20 cases, the findings cannot be generalised and are not representative for the basic population.[373]

The present study is geared to an investigational sample of 20 subjects and depicts an explorative, descriptive, interpretative and case-oriented study with the outcome of the generation of a hypothesis. Based on the findings of this qualitative study, the generated hypothesis could be quantitatively tested on the basis of a larger investigational sample in order to verify the former findings, make generalisations and analysis of coherences.[374] Thus, in order to arrive to generalisable conclusions, further and more comprehensive studies, based on the here formulated hypothesis, would have to be undertaken. The present research study is not generalisable.

2. Data Collection Method

The data collection was carried out by the performance of personal interviews; so-called 'face-to-face' or 'one-to-one' interviews. Conducting personal interviews, the interviewer can establish rapport with the respondents by directing their attention and motivating them to answer the questions elaborately. The interviewer is able to notice respondents misunderstanding a question and can explain its meaning and probe for details if a respondent gives a brief answer or one that does not answer the question. One risk of personal interviews is that the presence of the interviewer can create a social situation that

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[372] Mayer, p. 40 with further references. See also Mayring who cites studies with an average of 27 participants. Mayring (2000), pp. 7-8. See also Athen, p. 21.

[373] The investigational sample within the qualitative research has other functions and goals than within the quantitative research and is conducted by other principles. Quantitative research aims at achieving statistical representativeness while qualitative research aims at representativeness in regards to the content. See Mayer, pp. 38-40 with further references. Yet, Mayer points out that generalisations are possible in qualitative research as well by selecting the sample in such a way that the findings can be transmitted to other cases and thus are generalisable. A statistical relevant sample could also not be achieved in view of the elaborate analysis of the amount of data that had to be analysed by the researcher alone.

[374] Froschauer and Lueger pay emphasis on noting that the aim of qualitative research is not limited to the explorative step for following quantitative research, but lies in the exploration of logical backgrounds in social systems, the reasoning behind particular behaviours and specific dynamics in the structuring of complex social systems. See Froschauer/Lueger, p. 7.

may result in biased responses. Respondents may say what they think the interviewer wants to hear, may be afraid or ashamed of telling the truth or giving full details or may exaggerate or make up stories in order to act up. Such situations are able to lead to displacement processes, to fears to articulate, but also to biography transfigurations by adding fictional parts. For this reason, it was chosen to conduct one-to-one interviews rather than group interviews. In one-to-one interviews a respondent is isolated from his or her social context reducing performance anxiety towards the social environment. The dissociated opinion of the respondents takes in centre stage.[375] Yet, the potential for interviewer effect is fairly great.[376]

Also written surveys have disadvantages.[377] The disadvantages of written interview schedules are their low response rates and the impossibility to clarify questions that might have been misunderstood by the respondents. Some individuals in the sample may also be illiterate and therefore may not be able to participate in the study.[378] Taken into consideration that the aim of the present study is to give the respondents an opportunity to share their story in their own words, pass on their thoughts and perceptions and provide their own perspective on their life, the homicide(s) and the preceding incidents, thus to reproduce their subjective view in order to gain a deepened insight into their thoughts and motives, the selection of personal in-depth interviews appears reasonable.[379] The possibility of eliminating incorrect or biased answers cannot be completely achieved in any interviewing method; may it be an oral interview or a written survey. Yet, with oral interviews interventions of the interviewer are possible. Such interventions can thwart the respondent's fears, motivate to further statements or challenge implausible statements carefully. Also, by the respondent perceiving that the interviewer acts and reacts like an ordinary conversational partner in everyday life, he interprets the situation less as a methodically constructed research setting although it indeed concerns an equally scientifically founded methodology.

The interview schedule for the semi-structured interviews was developed from the ground up[380] and characterised by pre-formulated, but open-ended questions. An interview guide

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[375] See Froschauer/Lueger, p. 57.

[376] Referring to tips for the conduction of personal interviews see Froschauer/Lueger, pp. 58-63.

[377] Referring to advantages and disadvantages of interview surveys and self-administered written questionnaires see Junger-Tas/Marshall, pp. 342-345.

[378] According to Junger-Tas and Marshall "for lower-class and minority respondents, there may be serious problems as a consequence of low reading and writing skills and a lack of understanding the questions. Because reading difficulties and delinquency are highly correlated, self-administered questionnaires seem especially ill-advised for the study of delinquency." Junger-Tas/Marshall, p. 343.

[379] With reference to in-depth interviewing see Johnson, in: Handbook of Qualitative Research, pp. 103-119.

[380] There does not exist any international crime offender survey in contrast to the International Crime Victim Survey (ICVS) which is the most far-reaching programme of standardised sample surveys to

was established.[381] An interview guide serves as a pillar of the conversation and does not follow a strictly defined sequence.[382] Answers are left open consciously. Thus, though the questions were pre-formulated, it was not meant to stick meticulously to the sequence of questions. Through the open negotiation and the extension of response possibilities the reference framework of the respondents was taken into account and more details on the backgrounds could be acquired. By having specific key-questions – the essential questions – it was assured that all ranges of topics which in the pre-field seemed to be relevant for the study were addressed. The interview guide on the one hand represents a scaffold for data collection; a red '*Leitmotiv*' that pulls through the interview. On the other hand, it leaves enough scope to incorporate new questions and topics spontaneously. Through the open-ended questions without any fixed response alternatives, the responsorial potential is tapped to the fullest.

The documentation of the oral interviews was carried out by notes taken during the interview and extensive memory minutes written down immediately after the interview. Special physical appearances, conspicuous displays of behavioural patterns, nonverbal gestures and facial expressions were documented during the course of the interview and were thus adhered to as indispensable elements for the understanding of the statements made by the respondents.

The guided semi-structured interview was briefly characterised through:

- High levels of communication,
- an open way of questioning,
- adaptability and flexibility,
- and a successive generation of a hypothesis.

3. Design and Subject Areas of the Interview Guide

The interview guide depicts a set of topical areas and questions that the interviewer brings to the interview. As the data collection is characterised by openness, the absence of selection

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look at householders' experience with crime, policing, crime prevention and feelings of insecurity in a large number of countries.

[381] The interview form that was chosen for the present research project was developed as an independent interview technique by Andreas Witzel within the implementation of a research project on pre-occupational processes of socialisation of high school students in the year 1982. In German it is known as *problemzentriertes Interview* (PZI). Generally speaking, it is a guide-oriented and open way of questioning referring to a socially relevant problem the researcher would like to explore. By means of the PZI, the researcher can feel out individual and collective prerequisite factors of the research question. See Witzel, Andreas: Verfahren der qualitativen Sozialforschung: Überblick und Alternativen, Campus, Frankfurt am Main/New York 1982. See also Witzel (2000).

[382] With reference to the design and development of interview guides see Mayer, pp. 42-45. For the various (and yet not conclusive) types of guided interviews see Flick, pp. 117-146.

criteria has to result in a necessity to extensively explore all possible aspects of interest. The semi-structured interview guide therefore comprised various items. The aim of the present study was not merely to gather far reaching factors or to select only a few seemingly interesting factors though, but to combine various plausible influencing factors and to attempt to illustrate their possible reciprocal effects.

The following items on the individual level, the social level as well as on the situational level were part and parcel of the guided interview:[383]

1. Individual (microscopic) level

   - Socio-demographics
   - Personality
   - Individual experiences with and perception of violence in general and homicides in particular

2. Social (macroscopic) level

   - Residential neighbourhood
   - Family background
   - School experiences
   - Peer relations
   - Work experiences (if existent)
   - Socio-economic situation
   - Attitude towards governmental institutions and political processes
   - Religious background and involvement
   - Influences of public agencies of communication
   - Experiences with drugs
   - Contact with arms

3. Homicide incident (situational level)

   - Specifics on the immediate homicide context
   - Behaviour before, during and after the homicide incident

In order to keep the respondents motivated and their answers as deep as possible, the aim was to keep the extent of the interview schedule short and the questions preferably open with no preset response alternatives. For a better comprehensibility the questions were short and

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[383] These items are also called independent variables. Items which describe the circumstance which is sought to be explained (in casu juvenile homicidal delinquency) are dependent and items which may influence that circumstance independent variables. See Schwind, p. 164.

posed in plain wording.[384] Complex and double-barrelled questions were excluded. It was the aim to except ambiguity, confusion and vagueness as good as possible.[385] As one can learn from the interview schedule design in Appendix II, several questions were asked per subject area (concept of multiple indicators) and an emphasis was set on asking the questions in a logical order in a battery of questions. The procedure was based from very general and open questions to more detailed and specific questions. The interview schedule began with a few general opening remarks and questions in order to build up a common basis and mutual trust. The various subject areas were introduced with a brief transition in order to keep the conversation fluent and not to make any abrupt leaps which could have blocked the information flow. The first opening question to each new subject area was held as open as possible to elicit whether the topic was of any interest for the respondent at all and if so, how subjectively important it was to him. Such questions are called probe-questions and build the first level of deepness of a statement.[386] Opening questions are aimed at encouraging the respondent to narrative sequences. After the narratives of the respondents, individual complementary follow-up questions were posed to clarify missing details and to better understand subjective interpretive and motivational patterns. These follow-up questions generally are the main questions of the interview as the second level is deeper. At this, the respondents have to explain and fill out their primarily given statements. This phase is crucial. Whilst in everyday life one hardly ever has to give chapter for a statement, it is out of the ordinary for many interview participants to have to give statements about their decisions. These "why" and "how come" questions are indispensable to be able to reconstruct the particular structural level. For the present study it was essential not only to revert to narration, description and experiences, but a fortiori to decisions made and their legitimisation which might not be clear at first sight or rather revealed without probing into it. Therefore, the statements of the respondents had to be challenged for their decisional structure steadily. In order to gather rich and presuppositionless information, the researcher acted deliberate naïve and was open to new and unexpected outcomes.[387]

Thus, the guided semi-structured interview schedule was a funnel sequence formed from primarily narrative generating opening questions to more specific follow-up questions which

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[384] Generating the interview schedule, Neuman's ten principles of good question writing were taken into account as well as Berg's ten commandments of interviewing and the ten most important rules stressed in Atteslander's disquisition. See Neuman, pp. 277-281; Berg, pp. 129-131; Atteslander, p. 146.

[385] With reference to possible pitfalls in the selection of the questionnaire items see Junger-Tas/Marshall, pp. 336-33

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[386] For the different types of interview questions see Kvale, pp. 133-135, box 7.1.

[387] With reference to deliberate naïveté see Kvale, p. 33.

were dependent on the communication behaviour of the respective respondent as a form of verbal assistance. If a respondent brought up aspects that were not intended in the interview schedule, the researcher spontaneously formulated ad-hoc-questions.

III. Data Collection

1. Sampling Procedure

Sampling is the part of methodological practice concerned with the selection of observations intending to yield knowledge about the population of concern. As the present study does not constitute a general population survey, but a survey of homicidal juvenile delinquents, the sampling was carried out offender-based.[388] The sampling procedure was effected as convenience sampling. Convenience sampling is given when respondents are selected on the basis of accessibility, expediency, cost, efficiency and other reasons not directly concerned with sampling parameters.[389] In the present study, the respondents were not selected for their representativeness, but exclusively for their accessibility. Accordingly, the sample is not an accurate representation of juvenile homicidal delinquents. It has to be borne in mind that the statements of the present study and the resulting conclusions therefore only account for and are limited to the investigational sample, and are not generalisable.

The study depicts a non-probability sample which means that its techniques do not involve randomisation and cannot be used to infer from the sample to the general population.[390] Since there is no attempt to match the characteristics of the convenience sample to the general population, the extent to which a convenience sample represents the traits or behaviours of the general population cannot be known. At this, it has to be pointed out that a probability sample was of no particular interest for the present study anyhow, as the particular group of juvenile homicidal delinquents ought to be described in an exploratory way. As the study is merely descriptive, it is not concerned with explaining if conclusions can be drawn from the obtained data to the target population. Also, it was not the aim to interview as many people as possible, but instead to conduct few, but in-depth and profound interviews. The goal is to look at the meanings the individuals attribute to their lives,

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[388] For information on offender-based sampling strategies see Junger-Tas/Marshall, pp. 306-308.

[389] Most behavioural and social science studies use convenience samples consisting of students, paid volunteers, advertisements in newspapers and magazines, patients or members of friendship networks or organisations. Studies with convenience samples are useful primarily for documenting that a particular characteristic or phenomenon occurs within the studied subject group or, alternatively, demonstrating that not all members of that group manifest a particular trait. Such studies are also very useful for detecting relationships among different phenomena.

[390] Junger-Tas and Marshall clearly point out that the use of non-probability samples in self-report surveys in no way lessens the aetiological insights they can provide. Junger-Tas/Marshall, p. 295. By the bye, probability sampling is more often than not far too expensive and cumbersome for most research.

behavioural patterns and actions, and not to make generalisations. In order to arrive to generalisable conclusions, further and more comprehensive studies, based on the here formulated hypothesis, would have to be undertaken.[391] Interviewing juvenile homicidal delinquents about their experiences, homicides and motives can provide valuable insights of the risk factors for fatal offending, even though it does not yield data about the proportion to juvenile homicidal delinquents in the general population. The investigational sample consisted of 20 young men.

2. Field Access to the Sample

Researching a seldom and delicate population such as homicidal delinquents places restrictions on the research procedure.[392] For example, there was no sampling frame list from which the interview respondents could have been selected. As possible respondents were not known to the researcher and there were no direct contacts available, a gatekeeper had to be engaged. A gatekeeper plays a decisive role as – due to his or her position – he or she is able to facilitate the researcher access to the field sample.[393]

In the present study, a community worker was personally approached by the researcher and asked to make direct and personal contact with possible interview respondents.[394] As the social worker himself lived and worked in downtown Kingston, he was not only informed about happenings that occurred in downtown Kingston to a large degree, but also knew many downtown residents. In a first conversation with the researcher he declared knowing many people from which he knew that they had allegedly committed a homicide. It was agreed that he would approach possible interview respondents in his sole discretion. The choice was thus left to his discretionary.

The social worker took into consideration all young men from which he knew that they had allegedly committed a homicide within the last five years and lived in the metropolitan area of Kingston and St. Andrew. He approached one after the other.[395] He either established direct and personal contact with them or – if he did not meet them – had them contact him by leaving messages with family members or neighbours. He did not have any selection criteria, but approached them according to their accessibility. He then advised the young men with

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[391] Concerning generalisability within qualitative research see Kvale, pp. 231-235.

[392] With reference to research design restrictions see Kelly/Totten, pp. 28-29.

[393] With reference to gatekeepers and their role see Mayer, p. 45 with further references; Froschauer/Lueger, pp. 23, 25-26.

[394] The contact between the researcher and the social worker was established with the aid of field workers of the UNDP Country Office in Kingston.

[395] It has to be pointed out that the selection criteria do not follow any statistical selection procedure (referring to age, residential area or the like), but are exclusively geared to criteria of relevancy as regards content. See hereto Froschauer/Lueger, p. 55.

the brief orientation that a doctoral researcher was about to conduct interviews on the topic of juvenile homicidal delinquency and asked them if they were willing to participate. The social worker as gatekeeper wasn't to offer any details of the study to the young men. Yet, as he was a resident of a Kingston downtown area and therefore known and due to his position and social activity particularly trusted by the people living in those areas, a base of mutual trust towards the study and the researcher was built up and the respondents could be motivated to participate fairly easy. Of 20 young men who were considered and approached by him, all 20 were willing to participate in the study.[396] The gatekeeper was asked to make arrangements for the researcher to meet the juveniles. Except for the requirement that the interviews would be conducted any day but only during regular working hours, the interview times were put in the sole discretion of the participants. The researcher was mostly called up in the short-run.

The fieldwork took place during September and October 2007. The premises of a factory including an office in downtown Kingston were made available to the researcher in order to conduct the interviews on a neutral territory within the Kingston downtown area. The gatekeeper made sure that the respondents knew where to go and in some cases picked them up and convoyed them to the appointed venue.

3. Ethical Principles and General Aspects of Quality Assurance

A researcher has the responsibility to ensure that ethical principles are followed from the initial formulation of the research question up to the point of the publishing of the research findings.[397] Ethical principles ascertain the relationship between the researcher and the study participants and can impact many domains.[398]

First of all, it was crucial to ensure that the respondents were informed about the nature of the study and knew what was about to happen. Respondents need to be given all the information necessary about factors that might affect their willingness to participate. Arriving at the interview venue, the respondents did not know more than that it concerned a research

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[396] With reference to the response rate see Junger-Tas/Marshall, pp. 308-318.

[397] In reference to ethical principles see Hesse-Biber/Leavy, pp. 83-109; Berg, pp. 53-88; Kvale, pp. 109-123.

[398] Ethical issues in general involve a balance between the pursuit of scientific knowledge and the rights of those being studied. There are various associations worldwide that release so-called code of ethics setting forth principles and ethical standards that underlie a researcher's responsibilities and modes of dealing. They are meant to be used as guidelines as they constitute normative statements and can occur in various fields such as for example in medicine, journalism, psychological or sociological research. For example, there is the American Sociological Association Code of Ethics (www.asanet.org) and the International Sociological Association Code of Ethics (www.isa-sociology.org); the British Psychological Society Code of Ethics and Conduct (www.bps.org) and the European Federation of Psychologists' Association Meta-Code of Ethics (www.efpa.be). Also the 1948 Universal Declaration of Human Rights and the 1964 Declaration of Helsinki have implications for social research. For detailed remarks on ethics in social research see Neuman, pp. 129-147.

on juvenile homicidal delinquency. In the forefront of the interview, a thorough briefing with each respondent was undertaken by the researcher, explaining them the scientific nature and purpose of the study, the procedure, the scope and the subject areas as well as giving them details on the researcher. The respondents had the possibility to have questions answered and misconceptions removed at any time in the forefront or during the interview. The research procedure was characterised by openness and transparency.[399]

In order to grant legality towards all parties, written approval in favour of the project implementation was requested from all respondents in form of informed consent.[400] The consent form was submitted in writing and read out loud to the respondents. Then the informed consent slip, which remained nameless, was dated and signed by them.[401] The respondents received the consent form which included details on the researcher, the purpose and procedure of the study, the investigational sample, potential risks and benefits for the sample, express warranty of voluntary participation, confidentiality and anonymity and legal rights. It was explicitly pointed out that the participation in the study was voluntary and that the respondents could refuse to participate or withdraw at any time without consequences. Also, it was made clear that it was impossible to avoid risk of harm entirely as in behavioural research every new situation by definition is stressful and conceivably harmful.[402] It was pointed out though that there were no known risks associated with the participation in the present study.

In accordance with Article 2.3.2 of the Code of Ethics of the International Sociological Association the respondents were assured that their identities would not be disclosed at any given time. Anonymity and confidentiality were affirmed.[403] Anonymity implies that the respondents remain nameless. All quotations of interviews appear without details that could identify them. At no point during future analysis they can be identified. Within the study, the respondents were given fictitious names arbitrarily chosen by the researcher. Though a social picture of the respective individuals can be set together, their identities are protected and they remain anonymous. While anonymity protects the identity of individuals from being

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[399] This is crucial in order to loosen the tempers, to converge and particularly to build up mutual trust. By putting the cards on the table and letting the participants have an insight to the purpose and procedure of the study, an important first step towards trust-building is made.

[400] Relating to informed consent see Neuman, pp. 135-136; Berg, pp. 78-79; Kvale, pp. 112-114; Warren, in: Handbook of Qualitative Research, pp. 88-90.

[401] Naturally, the signing of the slip in itself depicts an ethical dilemma as with this a formal record of the participants exists. The slips were kept under careful guard far from the data collected during the interviews though. In order to preserve privacy, the slips were parameterised and corresponded to the code digit marked on the data collected from the interview. The two digits were not identical and could only be brought together with a non-systematically code system stored in a safe place.

[402] Some questions may be intimate and create transitory discomfort or cause emotional upset.

[403] Relating to anonymity and confidentiality see Neuman, pp. 138-140; Berg, p. 79; Kvale, pp. 114-116.

identified, confidentiality implies that information that holds personal data is held in confidence and is kept secret from the public. The respondents were assured that all identifying information obtained from the interview would be kept strictly confidential, except as may be required by law. Data files did not contain potentially identifying information and any information that could be used to identify a respondent was kept under lock and key. It was also assured that the data would not be passed on to third parties. Thus, in the end there were a number of protections for the respondents that aimed at ensuring transparency and legality of the purpose and procedure of the study and the accordance of the study to ethical principles.

The outcome of a study does not only heavily depend on the respondents, but likewise on the qualification of the researcher.[404] It is crucial to build up mutual trust between both parties. Transparency and openness are not sole guarantees to build up trust. An interview is always influenced by other variables as well. Although the interview depicts a dialogue between two individuals, it is an asymmetrical and a non-typical situation of communication.[405] In the first place, there are two strangers sitting across from each other. Second, there is the interviewer asking the questions and the respondent answering the questions. Thus, it is the interviewer who leads the course of conversation, the respondent who gives the conversation substance.[406] The interviewer and the respondent are therefore not equivalent conversational partners.[407] The interviewer additionally has to cope with two tasks: On the one hand, he or she has to show interest trying to understand the respondents and keep them motivated to talk. On the other hand, he or she should be in a condition of intentional naïveté in order to gain as much information as possible without bias.[408]

An in-depth interview concerns a meaning-making partnership between the interviewer who poses and the respondents who answer questions. The answer pattern can be influenced by the interviewer, the respondent and their relation to each other.[409] The interviewer and the respondent come to the interview venue with different observable features such as gender,

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[404] See the ten qualification criteria for the interviewer outlined in Kvale, pp. 148-149, box 8.2.

[405] See Berg, p. 114.

[406] Yet, due to the flexible interview schedule, the vivid interaction between the researcher and the respondent and the open-ended questions, the interview situation as a whole for a respondent might rather be perceived as a conversation instead of an interrogation.

[407] An interview does not concern a flowing conversation between two equal conversational partners as there is the interviewer who guides the interview and wants to learn something from the interviewee, while the latter gives the requested information without asking questions him- or herself. As regards the role of the interviewer as well as the interviewee see Berg, pp. 115-123; Kvale, pp. 6, 126. For outlined differences between ordinary conversation and a survey interview, see Neuman, p. 305, table 10.5.

[408] Hermanns, in: Flick/Kardorff/Steinke, p. 364.

[409] "The research interview is an inter view, an interaction between two people." Kvale, p. 35.

ethnicity, dress style, age, manner of speech and general demeanour.[410] The interviewer is often an outsider; this can make it more difficult to gain access and to understand the respondent's situation and behavioural patterns. But being an outsider can also be an advantage: By not belonging to a specific group, the interviewer may be viewed as being rather unbiased by the respondent. It is crucial for interviewers to use the process of reflexivity as a tool assisting them with studying across difference. This process of reflexivity needs to be learned though. An interviewer schooling is indispensable. With the aid of such schooling the researcher learns how to approach respondents, to be sensitive, to guide the conversation and keep the respondent motivated. In the present study, an optimal approach towards the respondents was of big importance as there were obvious differences in respect of gender, ethnicity and life stories and experiences.

The willingness to talk and cooperate thus depended on various variables, ranging from the appearance and looks over the background, to the openness and motivation getting across to the respondents. Also social interpretations – messages transferred from one to the other by nonverbal channels such as body gestures or facial grimaces – can have a crucial impact on the outcome of the interview.[411] Therefore, it is not only of importance *what* is said, but also *how* it is said. In the forefront of the interviews of the present study, a one-to-one interviewer schooling which focused on in-depth interviewing of deviant juveniles was conducted.[412] The schooling was study-specific and adapted to the researcher's requirements. Basics of the interviewer technique were transmitted such as behavioural norms for the data collection situation, particularly a neutral position and non-judgmental attitude towards the research subject including the nondirective way of posing questions as well as nonverbal behaviour such as voice and appearance.[413] The interview guide was analysed and attention was called to difficulties in the interview guide, data protection and other aspects. It was aimed to secure that the respondents would be influenced as least as possible. Yet, the retrospective view of their lives and experiences was likely to be affected by a number of factors, also known as response errors. To certain questions there may be no view, certain events or details may have been forgotten, repressed or not given for whatever

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[410] Warren, in: Handbook of Qualitative Research, p. 84.

[411] See Berg, pp. 120-123; Froschauer/Lueger, p. 72.

[412] The interviewer schooling was conducted by the research and marketing institution DemoSCOPE in Zurich, Switzerland (www.demoscope.ch). Amongst others, DemoSCOPE is specialised in victim surveys and the like. Referring to interviewing distinctive respondents such as juveniles, see Eder/Fingerson, in: Handbook of Qualitative Research, pp. 181-201; Schwalbe/Wolkomir, pp. 203-219; Mayer, p. 36 with further references.

[413] For the way of communicating and possible influencing interview factors see Atteslander, pp. 125-128. Atteslander emphasises that – although the interviewer may have made every endeavour to be as neutral as possible – he or she still influences the interviewee a lot as the interviewee gets a particular picture of him or her. According to this view, neutrality does and cannot exist within human relationships. See also Froschauer/Lueger, p. 97.

reason and it could not be ruled out that respondents sometimes may have answered questions according to social desirability on the one hand,[414] or faked bad on the other hand to either belittle their acts and present themselves in the best possible light or make their stories more spectacular and exaggerated.[415] Whenever respondent-effects such as the mentioned were perceived, it was recorded. No interview schedules respectively the collected data of no respondent had to be excluded from the dataset due to fragmentariness or obvious incorrectness.[416]

Not only ethical principles have to be adhered to during the course of the interview, but there are also specific quality criteria that have to be considered in empirical research in general. As the result of a scientific research itself cannot be assessed, but only the way of getting to the findings, the scientific achievement is evaluated by the performance and quality criteria which are given for the process-finding. In general, the criteria of objectiveness, validity and reliability apply for empirical research.[417] Validity answers the question whether the researcher's conclusion is true and correct.[418] Reliability affirms that same results are achieved repeating the procedure.[419] Reliability is necessary for validity, but it is no sufficient condition.[420] As qualitative in-depth research methods due to their open-ended character are viewed as being rather subjective (yet their procedure is retraceable) and subjective influences can never be eliminated completely[421], it is difficult to estimate the examination of

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[414] The social desirability bias is the tendency to make answers conform to social norms. See Neuman, p. 285. It is often assumed that adult respondents rather try to present a pro-social image and have a higher stake in conformity than juveniles. See Junger-Tas/Marshall, p. 323. "Generally speaking, the self-report method appears more suitable for juvenile populations than for adults." They act on the assumption of a higher validity for juvenile respondents than for adults. See ibid., p. 330 with further references.

[415] With reference to faking bad see Kelly/Totten, p. 35.

[416] Farrington acts on the assumption that the validity of self-report surveys is high particularly for young males as they may be less concerned to present a facade of respectability and may be more open about offending. See Farrington (2003), p. 15. Yet, it is also imaginable that they report more openly because – for them as a symbol of status – they think offending is and they want to be cool.

[417] Mayring (2002), p. 140; Schwind, pp. 169-171; Mayer, pp. 54-56.

[418] For details on validity and its different forms see McBurney/White, pp. 121-122, 170; Eisenberg (2005), pp. 105-106. Internal validity for example is existent if there are sound reasons to believe that the independent variable causes the dependent variable to change. If there are several other conditions that co-vary with the independent variable and their separate effects cannot be sorted out, the variables are confounded. If their relationship is false, it is spurious. Spuriousness occurs when two variables are associated but not causally related as there is an unseen third factor that is the real cause. See Neuman, pp. 171-172. External validity refers to the generalisability of the sample's results to the research population. See Junger-Tas/Marshall, p. 322. For details on validity see Kvale, pp. 236-252 and for reliability and validity particularly in qualitative research see Neuman, pp. 194-196; Killias (2001), pp. 38-41. Referring to correlation and cause see ibid., pp. 18-25.

[419] See Junger-Tas/Marshall, p. 345 with further references.

[420] See ibid., p. 345; Neuman, p. 196; Kvale, pp. 235-236; Eisenberg (2005), p. 105-106.

[421] See Kunz, pp. 35-37.

validity and reliability after the regular scheme of empirical research.[422] The idea of quality criteria is rooted in quantitative research and cannot be conferred to qualitative research with levity.[423] Research such as the present study does not transform the obtained data and refuses a reduction for analytical purposes. The aim is not to compare, standardise and generalise. The individual case stands in the centre.[424] Matters of attitude, position and mindset are always multi-dimensional. Thus, there is a lack of repeatability. Open-ended research acts on the assumption that reality mutates naturally and has a process-like character which can be influenced depending on the situation. The common quality criteria for quantitative research thus cannot be consulted for the evaluation of qualitative open-ended methods.[425] Yet, each empirical research has to be reliable and valid in order to build a basis for future research.

While every day life experiences are often intuitive and subjective, empirical research needs to be objective or rather inter-subjective.[426] But there is no title to inter-subjective control as an identical replication of in-depth research is not possible due to the limited standardisation as well as various interpretation possibilities.[427] In order to be able to ensure an approach towards social reality with as least subjective influences as possible, it is crucial to ensure that the methodical process is inter-subjectively traceable. Inter-subjective traceability is to be understood as being autonomous from the value judgements of the respective scientist. This

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[422] See Kromrey, p. 405. As noted above, any contact – and there under particularly personal contact – between an interviewer and an interviewee influences the answer pattern of the interviewee. Individual moods can play an important role as well. Interviewing is thus a reactive procedure to collect data whereas it cannot be totally unaffected from situational influences.

[423] See also Mayer, p. 55. Or for example Froschauer/Lueger, p. 166: "Qualitative Studien lassen sich aus methodologischen und forschungsstrategischen Gründen nicht mit quantitativ orientierten Gütekriterien bewerten: (a) Validität ist ein unzureichendes Kriterium, weil sie aufgrund des emergenten Charakters einer interpretativen Forschungsorganisierung nicht definierbar ist (Tautologieproblem); (b) Reliabilität ist als Kriterium irrelevant, weil Hermeneutik nichts misst; (c) Objektivität ist ein unangemessener Anspruch, weil interpretative Sozialforschung weder einen Anspruch auf die 'wirkliche' Verfasstheit von Forschungsobjekten noch auf Situationsindependenz erhebt." In relation to strategies of quality assurance in qualitative research see Froschauer/Lueger, pp. 166-170.

[424] Junger-Tas and Marshall point out that the advantage of working with samples of known offenders – the guaranteed presence of the event of fatal offending – is weighed against limited or no generalisability. See Junger-Tas/Marshall, p. 349.

[425] Steinke, in: Flick/Kardorff/Steinke, pp. 319-331. For critics of the classical quality criteria see Mayring (2002), pp. 141-142. Mayring nominates six quality criteria for qualitative research: Documentation of the procedure, argumentative validation of the interpretation, rule compliance, adequateness towards the object, communicative validity and triangulation. See Mayring (2002), pp. 144-148. The common idea of triangulation is that if diverse kinds of data support the same conclusion, confidence in the conclusion is increased. Its value though lies more in its effects on quality control. For details on triangulation see Neuman, pp. 149-151; Fielding/Schreiner, pp. 10-16; Berg, pp. 5-8; Flick, in: Flick/Kardorff/Steinke, pp. 309-318.

[426] Objectivity cannot be fully achieved by any empirical method alone which is why there are various approaches existing beside each other. See also Mayer, p. 8; Kunz, pp. 35-37.

[427] Relating to objectivity in qualitative research see Kvale, pp. 64-66. Relating to the remark that there is no 'absolute true' and universal interpretation see Froschauer/Lueger, p. 103.

in turn means that the method and procedure that have led to a conclusion can be reconstructed by other people and lead to the same conclusions. Any person having normal perception and being in the same place at the same time would arrive at the same observation and conclusion.[428] Careful records and clear reports are therefore a crucial part of the empirical research process. Only by completely disclosing the methodical process it is possible for other people to reproduce the procedure.[429] Thus, in qualitative research the principles of openness and inter-subjective traceability play a crucial role and take in centre stage.

IV. Data Evaluation

In order to make the obtained data permanently available for scientific analysis, it was necessary to produce transcripts of the interviews. Catchwords and citations were recorded during the interview and memory minutes written down immediately after the interview. While citations were noted in colloquial language (*patois*), the memory minutes were documented in Standard English orthography. As the content is of interest, and not the linguistic level, it was a regular way of procedure that was applied in the present study. The specific features of the oral language are maintained in citations which aim at reproducing the colloquial language as close as possible (so-called 'eye dialect').[430] Also, the observation of physical or behavioural distinctive features was recorded in order to obtain a preferably complete picture of the respondents.

As the guided semi-structured interviews were designed to get at deep information and knowledge, the notes taken during the interviews and the memory minutes transcribed immediately after the interview provided rich accounts detailing the juvenile's perspectives on their behaviour in order to explore the meaning and background of their behaviour.

The next step was to reduce the large amount of data yielded in the form of interview transcripts. The reduction of the data was conducted by qualitative summarising content analysis.[431] Summarising content analysis systematically reduces the collected data step by step to the extent that the essential semantic contents remain whilst a manageable short text

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[428] McBurney/White, pp. 6-7; Mayer, pp. 8-9; Steinke, in: Flick/Kardorff/Steinke, pp, 324-326; Froschauer/Lueger, pp. 103, 214-219.

[429] Früh, pp. 19-23; Mayring (2002), p. 29; Froschauer/Lueger, pp. 172-174.

[430] Kowal/O'Connell, in: Flick/Kardorff/Steinke, pp, 440-443.

[431] For detailed information on the summarising content analysis see Mayring (2000); Mayring (2007); Berg, pp. 303-339; Atteslander, pp. 181-209; Froschauer/Lueger, pp. 159-162. As the interview transcripts are simply reduced, the danger of the outcomes being influenced by personal notions of the researcher are marginal. See Froschauer/Lueger, p. 159.

is generated which then serves as foundation for the analysis.[432] By this means, large interview transcripts (the natural unit) can be reduced to briefer, more succinct formulations (central themes). This empirical method serves to analyse extensive and complex interview texts by thoroughly examining the natural unit while filtering out and highlighting its central themes. Summarising content analysis adds to the text, fractionalises it and assigns the contents of statements of text components to specified central themes or so-called categories.[433] The system of central themes appoints the aspects which are to be filtered out and usually corresponds to the various interview schedule divisions whilst new themes can be created.[434] The fractioning and assignment of the text is called coding, whereas coding rather refers to the quantitative content analysis.[435] Hereby is crucial to see abstract concepts in concrete data in order to reduce and allocate large amounts of data to the central themes. The aim of this analysis procedure is not the testing of hypotheses and the statistical drawing of conclusions, but the coverage of the whole area of the semantic content in order to generate a hypothesis that can be tested in further studies thereinafter.

While in the first step it was focused on the actual data, the natural unit, and the central themes were filtered out, in a second step the focus lay on the central themes. The themes were organised and key concepts identified. The third phase focussed on making notes of similarities and differences among the respondent's descriptions.[436] As the summarising content analysis system abides by compact rules, the procedure of content analysis is objective respectively intersubjective. As the procedure of the qualitative summarising content analysis follows preset model courses, the procedure is transparent, comprehensible, easy learnable and transferable to new research questions. This 'rule-guidance'[437] matches the quality criteria of intercoder-reliability: Multiple people analysing the data material would demonstrably arrive at similar or identical results.[438]

In view of the elaborate analysis of the data it has to be pointed out again that a statistical relevant sample cannot be achieved and was not planned to be achieved. In contrast to

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[432] For analysis of qualitative data in general see Neuman, pp. 457-488. Kvale calls this procedure "meaning condensation". See Kvale, pp. 192-196.

[433] In reference to the formation of categories see Atteslander, pp. 189-192; Mayer, p. 48.

[434] The fundamental idea is to appoint a criteria of definition out of the research question that determines which aspects are to be considered in the data and then to work through the data gradually. The data can be subsumed under central themes which were appointed and theoretically founded prior to the data collection (this method is deductive) and under categories which emerged from the gathered data itself (this way is inductive). See Berg, p. 311; Schmidt, in: Flick/Kardoff/Steinke, pp. 447-456.

[435] Concerning the coding procedure see Hesse, pp. 348-349; Neuman, pp. 460-464.

[436] See Froschauer/Lueger, p. 161.

[437] Loosly translated from the German word "*Regelgeleitetheit*" by the author.

[438] Hereto, see Mayring in: Flick/Kardoff/Steinke, p. 471.

quantitative content analysis the obtained data and resulting conclusions are neither representative nor can numerically significant coherences be found. Rather, it was the aim to detect and outline trends and similarities, coherences or differences within the participant's answers.[439] Despite the fact that details were made by individuals based on their own perception and experiences, there is said to be an objective meaning that inheres all statements of individual subjects and goes beyond the conscious meaning and view of individuals. This significative content represents the structure of the environment that surrounds the individual and the norms and regulations that prevail in that environment.[440]

Thus, the large amount of data yielded in the form of interview transcripts was reduced by a comprehensive interpretative process whereas the substantial content was sustained in a straightforward short text. Narrative text passages were condensed to essential statements.[441]

V. Recapitulatory

Estimates provided in the present report are based on self-report data obtained from face-to-face guided semi-structured interviews with 20 young Jamaican men who have committed a homicide between the years 2002 and 2006 while they were aged between 12 and 25 years at the time of the homicide. The inference sample was selected by non-probability convenience sampling. Participation in the study was voluntary and informed consent obtained. The survey was conducted in September and October 2007.

Open in-depth interviews are geared to the reconstruction of sense. They aim at exploring social facts profoundly and make structures of meaning visible. The in-depth interviews conducted in this study led the respondents to talk about their lives and experiences from childhood through adolescence and to detail the homicide event and its backgrounds.

The study relies on thorough summarising content analysis and the description of individual cases. The investigational sample, consisting of 20 respondents, does not allow for any quantitative and generalisable trend-statements. The sample is too small in order for the statements to yield an assured picture of the basic population of young homicidal delinquents. But in the means of the reassessment of a generated hypothesis by possible future studies with larger and more representative samples, the following statements and indications of frequencies may be meaningful.

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[439] See Mayer, p. 46.

[440] See Froschauer/Lueger, pp. 100-101.

[441] Yet, the natural unit is not totally disregarded. Quite the contrary, each condensed central theme has to be interpreted against the background of the natural unit – e.g. the whole data material –, whilst the latter always has to be interpreted against the background of the central statements. Referring to the principle of hermeneutic, this process can be viewed as spiralled.

§ 8 Statement of Particulars about the Study

I. In General

I has been established that the research subject of the present study is juvenile homicidal delinquency in Jamaica whereas juveniles are defined as young men between 12 and 25 years of age and homicidal delinquency includes the perpetration of at least one homicide, may it be murder or manslaughter. Thus, the subjects of investigation are young men who have committed at least one homicide in Jamaica whereas only a cut-out of that target population was effectively surveyed by face-to-face guided semi-structured interviews.

In a next step, the specimens used for analysis have to be elaborated such as reporting period, area, population and age structure, the respondents' demographics and their homicides.

II. Reporting Period

As the time span between the commission of the homicide and the interview ought not to be too large in order to receive reliable statements not influenced by a loss of memory, the reporting period was limited. As far as the juvenile homicide delinquents as respondents are concerned, only such who had committed a homicide within the last five years prior to the interview – i.e. between the years 2002 and 2006 – and who were aged between 12 and 25 years at the time of the respective homicide were considered. The interviews were conducted in September and October 2007.

III. Area Structure

Jamaica is an island nation of the Greater Antilles with an area of 10'991 square kilometres. It is divided into three counties. Each county comprises several parishes as administrative subdivisions.[442] Kingston is a parish in Surrey County.[443] It is the islands capital and located on the south-eastern coast of the island.[444] Though it is the smallest parish, it is the largest city of Jamaica; more than half of the population lives in the country's capital. The parish Kingston does not encompass the entire city Kingston. Most of the city lies in the parish of St. Andrew. Kingston and its surrounding urban environs in the parish of St. Andrew are known as the Kingston Metropolitan Area. The central area of Kingston is made up by the historic

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[442] Referring to Jamaica's parishes see Allsworth-Jones, pp. 3-4.
[443] Data obtained from the CIA World Factbook 2008 – Jamaica, Geography.
[444] For details on Kingston see Zahl, pp. 14-18.

but troubled Downtown on the one hand and New Kingston on the other hand.[445] The major division between wealthy and poor in Kingston is marked by the Torrington Bridge, having the wealthy living in the uptown areas and the economically disadvantaged below the bridge living in ghettoes. These areas have a reputation of being some of the most unsafe ghetto areas in the city.[446] The area that is observed closer and from which the respondents were chosen is the Kingston Metropolitan Area.

IV. Population and Age Structure

In July 2007, Jamaica counted 2'780'132 inhabitants.[447] 32.5% were between the age of 0 and 14 years, 60.1% within the age span of 15 and 64 years and 7.4% over the age of 65 years. While there are more males in young years up to the age 14 (459'968 males – 444'963 females), there are more females above the age of 15 years (848'310 females and 822'486 males for the former, and 112'549 females and 91'856 males for the latter). The median age in general is 23.2, for males 22.6 years which – compared to other countries – is remarkably low.[448]

91.2% of Jamaica's population is black, 6.2% mixed and 2.6% other or unknown.[449]

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[445] Zahl highlights that Kingston is one of the very few countries of the world in which the gap between uptown and downtown is so glaring. "*Ah tong* (*in town*), in der Stadt, leben derweil 850'000 Menschen, die Hälfte davon in Verhältnissen, die man nicht einmal seinem ärgsten Feind zumuten würde. In nur wenigen Städten der Welt ist der Unterschied zwischen Unterstadt und Oberstadt so krass: Kingston ist, wie kaum eine andere Metropole, Traum und Alptraum, Paradies und Hölle, Beverly Hills und Babylon." Zahl, p. 14. People living in uptown are called the 'have's' and are said to be law-abiding citizens. People living in downtown 'have not's' or just the 'mob'. For the different treating they get, how they are perceived and citizen's initiatives concerning this matter see ibid., pp. 79-85.

[446] See Tyndale, Denton: Ghettoes, Danger Zones, Bad Areas and Garrisons of Kingston (Kingston Garrisons), available at: http://www.dentontyndale.com/blog/?page_id=40 [as of January 2009]. See also the map at: http://www.dentontyndale.com/imageviewer.php?f=images&i=kingston-dangerareas.jpg [as of January 2009]. The map exhibits an extract of the Kingston and St. Andrew Corporation. The areas below Cross Roads belong to Downtown Kingston and are said to be high-risk areas.

[447] Data obtained from the CIA World Factbook 2008 – Jamaica.

[448] In a global comparison the median age for Japan is 43.5 (males 41.7), the UK 39.6 (males 38.5), the U.S. is 36.6 (males 35.3), Russia 38.2 (males 35) and China 33.2 (males 32.7) years. But also in a local comparison Jamaica is amongst the countries with the lowest median age: Antigua and Barbuda 30.3 (males 29.8), Aruba 37.3 (males 35.5), the Bahamas 28.1 (males 27.3), Barbados 35 (males 33.8), Cayman Islands 37.5 (males 37.1), Dominica 29.1 (males 28.7), Trinidad and Tobago 31.8 (males 31.3) and Turks and Caicos Islands 27.7 (males 28.4) years. The only other Caribbean countries near to Jamaica's median age are the Dominican Republic with 24.5 (males 24.3) and Grenada with 22.1 (males 22.6). The sole Caribbean country with is way even below Jamaica's median age is Haiti where the median age is an incredible 18.4 (males 17.9) years. For all the data referred to in this chapter see the CIA World Factbook 2008.

[449] CIA World Factbook 2008 – Jamaica, Ethnic Groups.

V. Socio-Demographic Profile of the Respondents

The entry questions to the interviews referred to the respondent's socio-demographic profiles. They were asked how old they were, where they were born, which nationality they had and what their marital status was. A recapitulation of the respondent's socio-demographic profiles at a glance:[450]

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[450] It has to be outlined again that all names mentioned in the present study are pseudo names made up by the researcher.

	PSEUDO-NAME	AGE	PLACE OF BIRTH	NATIONALITY	PLACE OF DOMICILE	MARITAL STATUS
1.	**Adam**	23	Jamaica	Jamaica	Tel Aviv	single
2.	**Adrien**	18	Jamaica	Jamaica	Matthews Lane	single
3.	**Alex**	25	Jamaica	Jamaica	Tivoli Gardens	single
4.	**Barry**	18	Jamaica	Jamaica	Tivoli Gardens	single
5.	**Chris**	20	Jamaica	Jamaica	Matthews Lane	single
6.	**Daniel**	24	Jamaica	Jamaica	Matthews Lane	single
7.	**Dean**	24	Jamaica	Jamaica	Tivoli Gardens	single
8.	**Elijah**	23	Jamaica	Jamaica	Arnett Gardens	in a relationship, 1 son
9.	**Greg**	17	Jamaica	Jamaica	Tivoli Gardens	single
10.	**Jamie**	23	Jamaica	Jamaica	Tivoli Gardens	single
11.	**John**	21	Jamaica	Jamaica	Trench Town	single
12.	**Kevin**	24	Jamaica	Jamaica	Tivoli Gardens	single, 2 children
13.	**Mark**	21	Jamaica	Jamaica	Denham Town	single
14.	**Mike**	23	Jamaica	Jamaica	Mountain View	single
15.	**Paul**	18	Jamaica	Jamaica	Mountain View	single
16.	**Rickie**	25	Jamaica	Jamaica	Trench Town	in a relationship, 1 son
17.	**Robin**	27	Jamaica	Jamaica	Matthews Lane	single
18.	**Sean**	19	Jamaica	Jamaica	Matthews Lane	in a relationship, 2 children
19.	**Tyrone**	24	Jamaica	Jamaica	Trench Town	single
20.	**Wes**	22	Jamaica	Jamaica	Denham Town	single, 1 daughter

The median age of the respondents adds up to 22.1 years. The youngest respondent was 17 years old, the oldest 27. It has to be recalled that respondents were aged 14 to 25 years at the time of their homicide(s) and that the homicides have occurred during the last five years prior to the interview, i.e. between the years 2002 and 2006. The respondents – without exception – were born in Jamaica and Jamaican nationals. None of them is married. The majority of them stated being single, while only three declared being in a relationship.[451]

The respondents live in seven different (urban) communities within the Kingston Metropolitan Area: Six of them declared that they were from Tivoli Gardens (Dean, Alex, Kevin, Jamie, Barry and Greg), five from Matthews Lane (Robin, Sean, Adrien, Daniel and Chris), three from Trench Town (Rickie, John and Tyrone), two from Mountain View (Mike and Paul) and from Denham Town (Wes and Mark) and one respondent from Tel Aviv (Adam) and one from Arnett Gardens (Elijah). As will be outlined[452], communities such as Tivoli Gardens, Tel Aviv, Arnett Gardens, Trench Town, Denham Town, Mountain View and Matthews Lane are widely known as ghettos, danger zones, bad areas or garrisons. Thus, the respondents without exception came from communities classified as high hazard risky and unsafe.

More details on the respondents will be outlined in the following chapters.

VI. The Homicides

Naturally, the amount and contexts of the respondents' homicides were of diversified quantity and nature: Eleven respondents admitted having committed one homicide (Adam, Adrien, Chris, Dean, Jamie, Kevin, Mike, Paul, Rickie, Robin and Tyrone), Alex stated that he had killed two people, Barry, Mark and Wes in each case three people, Elijah, Greg and Sean more than five, Daniel more than 20 and John 62. Thus, the statements ranged from the killing of one person up to the alleged killing of 62 people.

Also, there were different motivations for the respondents' homicidal acts: Mike and Chris stated that the death of their victim was not the primary aim of their act, but that the homicide occurred in the course of a robbery with both. A third person was said to have appeared at the crime scene unexpectedly and was put away as he posed a threat by either getting into their way or betraying them. Thus, in both cases, in order to keep their robbery secret, the third person was eliminated. These homicides were unseen and unplanned in the forefront and happened due to the mere fact that the third parties showed up at the crime scene at the

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[451] Also official statistics reveal that the majority of convicted homicide offenders' marital status is single (an averaged 73%). See the "Male Offenders' Marital Status and Number of Children" statistics of the Department of Correctional Services at http://www.dcsj.net/p/stats.htm [as of January 2009].

[452] See hereto this study, § 9 Chapter VIII. Residential Neighbourhood and Immediate Vicinity, pp. 142 et sqq with more details and further references.

time of the robbery. Apart from Mike and Chris, the other 18 respondents stated that the death of their victim was the primary aim of their act. Barry said that he killed his two victims by order of a third party. His homicides were murders for hire. Greg, Kevin, Mark and Robin stated that their homicides concerned rivalries between gang members and the victims were killed in gangwar shootouts. Their homicides were thus gang-related. Daniel and Sean, who have both committed several homicides, gave various reasons for their acts. On the one hand, they also named gangwar shootouts, on the other hand, retaliation after the victim had killed someone himself (Sean) or retaliation after the victim had dissed the perpetrator (Daniel). Eight further respondents (Adam, Alex, Dean, Elijah, Jamie, John, Paul and Rickie) also brought their homicides in connection with an action of the victim. May it be that the victim wanted to deceive or betray them, may it be that the victim did not show enough respect towards the perpetrator by dissing him or someone he knew. Tyrone and Wes in turn mentioned retaliation after the victim had killed someone himself as motive for their killings. One of Wes' homicides as well Adrien's homicide occurred in the heat of the moment and can rather be understood as unpremeditated affective reaction to extraordinary circumstances. Wes' victim had just shot his stepbrother and in turn got shot by Wes immediately after. Adrien lost his cool during a dispute with one of his friends and stabbed him to death in the heat of the moment.

Adrien was the only respondent whose crime weapon was a knife. All other respondents shot their victims with firearms. Thus, all homicides with the exception of one occurred by means of a firearm. Further, it is crucial to note that 18 of 20 respondents have committed the homicide within a group – with other members of their gang – whereas only three (Wes had committed one homicide alone, two with friends) had committed their homicides alone. One of them again is Adrien (the third is Chris). Adrien was also the only one who had killed a friend. All other respondents declared that their victims were either passing acquaintances or total strangers. The victim selection occurred targeted, but except for the case of Adrien involved no persons of the social close-up range.

At last it can also be mentioned that of the 20 respondents only two have been jailed for the commission of a homicide (Adrien and Alex). Thus, the vast majority of the homicides committed by the respondents remains in the dark field and was never cleared up.

§ 9 Plausible Risk Factors

I. In General

Every crime has a history of events that precede it and various variables that influence it.[453] It was the aim of the present study to have the respondents provide information about the history of events that preceded their homicides, also providing an informative basis on which variables stood in the foreground concerning their homicide(s).

First, there is the delinquent himself, born with individual genetics, looks and personality traits. Second, human beings are not only born with individual characteristics, but they are also born into a range of social circumstances that may be influenced by history and culture. Thus, delinquent behaviour can be associated with not only the individual characteristics of the delinquent, but also with the specific social system he or she is embedded. Growing up and moving into the world, a variety of social institutions become involved in the lives of juveniles. Juveniles mingle with various socialisation agents such as the family or the school and gain interaction experiences from the peer group, the community, the media or the church for example.

These socialisation agents can provide juveniles with positive experiences that decrease the likelihood of becoming involved in delinquency, but they may also provide them with negative experiences that harm them emotionally or physically and may influence their behaviour. Negative experiences may lead to a decrease of a juvenile's sense of ability and self-worth, along with inaction or failure to identify or to respond effectively to their problems. Thus, in the space of influencing variables (such as for example the socio-economic status of a family)[454] a distinction has to be made between risk factors that can provide negative experiences (such as a low family income) and protective factors that can provide positive experiences (such as a high family income).[455]

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[453] With reference to homicides, Grossman and DeGaetano compare the lethal behaviour of humans with the patterns of behaviour of animals and come to the following conclusion: "Beobachtungen von tierischem Verhalten deuten darauf hin, dass solche Gewalttaten von Primaten üblicherweise die Folge einer langen Reihe von Provokationen zusammen mit komplexen sozialen Anomalien sind – und sie sind selten. Nur Menschen töten sich leicht." Ibid., p. 60. See also pp. 16, 24 and 61.

[454] A variable in general can be defined as a testing condition that can change or take on different characteristics with different conditions. A distinction can be made between dependent and independent variables. While the dependent variable is the response a person makes – for example the perpetration of a homicide –, the independent variable is one that is believed to cause some change in the value of the dependent variables – such as for example poverty or drug use. The independent variable is thus the stimulus, equivalent to a cause. Independent variables cannot be controlled by the researcher. Whilst variables are tangible, the theoretical concept, i.e. causation, is intangible. See McBurney/White, pp. 119-122.

[455] Every independent variable thus has at least two values, commonly called levels.

It is also assumed that a homicide does not occur without various triggering situational factors such as time and scene of the offence, the individuals involved, the availability of firearms or other tools, acute emotional states and the like: There must be certain settings in which a homicide is more likely to occur. Therefore, the immediate homicide context also forms part of the study as it might play a crucial role in the whole homicide event.

The aim of the present study was to analyse various feasible influencing factors taking into account factors coming up new during the interviews. The following list of factors might not be exhausting, comprehends a wide range and variety of factors though and takes more factors into consideration as other studies have up to this point.[456]

The in this study developed approach is based on a risk factor model. Although there is no universally valid precise definition in the literature what a risk factor is, it is a widely used term in varying fields of research such as for example in medicine, mathematics, economics, social engineering or sociology.[457] Risk factors are prior variables that – according to the respective research status – constitute crucial aspects that increase the risk of certain events occurring.[458] Risk factors are correlational, but not necessarily causal, as correlation does not imply causation.[459] An example from the medical field: Being old cannot be said to cause heart attacks, yet old people are more at risk of having a heart attack due to the constitution of their heart. Risk factors in the criminological field of research are variables that put individuals at risk of becoming delinquent (or on the contrary of becoming a victim). The

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[456] For example, Hawkins et al.'s study on the predictors of youth violence merely discussed five domains: Individual, family, school, peer-related and community and neighbourhood factors. See Hawkins et al., pp. 2-7.

[457] Farrington for example defines risk factors as follows: "Risk factors are prior factors that increase the risk of occurrence of the onset, frequency, persistence, or duration of offending." Farrington, in: The Oxford Handbook (2002), p. 664.

[458] Referring to a definition of 'risk', risk factors, risk-based research, youth at-risk and the like see Rock, in: The Oxford Handbook (2002), p. 92-95. Referring to risk-focused prevention see Farrington, in: The Oxford Handbook (2002), pp. 657-701 with select reading and further references. Farrington's article focuses on individual, family and school risk factors for offending and antisocial behaviour with an emphasis on offending by males. Farrington also sets forward that "It is difficult to decide if any given risk factor is an indicator (symptom), or a possible cause of offending. (…) It is important not to include a measure if the dependent variable (e.g., delinquent friends) as an independent variable in causal analyses, because this will lead to false (tautological) conclusions and an over-estimation of explanatory or predictive power". Farrington, in: The Oxford Handbook (2002), p. 664.

[459] It is difficult though to distinguish between factors that are mere indicators and such that are possible causes of delinquency. Some factors may be indicative as well as causal. While, for example, poor parental child-rearing techniques might cause anti-social tendency, they would not be an indicator of it. It is said to be nearly impossible to distinguish between indicators and causes. See Farrington, in: Oxford Handbook (2007), pp. 605-606.

focus of the present study is on risk factors for the onset or prevalence of juvenile homicidal delinquency.[460]

II. Historical Background and Cultural Influences in General

Patterns of behaviours are transmitted as traditions and internalised customs over many generations. A person internalises the transmitted components of the culture during the process of socialisation. Crucial elements of the culture are the social institutions one is embedded as well as behavioural norms.[461] Through the latter behavioural patterns develop which an individual adopts. These behavioural patterns are comparatively stable norms that are deployed from the collectivity and make social behaviour predictable. The two crucial elements representing social life are social control and the structure of social life. Traditions and cultural influences are usually portrayed as broad, pervasive and enduring phenomena that thrive and prosper powerfully and widely, but also very slowly.[462] There is also the possibility of the existence of a tradition of violence. A culture that seems to glorify violence and favour fighting as a way of handling situations or settling disputes can entrench, intensify and spread a culture of violence.[463] Children who have been socialised into a culture of violence from an early age on engage with violence when they become teenagers and will pass it on to the next generation when they are adults. It has to be determined whether Jamaica features such a history of violence.[464]

Jamaica was discovered by Christopher Columbus[465] on May 3rd, 1494, and was settled by the Spaniards in the early 16th century.[466] The aborigines from South America – the irenic Taìnos, a tribe of the Arawak Indians[467] –, who had inhabited the island since about AD

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[460] As there is no existent approved list of risk factors in the criminological field of research, the variables presented in the present study were freely compiled. For details of studies showing numerous replicable predictors of delinquency over time and place see Farrington, in: The Oxford Handbook (2002), p. 659.

[461] Culture is seen as the entirety of ways of life, guiding principles and culturally developed life conditions of a society in an area which is limited in space and time. See Eisenberg (2005), p. 805.

[462] Moore/Tonry, p. 11.

[463] See Salehi, pp. 76-78 with further references. Lemard points out that "On the national and social levels, violence can become a threat to democracy, to civil liberties and participation, it may interrupt the rule of law and respect for justice and in general it can lead to an overall breakdown in civil society." See Lemard, p. 4.

[464] For details on Jamaica's history in general see Zahl, pp. 32-56; Lemard, pp. 43-67 with further references.

[465] Christopher Columbus gave the name Santiago (Saint James) to the island. The former inhabitants had called the isle Xaymaca, meaning the land of wood and water.

[466] For a timetable from the colonisation of the Taínos anno 650 to present see Zahl, pp. 179-181. See also Ettmayer, p. 13.

[467] With reference to Arawaks see Ettmayer, pp. 14-15; Allsworth-Jones, pp. 42-45.

1000, were gradually exterminated by disease, slavery and war and were replaced by African slaves.[468]

British forces seized the island in 1655 and began full colonisation in 1661.[469] After a disastrous earthquake in 1962[470], Kingston was established and rapidly became the major commercial centre of the island. In 1666, the Spanish were expelled and Jamaica was formally ceded to England by the Treaty of Madrid in 1670. English privateers developed a plantation economy, and sugar, cocoa and coffee became the basis of the island's economy through the African slave labour.[471] Plantation slavery was based on the triangular trade among England (manufactured goods), Africa (slaves) and the Caribbean (sugar), which itself was the basis for what later emerged as the international economy.[472]

Approximately 700'000 black slaves landed in Jamaica in the eighteenth century. In 1800, the colony's slaves outnumbered their white masters 300'000 to 30'000. This imbalance led to a constant threat of revolt. The slaves mounted over a dozen major conspiracies and uprisings between 1873 and 1882.[473] The abolition of the slave trade in 1807[474] and of slavery in 1834 through the British Empire upset Jamaica's plantation economy and society.[475] Compensation was paid to the slaves in part by the British Government and proprietors of the plantations began paying wages to their workers. Yet, the post slavery

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[468] "The Spaniards, when they came, tortured and killed the Arawaks to get their land. They were so overworked and ill-treated that within a short time they had all died", in: Jamaica Information Service at: http://www.jis.gov.jm/gov_ja/history.asp [as of January 2009]. Friday, May 4, 2007, was marked as the first Taíno Day in commemoration of the original inhabitants of Jamaica. See Jamaica Gleaner: "Tainos Day Tomorrow", May 3, 2007. For details on the Taìnos see Zahl, pp. 32-35; Allsworth-Jones, pp. 42-45; Ettmayer, pp. 14-16; Ellis, in: Phillips/Wedderburn, pp. 4-6.

[469] Zahl, pp. 34-35; Ettmayer, pp. 20-21.

[470] Ettmayer, p. 24. Under the buccaneers' leadership, who took their loot of gold, silver and jewels to Port Royal, it grew to become known as one of the wealthiest and wickedest cities in the world within a decade and a half. After the earthquake, Port Royal became an important naval base. See Zahl, pp. 39-41.

[471] With reference to the beginnings of slavery in Jamaica see Ettmayer, pp. 26-28.

[472] For a deep insight into the social history of the mid eighteenth century Jamaica, the Tacky Slave Rebellion of 1760 and the tenuous relations between planters and the Maroons see Douglas Hall: In Miserable Slavery, 1999. Hall captured the essence of the diaries of Thomas Thistlewood, a small farmer in deep rural Jamaica, and sheds new light on the complexity of Jamaican slave society and its human relationships. There are only very few other sources that allow such an intimate insight to the lives of individual men and women among the enslaved ancestors. See also Zahl, pp. 35-39.

[473] Ettmayer, pp. 28-29.

[474] The actual date on which the act abolishing the slave trade was passed in the British parliament was March 25, 1807. In commemoration of the 200th anniversary of the abolition of the transatlantic slave trade, CARICOM member states observed a synchronised one-minute period of silence at noon Eastern Caribbean Time on Sunday, March 25, 2007.

[475] According to Ettmayer, in the year of the abolition of slavery there were 20'000 whites and 310'000 slaves living in Jamaica, besides 46'000 free non-whites. This constitutes a total of 15 slaves per white person. See Ettmayer, p. 27. Ettmayer estimates that there were approximately 747'000 slaves who were brought to Jamaica. Ibid., p. 28. Referring to the emancipation see ibid., pp. 29-31.

days were no bed of roses as the old oligarchic system remained and the will of the greater masses was not deemed important and ignored. Many of the quarter million slaves who were set free became small farmers in the hill districts. The economy was suffering. On the one hand, the British rescinded favourable trade terms for Jamaica in 1846, on the other hand, the union blockade during the United States Civil War of independence limited commercial options for the island.[476] Bankruptcies and abandonment of plantations followed, and dissension between the white planters and black labourers led to a crisis. It is estimated that approximately 15'000 slaves died of starvation in Jamaica due to the trade disruption.[477] The freed population faced significant hardships and struggles over land were central themes in the history of this period, marked by the uprising of black freedmen at Morant Bay in 1865; a struggle that necessitated the imposition of martial law.[478] The parliament established a crown colony government in 1866 and new programmes were introduced including the development of banana cultivation, improvement of internal transportation, and reorganisation of government administration. Advances in education, public health and political representation pacified the island. Nevertheless, the measures were not able to resolve Jamaica's basic problems, stemming from wide economic and social disparities. Most of the population's social and political advancement was blocked by the colonial authorities. Social unrest came to the surface whenever economic reverses beset the island. By that time, the capital was moved from Spanish Town to Kingston.

A royal commission investigated the island's social and economic conditions and recommended self-government for Jamaica. A legislative council committee concurred and in 1944, Jamaica had its first election under full universal adult suffrage.[479] The contenders in the election were two political parties: The People's National Party (PNP) and the Jamaica Labour Party (JLP).[480] The period 1944-1962 saw major transformations in the structure of the economy: From a mono-crop export economy, the economy became diversified around the export of sugar, bananas and other agricultural commodities, the export of bauxite and alumina, and the tourist industry. These changes stimulated a vibrant construction industry and an import substituting manufacturing sector. Jamaica joined the Federation of the West Indies in 1958, but withdrew after Jamaican voters rejected membership in 1961. The

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[476] See Ettmayer, p. 31.

[477] Essix, Donna: "Brief History of Jamaica", in: www.jamaicans.com/info/brief.htm [as of January 2009].

[478] For a detailed report on the transatlantic slave trade from its beginning to its abolition see Jamaica Gleaner News: "An overview of the transatlantic trade in Africans and its abolition", April 1, 2007. Referring to the Morant Bay uprising see Zahl, p. 45.

[479] Ettmayer, p. 33.

[480] In regards to the history of the years of decolonisation and the formation of the two political parties see Clarke, pp. 421-429.

governments of the UK and Jamaica accepted the decision of the electorate and Jamaica became an independent state on August 6, 1962, remaining a member of the Commonwealth of Nations. Jamaica was given a Westminster style constitution with a Governor-General as the representative of the British Crown and a bicameral parliament.[481] The PNP had supported the federation concept, so the JLP became the independence party, and Sir Alexander Bustamante became the nation's first Prime Minister.[482]

Deteriorating economic conditions led to recurrent violence across the country during the mid-70s, discouraging tourism.[483] By 1976, Jamaica was faced with declining exports, a critical shortage of foreign exchange and investment, an unemployment rate estimated at 30–40% and rampant currency speculation. As the economy kept declining and with in came problems of unemployment, inflation and growing external indebtedness, the government sought assistance from the World Bank and quarrelled with the International Monetary Fund (IMF) which responded to Jamaica's request for loan guarantees by conditioning acceptance on a set of austerity measures. The Prime Minister Michael Manley refused to initiate many of the market-oriented measures the IMF was demanding. The election campaign in 1980 was marred by somewhere between 800 and 1'000 deaths.[484] The opposition JLP won a landslide victory, and the new Prime Minister Edward Seaga announced a conservative economic programme that brought an immediate harvest of aid from the U.S. and the IMF.[485] He then implemented an IMF plan of sharp austerity, pushing the economy into negative growth for two years. In May 1986, Seaga turned away from the IMF, announcing an expansionary budget. Citing the deterioration of social services under Seaga and promising to attract foreign capital, Manley was returned to the prime ministership. He reversed many of Seaga's policies, but by 1992, inflation was on the rise and the economy slowed. Unemployment hovered around 20%. Manley retired in 1992, leaving the government to Percival J. Patterson. Political violence resurged in 1996; clashes between party regulars in Kingston and Spanish Town led to 10 politically motivated deaths in a six-month period. The country was increasingly troubled, with continued economic contraction and an escalating crime wave, much of it attributable to rival gangs that had begun as armed militias created by the major political parties in the 1970s and later evolved into highly powerful organised crime

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[481] The Westminster system is a democratic parliamentary system of government, modelled after the UK system. See Ettmayer, pp. 101-102.

[482] Zahl, pp. 48-50; Ettmayer, p. 34.

[483] For details on Jamaica politics in connection with partisan-political violence see Clarke, pp. 421-423. For details on tourism in Jamaica see Zahl, pp. 50, 121-127; Ettmayer, pp. 130-131. Referring to the impact of crime on tourist arrivals in Jamaica see Alleyne/Boxill, in: Harriott (2003), pp. 133-156. See also King, in: Harriott (2003), pp. 157-175

[484] See Sives, p. 78; Clarke, p. 431; Gunst, p. xiii; Ettmayer, p. 153; British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 12.20min.

[485] Zahl, pp. 54-55.

networks engaged in international drug smuggling and other illicit activities.[486] In the first half of 1999, an estimated 500 Jamaicans had been killed in gang-related violence.[487]

Though after three years of economic stagnation Jamaica had shown some timid signs of economic recovery, its economy was hit hard by Hurricane Ivan in late 2004. It could only make gradual recovery. In 2006, Jamaica recorded a real gross domestic product (GDP)[488] growth of an estimated 2.7%. Following a strategy which began in 2004[489], Jamaica reduced its public debt to 133% of the GDP in 2006. Yet, the economy still faces long-term problems: High interest rates, increased foreign competition, exchange rate instability, a sizable merchandise trade deficit, large-scale unemployment and underemployment and a high debt burden.[490] While uncertain economic conditions have led to increased civil unrest including violence, the growing crime problem contrariwise is hampering economic growth. And this is where the vicious circle closes.[491]

In short, Jamaica is strongly earmarked by slavery, emancipation, emigration and factional violence today. The country's serious economic problems have exacerbated social problems. People who can, emigrate[492], city services decline and police and other institutions abdicate

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[486] British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 12.10min. See this study, § 9 Chapter XV. Drug Consumption and Distribution, pp. 191 et sqq.

[487] Encyclopedia of the Nations, Americas, Jamaica, History, at: http://www.nationsencyclopedia.com/Americas/Jamaica-HISTORY.html [as of January 2009]; The Wall Street Journal: "Timeline Jamaica", July 15, 1999.

[488] A region's GDP is a way for measuring the size of its economy. The GDP of a country is considered the sum of value added at every stage of production of all final goods and services produced within a country in a given period of time. The most common approach to measuring and understanding the GDP is the expenditure method: GDP = consumption + investment + (government spending) + (exports − imports). The international standard for measuring GDP is contained in the 'System of National Accounts' (1993) that was prepared by representatives of the IMF, the European Union, the Organisation for Economic Co-operation and Development, the United Nations and the World Bank. The system sets out a set of rules and procedures for the measurement of national accounts. The national government statistical agency in Jamaica which measures the country GDP is the Statistical Institute of Jamaica (STATIN).

[489] See the Medium Term Socioeconomic Policy Framework 2004-2007 of the Government of Jamaica.

[490] For more details on Jamaica's dept burden see Ettmayer, pp. 121-123.

[491] In order to achieve economic growth, the corporate executives in Jamaica call for more emphasis on education and crime which they see as major obstacles to development. "Education is paramount to everything and the harsh reality is that if you don't have a society that can earn money, crime is an alternative" David Hall, CEO of Digicel Jamaica at a luncheon for corporate executives in Kingston on March 28, 2007. See Jamaica Observer: "Corporate Execs Call for Plan to Achieve Economic Growth", March 29, 2007.

[492] The majority of migrants from Jamaica go to the U.S.; approximately 20'000 people a year. See Lemard, p. 11. The high rate of people, and thereunder particularly better educated people, migrating to the U.S. constitutes a so-called "brain drain" on Jamaica, lowering its capacity for productivity and maintaining poor economic conditions. Referring to the brain drain see ibid., pp. 59-60 with further references. Adams even sets forth that "the number of migrants with tertiary education from this country actually exceeds the number of local residents with this level of [tertiary] education." Adams, p. 13.

their responsibility to protect residents and property. In the absence of family-sustaining jobs and the lack of hope for the future in the remaining neighbourhoods, the drug trade and the underground economy proliferate, providing opportunity where the wider economy provides none. Segregation and ghettoisation is the result and becomes institutionalised. Since the time of slavery, the idea has circulated that the wider system is against the people in the inner-city community. The people in those neighbourhoods have a strong sense that they are on their own and that they must take primary responsibility in matters of personal defence. In this context the code of the street provides a set of prescriptions and proscriptions for behaviour. It provides a certain order in places where law has failed. It is a cultural adaptation to a situation where other institutions and norms have failed.[493] The people in the inner-city communities have conducted this cultural adaptation. They grow up with the feeling of isolation, exclusion and hopelessness. They have been socialised into violence. Violence is internalised and violence is and will be passed on as a normal pattern of behaviour.[494] Violence towards others is a normative part of day-to-day life in Jamaica. Thus, in Jamaica, there exists a cultural tradition of violence.[495]

III. Socio-Economic Indicators

1. In General

Families face challenges when it comes to providing optimal care and education for their offspring. But depending on the socio-economic status, a negative outcome for the offspring

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[493] See Anderson, in: Youth Violence, p. 66-67; Ettmayer, p. 41; Phillips, in: Phillips/Wedderburn, p. vii; Ellis, in: Phillps/Wedderburn, p. 1.

[494] "This suffering […] is a legacy that reproduces itself, as new generations learn from the violence of generations past, as victims learn from victimizers, and as the social conditions that nurture violence are allowed to continue. No country, no city, no community is immune." Nelson Mandela's Foreword of the WHO World Report on Violence and Health. Lemard and Hemenway state in their 1998-2002 study of homicides in Jamaica that homicide has become a common feature of dispute resolution and that a culture of violence has developed; Lemard/Hemenway, pp. 15-16. Moser and Holland have concluded in their study about violence in Jamaica that "violence is a cyclical phenomenon, with old grievances, often spanning generations, never laid to rest"; Moser/Holland, p. 17. See also Lemard/Hemenway, pp. 20-21; Harriott, in: Harriott (2003), p. xii; Philipps, in: Phillips/Wedderburn, p. vii.

[495] See Phillips, in: Phillips/Wedderburn, p. vii; Ellis, in: Phillps/Wedderburn, pp. 4-6; Lemard, pp. 8, 42, 169, 171-173 with references to further studies. Lemard points out that "The history of violence in Jamaica has created a convergence of factors that have led to violence being deeply embedded in the culture of Jamaica and the psyche of the people. Jamaica did not become violent overnight. Years of collective violence stimulated by partisan-politics, decades of police brutality and today, urbanization, inner city poverty, the drug trade, gang activity, all of these factors help to promote the level of violence which Jamaica is experiencing. It would not be improper to say that Jamaica has developed a 'culture' of violence." Lemard, p. 171.

is sometimes more and sometimes less likely to occur. Research has concluded that a low socio-economic status is a strong indicator for crimes of violence.[496]

A family's socio-economic status is based on parental level of education, parental occupation and family income, but also on the social status within the community. Social status generally refers to the hierarchic differentiations within a society and can be used as a synonym for position, honour, prestige, social appreciation, authority or power one has within the society.[497] Social status is connected with various material and immaterial resources which are in function of time. Social status does not refer to general social positions, but rather to societal valued 'high' and 'low' hierarchic positions.[498] Social positions influence the social status. While one can have several social positions, it is only possible to have one social status. Bound to the mentioned hierarchic positions are certain privileges, abilities and rights and liabilities. Often, there is a disproportionate distribution of life chances associated with the social status as a higher social status is usually linked to superior education, health and a higher income.

Families with a high socio-economic status often have more success in preparing their children for school and other challenging situations in life as they typically have access to a wide range of resources to promote and support their children's development. On the one hand, families with a high socio-economic status are able to provide their children with high-quality child care, books and toys to encourage them in learning activities at home. They have easy access to information regarding their children's health, as well as social, emotional and cognitive development. On the other hand, for families with a low socio-economic status the challenges are more substantial. When basic necessities are lacking, top priority is placed on aspects such as housing, food and clothing, while educational toys and books may appear to be luxuries that cannot be afforded. These parents may also not have the time, energy or knowledge to find innovative and less expensive ways to foster their children's

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[496] Violent behaviour and corporal aggression is strongly connected with a low socio-economic status. See Henggeler, p. 20. Lemard acts on the assumption that over 90% of all violence-related deaths worldwide occur in low and middle-income countries. See Lemard, p. 3. Also studies of officially registered violence conducted in Switzerland have come to the conclusion that offenders with low education and social status are conspicuously overrepresented among all known offenders. See Eisner/Manzoni/Ribeaud, p. 60. In general, without a dissentient vote, it is acted on the assumption that most crimes are connected to poverty. Filser, pp. 151-152 with further references. Empirical support for the socio-economic crime theory can be found in studies as that of Schichor, who explored the relationship between patterns and trends of delinquency and socio-economic factors in 44 countries.

[497] For a detailed review of the several conceptual difficulties associated with the measurement of social class – particularly with regard to delinquency – as well as for further literature and study references see Henggeler, pp. 18-20.

[498] The most basic class distinction is between the powerful and the powerless. Social classes with more power usually subordinate classes with less power while attempting to cement their own power positions in society. Particularly in Jamaica, a distinction is often made between the so-called 'haves' and the 'have nots'.

development. They often lack the financial, social and educational supports that characterise the former families. Poor families may also have inadequate or limited access to community resources that promote and support a child's development, health and school readiness. The parents may have inadequate skills for activities such as reading to and with their children, and they may lack information about childhood immunisations and nutrition. As a result, children from families with a low socio-economic status are at greater risk of entering subsequent phases of life unprepared compared to their peers from families with a median or high socio-economic status.

Poverty, destitution, undernourishment,[499] poor health, child mortality, homelessness and other peculiarities depict risk factors whilst poverty is seen as the most crucial factor. Poverty is an economic condition of lacking both money and basic necessities needed to successfully live, such as food, water, education and shelter. Basic life needs are not met.[500] In relative terms, a low or no income at all is an indicator of poverty.

The World Bank describes income poverty as "the inability to achieve a certain minimum income level, know as the poverty line"[501] and as a standard for international poverty comparisons defines extreme poverty as living on less than USD 1 a day, and moderate poverty as less than USD 2 a day. Additionally, there are also national poverty lines. But they are not comparable as the methodologies for estimating the national poverty levels differ substantially across the nations.

In Jamaica, as one of only three countries of the Latin American and Caribbean region, the national poverty line is lower than the poverty line internationally defined by the World Bank.[502] Their poverty measures are heavily based on reported consumption expenditures at the household level.[503] According to standards established by the Planning Institute of Jamaica (PIOJ) and the Statistical Institute of Jamaica (STATIN), poverty is gauged by a person's position relative to the national poverty line which is based on annual consumption

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[499] Amartya Kumar Sen, an Indian economist, won the Nobel Memorial Prize in Economics in 1998 for his work on famine, human development theory, welfare economics, the underlying mechanisms of poverty and political liberalism. He demonstrated that malnutrition in modern times is not typically the product of lack of food, but instead arises from problems in food distribution networks or from government policies in the developing world. As of 2006, there were more overweight than undernourished people in the world. See Sen, pp.194-197.

[500] See The World Bank Annual Report 2006, p. 13.

[501] World Bank: Poverty Reduction and Growth, p. 23.

[502] The Caribbean region in general is characterised by persistent poverty and high inequality. Though it has experienced its strongest growth in 26 years with 6% in 2004 and a growing of the region has occurred by 4.4% in 2005 and 4.6% in 2006, the challenge still remains as nearly one quarter of the population lives on less than USD 2 a day. The World Bank Annual Report 2006, p. 46. With reference to poverty in Jamaica in general and in connection with violence see Chevannes/Levy (1996).

[503] The consumption data have been collected by the institution of Annual Surveys of Living Conditions since 1989.

which itself is used as a proxy for income. Using nutritional requirements established by the World Health Organization (WHO), the Pan American Health Organization (PAHO) and the Jamaica Ministry of Health, a low-cost food basket is designed for a reference family of five. To account for non-food needs, the reciprocal of the average food share for the lowest income quintile is multiplied by the cost of the minimum food basket. The result is the estimate of the poverty line for the reference family.[504]

Jamaica has the status of a small island developing state.[505] Small island developing states are characterised by specific disadvantages and vulnerabilities due to their small size, limited resources, isolation from markets and ecological fragility. After Jamaica's former Prime Minister Patterson signed the international commitment to reduce world poverty at the Copenhagen World Summit for Social Development in 1995, the Government of Jamaica (GoJ) initiated the so-called 'National Poverty Eradication Programme' (NPEP) to reduce the number of persons living below the poverty line in targeted communities by 50% over three years and to eradicate absolute poverty.[506] At the 2000 United Nations Millennium Summit, former Prime Minister Patterson again demonstrated the government's commitment to poverty eradication by signing on to the eight Millennium Development Goals (MDG).[507] Since the launch of the NPEP, the incidence of poverty has declined by 10.6 percentage points from 27.5% in 1995 to 16.9% in 2004. Also the 2005 Jamaica Survey of Living Conditions (JSLC)[508] indicates that poverty declined again in 2005 by 2.1 percentage points to 14.8%. According to the survey, the poverty level declined by nearly half from 27.5% to 14.8% within ten years. Thus, Jamaica is well on its way to achieving the first MDG of halving

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[504] For the background to the theory and the measurement of poverty in Jamaica see Osai, pp. 775-776. In 2004, the poverty line for a reference family was set at JMD 221'130.78 (= USD 3'621.53, currency date as of 12/31/2004) annually and the poverty line for individuals at JMD 58'508.5 (= USD 958.21). See Jamaica Observer: "[Jamaica] Poverty at 18-Year Low, Says Survey, October 6, 2006 with reference to the JSLC 2005.

[505] Lemard, p. 7.

[506] For detailed and updated references see the NPEP in the internet: http://www.npep.org.jm/index.html [as of January 2009]. The UNDP supports the GoJ in the implementation of the NPEP and contributes to the process of assisting small and medium sized entrepreneurs to launch into the global marketplace. Amongst others, the Jamaica Sustainable Development Networking Programme was established with the mandate to support the process of sustainable development by facilitating improved access to relevant information. See also UN MDG Report 2007, pp. 6-9. The activities if the NPEP are guided by 'Jamaica's Policy towards Poverty Eradication'. The policy is presented in the form of Ministry Paper 13/97 by the GoJ. A ministry paper in Jamaica is akin to a white paper, which is normally used to expound on governmental policies to parliament and the public. It is informational because policies announced through ministry papers are not meant to become law or acts of parliament.

[507] See the UN MDG Report 2007, pp- 6-9.

[508] The JSLC is a joint publication by the PIOJ and STATIN. It is tested and proven to be reliable and receives international recognition. Every year, since 1989, the GoJ estimates the levels of poverty using this annual survey.

the number of persons living in extreme poverty by 2015.[509] The decline was greatest within the Kingston Metropolitan Area.[510] It is assumed that the government has allocated approximately JMD 42 billion on NPEP projects from its inception up to 2006; approximately 6 billion mere for the financial year 2005/2006.[511]

In Jamaica, an estimated 14.8% of the population falls below the poverty line.[512] Or how the former first lady of Jamaica, Beverly Anderson-Manley, clearly points out:

"[…] Unemployment is high […] in the age group 18-24. Infrastructure and services are non-existent. There is a basic lack of amenities like water and toilets. This is living way below the poverty line. […] The privileged few live a life second to none while the marginalised masses of our people, in particular our young people, live like hogs – bathing at standpipes in public and getting rid of their human waste in 'scandal bags'. And then we wonder why we have become the murder capital of the world. […]"[513]

2. Survey Data Evaluation

The respondents of the present study came from the seven communities Tivoli Gardens, Matthews Lane, Trench Town, Mountain View, Denham Town, Tel Aviv and Arnett Gardens; communities which are all located in the downtown and central area of Kingston and are known as ghetto areas.[514] Living in such an area usually signifies having no other means

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[509] See Henry-Lee, p. 86.

[510] Henry-Lee details the decline in poverty levels, noting that there are garrison areas which still reach levels of poverty never experienced in rural areas whereas the poverty is said to be linked with high levels of crime and violence. See Henry-Lee, pp. 84-87. It also has to be noted that even though poverty has been reduced at the macro levels, structural poverty has remained the same in many urban ghetto areas. Thus, on the micro level, there are still parishes reporting persistent high levels of poverty above the national average. See Osei, pp. 775-776.

[511] The NPEP Annual Report 2005/2006, p. 1. For a critical assessment of the NPEP in which the implementation of the NPEP is said to have been poor, see Osei, p. 774.

[512] CIA World Factbook 2008 – Jamaica. Jamaica ranks 111 of 132 countries on the index mundi population below the poverty line rank chart. See http://www.indexmundi.com/g/r.aspx?c=jm&v=69 [as of January 2009]. According the World Bank, Jamaica has experienced a decline in poverty of 15 percentage points between the early 1990s and early 2000s, but still shows a poverty rate of 44.1% based on the moderate poverty line in 2006 which depicts about 22% living below the national poverty line. See figure 2.1, in: World Bank: Poverty Reduction and Growth, p. 23.

[513] Beverley Anderson-Manley, political scientist, gender consultant and former First Lady of Jamaica, in: Jamaica Gleaner News: "Murder most foul", March 26, 2007. See also Moser/Holland, p. 2; Lemard, pp. 58-60 with further references. Yet, there are others who deny a causal link between poverty and violent crime and act on the assumption that there are other factors embedded in the nature of a social system beyond income distribution, poverty levels or economic advancement which relate to the propensity towards violence. See for example Stone, in: Phillips/Wedderburn, p. 24-30.

[514] These ghetto areas are particularly characterised by the involvement of "gangs, guns and ganja". See Clarke, p. 420. For more details on the vicious circle involving gangs, guns and ganja see ibid., pp. 433-435. See also Sarah Manley in: British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 15.15min.

than to live in such an area and indicates a low socio-economic status.[515] Questions concerning the respondent's socio-economic status were answered uniformly for which reason it will not be gone into details of the individual statements.

The respondents declared that living in their particular area meant living in poverty. Declaring from which community they came from, at the same time also declared their socio-economic status: Mean. It was pointed out that people who live in such areas live in poverty altogether and this without exception. If anybody had the money and opportunity to leave and move into another, higher-standing community, they would go. Therefore – and also for the reason that many of the respondent's parents were not alive anymore or not involved in the respondent's lives – the occupational and educational level of their parents did not play a decisive role in order to classify the income level of the household compared to other households in the community.[516] Within those communities people share the same destiny of deprivation. Thus, all the respondents declared that they belonged to Jamaica's underclass and hence to the so-called 'have nots' of Jamaica. Hereby it is worth noting that none of the respondents was hesitant speaking about the still rather taboo issue of money and financial status and was not ashamed mentioning his socio-economic status. The respondents declared that they lived in either shanties or small houses and thus had a shelter and home. There was no respondent who was presently living on the street. Yet, they outlined that they had to struggle with substantial challenges such as getting food and clothing.[517] A few of them also declared having lived on the street at some point of their life. Some said they had enough resources fulfil the basic necessities. Others were not even able to do that. Those who were not able to fulfil their basic necessities legally, declared not to have any other choice than to steal whatever they needed. It was eye-catching how openly most respondents admitted that – since they did not work and did not have a legal source of income – they couldn't afford to buy anything and therefore had stolen whatever they needed.[518] They emphasised though that they only stole to fulfil their basic needs and for no other reason. Those who were able to buy the basic necessities pointed out that the money was just sufficient to survive, but that they could not afford any luxuries.[519] They also admitted having inadequate or only limited

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[515] At this point it has to be noted that no homicidal delinquent from the upper class was included in the present study due to the convenience selection by the social worker.

[516] See § 9 Chapter VI. Family Relation and Extended Kinship Structure, pp. 129 et sqq.

[517] At this point it is accentuated that the respondents were all thin to very skinny and many of them not only underweight, but also undersized which may be explained by a lack of adequate nourishment during their developmental phase. Also their clothes suggested that they do not attach importance to designer or eye-catching clothes: Old rubbished and washy jeans or shorts, simple t-shirts or muscle shirts and slippers. Two respondents even came to the interview barefooted. Thus, one could tell by only looking at them that they did not have a lot of money to spend on clothing etc.

[518] Dean: "Everyting me 'ave me steal. Me cyaan buy nuttn cause me nuh wok. So everyting illegal."

[519] Alex: "Basic items are there, but money is small."

access to community resources that promote and support children's development, health and school readiness.

In general, it can be noted that the respondents have a low socio-economic status, are aware of their situation and seem to accept it as a normal matter of fact. They do not only admit their deprived situation openly, but also accept their situation and make the best out of it. Although they know that life can be different and how life must be in the uptown areas, living in wealth and equity, they are aware of the fact that they will never achieve that socio-economic status and thus do not waste their time dreaming about what could be. All they wish for is to have a roof over their head and the ability to fulfil basic needs. Referring to this, the respondents altogether seemed to be extremely mature and realistic. They perceived their own situation as if they were uninvolved third parties. Though one could sound out the one or other lamentation, their situation did not seem to drive them aggressive, jealous or hostile. In a nutshell: It seemed as if the socio-economic status did not greatly matter referring to the homicide incident or violent acts in general.[520]

3. Critical Appraisal

Having the respondents perceive their own socio-economic situation in such an objective manner and being able to talk about that delicate issue so openly disclosed rather surprising findings on the one hand, while affirming rather predictable findings on the other hand. As such, it was predictable that the majority (if not all) respondents would be coming from deprived areas exhibiting a rather low socio-economic status, thus that poverty would be abundant on the individual as well as on the aggregate level. It is also clear that people having a low socio-economic status in such areas are not content with their situation and face substantial challenges. It is astonishing though that despite the deprivation and the difficulties that come with it, and despite the big gap that exists to the uptown-Jamaicans living only a few miles away from the areas where the respondents live, there does not seem to exist any open jealousy or hatred, anger or aggressiveness.

Many of the respondents said they would not act the way they presently were acting relating to their current lifestyle which includes thefts and other economic offences in absence of their low socio-economic status and the inability to fulfil the basic needs by legal means. Yet, there seem to be no aggressive and hostile thoughts arising from their social situation and the respondents did not establish a relationship to their homicides (with the exception of Mike

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[520] The actual homicides will be discussed in chapter. At this point it can be forestalled that amongst the homicides of the respondents there was no hold-up murder.

and Chris who both committed a homicide during the course of a robbery).[521] Thus, in and of itself, poverty among the sample of the present study does not appear to constitute a considerable risk factor for increased violence.[522]

However, the socio-economic status is important insofar as people living in those areas should at least be able to have enough resources to fulfil their basic needs such as shelter, food, clothing and education. Being able to fulfil the basic needs might keep them away from criminal activities and thus the possible sliding deeper down the spiral of crime up to homicides.

IV. School, Education and Academic Performance

1. In General

A school is an institution in which groupings of students acquire knowledge from teachers through instruction in a centralised location of a classroom within a school building. In the present study, the term school refers to any institute of education at any level.[523]

The goal of schooling is to establish a substantiated knowledge base on which the students will be able to build on as they are exposed to different situations and experiences in their lives. Within the lifespan of going to school, usually and in the ideal case there are particular groupings that play an important role in a child's educational and academic development: The teachers, the parents and all those people who are concerned with the education of the children.[524] Good teachers – as the executors of school-structural provisions – should be able to transfer information and experience into a significant knowledge of a subject that is

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[521] Referring to Chris' and Mike's homicide it has to be highlighted though that their homicides were not conventional hold-up murder and thus were not committed for primary material reasons, but rather depict homicides out of fear for discovery.

[522] One only has to imagine the many countries that exhibit a similar or even worse socio-economic condition than Jamaica and however do not exhibit such a high homicide rate. According to the worldwide country comparison of the population living below the poverty line of index mundi, Jamaica ranks 111 of 132. Thus, there are more than 100 countries exhibiting a higher proportion of the population living in poverty without exhibiting a similar high homicide rate. See also Stone's statement: "Poverty does not explain the varying levels of violence among either Third World or industrialized countries. The social basis of violence in those countries that have high levels of violent behaviour seems not to be a simple material one. […] There are vast differences between the levels of violence in certain countries with similar levels of economic development. […] This would suggest to me that there are factors embedded in the nature of a social system beyond income distribution, poverty levels or economic advancement, which relate to the propensity towards violence, violent crime and violent behaviour." Stone, in: Phillips/Wedderburn, pp. 25-26.

[523] Education is thus the organised teaching and training of students within such a centralised location.

[524] Also the schoolmates play an important role in the process of socialisation. Positive friendships can be built up with reciprocal assistance in school matters and other areas, strengthening of self-confidence and a sense of belonging, while negative experiences can be made through exclusion or the common phenomena of bullying, i.e. the physical, verbal and psychological intimidation of students by other students. As for bullying, see Kelly/Totten, p. 81.

understood and retained by the students and inculcate juveniles with certain values of a law-abiding society. In the ideal case the school – as a major social institution – depicts a central developmental setting for juveniles with the primary function to serve as a springboard for future success.[525] The teachers spend a great amount of time with the students and should provide them with reading, writing and communication skills, base knowledge and assessment of ability.[526] Socio-pedagogic objectives such as acceptance and promotion of the student's personalities and the taking serious of their individualities should take in centre stage.[527] Though the school inherits the function of a bridge between the family and society and assists the development of the juveniles to a great extent, the parental involvement in the educational development of their children cannot be underestimated. Early and consistent parental involvement in the child's academic life by reading to it at an early age, teaching interpersonal communication skills, exposing it to the community and educating it about a healthy lifestyle is crucial.[528] Socialisation and academic achievement in the ideal case is strongly linked to the school *and* the parental involvement. While familial institutions often socialise their offspring sufficiently to avoid involvement in delinquent acts, the school is an institution given principal responsibility for the task of socialising those who are not socialised sufficiently by the family. Gottfredson and Hirschi point out the advantages the school has compared to the family: First, as the students are supervised nearly the entire day with a teacher overseeing them, the students are more effectively monitored than at home. Second, it is easier for teachers – as professionals and outsiders – to recognise deviant behaviour. Third, the level of order and discipline is mostly higher than in families. There is a clear interest in controlling disrupting behaviour. Forth, the school should posses the required authority and means to punish breaches of any kind.[529]

The social capital students learn and the experiences they make in school shape their coping strategies and form part of the conditions that can influence violent behaviour.[530] While positive school experiences – such as a feeling of group membership, academic achievement, teachers who make differences in the lives of the students or involvement in sports teams – can prevent juveniles from becoming delinquent, schools do not have the specific and primary function of preventing delinquency. School experiences can also foster

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[525] With reference to the school as secondary instance of socialisation see the details in Schwind, pp. 220-245 with further references.

[526] Kassis, p. 131.

[527] Kassis, pp. 138-139.

[528] It is self-evident that this task is critical if parents are not involved in the child's academic life or even more if a child does not have any parents or caregivers at all.

[529] Gottfredson/Hirschi, p. 105.

[530] Kassis, p. 18.

the tendency towards violence and delinquency[531]. The inability of parents to send their children to school because of economic and social conditions[532], the quality of education or the schools can be considered as negative risk factors[533], paucity of educational opportunities, a low sense of belonging to or low bonding at school (low commitment and educational aspirations), poor performance in school or academic failure, illiteracy[534], frequent school transitions, truancy and dropping out of school.[535]

In Jamaica, it was the emancipation of the slaves that heralded in the establishment of an education system for the masses that is still embedded in the policies of the 21st century. Yet, until the 1970s, the educational system continued to provide insufficient opportunities at the post primary levels and effectively still barred a large part of the population from attaining more than functional literacy. It was only in the 70s that universally free secondary school and college education were imposed and a campaign to eliminate illiteracy was mounted.

Today, four levels of education are existent in Jamaica:[536] There are early childhood or pre-primary schools for infants up to age five that are privately operated. Primary schools are for children aged six to 11 years (grades one to six). They can be publicly and privately owned. In Jamaica, there are 792 government operated primary schools.[537] Primary school education is compulsory and free. With the change of the government in September 2007 came the change from tuition fee to free secondary school. They are for students aged 12 to 18 years (grades seven to 13) and are publicly and privately owned. Tertiary schools are publicly and privately owned as well and comprise community colleges, teacher's colleges, vocational training centres, colleges and universities for persons who have successfully

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[531] See Salehi, p. 19; Farrington, in: The Oxford Handbook (2002), pp. 677-679 with further references.

[532] Not sending the children to school due to economic reasons is seen as a "sad reflection on the short-sightedness of these parents" as by holding back their children from going to school they sabotage their future prospects. See Jamaica Gleaner: "A Blight on Our Children's Future", May 12, 2006.

[533] For example denial of basic constitutional rights to young people while they are in school or exclusion of marginal juveniles from sponsored school activities such as clubs, artistic groups, athletics and student government.

[534] Literacy is considered to be the ability to use language to read, write, listen and speak at a level adequate for communication so as to take part in society. In Jamaica, literacy of the total population amounted 87.6% in 2003 (est.) with males amounting 84.1% and females 91.6%. Youth literacy rate (ages 15-24) amounted 94.5%. Data obtained from the CIA World Factbook 2008 – Jamaica; UNDP Human Development Report 2006, p. 259. The UNDP has classified Jamaica rank 98 (of 176) in terms of literacy and has categorised it to the group of medium human development.

[535] Juveniles in Jamaica drop out of the formal school system because they cannot afford transportation to school or lunch, have lost interest in education or lack sufficient parenting. These factors lead to a high number of juveniles eventually living a street life.

[536] The formal public education system in Jamaica was established by the Education Act of 1965. For a 58 pages directory of all public educational institutions in Jamaica in 2006/2007 see: http://www.moec.gov.jm/Directory%2006.pdf [as of January 2009].

[537] UNICEF Jamaica, p.1.

completed secondary education. Though primary school education is free, enrolment in it stands at about 94%, while daily attendance is at 80.4%.[538] The average teacher-student ratio is 1:34.

Jamaica is well known not only to foster a generally high level of violence and aggression in school, but also a harsh way of teaching including corporal punishment.[539] Corporal punishment is not outlawed.[540] Teachers and students of nearly all schools admit that beatings occur on a regular basis as an act of punishment. The punishments include beatings with straps, belts or rulers, sending students outside the classroom, making them kneel or stand in the sun or in uncomfortable positions. Dr. Julie Meeks-Gardener, a lecturer at the University of the West Indies in Kingston, Jamaica, points out that the frequent exposure to violence in both home and community including the schools is a significant factor contributing to the high level of aggression in children.[541]

In short, school problems and a poor educational achievement can be linked to juvenile involvement in crime.[542] Apart from the low positions in the economic system – due to a lack of necessary certifications and skills to enter the workforce – that can lead individuals to enter criminal enterprises as a non-legitimate alternative, the lack of social integration, low self-esteem and low social resources can foster an increased tendency to violence.[543]

2. Survey Data Evaluation

As mentioned above, there are four levels of education in Jamaica. Until autumn 2007, primary schools for children aged six to 11 years (grades one to six) were free of tuition fees.[544] One would assume that children growing up in families with low financial resources – which has been outlined applies for all the respondents – would attend the free primary level in order to acquire literacy, numeracy and various social and educational skills, but not necessarily secondary or tertiary school. Adrien, Chris and Jamie achieved to successfully complete the secondary level. On the other hand, Rickie, Mike, Wes and Tyrone had already

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[538] UNICEF Jamaica, p. 1.

[539] See Jamaica Observer: „Beatings, Violence Contribute to Aggression in Kids – Study", June 3, 2001. Two studies commissioned by the PIOJ confirmed that beatings of students by teachers occurred in most schools on a regular basis.

[540] Meeks-Gardner/Powell/Grantham-McGregor (2007), p. 40.

[541] Ibid., p. 40; Meeks-Gardner/Powell/Grantham-McGregor: A Case-Control Study of Family and School Determinants of Aggression in Jamaican Children, Planning Institute of Jamaica, Kingston 2001.

[542] The „Admissions by Education"-statistics of the Department of Correctional Services, Jamaica, reveal that the majority of convicted offenders has a poor educational level. See http://www.dcsj.net/p/stats.htm [as of January 2009].

[543] See Kelly/Totten, p. 13.

[544] See the foregoing page.

dropped out of primary level.[545] Rickie, Mike and Tyrone left school due to financial reasons. Despite the schooling being free of tuition fees, there was a lack of money for transport, meals and/or school uniforms so that they could no longer afford going to school and had to quit free primary school with eight, ten and eight years of age respectively. They never returned back to a school. Thus: Although primary schooling is provided free from tuition fees, there are families who can't afford to send their children to school. As the primary level is voluntary, the families can't be forced to send their children to school. Consequently, students already leave school at the primary level on the quiet. Wes was the only child being excluded from primary school at the age of 11 years due to a fight between him and another student.[546]

The majority of the respondents (13 respondents) quit their educational development during the course of secondary schooling; age-class 12 to 18. They either quit by choice (or rather by incapacity; this accounts for six respondents) or had to leave school because they were excluded from school (this accounts for seven respondents). Thus, the majority of respondents left or was forced to leave school between 12 and 18 years of age. For those who were not excluded from school the cause for quitting was univocal: Lack of financial resources to pay the tuition fee, transport, meals and/or school uniforms. The families without exception could no longer afford to send their children to school and therefore the children had to quit school to disburden their families. At set out above, families either lacked legal money for basic necessities such as food and clothing, or were just about able to fulfil their basic needs, but did not have any money for anything additional. The respondents outlined that, if money had been available, they had kept on going to school, trying to obtain a graduation that could promote them in their further academic and/or occupational pathway.

The seven respondents who were excluded from school had been so due to either violent acts – brawls between students (Barry and Elijah) or the beating up of a teacher (John) – or in connection with firearms – may it be because they had taken a firearm to school (Daniel, Adam and Greg) or may it be that they had been involved in a shooting outside of the school

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[545] Jamie successfully finished primary school with 11 years of age, but never attempted to attend secondary school. He instead went to a school in which practical skills such as technical or domestic workings were taught and which lasted 1.5 years. Thus, by the age of 12.5 years, Jamie was out of school.

[546] One day, one of Wes' classmates placed a pencil in his chair. As Wes sat down, he sat on the pencil. While he jumped up, the classmate rammed another pencil into his back. The pencil broke and became stuck in his back. Boiled with rage, Wes beat up the classmate with a school table whereupon he was excluded from school immediately. Wes tore the letter and didn't tell his mother, but instead still kept on going to school, but got kicked out by the security guards daily. He was eleven years old at that time and allegedly had never been involved in any other fights at school before.

compound (Robin).[547] Thus, an exclusion from school – as the most prevalent reason of leaving school – occurred in high hazard risk situations: Situations in which a firearm was detected and thus suggested the suspicion that the respective person would be ready to exert the weapon and harm other people seriously or even kill them, and in situations in which violence was displayed by beating up other students or even a teacher.[548]

Referring to the question how the school was perceived personally, the answers were devided. Whilst a smaller part (six respondents) perceived the school as a positive institution and could report on positive experiences in school and with the teachers, the majority (12 respondents) expressed themselves rather negatively to very negatively.[549] It was often denounced that the school compound was a violent territory in all respects. May it be that teachers were beating the children, may it be that children were violent to each other. Often, the students were the ones who pulled the school to the negative side as intimidating, bullying, violent acts, extortions and thefts were on daily row. The relationship towards and with the teachers was predominantly seen as moderate to good. Though some admitted that there were teachers who treated their students badly and beat them, the statements of the respondents evolved that the teachers were not seen as the major problem factor in school, but the students and the general climate of violence amongst the students in school.[550] It seems like in Jamaica, the students are the ones who actually make the school to what it is – a pavement beyond bearing for students as well as for teachers. As the classrooms were often said to be overcrowded and the teacher pupil ratio to be very high, teachers are not

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[547] Two of them (Adam and Greg) had been expelled from school in former incidents. Also Sean, who quit school due to financial reasons, had been expelled from school four times.

[548] Robin was excluded from school because he was involved in a shooting outside of the school. He was sent to a JAMAL school (the Jamaican Movement for the Advancement of Literacy), a special school for troublesome children and children who cannot read and write. Although he was excluded from school, he was the one referring to the school most positively. "School is a good ting. You cyaan blame anyting on di school." He outlined that the school was a very good institution and that one had to go to school and pull through it by ones own efforts. If one did not go to school, it was his own problem.

[549] Interestingly enough there were two respondents – Adrien and Daniel – who went to the same school but whilst Adrien said that he felt good about school and didn't have anything negative to say about the school, its teachers or school violence in general, Daniel stated that violence was common at school and that there were many "badkids". Whether they just perceived the situation differently, it actually was different or the respondents merely exaggerated or understated, could not be determined. It has to be kept in mind though that they are not the same age but a couple of years apart and therefore did not go to school at the same time.

[550] It cannot be misconceived that violent acts of students in school have repercussions on the social integration within school. Teachers get discouraged by aggressive or lackadaisical behaviour of the students which leads them to stop rendering fellow humane commitment. But by their behaviour of retreat and resignation, they lose authority within the class more and more and fellow human relationships start breaking apart in school. Violence in school thus depicts a vicious circle. Yet, although the majority of the respondents perceived the school as a violent territory, none of them mentioned not going to school anymore due to the level of violence prevailing at school. As mentioned before though, there were seven respondents who dropped out of school because they had applied violence on the school compound.

able to control the students, are powerless and either resign or react with violence and aggressiveness themselves. Thus, schools were mainly perceived as an unsafe compound minted by violence ad infinitum.

The following statements show that respondents who perceived the school positively as well as students who perceived it negatively agreed upon the fact that the students were the ones dragging the schools in the mud:

"It's di kids running di school. Teachers nuh 'ave nuttn to say. Them are nobodies."[551]

"It's di kids that's bad."[552]

"School is a good ting. You cyaan blame anyting on di school."[553]

"Them students, them mess with you."[554]

"Me tek me gun fi protection 'gainst badkids".[555]

3. Critical Appraisal

As the field reports of the respondents reveal, it is not the school as such that is perceived as bad, but its students who appear to turn the school into a pure chaos characterised by indiscipline, obstreperousness, the teacher's lack of authority and a high level of aggression potential and violence. As set out above, the objectives of schools – as usually defined – are not only to teach the students to read and write, but also to impart base knowledge, communication skills and assessment of ability – thus the basic and most important social capital necessary for competing in the wider world. If teachers are powerless and students literally take over the school, if inordinateness and instead chaos are the order of every day, if disputes are not solved with social communication but with aggressiveness and violence, students will not be able to acquire the knowledge they should be acquiring from school and adapt to that aggressive and violent behavioural pattern they experience at school day to day. The students learn by this hostile social interaction and the experiences they make shape their coping strategies. Such a hostile environment does not only lead to an adaptation to violence and the lack of communication skills, but in consecution also to a high level of school exclusions. It is crucial to combat the great field of all those who are excluded from school by reducing the aggression potential at schools. This reduction has to take place at all levels: Students against students, students against teachers and teachers against

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[551] Statement of Alex who made only negative statements about the school.
[552] Statement of Kevin who had a positive attitude towards the school.
[553] Statement of Robin.
[554] Statement of Wes.
[555] Statement of Adam.

students. As violence and the presence of weapons at school increase the risk of students getting involved in violent and delinquent acts and thus of being excluded from school which in turn can foster the probability of dismounting into delinquency, it has to be worked on the school environment as a whole in order to make it a non-violent and safe place.

Another path that facilitates the entrance into delinquency and has to be combated is the proportion of children not being able to go to school due to financial restraints. As set out above, the government has changed the education system: Also the secondary school is tuition free now. Yet, there are many caregivers not being able to send their children to school as lunch meals, school uniforms and/or transportations costs cannot be paid and the family depends on another income-generating hand. More support has to be offered to such deprived families.

Thus, main objective should be that everybody has the possibility to follow school through to the end of the secondary level which means that the amount of students leaving school for financial reasons as well as students who are being excluded from school have to be reduced. A schools' primary function is to serve as a springboard for the future educational and academic pathway. Low or no educational attainment puts the young people at risk of low paying jobs or even unemployment. With regards to the respondent's statements, it seems that schools in Jamaica presently are rather serving as springboards into delinquency than into the regular pathway for certain students.

V. Employment, Job Retention and Job Quality

1. In General

After completing school, the regular pathway leads to the entrance into the labour force. Employment can be defined as a contract between the employee who works in the service of the contracting partner and the employer who controls, supervises and advises the employee how to carry out the work, availing a productive activity. The former contributes labour to the enterprise, usually in return for payment of wages or a salary. But employment offers more than just a pay check at the end of the month. The routine of employment structures lifestyles, provides a sense of involvement in a larger organisation, promotes pro-social activities and creates friendships and peer networks among co-workers, work ethics connect people to broader societal goals and wages and salaries keep families economically afloat what in turn results in a sense of accomplishment, stability and security.[556] Employment is a

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[556] Wadsworth, who acts on the assumption that the influence of employment reaches beyond its economic component, conceptualises employment as an investment. See Wadsworth, pp. 103-106.

fundamental aspect of social life as employed people spend the majority of their time in structured activities.[557] There are three broad dimensions of employment that can potentially impact criminal behaviour: Finding and obtaining a job, keeping the job and job quality and satisfaction with the job. At the best the job, with its regular hours, its restrictions and compensation, settles down the juveniles and satisfies their previously unsatisfied wants. Age generally increases the desire for stability, lowers the desire for risk and raises concern about the future. A full-time permanent high-quality job offers stability and certainty for the future.

Unemployment – as the contrary situation of not having a job – exists to the extent that employment is not universal.[558] While employment can provide legitimate means for obtaining material possessions, acquiring status and career paths, unemployment means lack of social contacts with fellow employees and lack of an activity for many hours of the day, mental stress, illness, loss of self-esteem and the inability to pay bills and purchase necessities and luxuries. The combination of unemployment, a lack of financial resources and social desirability may not only push unemployed people to take jobs that do not fit their skills or allow them to use their talents, but worse, may even push them to illegal activities such as drug dealing or property crime.[559] The question therefore arises whether rising unemployment increases the crime rate.[560] It is assumed that higher levels of unemployment lead to larger numbers of individuals spending time in public areas and hence increasing delinquent opportunity by facilitating access to accomplices, targets and victims. Work and delinquency – to a certain extent – can be seen as two competing activities.[561] When considering its potential relationship with delinquency, work should not only be seen as a

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[557] In regards to employment from a criminological perspective see Schwind, pp. 247-259 with further references. The profession – as well as school – accounts as a crucial secondary instance of socialisation.

[558] Unemployment figures indicate how many people are not working for pay but seeking employment for pay. Children, the elderly and individuals with certain disabilities are usually not enumerated as part of the labour force and are not included in the unemployment statistics. They are neither employed nor unemployed.

[559] To explain the differential involvement in deviant behaviour, according to the dual labour market theory, a distinction is often made between primary and secondary sector jobs which differ from each other by value, entry, job impermanence, and returns to education or experience. It is a form of inequality and chronicle disadvantage. See Wadsworth, pp. 21-22.

[560] Gottfredson and Hirschi believe that there is no theoretical importance of the relationship between unemployment and crime as the empirical foundation is too weak. See Gottfredson/Hirschi, pp. 139, 164. They acknowledge though that people who commit crimes often have an unstable job profile which means that they have difficulty in finding a job and keeping it. See ibid., p. 165.

[561] Calvó-Armengol et al. for example in their discussion paper see crime and labour as two competing activities. They suggest that when jobs are badly paid and/or crime is profitable, unemployment benefits have to be low enough to prevent workers from remaining in the unemployment status too long as they are vulnerable to crime activities and vice versa when jobs are well paid and/or crime is not profitable. Calvó-Armengol/Verdier/Zenou, pp. 3-5, 16-17. They refer to unemployment as the "waiting room" for both employment and crime.

dichotomous variable though – employment versus unemployment – but instead job retention and stability, job quality and satisfaction with the job at the micro level as well as the labour market composition at the macro level ought to be viewed as factors that may be related to criminal behaviour as well. Employment is a multidimensional conceptualisation. Macro-economic structures and community organisations as well as individual employment opportunities and experiences can affect delinquency at the individual and aggregate level.[562] It is the individual who chooses to enter or not to enter criminal activity in the process of maximising his or her expected utility – an index of personal well-being and preferences. But this decision is not only made on the individual level; also economic and industrial context at the macro level can play a crucial role by framing the potential choices and opportunities from which an individual may choose. This concept does not only account for income-generating crimes that are used to replace income gained from legitimate means, but can all the same also claim validity with violent crimes as the absence of employment or quality employment weakens the social ties that bond individuals to their neighbours and neighbourhood institutions on the macro level and leads to a breakdown of social bonds also on the micro level and to the feeling of dissatisfaction, hopelessness and frustration which in turn can induce the individual to increase his delinquent activity, income generated as well as violence related.[563] Employment captures both the economic and non-economic characteristics of an individual's or community's labour market experience that may influence participation in delinquent behaviour. Without the positive forces of good quality employment actively discouraging deviance, individuals are more likely to engage in delinquent behaviour. Yet, while being jobless or having a low-quality job may increase the likelihood of delinquent involvement for some individuals, it is unlikely that this is a constant effect across all individuals. Types of employment and characteristics of jobs are important in understanding the relationship between employment and delinquency at both the individual and community level.

Employment and delinquency have a complex relationship that has been a long standing issue in research.[564] The potential impact of high-quality employment on desistance from delinquency or the contrary, the potential impact of unemployment and low-quality

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[562] Wadsworth comes to the conclusion that industrial composition, unemployment and part-time employment influence crime at the macro-level and employment status and employment quality at the individual-level. See Wadsworth, p. 218.

[563] Wadsworth in his analysis of the 1979 and 1980 waves of the National Longitudinal Survey of Youth comes to the conclusion that employment has a deterrent effect on violent crime. He could not determine any influence in property crime. See Wadsworth, pp. 130-142. Thus, non-monetary job characteristics such as employment status and employment characteristics are more influential on predictive models of crime. See also Small, in: Phillips/Wedderburn, p. 10.

[564] For details see Downes/Rock, pp. 166-176. They state that the most convincing analysis of the link between unemployment and delinquency particularly lies in property crime.

employment on the indulgence into delinquent activity is of significant interest to criminologists and as the issues surrounding it are complex and difficult to untangle, the relationship has largely remained unresolved so far.[565] The relationship can be ambiguous at the individual as well as at the community level. Employment and delinquecy can shape attitudes, influence behaviour and structure lifestyles. While it is plausible that a negative relationship between employment and delinquency exists, the issue of causality is unsettled a fortiori. It remains unclear whether employment causes desistance from delinquency or the relationship is spurious with a self-selection process.[566]

In Jamaica, the unemployment rate has been on a decline since 2003. According to the CIA World Factbook, the unemployment rate for 2006 represented 11.5%. The employment rate for men has been stable over 91 for the past years with an unemployment rate not higher than 8.8%.[567] Jamaica ranks 65 among 176 countries in regards to the unemployment rate.[568] Blank and Minowa in their study on youth-at-risk estimate that "approximately 175'000 young people between the ages of 12 and 24 are not in school and not employed." This represents approximately 25% of the age cohort."[569] Though the official unemployment statistics may not be alarmingly high, the looming threat of unemployment can be high as the instability and low wages endemic create poor quality employment structures. Here, the third above mentioned dimension of employment – job quality and satisfaction with the job – plays a crucial role. The question therefore arises whether unemployment and/or low-quality employment affects participation in delinquent activity.[570]

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[565] Bucklen in his review of the research on employment and crime comes to the conclusion that virtually all of the major theories of delinquency that have been discussed earlier provide some explanation for a potential link between employment and crime. Bucklen, pp. 3-6. See also Bushway/Reuter, in: Preventing Crime, pp. 3-5.

[566] Bucklen comes to the conclusion that the relationship between employment and crime is age-graded and that a somewhat stronger case can be made for a negative relationship between employment and delinquency among adults compared to juveniles (he speaks of a "consistently null relationship"). Bucklen, pp. 14-16, 20. See Bushway/Reuter in: Preventing Crime, p. 5. Also, it is unclear whether relationships are driven by individual-level processes aggregated up to the community level or by contextual-level processes that occur independently of or in conjunction with individual characteristics. Wadsworth examines both the individual as well as the community as units of analysis. See Wadsworth, pp. 12-19, 26-29, 36-219 with further references.

[567] Statistical Institute of Jamaica: Main Labour Force Indicators, 2004-2006. See http://www.statinja.com/stats.html [as of January 2009].

[568] Index mundi, Country Comparison, Unemployment Rate. See http://www.indexmundi.com/g/r.aspx?c=jm&v=74 [as of January 2009].

[569] Blank/Minowa, p. 9.

[570] The official "Admissions by Occupation"-statistics of the Department of Correctional Services, Jamaica, reveal that approximately 65% of all convicted homicide offenders are unskilled. See http://www.dcsj.net/p/stats.htm [as of January 2009]. In Lemard's study, unemployment was one of the most cited factors perceived to be contributing to violence in Jamaica. See Lemard, p. 156. As her study emanates from the victim and not perpetrator side, it can be adhered that elementary level skilled persons (34.9%) and unemployed (12.6%) together totalled 47.5% of the victims.

2. Survey Data Evaluation

In the forefront of the interviews it was unclear how old the respondents would be and if they were still going to school or had entered the workforce already. The respondents turned out to be between the ages of 17 and 27 years with none of them attending school anymore. Three had finished secondary school, nine left school because of financial reasons and eight were expelled from school due to acts of violence. Accordingly, all of the respondents could be questioned to the subject-matter employment.

The respondents were questioned to their occupational position, their general attitude towards work and their feelings about their occupational position, may it be employed or unemployed. Of all the respondents, only three (Adrien, Chris and Jamie) hold down a legal and full-time permanent job and are able to finance their lives with legal means while the remaining 17 respondents finance their lives with illegal sources of revenue.[571] A bigger part of them (11 respondents) finances their lives exclusively with illegal sources of income. Adrien, Chris and Jamie, who hold down a permanent employment, have a similar occupational position: Jamie works as an employee in a Chinese store where he deals with all tasks that come up such as stacking of shelves, clearing the stock and restocking, operating the cash and other duties.[572] Adrien is trading with various goods for an elder man and Chris works in a wholesale downtown in which he also deals with all tasks that come up. All three are non-skilled employees. They earn enough to meet their basic needs, but cannot afford any extras. It has to be highlighted that Adrien, Chris and Jamie are those who had finished secondary school successfully and held a secondary school certificate in hands. Thus, those respondents who had completed secondary school at the same time are those who now follow a full-time permanent legal employment. Education thus seems to be helpful for the following entry into the workforce.

It is also to note that the three respondents being employed give a positive account of their work and express appreciation for the job. This although others might view their day to day work as being neither interesting nor sophisticated, but of low quality and particularly badly paid. Nevertheless, the respondents appreciate having the job and being able to meet their basic necessities by legal means.

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[571] Referring to other legal but not full-time permanent sources of income see the following page.

[572] Jamie added that he also used to work in a wholesale during school holidays when he was about 15 years old.

Of the remaining 17 respondents, who do not follow a legal and permanent job, all with the exception of Daniel[573] admitted committing thefts to finance their basic needs. They did not perceive stealing as a form of or an equivalent to work but mostly specified in connection with their life story that their actual life situation (deprived living area, no educational achievement, in part entries in the criminal record) would not allow them to find and obtain a legal job.[574] To fulfil their basic necessities and survive, they steal whatever they are lacking – may it be food, money to buy necessities or goods to sell in order to buy necessities from the money.[575] While many of the respondents admitted committing thefts forthright, there were others who only admitted it after they were asked the question how they financed their lives being unemployed. None of the respondents was ashamed or tried to cover up their acts, but explained that they had no other choice than to steal. To the question what the goods were they stole, they denounced that they only stole small goods of not much value such as food or little accessories they could try to sell again on the street. They pointed out that they did not steal any luxuries or big goods that could be seen by others or made other people suspicious. Goods had to be small in order to take and walk around with them unnoticed, being able to hide them in their pants or beneath their shirts. Whilst the respondents knew that stealing is prohibited, they perceived themselves as forced to steal and as not being able to act differently in their situation.

Theft was not the only offence the respondents admitted committing to arrive at money: John and Barry admitted committing robberies linked with violence, Barry and Rickie extortions[576], Daniel and Greg selling ganja and Mike jiggling (begging). Mike was the only respondent who reported begging. Other respondents who were approached in this matter reacted very negatory saying that they would never let themselves down and beg.[577]

The stories of those who work legally in some kind of way, but not on a permanent or sufficient base and who therefore see themselves pressured to stuck up the insufficient

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[573] Daniel specified that he financed his life with "hustling". Hustle in general describes a state of great stress and industriousness, but in Jamaica is utilised for drug dealers. On inquiry, he admitted selling ganja.

[574] Dean for example explicated that he has never had a job in his life. After dropping out of school with 13 years, he spent his time hanging around on the street. With 17 years he was incarcerated and just came out of prison recently. While he could not get a job before due to a lack of school graduation and the bad area he comes from, now, with an entry in the criminal records, his endeavours are said to be completely viewless.

[575] John: "There's no money fi get food and di govament nah luk out fi ya. Ghetto yout haffi fight."

[576] Rickie went more into detail and explained extensively how the extortions took place. He, for example, extorts people at the market. The people at the respective market stands sell fruits or vegetables and therefore need a scale to weigh their fruits or vegetables. They have to give him a small sum of money (100-300 JMD = ~1,40-4.30 USD) in order for him to leave them alone. If they refuse to pay, he takes away their scale. As a result the people can't way their goods anymore and thus can't sell anything.

[577] Tyrone: "We nuh want to beg nobody nuttn."

amount with illegal activities (six respondents) were very similar: Either they were vendors who bought little items in stores downtown and sold them more expensive on the streets or at market stands (Kevin, Sean, Mark) or they worked at the harbour helping the boatmen to unload the containers for a small money consideration (Rickie, Wes, Paul). As their income was not sufficient to fulfil their basic necessities, all six admitted committing thefts – also and particularly at work.[578]

It is obvious that being unemployed or having a low-paid job pushes people to seek for another income source and maybe to dive down into illegality. As mentioned already for the academic issues, the respondents recognised their situation and could adequately portray it. They knew exactly that their doing was not permitted (except of course for the three who hold down a permanent and legal job), but added that they did not have any other choice than to act the way they did. Clearly, they were not happy with their situation as illegal sources of income are not permanent and bound with risks – in those areas not implicitly the risk of getting caught by the police, but to fall under by vigilante justice.[579] And though frustrated by their insecure and unstable situation, they seem to accept their situation without any feelings of anger or aggression.[580] Thus, though most of the respondents admitted committing various offences due to their occupational situation, those offences are limited to income-generating property crimes (though those can also be linked to violence such as robberies and extortions) and their first intent is not to harm anybody physically, though physical harm can occur in the course of the commission of the property crime.

Recapitulatory, those respondents who hold down a fulltime-permanent job did not commit their homicides at work or in any connection with their job and are quite satisfied with it, while those unemployed or with badly paid sporadic assignments indeed take part in illegal activities. However, those activities are constrained to income-generating property crimes which can be linked with violence if people stand in their way in any one sort of way. They are not directly linked to homicides.

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[578] Paul for example explained in detail how he enriched himself while unloading containers at the harbour. He always had a little knife stuck in the waist of his pants with which he opened the one or other chest and took out one or two goods (for example armbands, t-shirts or hats), hid the goods under his shirt, said he had to go to get something to drink but instead went to a place where a female friend of his was waiting to take the goods and treasure them in order for him to be able to sell them on the street later.

[579] Only a few days after our interview, Robin was involved in a robbery of a Chinese store. The owner of the store recognised him and – as Robin fled – chased him down the roads with up to 200 people following him little by little. He managed to go into hiding. His current whereabouts are unknown to the author.

[580] Rickie for example was very positive speaking about his occupational future. He said he was looking for a permanent job as he saw the advantages of a full-time permanent work. He denounced that his chances were good as he would be able to attend a training course as grinder and had a job offer already. The job was said to be very good paid with 28'000 JMD a month (~400 USD).

3. Critical Appraisal

Legitimate employment opportunities are scarce for the respondents. If they were present, the respondents took them. The others specified that if legitimate opportunities were present, they would take them. As legitimate opportunities were unavailable for the majority of the respondents though, they were likely to engage in illegitimate opportunities. There were also some respondents who engaged in both legitimate and illegitimate activities at the same time, since their low-wage and non permanent labour market employment did not provide sufficient economic resources to fulfil their basis necessities. The assertion that unemployment or low-paid employment, lack of financial resources and social desirability pushes unemployed people or people with badly paid low-quality jobs into illegal activities such as drug dealing or property crime and that this involvement again can lead to the commission of violent and thus lethal acts has proved true for the 17 respondents who were unemployed or in insecure sporadic assignment. In order to reduce lethal occurrences, interventions require the creation of employment opportunities for the large numbers of young people that are at the source of so much of the delinquency in the area. At the same time, those young people lack the skills needed to obtain and retain attractive jobs wherefore the intervention has to begin at the educational level and then pull through to the occupational level.

VI. Family Relation and Extended Kinship Structure

1. In General

In a traditional point of view, a family consists of a group of people who are affiliated by birth or marriage. As changes in society's values appear through which traditional duty and acceptance values become less important whilst values of self-development and the planning of an individual life design are increasingly upgraded, today, a family in the broader sense is not only genetically affiliated or bound by marriage anymore, but also by various other analogous or comparable concepts such as domestic partnerships, cohabitation and the like. In the following, it is emanated from such an extended kinship structure.

A family in the ideal case exhibits two elementary social functions: An economic and an educational function. The economic function renders protection and provision for family members and feeds, clothes and houses them. The socialisation or educational function generates a first tight social network and educates the young family members. Socialisation is facilitated and social skills are built up and formed.[581] The family plays an important role in

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[581] The theorists of the depth psychology act on the assumption that the personality of a person gets shaped in the first years of life. See Urbaniok, p. 33.

determining the behavioural patterns which the child will exhibit as the family – at the period of greatest dependency and formability – has nearly exclusive contact with the baby and continued intimate contact over a subsequent period of several years with the child. Thus, the family is the first and most important social institution to affect the direction a child will take.[582]

Families can provide children with positive and negative experiences. Upbringing that promotes interpersonal communicative relations, academic and professional skills and encourages the development of normative values and positive behavioural standards can be instrumental in preventing delinquent behaviour. Family members with negative upbringing behaviour are likely to raise children with negative behavioural standards in the absence of significant protective factors.[583] Children are not merely passive onlookers, but are actively involved in seeking to make meaning of their experiences and in dealing with the situations that confront them. When families transmit diverse behavioural patterns, they – under certain circumstances – may also transmit delinquent behaviour. There are a number of factors that could contribute to high-risk child education such as:[584]

- Delinquent family members,[585]
- familial attitudes favourable to deviance such as substance abuse or violence,[586]
- child maltreatment,[587]

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[582] In regards to the family as primary instance of socialisation see Schwind, pp. 185-220 with further references.

[583] In relation to the various family factors that are seen as important predictors of offending see Farrington, in: The Oxford Handbook (2002), pp. 669-677 with further references.

[584] The factors outlined here are not exhausting and may be extended arbitrarily. Mentioning the bewildering variety of family constructs that have been studied and the variety of methods used to classify them into categories, Farrington grouped family factors into five categories: 1. Criminal and antisocial parents; 2. Large family size; 3. Child-rearing methods; 4. Abuse or neglect; and 5. Parental conflict and disrupted families. See Farrington, in: The Oxford Handbook (2002), p. 670.

[585] See for example Farrington, in: The Oxford Handbook (2002), p. 670: "Criminal and antisocial parents tend to have delinquent and antisocial children". See also Ellis, in: Phillips/Wedderburn, p. 3.

[586] For young people who experience or are exposed to family violence, violence can have psychological, physical, academic, sexual, interpersonal, self-perceptual or behavioural consequences. In some cases, the consequences may be fatal. It is likely that someone who has suffered violence memorises the experience and is susceptible of passing on those experiences himself. The intergenerational transmission of violent behaviour is also called 'circle of violence'. It may be that certain people externalise their response to violence, displaying increased aggression or delinquency. See for example Ewing (1991), pp. 20-23. Ewing outlines that "probably the most consistent finding in juvenile homicide research to date is that juveniles who kill have generally witnessed and/or been directly victimized by domestic violence." Ibid., p. 130. See also Jepson/Parker, pp. 20-27.

[587] Child maltreatment can occur by parents who physically or emotionally abuse or neglect their children. As to neglect in general see Kelly/Totten, p. 58; Farrington, in: The Oxford Handbook (2002), pp. 674-675. Many abused or neglected children avoid or escape their parents and in doing so are likely to become involved in a variety of deviant and delinquent behaviour. See Kassis, pp. 63-64.

- poor family management, child rearing and disciplinary practices,[588]
- low levels of familial involvement and affection[589] or
- family breakdown by death, divorce, separation or desertion.[590]

Children growing up with various risk factors in the familial area are prone to lack interpersonal communication skills and a social network and have difficulties approaching other people with empathy.[591] These personality traits strongly influence the relationship to other people and particularly reduce latitudes in interactions. Deviant and delinquent behaviour may seem to be ways to overleap that hurdle. Thus, the diversity of family experiences reflects the multiple paths that may lead young people to become delinquent.[592] However, while positive experiences are not a guarantee that young people will not become involved in homicides, negative experiences are not a sure road to involvement in crime in general and homicides in particular either.[593]

The Joint Report of the United Nations Office on Drugs and Crime and the Latin America and the Caribbean Region of the World Bank points out that in Jamaica communities in which female-headed households make up a larger share of the population are more likely to exhibit homicides.[594] The majority of households in Jamaica are so-called broken-homes.[595]

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[588] See for example Farrington, in: The Oxford Handbook (2002), pp. 672-674. Pain and punishment as a style of upbringing develop to an unintentional training that can be considered as fortification of aggressive behaviour of juveniles.

[589] In disregarding or even rejecting children, the children have to adhere to rules of adults which they are not familiar with yet and which they perceive as to ascribe strength, independency, rights and particularly authority, but still do not have the rights and authority adults posses. It is expected that they act like grown-ups without being granted the adult's rights. This leads to confusion, incomprehension and frustration. See Huisken, pp. 46-47.

[590] See Farrington, in: The Oxford Handbook (2002), pp. 675-677. The former Prime Minister of Jamaica – Portia Simpson Miller – pointed out that children growing up in broken families tend to exhibit antisocial and delinquent behaviour. See Jamaica Gleaner: "Prime Minister of Jamaica Warns Deadbeat Fathers", May 17, 2006.

[591] Kassis, pp. 98-99; Ewing (1991), p. 25; Farrington, in: The Oxford Handbook (2002), p. 666.

[592] Farrington, in: The Oxford Handbook (2007), pp. 613-619; Salehi, p. 18.

[593] For an article that concentrates on the transmission of delinquency through families by reviewing a selection of the main studies in the area see Gregory, Nathan: Crime and the Family: Like Grandfather, Like Father, Like Son? in: The British Journal of Forensic Practices, 6 (2) 2004, pp. 32-36. Gregory comes to the conclusion that although there is evidence of a linkage between familial factors and later offspring delinquency, the strength of the association only appears to be modest as it remains unclear whether this is generated by genetic or socio-familial variables. Also, the interaction between protective factors and risk variables needs to be studied more in detail.

[594] UNODC/World Bank, p. 37.

[595] Smith/Green, p. 420; Blank/Minowa, p. 11; Meeks-Gardner/Powell/Grantham-McGregor (2001), p. 37. The latter have conducted a study with 101 aggressive 11 year old Jamaican schoolboys and 101 schoolboys who were identified as pro-social and concluded that only 24% lived with both parents, whilst 57% of them lived with their mother, 6% with their father and the rest with other caretakers. Concerning familial structures and the role of the women in Jamaica see Zahl, pp. 85-88. 86% of all children in Jamaica are said to be born out of wedlock. Ibid., p. 88. For an extensive essay on Jamaica's family structure and its historic development see Blake/Stycos/Davis (1980).

Particularly in Jamaica, child shifting – which is the practice of sending children to live with other family members or with other families – is common. Also, family discipline is known to be rather rigorous, involving physical and emotional punishment. The literature has put forth that the Jamaican way of harsh discipline actually teaches children to be violent.[596] Forms of disciplining involve flogging, spanking and hitting children with belts and sticks, pushing them around, boxing, kicking or even chopping them.[597] Research published by the Health Promotion and Protection Division of the Ministry of Health of Jamaica points out that in a survey 84% of all surveyed children reported being beaten with an object. A recent study of the Centre for Gender and Development Studies amongst students in Jamaica revealed that students themselves do not account corporal punishment as violence but rather perceive it as beneficial to children and as an integral part of society.[598] Thus, Jamaica exhibits a high ratio of family breakdowns as well as harsh codes of discipline which are perceived as ordinary and trivial.

2. Survey Data Evaluation

During the interviews, the respondents were asked to give an open account of their family relations and to speak of themselves, the people they grew up with, the relationship to their family members, whether they still lived at home etc. Whilst the respondents reacted very openly to most other – not family related – questions and reported extremely open and extensively, the accounts to family related questions in general were scarce or even remained open till the end of the interview. Each respondent reported how his family was set together and who he grew up with, yet it was very difficult to go into their emotional world and to elicit the specific relationships to their family members. Thus, while all the respondents reported openly about objective facts, the majority did not let the author come near to their subjective and emotional world. Questions were responded to scarce, partly controversial and sometimes evasive. Therefore, details can be given on family settings, the abandonment of the family house and the actual living conditions. However, it cannot be gone into details with the respondent's feelings about and attitude towards their family.

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[596] Smith/Green, p. 419 with further references; Ettmayer, p. 154. Ettmayer calls a child's everyday life in Jamaica a battlefield.

[597] Jamaica Gleaner: "Battered Boys – Research Links Harsh Punishment to Crime Levels", January 11, 2004.

[598] See Jamaica Gleaner: "Corporal Punishment Not a Form of Violence – Students", March 26, 2008. According to Professor Barbara Bailey of the Centre for Gender and Development Studies, violence is perceived as normal pattern of behaviour in homes, schools and the community. "A lot of them [the students] see it [violence] as a part of human nature and it is such a dangerous point to reach. In other words, we are now seeing it as an essential part of human beings."

Without going into details of each respondent's entire family relation, in the following it will be related to family settings in general, whilst only a few familial life stories will be highlighted in details.

Of the 20 respondents, Robin, Rickie and Adam were the only three who indicated growing up with their mother, their father and their siblings in the same household.[599] They were also amongst those few who went more into details about the relationship to their parents and other family members. While Robin stated that he had a good relationship to both his parents and treasured them a lot, Rickie as well as Adam declared that they had a very good and close relationship to their mother, but a bad relation to their father. Adam gave details about his violent father who often beat him for minor or no reason and gave him a hard time growing up, always giving him the feeling of making everything wrong. Also Rickie said that his father did not treat him and his mother right; hitting them both and treating them "like shit". Though still living with the family and his mother, Rickie explained that his father had another girlfriend and disrespected his mother and the whole family. He admitted that there were several times he actually wanted to kill his own father.[600] Although Rickie and Adam grew up in an intact family and had a good relation to their mothers, both left their parent's home when they were still teens to live on their own. They declared that they were not forced to leave, but left by own decision because they felt that the time had come for them to leave. Adam still lived with his parents at the time of the interview.

Whilst Robin, Rickie and Adam grew up with both parents, there were four respondents (Alex, Daniel, Chris and Elijah) who grew up with neither their mother nor their father, but with cousins (Alex) or their grandmother (the other three). The reasons why Alex, Daniel,

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[599] Rickie said that four of his 19 siblings – the others were no common children of his parents, but half brothers and sisters – lived in the same household with him and his parents.

[600] Rickie was the most emotional respondent reporting about his family and his attitude towards the family. He was very enraged talking about his father and one could feel the deep anger and hatred. There were two other people whom he held in very high regard: For one, his baby mother, whom he lives together with today and whom he loves so much that he would kill for her: "Me kill fi 'ar." And second, Matthews Lane's area leader Donald "Zeeks" Phipps, one of Kingston's best-known dons. He said that he viewed Zeeks as his real father. Zeeks, as an area leader, provided the habitants of the area with protection and financial support. On April 14, 2006, Zeeks was found guilty on two counts of murder in the Home Circuit court by a 12-member jury. The two victims were shot and killed and their bodies burnt and dumped on an open lot in downtown Kingston in April 2005. Zeeks himself is the fourth of 12 children for his mother who lives in the U.S. and the fourth of five children for his father who passed away. Zeeks grew up with other siblings under the care of his grandmother in West Kingston. He has 15 children himself. See Jamaica Observer: "'Zeeks' Now to be Sentenced May 16: Gets Time for Character Witnesses to Testify", April 22, 2006. See also Jamaica Gleaner: "'Zeeks' to be Sentenced Today", May 16, 2006; "'Zekes' Gets Life – Pleas for' Zekes' Fall on Deaf Ears", May 31, 2006; "'Zeeks' Gets Life", May 31, 2006". Zeeks probably was the mist well-known don in Jamaica. See Jamaica Gleaner: "The Death of Donship", June 15, 2006.

Chris and Elijah were not able to grow up with their parents were entirely different. It shall be gone into details at this point:

Alex was born into an intact family and spent his first years of life with his parents and his younger brother. When he was five years old, robbers broke into their house. The parents gave them everything they wanted. Nevertheless, the robbers were upset as there was not much to get at the house. As they were about to leave, they shot both Alex's father and mother right in front of the young boys eyes. Both were pronounced dead later. As Alex and his brother didn't have any other direct family members, but only cousins and aunts, a few cousins who lived together took them in care. Although the cousins tried to take care of him and to send him to school, everything failed. The relationship within the family was very distanced and difficult. No close relations could be built up. Alex left the household at age 12 to live on the street and has never returned since. He only has sparse contact with his aunts and cousins and none with his brother (for which reason though he did not mention). He admitted that his aunts did not want any close relationship with him as they were scared for him, of him and did not like him around as with him always came trouble. He declared that the only people he could depend on were his friends whom he grew up with on the streets. He stated clearly that the family didn't mean a lot to him. One could tell though by his explanations of the happenings, that he was still very upset about what had happened to his parents and that he has never come over that traumatic situation. His life after that incident was affected by revengeful thoughts. And although he was able to talk about his experiences, one could hear the trembling in his voice and feel his profound anger and concentrated hate. Looking back, one might say: The robbers at that time did not just take away the lives of his parents, but laid the path for his future destiny.

Daniel was born into an intact nuclear family as well: He, his mother, his father and his seven siblings (five brothers and two sisters). When he was still a baby, his father got shot by the police (he did not give any details on the incident). Although his mother was still there, she was not able to take care of the family alone and was overstrained by the situation. The grandmother took over the care of the eight kids. She died by natural death when Daniel was eleven years old. And although the rest of the family was still there and he was the youngest amongst all children, the situation was too distressing for him. Only one year after his grandmother's death – at age twelve – he left the family household to live on the street and to take care of himself. He felt he was a burden for the elder siblings and thought it would be better for all of them if he was not there anymore.

Chris – again – was born into an intact nuclear family with his father, mother and two sisters. Both of his parents got shot by rivalling gangs while driving the car. He did not specify whether his parents were involved in a gang themselves or were just situated at the wrong

place at the wrong time. The background of the incident is unclear. He and his two sisters were then brought up by their grandmother. He described that time as very rough as it was rather them having to take care for their grandmother than the other way round. He left the household with 14 years to live on his own.

Elijah is the offspring of a sick mother (the illness was not specified) and a father who lives in the U.S. and whom he has never met. As his father was not there for him and his five siblings (three brothers and two sisters – from other baby-fathers) and his mother was too sick to take care of him, he was brought into care of his grandmother. Although he has never known the situation to be different, he still always wished to live with his mother and at least to know his father. He left his grandmother's household in his teens (the exact age was not specified).

The remaining 13 respondents grew up in single-parented households. It has to be highlighted that of these 13 young men, 12 grew up with their mother while Jamie was the only one who grew up with his father.[601] The missing parents were absent for various reasons; either because they were killed (Dean, Barry and Tyrone), had passed away (Kevin, Greg, Adrien) or had left the family (John, Mike, Wes[602], Sean, Paul, Mark). Jamie did not mention what had happened to his mother or where she was. Yet, he was very talkative and reported only positively about the relation to his father. He and his father seem to have been very close and kept an unconstrained relationship. Also Adrien who grew up with his mother and after her death with his father with whom he still lives today spoke only positively about his experiences at home and his relation to both his mother and his father. Basically all the other respondents who grew up with their mother did not say anything substantive in regards to their relation to the remaining family members and their attitude and bonding towards the family. It is unclear whether they did not want to make any negative comments or no comments about their personal feelings at all, if they were inhibited by the questions, just didn't have anything to say, do not have any deeper feelings towards the family or just did not want to speak about their feelings. The relationships to their caregivers therefore remain in the dark. Yet, the pattern was very similar with the majority of the respondents: They had little or nothing positive to say about their family situation, left their homes in their teens and

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[601] Adrien grew up with his mother. As she died when he was 13 years old (cause of death not specified), he was taken into his fathers care.

[602] Wes lived together with his mother and his siblings (two younger brothers and one elder sister). His father, whom he doesn't have contact with, lives in the U.S. The only times he ever met his father was at the funeral of his brother who got shot and his father flew in for the funeral and when he himself committed the homicide and his father flew in to get him a lawyer. Wes said that he would have liked to have known his father better but doesn't even have a number to call him. One day suddenly his mother disappeared and the three boys were on their own from that moment (the sister had moved out already). As he was the eldest in the household after his mother's disappearance, he was the one who had to work and earn money to feed the family. Today, he lives on his own. He has one daughter who does not live with him.

hardly have any contact with their family today anymore. Does that mean that the relationship to their family members wasn't good? Or is this a normal pattern of behaviour (similar to the animal's world where the offspring starts living an independent life as soon as it is able to nourish and live on its own – secluding itself from its mother or parents)?[603] All in all, there are only five respondents who – at the time of the interview – still lived with their caregivers (John, Jamie, Adrien, Adam and Barry).

In summary, it can be adhered that of the 20 respondents only three grew up with both their parents and siblings – if any – whilst all the other respondents grew up with either their mother, their father or more distant family members. Their scarce answers, the mostly early leaving of the family household and their behaviours towards their family members after moving out do not allow for any concrete conclusions unless that the topic 'family' either hurts them or makes them feel uncomfortable to talk about. If everything was ideal world, it would not be that difficult to talk about that subject matter. As has been seen before, the respondents were able to express themselves freely and openly about difficult topics such as economic situation, unemployment and the like. Though many of the respondents had made negative experiences, they were not only able to talk about their experiences, but also express their feelings about it and by their explanations revealed that they sometimes feel depressed by their situation, but not hurt, angered or enraged. With the topic family though the majority of the respondents had difficulties expressing feelings or just would not set them free.

3. Critical Appraisal

The family plays an important role in determining the behavioural patterns which its offspring will exhibit. The impression that the respondents felt comfortable and safe and secure within the family did not come over in the majority of the interviews. It is crucial to have a sense of belonging to a family, that there exists a family bonding so that one feels starched by the family and has a place he cannot only call home, but also feels at home. It was outlined above that single-parent households, living in poverty and abuse depict high-risk child education. And the more negative factors a child is exposed to, the higher the risk is that the child will feature deviant behavioural patterns. Though it cannot be gone into the emotional world of the respondents in general, quite a few objective conditions considered as risk factors could be outlined: Many single parent households or a family breakdown otherwise

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[603] Several respondents denounced that 16 was the age to leave the family household (similar to a street code). This often occurred from one day to the other without informing the family. The reasons were that at that age you had to support the family but as income was difficult to generate and it was even more difficult to support others with that little income. Matthew: "Everyting is easier alone." Robin: "You gotta break up every tie. That's di way it goes."

and the pressure of the guardians to provide the family members food, shelter and clothing, often high levels of stress, combined with poor child rearing practices, poor family management and disciplinary practices and thus a low level of familial involvement and affection which again results in poor family bonding and a weak feeling of solidarity. A few respondents also admitted child maltreatment. But without being able to make any conclusions about the role of the family for the majority of the respondents, it is crucial to note that further investigation into this subject matter has to be conducted.

VII. Peer Relations

I. In General

With increasing age, children are geared more and more to standards of people of similar age than of those of their parents, family members or teachers. The older they get, the more time they spend with other youths and develop close relationships with them.[604] Peer groups emerge. Peer groups constitute groups of like-minded juveniles of approximately the same age, interests, social status and derivation, who have found together voluntarily and form a circle of friends.[605] The affiliation to a peer group forms part of every juvenile's development.

Peers take on an important function of socialisation as youth culture which on the one hand features specific forms of expression such as clothing, music, language or the development of new lifestyles, but on the other hand is also meaningful for every juvenile's personality development as behavioural norms and moral values, behavioural patterns, attitudes and particularly self-identities are formed or strengthened and interpersonal skills trained and enhanced.[606] Within a peer group, juveniles experience a sense of acceptance and belonging that provides them with emotional security, affection and loyalty. Peer groups that depict positively encouraging network characteristics can be called pro-social. However, as much as pro-social peer groups can influence a juvenile in a positive way, anti-social peer groups can constitute a negative and delinquency-promotive environment. Some juveniles might learn from their peer group how to commit crimes by acquiring the contacts and techniques and receiving the necessary tools and skills training whilst internalising anti-social values,

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[604] Henggeler, p. 17.

[605] Goldberg, p. 32; Haynie, p. 127.

[606] Henggeler, p. 49. According to Goldberg, peers take up four functions: First, they depict emotional security and contribute to orientation and stabilisation. Second, they are playgrounds for new possibilities of social behavioural patterns. Third, they depict a crucial function in helping the cord-clamping of the parents. And forth, they can contribute to identity-finding. Goldberg, p. 33.

attitudes and motives.[607] It is assumed that peer group influences can be powerful predictors of delinquent behaviour.

The question arises how come some youth join or form pro-social, others anti-social peer groups. On the one hand, it is supposable that the juvenile himself is anti-social (for example because he outcrops violence) and therefore is rejected from pro-social peer groups. As the juvenile is marginal, it is likely that he will attach himself to a marginal (in the example violent) group as well. A marginal group is more likely to accept an outsider as the group consists of outsiders. The group of like-minded juveniles offers him a means for expressing his anger and frustration. His violent behaviour is accepted and fostered and he can establish social status. On the other hand, it is acted on the assumption that juveniles tend to associate with juveniles who feature similar tendencies.[608] Anti-social juveniles thus are more likely to bond with other anti-social juveniles. These associations aggravate the anti-social behaviour within the peer group.[609]

While there are theorists who hold the view that the exposure of juveniles to peer groups which support and facilitate delinquency increases their likelihood of involvement in delinquency,[610] according to others, it is not the peer group that turns the juveniles into delinquents, but the juveniles who feature delinquent behavioural patterns choose or form that specific group.[611] One way or the other, it cannot be dismissed that peer groups are a major socialising agent during adolescence and have a strong effect on juveniles. Whether they increase the likelihood for juveniles to become delinquent or simply intensify their already existing delinquent habitudes has to be examined thoroughly. The precise causal mechanisms underlying the peer-delinquency association have to be studied in-depth.

It is crucial to add that another form of group membership has to be distinguished from the peer groups: Gangs.[612] It is disputed where the periphery of a peer group ends and the reach

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[607] Kelly/Totten, p. 14.

[608] MacDonald acts on the assumption that reciprocity and similarity are basic rules of resource exchange in peer relationships. See MacDonald, pp. 53-59, 66. He even speaks of the rules as "pan-human universals". Ibid., p. 58.

[609] Henggeler, p. 100; Goldberg, p. 33 with further references.

[610] Haynie for example assumes that peer groups mostly contain non-delinquent as well as delinquent friends. For her, it is the proportion of delinquent friends that is most strongly associated with a juvenile's subsequent delinquency. See Haynie, pp. 100-104, 124-126, 129 with further references.

[611] See for example Gottfredson/Hirschi, p. 156.

[612] A comprehensive bibliography of gang literature is available online on the website of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice at http://ojjdp.ncjrs. org/programs/youthgangBib2001new.html [as of January 2009]. In regards to the contribution of gang membership to delinquency beyond delinquent friends see Battin/Hill/Abbott/Catalano/Hawkins, pp. 93-116.

of a gang begins.[613] Despite the lack of a uniform definition to apply to gangs, a gang in this study is defined as a group of at least three people who have found together in the long run, depict a more or less strong structure and relate to delinquency.[614] The members of the gang do not only see themselves as a definable group but are also perceived as a distinguishable group with noticeable leadership by third parties. Regularly, they are attached to a specific area or territory (so-called turf). A gang thus distinguishes itself both outwards and inwards: While a peer group is viewed as a circle of friends, a gang is perceived as a distinguishable group of delinquent juveniles with a hierarchical structure. Members of the gangs depict group awareness, but the gangs are not primarily based on friendship, but on the deceiving of courage, doubtlessness, fearlessness and cold-bloodedness in ticklish situations. Involvement in illegal activities is a condition precedent for gangs. Although there is an agreement that gang members are heavily involved in delinquency – and thereunder particularly in serious and violent delinquency – not much is known about the extent to which gang membership plays a causal role in eliciting violent behaviour.[615] It is also crucial to distinguish between delinquent acts committed by gang members as individuals and delinquent acts committed by gang members in the context of gang activities or even for or by the order of the gang.

Particularly when talking about gangs in Jamaica a distinction is made between area gangs and corner gangs or corner crews.[616] Area gangs are usually well established and dominate

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[613] Also, the phenomenon of organised crime has to be distinguished from peers and gangs. Referring to organised crime see Schwind, pp. 600-633 with further references; Thrasher, pp. 409-451; Schmitt. Pp. 80-90; Levi, in: The Oxford Handbook (2002), pp. 878-913. Referring to gangs, organised crime and other criminal collaborations see Hobbs, in: The Oxford Handbook (2007), pp. 801-840. Hobbs points out: "As a threat to the social, economic, and political order, groups of criminals are more capable of impacting than solitary villains, and as metaphors of collective transgression, the gang, mob, firm, outfit, or organization carry implicit essences of consolidated deviant intent, which are intensified by the potential of communal action. […] The range of organizational and structural variations on this admittedly ambiguous theme is immense." Ibid., p. 801. Particularly in Jamaica the line between gangs, organised crime and other criminal collaborations is blurred. In the following, no stern differential is made. It is just pointed out whether the homicides of the respondents concerned solitary- or co-offending.

[614] Referring to ,alliances of delinquents' in general and their various forms of appearances such as situatively designed alliances of delinquents, gangs, organised groups etc. see Eisenberg (2005), pp. 913-925, 933-941; Schwind, pp. 574-599; Thrasher, pp. 58-76. Robotham acts on the assumption that there are 49 active gangs in Jamaica, whereas only 14% are highly organised. Robotham distinguishes between highly organised gangs and corner gangs. See Robotham, in: Harriott (2003), pp. 215-218.

[615] Thrasher can also not corroborate the thesis that a gang is a cause of delinquency, but still acknowledges that it is a crucial contributing factor which facilitates the commission of delinquency. See Thrasher, p. 381. See also Thornberry/Krohn/Lizotte/Chard-Wierschem, pp. 55-87.

[616] Referring to corner crews see Lemard, p. 53.

entire communities or neighbourhoods. Corner gangs are more informal gangs that are not necessarily connected to violence.[617]

It is estimated that there are approximately 6'000 – 10'000 active gang members in the Kingston Metropolitan Area.[618] Well known area gangs active in the Kingston Metropolitan Area are for example:

- The Shower Posse,
- the Spanglers,
- the Fatherless Crew and
- the "lock di city".

2. Survey Data Evaluation

Two topics were addressed in this subject area: First, the subject of friendships and the esteem towards friends, and second, the involvement in and perception of gangs. As mentioned above, there are many gangs and thousands of active gang members in the Kingston Metropolitan Area. It was therefore predictable that at least a few respondents would be involved in a gang. Ex post it has surprisingly turned out that with the exception of Adrien and Chris all other 18 respondents were members of a gang or even claimed to be the leader of an own gang. As the remarks of the respondents concerning the subject matters 'friendships' and 'gangs' were very similar, it does not have to be gone into detail in the following.

At first, the respondents were asked to give an elaboration of their friendships and a statement of the relation to their friends. With this topic, the respondents once again were very talkative and open and reported eagerly about their amicable relationships. In contrary to the family relations, where the respondents were close-mouthed and uncommunicative and hardly spoke about their relations towards the family, with relation to friendships they spoke only about positive experiences and close, intimate and good relationships. Here, they did not stop at the objective base, but also expressed feelings and opened up their emotional world. One could tell by their reports and gestures that they liked to talk about their friends and friendships and that their peers were important to them. Without exception they declared having close and intimate friends – some more, some less, but all at a significant value. Friends mean a lot to them as they have known each other for a long time, have gone a lot together, spend lots of time together and can trust each other unlimited. As most of their friends were from the same neighbourhood, they have known each other since childhood.

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[617] Mogensen, p. 4.

[618] Ibid., p. 4. See also British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 2.07min.

They are bound through common experiences and similar life stories and backgrounds. This is also the reason why they feel accepted, understood and safe. Friends were said to be there to talk, do things or just hang around with. Friends were always there for each other and thus ranked very high. All of the respondents preferred spending time with their friends than being alone or with the family. There were quite a few respondents who explicitly adhered that their friends were more important to them than their families.[619] No negative experiences were connected with friends. Thus, as all the respondents came from deprived areas, most of them having left school at an early age, finding no job and having no strong ties to their families, but instead lots of time to spend on the streets, their peer seems to be *the* instance of socialisation.

Also in connection with questions concerning gangs there was a clear trend: With the exception of Adrien and Chris all of the respondents declared that they were members of a gang. All the respondents – including Adrien and Chris – reported that there were many gangs particularly in Kingston. One had to know how to comport, where to go and especially where *not* to go. Dean, Alex and Greg said that they were leaders of an own gang; Dean of a gang in West Kingston, Alex of a Gang in East Kingston. During the interviews it turned out that Dean and Alex met while they were in prison and became friends. Though they both said to have their own gang, they also admitted of sometimes joining forces for particular tasks. It was also brought to sight that Robin was gang leader as well.

Being a member of a gang in their view means more security for the individual as the gang can provide protection as long as one sticks to the rules of the gang and does not get a target of revenge himself. The individual becomes less vulnerable and has a strong back. The respondents perceived a gang as an association with a hierarchic structure which is connected with the commission of crimes such as thefts, robberies, extortions and violent acts such as bodily harm and murders. With so many gangs prevalent in Kingston, it was absolutely normal for the respondents to be a member of one of them.[620] Meetings were held infrequently and at very short term at secret places and only if there was something special occurring or coming up like a planned robbery or attack of a rivalling gang.

Adrien and Chris who were the only ones not being members of a gang did not give any details on why they had not joined a gang. It has to be pointed out though that they were

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[619] Alex for example explained in detail that friends were much more important than the family for him as he basically grew up on the streets and therefore spent lots of time with his friends on the street. He said that once you had the right links, help would be there whenever you needed it.

[620] Mark gave details on how one entered a gang. Usually, the gang leaders or so-called area dons – very influencing people within a community – searched for young boys and provided them with basic needs (food, money and the like) as well as luxuries (such as name brand clothes) in order to attract their attention and buy their support, help and loyalty. "Them corrupt your mind."

amongst those three respondents who had successfully finished secondary school and hold down a legal permanent full-time job. This means that they are occupied during the days when they are at work and have a legal source of income. They also have something to lose if they are caught committing an offence in connection with a gang. Of the three who finished secondary school and found a job afterwards Jamie is the only one who reported being a member of a gang. To the question what distinguished regular friendships from gangs his response was: "Badman tings". With this he meant the commission of crimes and the exertion of power in a specific area. All 18 respondents who were involved in gangs admitted having committed crimes in connection with the gang and having been present at many crime scenes without exception. Often, those crimes were violence related – without or with death results.

3. Critical Appraisal

The reports to this subject field were – if not surprising and unforeseen – yet distinct and clear: Friendships, peers play a crucial role in the lives of the respondents as most of their time is spent together with their friends. One only has to think about their early school quitting, the many unemployed respondents, them spending little time with their family and their early cutting the painter from their parents or caregivers. Friends in those situations provide backing, support and self-confidence as they face similar experiences and challenges. Friends give their lives something positive and seem to have a pro-social effect.

What can be linked to delinquency though is the involvement in a gang. Such an involvement seems to be common practice with people who have nothing to do for most time of their day and do not have a permanent and real source of income and engagement whilst being in connection with crime. Also the gang can provide backing, but not unconditional and reciprocal. The connection is also bound with risks and negative experiences. Thus, it is important that more research is conducted in the direction of gangs in order to hinder the formation of new gangs and the spread of existing ones and to break them up. Gangs are able to provoke and spread a high potential of violence and force their members to take part in crimes they would probably not commit otherwise. If the occurrence of gangs in Jamaica was reduced and with it the prevalence of crimes, many crimes – including lethal delinquency – could be prevented.

VIII. Residential Neighbourhood and Immediate Vicinity

I. In General

A neighbourhood is a geographically localised community within a larger city, town or suburb. Residential indicates that the community is a type of land whose predominant use is housing

and where a larger group of people is living in close proximity. A residential neighbourhood thus depicts a spatially localised housing area. Often, such an area is independent from the area of a district in town, is defined by its population and has its own name which is often not officially administrated. No official demarcation is required; demarcation can change in the course of time. Also the size of the area can vary or overlap with other neighbourhoods. As it is known, social processes are not neatly contained in geographic enclaves and therefore a strict disunion of neighbourhoods is rather impossible. Social interactions happen beyond boundaries.[621] Neighbourhoods are dynamic entities.

Simplified, a residential neighbourhood is a social framework that consists of a few streets and is spatially confined from other neighbourhoods – often also by the social structure of its population. In a closer sense, people who live primarily in the bordering, opposite or in nearby houses are called neighbours. These people living in direct proximity of each other form the immediate vicinity.

The people living within a residential neighbourhood do not only share the environment, but often also preferences, resources, needs, risks and other living conditions – both economic and social. People often live near to each other because they have common interests or common grounds. People with a low income for example will be likely to live in an area with a generally low income population as the rents in that area might be lower and/or they might feel better accepted. A low income can therefore not only be defined as individual characteristic, but – if it is dispersed in a neighbourhood – also as aggregate. The neighbourhood can be seen as a tight and more cohesive social entity within the context of the larger society. It is a strongly influencing social institution as children do not only spend time with their family and peers and in school, but grow up in a particular setting that surrounds and influences them day-to-day. Individual experiences can influence the neighbourhood as a whole and affect the identities of its population. Individual and group identity is developed through associations. In general, a sense of togetherness and connectedness between the residents living in the same neighbourhood exists. Social networks are formed and within those networks, individual identities are established and it is learned to function within the group setting. The process of developing skills and knowledge, to learn the roles necessary to function within the social environment and to adopt and internalise the broader behaviour pattern is called socialisation.[622] Thus, juveniles do not only get socialised by their family, their circle of friends and at school, but also by the less apparent social institution of their neighbourhood.

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[621] Morenoff/Sampson/Raudenbush, p. 4.

[622] Neighbourhoods thus can serve as socialising agents and as informal controls. See Bursik, pp. 85-97. See also De Coster, pp. 723-753.

In the ideal case a neighbourhood depicts a bond of friendship and acquaintanceship networks throughout its residents, spreads a feeling of cohesion and community and socialises its residents continuously. The residents engage in neighbouring activities such as borrowing tools and/or food, having lunch, dinner or parties together or helping each other with day-to-day problems. As the neighbourhood establishes sustainable and valuable social ties among persons and positions, it forms a sort of social capital.[623] Thus, a neighbourhood with high socio-economic demographics can build up its residents' satisfaction by offering them community safety by establishing a good communicational basis between the residents and public services, community safety patrols, local street cleaning services, street lighting, community organisations such as recreational centres and organised sports including the teaching of improved skills and competence, enhanced educational achievement and increased social responsibility. A strong social cohesion will be built up among the residents and their individual outcomes will be positively influenced.

On the one hand, people – if they have the choice – like to be surrounded by and to live near people who think and are common, thus people with same interests and – for example – a similar socio-economic status. If people share chances, opportunities or risks and problems, the situation is more likely to establish a sense of like-mindedness. The people feel connected in mind. Certain areas therefore attract certain people. On the other hand, people may not have any other opportunity than to live in a certain area as they may not have enough income to live in a better situated area or for example would be discriminated in other areas (may it be because of belief, religion, ethnicity, political attitude or social stratum). People thus can live in specific areas because they chose to live in that area or because they did not have any other choice. As set out above, the residential neighbourhood is likely to influence its population. While its informal education and influence can be positive by building up a sense of togetherness and connectedness between its residents who are enabled to establish their identities, develop social and communicational skills and knowledge and to gain trust and security, its influence can also be negative.[624] It is all about the neighbourhood quality. It is very likely for an area that is disorganised and depicts a high level of deviance to have a negative effect on its population. If a family for example lives in an area with a high share of out-of-school youth who spend their time on the streets, the probability that their own child will skip school, find friends on the street and hang out on the

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[623] Morenoff/Raudenbush/Gannon-Rowley, p. 457; Oberwittler, pp. 203-204.

[624] The science that is concerned with crime, criminality and victimisation as they relate to particular places/areas is called 'environmental criminology'. For details on environmental criminality see Bottoms/Wiles, in: The Oxford Handbook (2007), pp. 306-359 with references to further literature and studies. The central concern of environmental criminology is the explanation of the spatial distribution of offences and offenders. See also Bottoms, in: The Oxford Handbook (2007), pp. 528-574.

streets with them will be bigger than in an area in which most children attend school on a regular basis. The same applies for a crime-prone area.[625] Thus, there are neighbourhood effects that can negatively influence both the area and its residents. The most highlighted negative neighbourhood characteristic is socio-economic deprivation, i.e. the existence of a high level of unemployment, poverty and residential overcrowding. But there are also various other possible influencing factors such as the appearance of physical disorder (the presence of dirty streets, poor street lighting, garbage, empty alcoholic bottles, graffiti, vandalism, abandoned cars), physical condition of housing (the presence of vacant or burned out houses, dilapidated parks), alcohol and tobacco influence (the presence of alcohol and tobacco signs, numerous bars and liquor stores) as well as social disorder (the presence of groups of people gathering in the street, being noisy, drinking alcohol in public, consuming illegal drugs, participating in high risk behaviour, driving dangerously, showing disregard for community and personal well-being, misuse of public space, environmental damage, verbal abuse, fighting, cussing, hustling, begging, prostitution, presumed drug sales, racial segregation of minority groups, availability of guns, disrupted families, lack of social resources[626] and investment potential, and particularly high crime rates).[627] These possible negative influences lead to a lack of community satisfaction and a negative perception of public safety.[628] The fear of crime has a profound effect on people's quality of live and their view of their neighbourhood as a pleasant place to live.[629] This is where the vicious circle begins: While disorder and lack of community satisfaction are likely to motivate residents to move away from their neighbourhood, not only residential instability increases, but also the concentration of poverty among those left behind in the neighbourhood.[630] This is the road to ruin for many neighbourhoods and its residents. The phenomenon of violence and fear of

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[625] Subcultural and disorganisation theories support the existence of contextual – and thus neighbourhood contextual – effects on serious juvenile delinquency. See also Oberwittler's article on contextual effects of serious juvenile offending: Oberwittler.

[626] Such as libraries, schools and other learning centres, child care, organised social and recreational activities, medical facilities, family support centres, employment opportunities and others.

[627] See the article of Sampson and Raudenbush about disorder in urban neighbourhoods. They act on the assumption that disorder is directly linked to crime. Disorder is said not to cause crime, but it is assumed that disorder and crime are manifestations of the same phenomenon. Disorder in a neighbourhood might indicate that its residents are indifferent to what happens in their neighbourhood what may lead to more serious offences. No direct relationship with homicides was detected. Sampson/Raudenbush, p. 4.

[628] Violence does not only refer to physical injury but also to psychological trauma emanating from being frightened. If violence occurs often, it is likely that the fear of violence is omnipresent. This common occurrence of violence, in conjunction with the fear of violence, in turn can become a cause on sustaining overall levels of violence. Fear of crime for example may lead many people to arm themselves what in turn raises the possibility of violent interactions. See Moore/Tonry, pp. 3-4.

[629] The fear of crime does not only affect the individual's lives, but also the relation towards the state and governmental institutions. Referring to the fear of crime see Schwind, pp. 404-419; Zedner, in: The Oxford Handbook (2002), pp. 586-588.

[630] Sampson/Raudenbush, p. 5.

violence in a neighbourhood wreaks havoc on the lives of its residents day-to-day. Simply living in such a (legitimately dreaded) environment not only places juveniles at risk of falling victims to violence, but also of starting to resort to violence themselves.

The occurrence of delinquency is said to be associated with the distribution of factors related to the population of a specific area and its land-use.[631] Different types of neighbourhoods show differences in crime rates.[632] Study results indicate that higher levels of violent delinquency occur in neighbourhoods with lower levels of income and education and higher proportions of young males living in those neighbourhoods.[633] Thus, there are neighbourhoods not giving a feel for security and trust, but instead spreading hopelessness and a feeling of insecurity. These deprived neighbourhoods tend to exhibit a higher level of crime.[634] While minor offending is only moderately linked to structural disadvantage and widely dispersed, serious offending is rather concentrated in neighbourhoods that exhibit specific characteristics such as poverty, disrupted families or the racial segregation of minority groups.[635] Particularly concentrated disadvantage coupled with low levels of social control and cohesion is said to predict higher rates of homicides. Thus, it can be acted on the assumption that there are certain neighbourhoods that are susceptible to homicide.[636] The weight of evidence suggests that there are spatial 'hot spots' for delinquency in general and homicide in particular.

Although it is beyond controversy that neighbourhood contextual effects can impact serious and violent juvenile delinquency, the questions arise whether that influence occurs

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[631] The occurrence of delinquency may also be associated with the immediate structure of the space people live in. This was not specifically studied in this research project. For more details on the relation of delinquency and structure of space (also known as geography of crime) and architecture see Schwind, pp. 303-323, 341-353.

[632] McVie/Norris, p. 8; Wallace/Wisener/Collins, pp. 6-8, 17-20, 34-35. The latter come to the conclusion that higher levels of delinquency occur in neighbourhoods with lower levels of income and education and higher proportions of young males.

[633] Wallace/Wisener/Collins, pp. 6, 17-19, 22-32, 34-35. They come to the conclusion that income as the median household income in a neighbourhood makes the largest relative contribution to the explanation of violent crime. See also McVie/Norris, pp. 8, 22.

[634] Morenoff et al. predict that neighbourhoods with concentrated disadvantage, along with low levels of social control and cohesion feature higher rates of homicides. See Morenoff/Sampson/ Raudenbush, p. 18.

[635] Morenoff/Sampson/Raudenbush, p. 1; Oberwittler, p. 213.

[636] See Morenoff/Sampson/Raudenbush, pp. 12, 14, 19. Their study of an original survey of 8'872 Chicago residents in respect of neighbourhood-level homicide – consistent with much past research – revealed that 70% of all homicides in Chicago occurred in only 32% of the neighbourhoods. "In particular, spatial proximity to violence, collective efficacy, and alternative measures of neighborhood inequality – indices of concentrated disadvantage and concentrated extremes – emerged as the most consistent predictors of variations in homicide […]". Ibid., p. 18.

independently from individual (other) factors and how big that influence is.[637] Whilst most studies on delinquency causation examine individual-level *or* aggregate-level effects, a multilevel – individual- *and* neighbourhood-level – modelling enables to disentangle the relative importance of individual- and neighbourhood-level effects.[638] A high crime rate in a specific neighbourhood does not necessarily have to be linked to neighbourhood effects, but can also result of a high proportion of individuals who exhibit delinquent behavioural patterns and live in that area.[639] Recent research has come to the conclusion that effects of neighbourhood context on juvenile delinquency are very weak compared to individual-level influences.[640] Another factor that has to be taken into consideration is the bond strength to the neighbourhood and the social ties between the residents. There may be settings where the neighbourhood context is not important at all as the individual works somewhere else and has close ties to residents of other neighbourhoods. On the other hand, it can be said that if friends and close ties come from the same neighbourhood, the neighbourhood context is important as much time is spent there.[641] Thus, it has to be acted on the assumption that the juveniles are the ones who determine the relevance of their neighbourhood context to a large extent. It therefore cannot be said whether or not, or if so, to which extent, the neighbourhood influences juveniles as each case has to be examined individually. But even strong ties within a neighbourhood do not tell anything about the crime susceptibility of the area. Even a highly impoverished and dangerous neighbourhood can exhibit a high degree of social integration. A high level of neighbouring may exist, but in isolation from contacts of the broader mainstream society.[642] Therefore, it is crucial to note that not only the correlation patterns between individual-level and aggregate-level characteristics have to be closely examined, but also in comparison to the broader society. Crime in one neighbourhood may be the trigger and cause of future crime in other neighbourhoods.[643]

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[637] Morenoff et al. stress that simultaneity bias represents a serious obstacle to drawing definitive conclusions of the causal of neighbourhood social context. See Morenoff/Raudenbush/Gennon-Rowley, pp. 465-467, 474.

[638] See Oberwittler's study on neighbourhood contextual effects on serious juvenile offending. He applies a multilevel analysis in order to identify and explain the neighbourhood-level variance of self-reported serious juvenile offending whereas the study is based on different types of cross-sectional data on 61 neighbourhoods in two German cities and a rural area. See Oberwittler, pp. 214-230.

[639] See ibid., p. 202.

[640] See ibid., pp. 206-207 with further references, 214, 228; McVie/Norris, pp. 6, 19-21, 24; Lynam, pp. 563-574. See also the Edinburgh Study, a longitudinal research programme exploring pathways into offending for a cohort of 4'328 juveniles.

[641] Oberwittler, p. 216.

[642] Morenoff/Sampson/Raudenbush, p. 2.

[643] Morenoff/Sampson/Raudenbush, pp. 3-4. A homicide conducted in a neighbourhood may – for example – lead to a retaliatory killing in a nearby neighbourhood.

In conclusion, it is not to be dismissed that spatial dynamics and embeddings may be consequential for explaining juvenile homicide. Location matters. But it has to be borne in mind that violent behaviour is influenced not only by what happens in one's immediate neighbourhood, but also what happens in surrounding areas. Concluding, one has to be on the outlook for (wider) spatial vulnerability whereas individual influences cannot be left out.

In Jamaica, such residential neighbourhoods are called communities. The communities cannot only be distinguished geographically, but also – and particularly – by their social structure. There are religiously formed communities or for example so-called garrison communities with strong political tendencies.[644] A garrison is a community that is organised in a military like way with its own policing, authorities, justice and social support system by an area leader called 'don' heading it in the name of a party.[645] The development of key ghetto constituencies into garrison communities can be traced back to the 1960s and 1970s.[646] Within a garrison, politics and crime intersect.[647] On the one hand, garrisons provide protected sites for criminal enterprises while on the other hand, it can be viewed as a mode

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[644] For details on garrison communities in Jamaica see Clarke, pp. 429-433; Lemard, p. 50 with further references. See also Figueroa/Sives, in: Harriott (2003), pp. 63-88. Figueroa and Sives point out on p. 63 that "The growth of the garrison communities has been one of the key factors in the development of crime and violence in Jamaica. Located in the heart of the urban areas, and created by the sharp political divisions of the 1960s and 1970s, the garrisons have fostered the escalation of political violence and nurtured the growth of gun and drug crime." They define a garrison as "a political stronghold, a veritable fortress completely controlled by a party" whereas "The development of the garrison phenomenon is usually traced back to the establishment of large government housing schemes in the 1960s and 1970s". Ibid., p. 65. See also Harriott's definition of garrison communities: "The significance of the garrison lies not just in its role as a place where politics and crime intersect and which provides a protected site for criminal enterprise, but also in its being a mode of political administration that subverts democracy. The garrison is regarded as an ugly expression of our mainstream political methodologies and a symbol of the dangers to democracy that inhere in mainstream politics." Harriott, in: Harriott (2003), p. xi. See also Harriott (2000b), p. 13. A Google map with all Kingston garrisons can be found at: http://maps.google.com/maps?f=q&hl=en&geocode=&time=&date= &ttype=&q=garrisons+jamaica&sll=18.109581,-77.297508&sspn=1.759436,2.548828&ie=UTF8&z =9&om=0 [as of January 2009].

[645] A don is like a crime boss and the leader of an area and gang. He has command over his subordinates and his profits come from his men's criminal endeavours which he usually orders himself. Dons are respected and/or feared by their men and third parties. In Jamaica they are a form of local government who particularly take over whole communities once there is a socio-economic problem in the community. Particularly the material deprivation, high levels of unemployment and squad living conditions that characterise life in many Jamaican inner-city communities force many residents to rely on the patronage of the community dons for their economic survival and protection. See Henry-Lee, p. 86; Clarke, pp. 423-429; Sives, pp. 83-84; Zahl, pp. 77-79; Lemard, p. 54. Peter Phillips characterises dons as "men who live by and with the gun, but who are esteemed, and are protected, by many of the communities from which they emerged." Phillips, in: Phillips/Wedderburn, p. vii.

[646] Clarke, p. 421, and particularly pp. 429-433 for details on garrison communities in Jamaica.

[647] Harriott, in: Harriott (2003), p. xi.

of political administration that subverts democracy.[648] Thus, there are strong political linkages between dons and the residents and politicians. A don is affiliated to the one or the other political party whereas a high level of electoral control is exerted within the community.[649] Garrison communities are distinguished by their homogenous voting patterns. They are located in urban areas with high population concentrations and densities, experience poverty,[650] crime and violence and a high level of electoral control. Living standards are often way below the national average and broken home rates are higher than elsewhere. On these estates, urban life is reduced to its most elementary forms. There are few shops, stores and supermarkets have a poor selection of wares, and leisure facilities and social meeting places are rare. These neighbourhoods are abandoned in exile. Some of the areas have become no-go areas where the police do not patrol for fear of their own safety. Hatred and delinquency form an explosive mixture that can discharge itself in unmotivated, fierce outbursts of violence. Garrison communities are deprived areas and therefore depend on outside help. Through the linkages between the dons and politicians a symbiosis is contracted. The don secures votes for the politicians and in return receives the power and means to control the community.[651] Dons are said to pay school fees, food and medical bills for community households and to secure housing. In return, the residents have to pledge undying loyalty towards the don.[652] Particularly in garrison communities it is said to be difficult to maintain law and order due to border wars between various garrison communities.[653] All together there are more than 200 inner-city communities in Jamaica, whereas lower income communities are located below Cross Roads such as Tivoli Garden, Denham Town and many others.[654] Various constituencies are known to have dominant garrison communities such as Kingston West, East and Port Royal as well as St. Andrew South, South West, West and East Central.[655] There are said to be about 15 garrison electoral constituencies in

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[648] "The garrison is regarded as an ugly expression of our mainstream political methodologies and symbol of the dangers to democracy that inhere in mainstream politics." Harriott, in: Harriott (2003), p. xi.

[649] For detailed information on Jamaica's garrisons and dons see Kerr, pp. 1-17; Henry-Lee, pp. 95-97; Clarke, p. 426.

[650] With reference to questions concerning the level of private as well as public poverty in garrison communities in Jamaica see Henry-Lee, pp. 84-87. According to Henry-Lee private poverty is given when people do not have the means to live above the poverty line, whilst public poverty is given when a geographical area lacks basic amenities and infrastructure. She comes to the conclusion that private poverty at the national level has declined whereas there are specific geographical areas which remain economically and socially deprived: The garrison areas.

[651] Gray, in: Harriott (2003), p. 20.

[652] Henry-Lee, p. 97.

[653] Sarah Manley outlines explicitly that "the real war is not really against strangers and outsiders, it's a serious war against each other." See British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 14.10-14.15min.

[654] See Map 2 in this chapter.

[655] Kerr, p. 3; Henry-Lee, p. 89.

Jamaica; all located in the urban areas.[656] Five garrison constituencies are claimed to be in the Kingston Metropolitan Area: Kingston Central, Kingston Western, St. Andrew Southern, St. Andrew South Western and St. Andrew West Central, as well as four semi-garrisons: St. Andrew Western, St. Andrew East Central, St. Andrew South Eastern and Kingston Eastern.[657] The Political Ombudsman the Hon. Justice James Kerr points out that residents in such communities often suffer from "area branding" to a crucial extent. This branding includes "(a) retaliation from areas of supposed differing party affiliation, (b) victimisation by employer's averse to violence prone areas of themselves politically biased, (c) political and economic victimisation should their party not form the government, an immediate risk of losing projects in progress when their party loses and, not least, the general deterioration of market values in real property within these areas".[658] The Ombudsman to a great extent blames the country's politicians for Jamaica's party politics and the resultant factional conflicts.[659]

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[656] Henry-Lee, p. 88 with further references; for a map with all constituencies see Clarke, p. 428, figure 4.

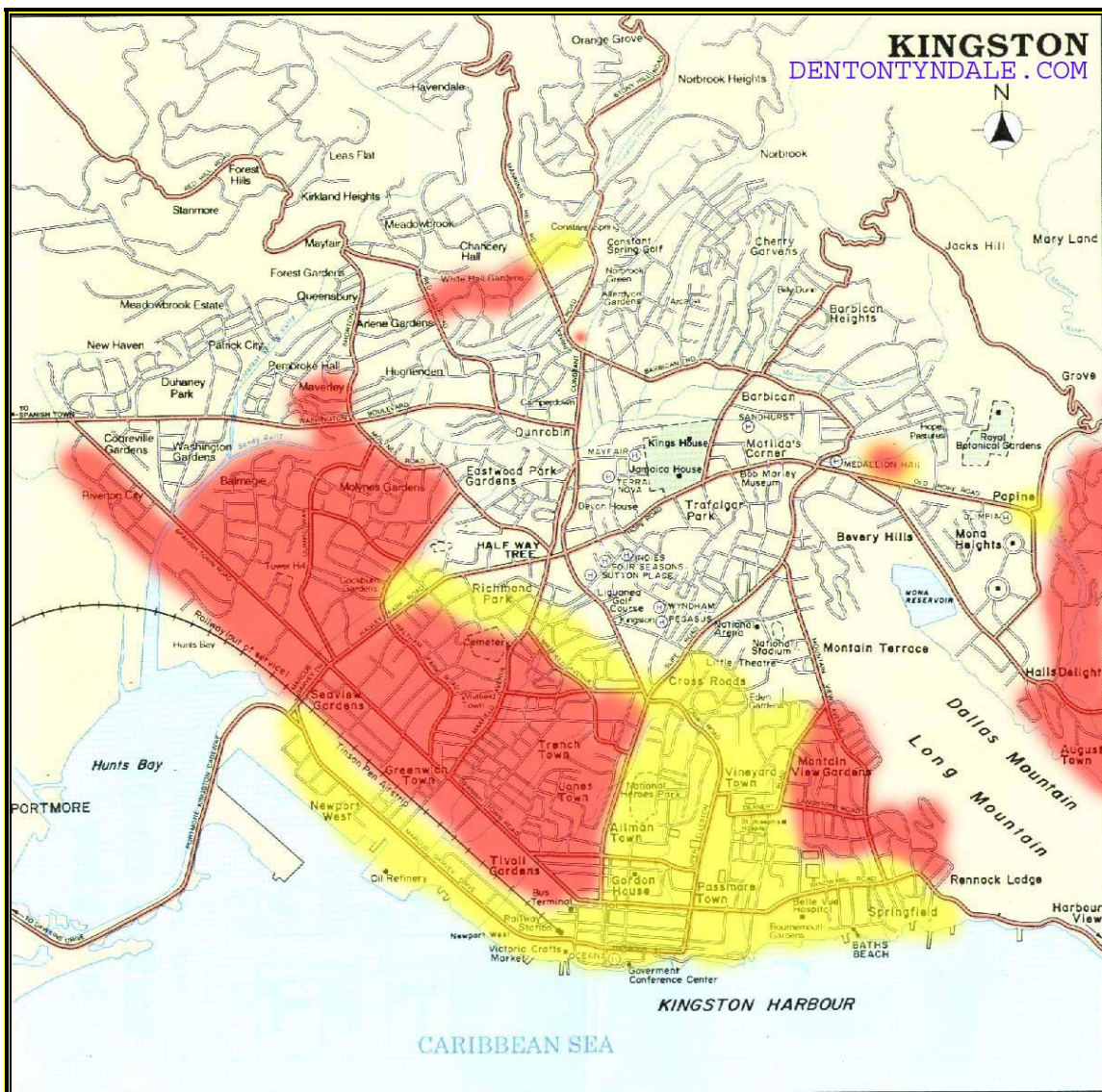[657] Figueroa/Sives, p. 96; Clarke, p. 430 with further references.

[658] Kerr, p. 3. See also Lemard, p. 59.

[659] Ibid., p. 9.

Map 1: Parishes of Jamaica

Map 2: Kingston & St. Andrew Corporation

2. Survey Data Evaluation

Map 1 provides an overview over the 14 parishes in Jamaica.[660] As set out earlier, this study is limited to the parishes Kingston and St. Andrew. Kingston on the map is the little semi circle on the south coast of the island, surrounded by the parish of St. Andrew. Map 2 is an extract of the Kingston and St. Andrew Corporation.[661] The map highlights the areas in which extreme caution is demanded when entering them (original in yellow) and those areas that should be avoided completely (original in red). As can be pinpointed, the safer part of Kingston and St. Andrew is located in mid and upper Kingston, while the risk and high-risk areas are conglomerated – with certain exclusions – at the harbour in downtown Kingston.

The respondents were questioned about the residential neighbourhood in which they grew up and their feelings of safety within that area. Connected with these questions were occurrences of delinquency as well as presence of law officials and their behaviour towards possibly recognised deviance and delinquency.

Also with this subject matter, a clear trend amongst the respondents can be established: Namely, that – if contemplating Map 2 – each respondent comes from a high risk area. Six respondents declared that they were from Tivoli Gardens (Dean, Alex, Kevin, Jamie, Barry and Greg),[662] five from Matthews Lane (Robin, Sean, Adrien, Daniel and Chris)[663], three from Trench Town (Rickie, John and Tyrone), two of Mountain View (Mike and Paul) and from Denham Town (Wes and Mark) and one respondent from Tel Aviv (Adam) and one from Arnett Gardens (Elijah). Thus, the respondents without exception came from communities that are classified as high hazard risky and unsafe by independent third parties and of which warnings are given. Communities such as Tivoli Gardens, Tel Aviv, Arnett Gardens, Trench Town, Denham Town, Mountain View and Matthews Lane are widely known as ghettos, danger zones, bad areas or garrisons. [664]

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[660] The shaded relief map was obtained from: http://www.geocities.com/watercaribbean/jamaica.jpg [as of January 2009].

[661] This map exhibits an extract of the Kingston and St. Andrew Corporation. The areas below Cross Roads belong to Downtown Kingston. All areas in Downtown Kingston are said to be high-risk areas. Source: http://www.dentontyndale.com/imageviewer.php?f=images&i=kingston-danger-areas.jpg [as of January 2009].

[662] Dean and Alex referred to Tivoli Gardens as "Jungle" or the "Jungle Area". Jungle is the nickname for the Tivoli Gardens community. The 'Junglists' were the dominating gang in Jamaica one day and were feared in the whole of Kingston. See also Jamaica Observer: "Tivoli Gardens: A Closed Community under the Rule of Jungle Law, October 30, 2005.

[663] The (PNP-aligned) Spanglers gang controls Matthews Lane, commonly referred to as "Matches" Lane, which runs parallel and adjacent to West Street. West Street marks the borderline of opposing (JLP-aligned) Shower gang territory of Tivoli Gardens. See Jamaica Observer: "Brutal Killing Leaves Downtown Kingston Tense", October 1, 2004.

[664] See Tyndale, Denton: Ghettoes, Danger Zones, Bad Areas and Garrisons of Kingston (Kingston Garrisons), available at: http://www.dentontyndale.com/blog/?page_id=40 [as of January 2009]:

The question arises whether the respondents growing up in those bad areas and as directly concerned residents perceive those areas as bad and unsafe as well or whether it is just a fault picture presented of those communities.

With the exception of Adrien all respondents declared that the residential neighbourhood they came from was "very bad" or a "ghetto area" characterised by disorganisation, distemper, inordinateness, a ghetto-like appearance and a high crime rate. The areas were said to be very dangerous – particularly in the evenings and at nights – as one always had to expect incidents such as drive-by-shootings or the sudden occurrence of violence.[665] The areas are not only perceived to be dangerous to live in, but to label its residents as well. If mentioning the residential neighbourhood at a job interview, it was said that one had no chance of getting the job.[666] The chances of coming out of such an area are marginal due to a lack of financial resources.

Surprisingly, Adrien was the only one who declared that Matthews Lane was a safe area. Whether he comes to that conclusion because he perceived the area as not dangerous in earnest or because he just keeps out of harm's way remains in the dark.[667] In general, Matthews Lane is known as a high-risk community and was also perceived as such by the other four respondents who grew up there. All facts lead to the assumption that Matthews Lane is a dangerous and risky area.

With the exception of Wes all respondents still reside in the same neighbourhood in which they grew up. Wes grew up in Spanish Town and now lives in Denham Town. As Spanish Town is known as a dangerous ghetto area as well, he thus moved from one high-risk area to another.

In general, most of the respondents declared that although they spent lots of their time on the streets, knew many people in the immediate vicinity and had good links, the neighbourhood was still dangerous and hostile as there were many rivalling gangs that could ambush at any

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"Luckily, most garrisons, ghettoes, and bad areas look deplorable. If you see zinc fences all around, people living on the banks of gullies (large drainage canals leading out to the sea), stretches of dirt road in the middle of the city, or streets called "lanes", these are usually good clues that you are not in such a friendly part of town. In general, beware when you are in Kingston. It is a dangerous city."

[665] Drive-by shootings often occur where gangs are involved. Members of one gang drive by a specific street or space and spray gunfire, hoping to injure or kill members or the rivalling gang. In these cases, rival gang members as well as innocent bystanders may be caught in the crossfire and killed. See Ewing (1991), pp. 81-85, 87.

[666] These statements are supported by Lemard's study. Lemard outlines that various key informants have noted that one's address in Jamaica could have an effect on one's employment options and that discrimination existed based on class and residential area. See Lemard, p. 165.

[667] At this point it can be noted once again that Adrien hadn't made any negative statements on his school either, whilst Daniel, who attended the same school, made negative remarks. It seemed as if Adrien had a streak to understatement.

time and violence was random. One always had to be prepared for incidents such as drive-by shootings and secure oneself against violent occurrences. On the one hand, gangs came into discussion again. As gangs provide protection and assaults are usually avenged, being a known member of a gang itself provides some security. On the other hand, quite a few of the respondents mentioned that they carried a gun for their own protection and safety.[668] In regards to the police the respondents denounced that there were police controls during the day, that the police however rather harassed people hanging around on the streets and did not get involved in shootings or other dangerous occurrences. They said the police did nothing to stem crime in those areas and were afraid themselves.[669] The respondents also registered that there were no leisure facilities offered in their neighbourhood to occupy the young people having nothing to do.[670]

3. Critical Appraisal

It has to be highlighted that all respondents come from high-risk areas and are formed by everyday occurrences and state of things within those areas and prone to change their behavioural pattern. The six areas are all characterised by deprivation on the aggregate level and a low socio-economic status on the individual level whereas the level of violence and delinquency is high. Due to the physical unrest and constant strain, no feeling of security and confidence can come up. Juveniles in such a bad area live in constant fear and anxiety which leads them to adapt to more aggressive and violent behavioural patterns. The fear of crime has a profound effect on their quality of life and their view about their neighbourhood as a pleasant place to live. Feelings of fear, hopelessness and insecurity are ubiquitous. Thus, the residential neighbourhood has a significant influence on juveniles and their behavioural patterns and reactions to what they face in their immediate vicinity.

What should be done in the future is to transform those high-risk areas into better areas. If resources were provided, one the one hand streets should be made more secure by sanitising the public image of the areas as a whole (larger and more effective platoons, community safety patrols, up valuation of the physical appearance of the community by more

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[668] Greg for example explained that – while he sits at street corners and hangs around – as soon as he sees a suspect car or people he does not know, he lifts his shirt to let them see that he is armed.

[669] "During the late 1970s and 80s, Tivoli had the reputation, even among garrison communities, as being Public Enemy No 1. Claudius Massop, Jim Brown and Carl 'Biah' Mitchell, in their time, ruled with iron fists, imposing discipline, some said, with much more than fists and feet. […] Of course Tivoli was a pretty closed community, like all other garrisons, and had enjoyed a smooth, if unplanned, leadership succession. It was largely ignored by the nearby Denham Town police station. The story, probably apocryphal, is told of a victim going to the Denham Town police station to report a crime, but was cut short by the station guard who asked her if she had already reported it to Jim Brown - suggesting that was where she should take her complaint." Jamaica Observer, October 30, 2005.

[670] Such as clubs, brownies, organised sports, youth centres, cinemas, pubs or restaurants.

and better street lighting, street cleaning services etc.) and on the other hand to offer the juveniles more leisure facilities to keep them off the street (recreational centres and organised sports including the teaching of improved skills and competence, enhanced educational achievement and increased social responsibility).[671] At the present state it does not look like Jamaica's government will spend money on the up-valuation of its high-risk areas though.

IX. Leisure Time Activities

1. In General

Violent and fatal crimes are mostly not committed during school or work time, but usually in the time span free from school or work – during the leisure time of the offender.[672] Thus, a closer look has to be taken at this specific time span.

Leisure time basically is the time of humans that is at their free disposal. The term is polymorphic and can be understood variously. There are several related terms which are associated with leisure time such as free time, spare time, time off or off time. Leisure time is often put in contrast to labour time.[673] Time off is viewed as the time off from work.[674] But this view is too narrow. Leisure time is not only the period of time spent off the job (or if younger, off the school), but also the time off compulsory activities such as domestic activity, doing homework, eating or sleeping. In general, leisure time serves as discretionary personal development by refreshing one's body and soul. In the ideal case, its main functions are

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[671] At this point it has to be mentioned that social intervention programmes in high-risk and violence prone communities were intensified in 2005. Additionally, there was the introduction of the Community Security Initiative (CSI), a social action intervention to support crime fighting efforts, bolstered by programmes such as the Peace Management Initiative, the Safe Schools Programme and mediation and conflict resolution offered by the Disputes Resolution Foundation (DRF) and other activities implemented by other non-governmental organisations. The impact of these strategies was reflected in a decline of 8.5% in overall reported crimes. Despite the overall decline, reported murders totalled 1'674 – an increase of 13.8% –, resulting in a murder rate of 63 per 100'000 from 55 per 100'000 in the previous year.

[672] That leisure time accounts to the delinquency promotive factors seems to be plausible at least as crimes primarily take place when the delinquent has time to commit the act and this is usually in his or her spare time. With reference to the joining and the involvement in delinquent gangs, Thrasher views the leisure time as the problem: "Ordinarily school and work, either at home or elsewhere, fill a large portion of his day. The period after school or work, vacations, and periods of unemployment – spare time – are the real problem." See Thrasher, p. 79.

[673] Jenks for example sees crime as an alternative form of work. He assumes that individuals are able to make a living with crime, make a career and be a professional. See Jenks, p. 289.

[674] Leisure time thus is the result of a simple subtraction: The time which is at an individual's disposal after subtracting social time claims with obligatory character. But leisure time is also what is subjectively perceived as leisure time. In reference with the term leisure time and its definition see the detailed remarks in: Goldberg, p. 36-70.

seen in recreation, regeneration, compensation, interaction and communication.[675] Leisure time activities can be carried out actively or passively.[676] Active leisure time activities involve the exertion of physical or mental energy such as the performance of sport or the painting of pictures. The exertion of passive leisure time activities involves mere quiet and relaxing activities such as meeting and going out with friends, reading books, listening to music, watching a movie or television. The exertion of leisure time activities can be shaped discretionary or be organised by schools or institutions such as clubs. In general, it can be acted on the assumption that leisure time activities in the ideal case contribute to personal development, life satisfaction and quality of life (may it be mental and/or sanitary).

But as much as leisure time can be converted meaningful, it can fall into extremes and exhibit negative effects on individuals.[677] Expressive-excessive activities for example involve exciting, dangerous, deviant and delinquent forms of operations such as risky driving or car races. But delinquency may also be exerted out of boredom or stress. Boredom emerges when someone does not know what to do with his or her time and remains planless. In general, it is the opposite of fun, pleasure and disport. Time seems to move endless slowly. One feels a pervasive lack of interest in everything or has difficulty concentrating on a current activity. There seems to be nothing to do. Boredom essentially doesn't result from a lack of things to do, but the inability to get into any specific activity. The environment is perceived as dull, tedious and lacking in stimulation. Boredom can lead to psychological (for example depression), physical (obesity or stress)[678], educational (attention lapses) and social problems (lack of social skills for example can produce increased isolation, loneliness and aggressive behaviour). The same effects are also likely to occur if an individual is unemployed. An unemployed person (or a youth who does not go to school and does not work) has lots of involuntary free time. But without the counterpart of work or school, free time does not have any value and sense anymore.

Leisure time activities are thus of great importance for psychological, intellectual as well as physical development of individuals. Goldberg, who studied the coherences between leisure time and violent youth crime, came to the conclusion that more than 30% of the respondents

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[675] Playing football for example helps to recuperate and to log off from stress at work or school, the slashing of possibly present aggression, contributes to health and wellness by physical exercise, develops social skills such as team spirit and group dynamics and can lead to a feeling of success and prestige.

[676] Schwind, pp. 263-266.

[677] Goldberg, p. 44.

[678] Stress can occur if a person in extreme poverty has to constantly fight to survive or lives in constant fear of violence.

named boredom as chief motive for their acts.[679] She clarifies that leisure time activity cannot be perceived as an isolated factor to predict crime, but is one amongst various. Goldberg distinguishes between crime-distant leisure time activities that act as protective factors, activities with no distinct relation to crime and such with a clear reference to crime; crime-contiguous activities that can be viewed as risk factors.[680] Crime-distant leisure time activities are said to be undertaken by non-delinquent juveniles often, while crime-contiguous leisure time activities are said to be undertaken by delinquent juveniles. According to Goldberg, the former include the active membership in organised groups and clubs, activities at home as well as cultivation and sport. These activities are commonly structured and take place in an organised setting. The latter comprise planless and passive activities such as aimlessly cruising around with the car, hanging out on the streets and the visit of amusement arcades. These activities are rather unsupervised, unstructured and consume oriented. Goldberg also remarks that studies have come to the conclusion that delinquent juveniles tend to expand their leisure time whilst non-delinquent juveniles have a more balanced relation. An extension of leisure time has various consequences: It can go account of the sleeping period, the performance range or even both when for example failed sleep is caught up during labour or school time.[681]

It is also noteworthy that the area of leisure is commercialised invariably strong.[682] Advertising and movies rouse new desires and wishes concerning leisure time and consumption. At the very same time many young people have problems fulfilling their desires because they lack the financial potential. These unsatisfied wishes may be compensated by delinquent acts or lead to frustration, aggression and violence.

Evidence suggests that young people perceive not having enough to do in the area where they live and that they commit offences because they do not have anything to do and nowhere meaningful to go. Crime might even be a leisure time activity itself.[683] While boredom in particular seems plausible for certain crimes such as vandalism, malicious mischief or molestation, the consequences of a lack of meaningful leisure time activities can

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[679] A diagram of studies concerning leisure time activities and their methodology can be found in: Goldberg, pp. 194-101, Table 1; and a diagram of studies concerning the relationship between leisure time and crime and their methodologies in: Ibid., pp. 204-215, Table 3.

[680] Ibid., pp. 104-117 with references to further findings. See also the chart on pp. 222-223 for a diagram of behavioural patterns in leisure time as risk factors, protective factors and indifferent factors in relation to delinquency.

[681] Ibid., pp. 138-139 with further references.

[682] Leisure time has emerged to an important economic factor. Particularly active leisure time activities require the purchase of equipment and services that stimulate the economy (but this applies also for many passive leisure time activities).

[683] See Jenks, p. 290.

be a lack of social skills, which in turn can lead to aggressive, rampant, violent and – in the worst case – fatal behaviour.[684] What matters, is the nature of the activity itself.[685]

2. Survey Data Evaluation

The respondents were directly asked what type of nature their leisure time activities were. On the one hand, they were requested to narrate what their usual daytime structure looked like and on the other hand, how they shaped their leisure time in particular. In connection with the forth-going subject matter of residential neighbourhood and immediate vicinity they were also asked how they perceived and rated the leisure facilities that were offered in their neighbourhood and whether they were involved in any organised and structured leisure time activities or rather organised their leisure time discretionally.

In regards to this subject matter the answers of the respondents were all consistent, clear and brief. Without exception the respondents declared that there were basically no leisure facilities offered in their neighbourhood and that there wasn't anything to do in those areas. Not one single respondent said to be an active member in a club or group or to be involved in organised sports or cultural or musical occasions. The only respondents who denounced playing football from time to time were Paul and Chris whereas they added that their football playing did not concern a constant team in an organised club that met on a regular basis, but rather just a few friends or acquaintances who found themselves together very spontaneously if someone had a ball and they were in the mood to play. Thus, Paul and Chris are not in a team and are not members of an organised club. Except for the sporadic get-togethers amongst friends and acquaintances where they played football, they only denounced to exert passive leisure activities. This applies for all respondents. They all numerated what they did in their leisure time, but all of their activities were passive and not organised. Passive activities that were mentioned were: Sleeping, smoking cigarettes (sometimes also ganja), meeting girls, meditating and listening to music. What was explicitly mentioned by all the respondents was "hangin' around".[686]

The daytime structures of those who were permanently employed (Jamie, Adrien and Chris) are organised and structured as they have to get up and be at work at specific times and spend the entire day – often also into the evenings – at work. For them, there is not much time to hang around on the street, but yet also they admitted of loitering. Those who had said

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[684] "On the streets real people rob and even kill for no significant or even discernable material gain. Surely what we are dealing with is not a rational issue but a moral and emotional issue. An issue that might well be considered as a form of leisure." Jenks, p. 291. See also Goldberg, p. 23.

[685] In regards to leisure time and delinquency in general see Schwind, pp. 259-278 with further references.

[686] Robin: "Hangin' around is what we do in ghetto life".

that they were not employed but still conducted some kind of work such as unloading containers at the harbour (Rickie, Wes and Paul) or selling items on the street or a market (Kevin, Sean and Mark) do not have as much leisure time as the remaining 11 respondents, but, as they are not bound to regular time schedules and do not work all day long, their rate of spare time was considerably larger already. Thus, while all respondents denounced hanging around on the streets, it was just a matter of how much time they spent on the street loitering; some after work or on the weekends, some partly during work and for the rest of the day when not occupied otherwise and some the entire day. Loitering is defined as standing or sitting around at a street corner whereas this can be done in groups with people coming and going. Hanging around on the streets includes chatting with others, keeping an eye on the streets and observing life on the street. The respondents did not complain or mention the word 'boredom' or the like.

3. Critical Appraisal

It can be noted that the respondents – particularly those who do not work at all – have lots of time and do not know what to do with it. They do not have any positively influencing action, any activity level for body, soul and mind and any pleasure and fun. There is nothing in their surrounding that adds to their personal development, life satisfaction and quality of life.

In more wealthy (and less) violent aggregates, leisure time serves recreation, regeneration and compensation and to be devoted to family, friends and hobbies. But particularly in the deprived areas of downtown Kingston, where so many young men are unemployed and exhibit an enlarged involuntary free time, they lack in stimulation and have no value for their free time as many of them do not have a counterpart of work or school. Additionally, with no leisure facilities they cannot convert their time meaningful. Opportunities for alternative activities have to be provided to them. These do not have to be tremendous expensive; the provision of a field where they can play sports, the setting of a youths centre, organised sportive, musical and cultural occasions and so forth suffices. The aim should be to get the youth from the streets as the planless and passive activities of the young men make them susceptible to delinquency.

X. Individual Characteristics and Attitude towards Life

I. In General

People are not identical, but are born with different sets of abilities. Amongst different approaches, Kelly and Totten point out three areas of ability at birth: Cognition, physical

appearance and personality.[687] Cognitive processes are a function of the brain and include the various capabilities of a human mind such as perception, comprehension, inferencing, decision-making, planning, learning, intelligence and moral reasoning.[688] In a nutshell, cognition is the act of knowledge.[689] Humans are also sensitive to variations in physical appearance such as height and weight, hair and eye colour, nose, ear and body shape, skin tone, body deformations and the like. While some differences in physical appearance are genetic – such as the above mentioned – others are the result of age or disease, and many the result of person adornment such as clothing and personal effects. Variations in physical appearances are believed to be important factors in the development of personalities as well as social relations.[690] Personality, the third area of ability, comprises the entirety of personal characteristics of an individual; ones comparatively time-steady behavioural disposition.[691] Ones personality thus contains all features that represent the characteristic of an individual. The personality may be determined by either genetics and heredity or environment and experiences; or a combination of both. Integral part of the personality for example is the reaction towards the feelings of others, the sense of responsibility, the swell for aggressive or even violent behaviour, guiltiness and the like.[692]

Particularly talking about the personality of criminal offenders, in the present study a distinction into two personality types is made: Affect offenders and rational offenders.[693]

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[687] Kelly/Totten, p. 51. Urbaniok for example distinguishes between cognitions (as contents of thoughts), affects (feelings) and perceptions (sensations). See Urbaniok, p. 15. Researchers working on the Dunedin Multidisciplinary Health and Development Study (described in Silva) and the Pittsburgh Youth Study (Loeber/Farrington /Stouthamer-Loeber/Van Kammen) have presented robust findings linking personality variables to self-reported crime. The studies found that delinquency was consistently related to two personality traits: High negative emotionality and low constraint.

[688] Henggeler points out that these characteristics are not truly individual as each characteristic is shaped by the person's surrounding environment. Children are born into a range of social circumstances which influence the child's identity. Most of the characteristics are also said to be inter-correlated. See Henggeler, p. 23. With regards to the link between (low) intelligence and delinquency see Farrington, in: The Oxford Handbook (2007), pp. 608-610.

[689] The term cognition derives from the Latin verb *cognoscere*, which means to know. And though most data on juvenile homicide has been gathered in clinical settings by mental health professionals, there is only a small fraction of studies that conclude that juvenile killers are psychotic. See Ewing (1991), pp. 15-17.

[690] Kassis points out that physically strong but mentally weak people can be extinguished by their social insecurity and their stricken self-image. See Kassis, p. 203.

[691] Referring to the role of the personality assessing a homicide delinquent see Steigleder, pp. 31-72; Farrington, in: The Oxford Handbook (2002), p. 665.

[692] Urbaniok, head physician of a psychiatric and psychological judiciary execution department in Switzerland, famous consultant and *the* expert for sexual and violent offenders, as many others, diagnoses personality dysfunctions after the ICD-10 model. The ICD-10 model comprises 6 negatively breathed on personality features. If a person shows at least three of them, he or she is said to feature a dissocial personality dysfunction. See Urbaniok, pp. 31-32.

[693] Many scholars distinguish into three personality types also including sex offenders. See for example Steigleder, pp. 73-161. Referring to affect offenders see pp. 73-137, sex offenders pp.

Violence can be executed in an offensive way as an attack or a defensive way as defence.[694] Violence that was not provoked is also called instrumental violence.[695] Violence out of rational purposes such as enrichment falls hereunder. Affect offenders on the other hand can be subsumed under emotional violence that comes from a high level of excitation.[696] The level of excitation often unloads itself in an aggressive behaviour against the person who triggered the excitation or against casual third parties.[697]

One concept discussed as comprising a stable construct useful in the explanation of juvenile delinquency in particular is the comprehensive personality trait of a low level of self-control.[698] It is assumed that a low level of self-control is often accompanied by a high probability of various problem behaviours and expresses itself by high levels of impulsivity, excitability, selfishness and risk propensity.[699] People with low levels of self-control are said to be vulnerable to temptations of the moment. Criminal acts in general provide immediate gratification of desires; may it be the gratification of a sexual or material desire or the desire for revenge. In the foreground of delinquent acts therefore stands the relief of momentary irritation. Even if the goal of relief applies for everybody, the choice to act depends on the different individual characteristics.

"The dimensions of self-control are, on our view, factors affecting calculation of the consequences of one's acts. The impulsiveness of a short-sighted person fails to consider the negative or painful consequences of his acts; the insensitive person has fewer negative consequences to consider; the less intelligent person also has fewer negative consequences to consider (has less to lose)."[700]

138-153 and rational offenders pp. 153-161. With reference to affect offender see also Salehi, pp. 5-8, 44-45; Lempp, pp. 13, 180.

[694] In their self-perception, offenders rarely see their acts as offensive, but in general as reaction to a provocation.

[695] With reference to instrumental use of violence see Salehi, pp. 76-78 with further references.

[696] Salehi goes as far as to say that an offender acting in affect is powerless in the immediate offence context as his or her reasoning powers and capacity to act is limited. He or she is said to be at the mercy of the affect and the dynamic of the immediate offence situation. See Salehi, p. 45. See also Lempp, pp. 13, 180.

[697] Kassis, p. 204.

[698] Gottfredson/Hirschi, pp. 85-120. Gottfredson and Hirschi act on the assumption that the major cause of low self-control is "ineffective child-rearing". Ibid., p. 97.

[699] Eiser/Manzoni/Ribeaud, p. 65; Gottfredson/Hirschi, pp. 90-91; Farrington, in: The Oxford Handbook (2007), pp. 611-612.

[700] Gottfredson and Hirschi act on the assumption that the major cause of low self-control lies in ineffective child-rearing and thus that low self-control is not merely an existing or non-existing personality trait. Gottfredson/Hirschi, pp. 95, 97-100. In regards to impulsiveness see Farrington, in: The Oxford Handbook (2002), pp. 666-669. Farrington acts on the assumption that "Impulsiveness is the most crucial personality dimension that predicts offending." Farrington, in: The Oxford Handbook (2002), p. 666.

Intimately connected with individual characteristics is one's attitude towards life as one's philosophy of life interferes directly with the personality. A positive attitude towards life lifts the morale and helps people to move in the direction of their ultimate destination. Yet, there are people whose existing manner of survival is contrary to this belief thinking that they have already lost the battle of life. They exhibit a negative attitude towards life that can directly impede their overall performance. Such negative emotions can trigger a sequence of emotional imbalance such as frustration, uncontrolled anger, inferiority complex and personality traits. Particularly people feeling that they do not count much as individuals, who feel that their needs are not being taken seriously by the government and other institutions, who receive no help or are marginalised or who have only had negative experiences in their lives have little to lose and see no need to change themselves and their attitudes towards life.

The prevailing contention in Jamaica is that many Jamaican juveniles suffer from chronic feelings of unworthiness and lack of hope for the future.[701] As the former Prime Minister of Jamaica, the Most Hon. Portia Simpson Miller noted at the launch of the Society for the Collaborative Lifting and Advancing of Inner-city Males in 2006: "If you believe there is no hope, then you will not have any inspiration or motivation to plan positively for the future. The decline in values and attitudes among some of our youth can be traced to the fact that they too have given up and don't have the drive to go on."[702] The questions arise whether in Jamaica, the juvenile homicidal delinquents in point of fact exhibit such attitudes and which meanings and consequences those attitudes have for them.

2. Survey Data Evaluation

In this chapter, the respondents and their individual characteristics take in centre stage. As mentioned above, the personality of individuals in the broader sense consists of three category groups: Cognition, physical appearance and the personality in a narrower sense. It was not possible to consider the cognition as act of knowledge in the present study as there

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[701] Gray acts on the assumption that many poor people in Jamaica live with a "ready fi' dead" attitude [ready to die]: "For the militant poor social inequality, and the state predation that backed it up, merely confirmed perceptions of themselves as persons who were socially dead." See Gray, in: Harriott (2003), p. 34. One example which underlines the mentioned theory in Jamaica is the amount of black people in Jamaica bleaching their skin. Many black Jamaicans are convinced that white people have all the advantages in the world and perceive that the fairer one, is the more likely he or she is to become successful socially and economically and to have more sex appeal. It is common for many black Jamaicans to overuse skin lightening creams. Numerous people are suffering the ill effects of bleaching – including severe acne, stretch marks, increased risk of skin cancer and even darkening of the skin. Nonetheless, the creams remain in demand and although those buying and applying the creams know they can harm their skin, they have nothing to lose in wanting to be a so-called 'browning'. See Charles, pp. 711-728.

[702] Jamaica Information Service: "Young Men Need Greater Self Worth Says PM Thursday", August 24, 2006.

were no means to evaluate the respondent's cognitions and the author did not have any based foundation to test and judge the respondent's cognition. The only fact that was considered, but only had constricted explanatory power, was the level of school graduation the respondents had achieved. Except for Robin, who had attended a special school for people who have difficulties with reading and writing, all the respondents had quit school because of financial reasons or were kicked out of school due to violence related incidents. Thus, a statement on their cognition cannot be made.[703]

During the interviews with the respondents, their physical attributes were noted on a prepared sheet with given categories which only had to be check-marked if applicable and a more detailed transcript was written after the interview. The same applied for behavioural patterns and personality characteristics that could be observed during the interview. In order to get a more precise idea of the respondent's personalities, one would have to spend more time with them and also conduct interviews with people in their surrounding field who know them better and can give information on their personalities. This could not be done within this study's means.

Whether someone is outstanding by his physical appearance or not is a matter of valuation to a large extent. In the present study it was looked for exceptional and outstanding attributes which related to genetic (deformations, outstanding eye-colour, body height etc.) or non-genetic characteristics (clothing, hair style, scars etc.). One characteristic that was featured by all the respondents was their black ethno-racial background; dark skin, black hair and brown eyes. Further, they were all of medium or small figure whereas they were slender to skinny. Thus, from their physical appearance none of the respondents was extraordinarily tall or corpulent – the respondents all featured similar inches. Other than their figure, the respondents varied and exhibited various attributes. Whilst there were quite a few who were absolutely unimposing and did not feature any outstanding physical characteristics,[704] there were others who had a distinctive feature. For example, there were some who were extraordinary skinny (Robin, Mike, Chris and Elijah) or had an outstanding hair style (Rickie, Wes and Tyrone).[705] Daniel had an over-dimensional big mouth with a huge set of teeth. And two respondents stood out because they had eye-catching scars in their face. On the one

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[703] See the chapter on the respondent's schooling to get an impression of their educational basis, p. 120. As the majority of the respondents left school due to financial reasons or were expelled for violent acts, one cannot make any assessment of their cognitional abilities.

[704] This applied for eleven respondents: Dean, Alex, Kevin, John, Jamie, Adrien, Paul, Mark, Adam, Barry and Greg.

[705] Wes had the most outstanding hair style. He had dreads of medium length standing in all directions – a large silver cap placed loosely onto his head. One dread was hanging into his face whereas he had hung a big golden ring into it which swung back and forth with any slightest move. He did also not have any front teeth anymore.

hand, there was Chris who had lacerations on cheeks and neck. On the other hand, there was Sean who only had one eye and a dark deepening where the other eye should be. Out of own initiative he denounced that he had lost his left eye during a shooting. As such outstanding and big scars indicate a fight or accident, they inhere a slight seemingly negative touch. Thus, Chris and Sean were the only ones whose outstanding attributes could attain a rather negative effect on third parties. Both respondents though were not asked about their scars and how other people reacted towards their appearance.

Not only the physical appearance of the respondents, but also their behavioural pattern and thus a part of their personality was observed. Also here notes were made on a prepared list about how the respondents behaved during the interview, how they reacted to questions and whether they displayed any special behavioural patterns. Also here there were less conspicuous[706] and more conspicuous[707] personalities. The respondents who were less conspicuous were pleasant interview partners who approached the interview more or less sceptical in part, but then warmed up in the course of time and reported more and more, whilst there were others who were exceedingly communicative from the very beginning, laughed a lot, cracked jokes and were calm and easy-going, up to others who spoke with so much passion and eagerness that they could hardly be restrained and it was difficult to control the course of conversation. The respondents were all friendly and not aggressive, harsh or abusive. Yet, there were a few whose behaviour was conspicuous. Robin – who was talking nearly without interrupt – for example stuttered and the more excited he was about a subject, the more he stuttered. He was not responsive to the lingual titubation and the fact that he talked a lot and with emphasis leads to the assumption that he does not have problems with his lingual titubation. With Mike it was more difficult to build up a conversation as most responses consisted of "it's rough, rough" and he – though saying a few sentences – always repeated the last few words of the sentence he had said up to five times. He hardly ever spoke more than three sentences in a row. Whether he was just not communicative, had a lingual problem as well or was nervous, cannot be elicited. Then there were two respondents who featured a very conspicuous behavioural pattern: Jamie had a rag in his hands as he entered the interview scene with which he was playing the whole time during the interview. May it be that he folded it to a triangle and tied it around his nose and mouth like a movie gangster, may it be that he waved around with it, bit on it or pulled stitches out of it. As he was quite nervous – particularly at the beginning of the interview – one can conclude that he played around with the rag out of nervousness. Further, there was Greg who had brought his cell phone with him, constantly writing text messages and making phone calls during the

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[706] Twelve respondents: Dean, Alex, Kevin, Rickie, Wes, Sean, Daniel, Paul, Mark, Barry, Chris and Tyrone.
[707] The remaining eight respondents: Robin, John, Jamie, Mike, Adrien, Adam, Elijah and Greg.

interview. Whether he did this to be cool to show that he was a man in demand, out of nervousness or this was a regular behavioural pattern cannot be elicited. And at last there were respondents who were perceived to be very shy, afraid or just closed-lipped. Adam for example searched the room for bugs and for a long time questioned the researcher to make sure she was not an F.B.I. agent. Also during the course of the interview he kept searching the room with his eyes and looked to the door every now and then. Otherwise the interview proceeded normally. As he revealed much personal information and it concerned a serious crime allegedly committed, it can be acted on the assumption that he comported that way out of fear of criminal prosecution. Then there were two respondents who could not look into the researcher's eyes while having the conversation. Elijah kept talking with a lowered gaze and was guarded, and John was wearing a cap that was pulled into his face so far that one could not see his eyes at all. And at last there was Adrien who was dressed the neatest and looked like an uptown-schoolboy. He spoke very gentle and seemed to be shy. It was eye-catching that he began and ended each sentence with a "miss". For example: "Miss, yes miss, me feel good 'bout school miss." This sounded submissive and military. It is unclear whether he does that all the time and with everybody or did that out of politeness or nervousness. As he appealed to be shy and fearful, spoke gentle and with a bit of a trembling voice at times, it is acted on the assumption that he did it out of nervousness.

Concerning the behavioural pattern the respondents exhibited, it can be concluded that even those who featured a more conspicuous behaviour did not necessarily strike negative attention. As the study concerned people who talked about very personal occurrences in their lives to a person they did not know at all and gave detailed information on things they could only say confidentially, it was foreseeable that they would exhibit nervous behavioural patterns. Thus, the behaviour of Jamie (catchword rag), Adrien ("miss") and Adam (search for bugs) was not perceived negatively in any way. Also the lingual titubation of Robin did not leave any negative impression at all. The behaviour of Greg (with his cell phone) was perceived as improper, but not necessarily as negative, as well as Mike's behaviour (constant repetitions) which was annoying, but also not negative. The only behavioural pattern that was perceived as negative and unpleasant was that Elijah and John could not establish eye contact. Not being able to look into your counterpart's eyes while having a conversation conveys the impression that the people have something to hide and makes it very difficult for the conversational partner to hold a conversation and build a level of trust.

Recapitulatory it can be said that there were only two respondents who had a physical appearance which may be perceived as negatively by others (Chris with the scars in the face and on the neck and Sean with only one eye) and two respondents whose behaviour may be perceived as negative (Elijah and John as they could not establish any eye contact). Why the latter two could not establish eye contact is yet unclear. It also has to be noted that Chris'

and Sean's scars do not tell anything about their personalities. But it may evoke negative reactions by third parties.

The respondents were asked to describe their attitude towards life and to detail what they expected from life and how they saw their future. As mentioned, this chapter concerns the question whether there are delinquent personalities per se who act on completely own initiative or whether their behaviour and their acts can be traced back to exterior stimuli.

Concerning the respondents' attitude towards life and their wishes for the future it does not have to be gone into detail as the respondents' statements corresponded to a large degree. The most mentioned word with all respondents was "rough" whereas they wanted to outline that they had a tough life to live in which everything was about pure survival.[708] They also often mentioned that they lived a ghetto life.[709] Though they had a cheerless perception of life,[710] it was not so negative that one could say that they have lost the battle already. They don't have any total unrealistic conceivabilities for the future such as that they want to be rich, drive a Mercedes or anything like that. What they all want is a woman, a family and a roof over their head.[711] While there were a few respondents who said that they wanted to come out of the bad side of live (Dean[712], Alex, Chris and Tyrone), there were others who would like to escape their situation by going abroad to the U.S. or England (Rickie[713], Mike, Wes, Chris and Tyrone). Whilst the majority of the respondents talked about their wishes of the future, not indicating how to achieve that goal, there were a few who denounced which

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[708] As mentioned above, the majority of the respondents have no fulltime permanent job and therefore are not occupied for many hours of the day. As they still need money and basic necessities to survive, their daily structure is concerned with pure survival.

[709] Robin: „We haffi tink fi live. You haffi know how to live in di ghetto. Only the fittest of di fit survive." And Wes: "Life in Jamaica is not too bad, it's just in the garrison. But there, there just ain't no way out. We're not really living life."

[710] Robin for example detailed that there were people who achieved to get out of the ghetto. Once those people had left the ghetto behind, they would quickly forget where they came from and give nothing back to the ghetto or try to help the remaining "sufferers". Instead, they would look down at the sufferers as if they were something better.

[711] Particularly having a family seems to be a desirable goal for all respondents. Robin detailed that he had three "pickneys" (Jamaican slang for children) from three different women. One child was in England, one in Canada and one in Jamaica. He said he was trying to keep the family together, wanted the children to know each other and be in contact. "Me haffi live for mi kids". He also declared that he had to go through a lot of suffering and endure great misery.

[712] Dean for example said that he was in a state realising that he was no little boy anymore, but an adult and therefore needed to change his life by leaving the bad side behind him. He also classified manhood into three categories: "the good, the bad and all the ones who are in-between." He saw himself as being in the last mentioned category. He was not good, because he did not obey the law. He was neither bad, because he did not harm people randomly but only people who deserved it. "Me nah shoot no innocent people."

[713] Realising that it would be difficult to find a job, Rickie said that he would go into big drug distribution which would open many doors for him. In order to get there though he first had to make a great deal of money what requires good planning and has to be tackled from early. At this, he was talking about a robbery.

changes had to occur in general to change their life. Whilst Alex thought that the right woman and work would lead to a change in his life[714], Wes, Sean and Mark declared that the country first had to get rid of all the weapons.[715] Kevin saw poverty and violence as his future. And the only wish Elijah announced for the future was: "Me wanna su'vive".

3. Critical Appraisal

The respondents feel as not being taken seriously by anybody or any institution in life and do not feel respected as individuals. It seems as if the Government of Jamaica is not concerned to change their life circumstances in order to offer them a chance to live a 'normal' life. If they do not get a chance, but instead are just put aside and can't take part in life, why should they comply with norms and regulations of those who don't respect their rights in turn?[716]

It has to be outlined that the vast majority of the respondents did not attract negative attention and do probably not attract negative reactions by others only taking their physics into consideration.[717] Concerning the extraordinary interview situation it was foreseeable that many respondents would be sceptical and exhibit various nervous behavioural patterns which – in the end – was the case indeed. Yet, it was surprising how open the respondents reacted to questions and how open, free, straightforward and talkatively they replied. They seemed to be totally normal people. And that's the way they need to be treated as well; like normal people. Would their life be a bit less "rough", it were more sufferable to a considerable degree. The young men do not have any extraordinary wishes, they only want to live and have a family and a roof over their head. If basic human rights such as the circumstances that render those three basic wishes possible are refused to people, one does not have to be surprised if they do not comply with the laws of those who do not comply to them either.

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[714] Alex: "We cyaan change life." "Girls can effect change; a woman is a man's weakness."

[715] Wes detailed that Jamaica had to get rid of the weapons but that there was no way they could achieve that goal as one couldn't get rid of weapons as they were easy to hide and can be made undiscoverable also for metal detectors. He said that sometimes there were police raids searching for weapons. Once the weapons were wrapped up in foil and buried in the backyard, they could not be found.

[716] See for example Beverly Anderson-Manley, the former First Lady of Jamaica, in the Jamaica Gleaner: "The 'Killing Fields' of Jamaica" November 6, 2006: „Many of our young people have grown up in war and don't even know what peace looks like. Why should any inner-city young person give peace a chance when peace is a concept that is absent from their paradigm?"

[717] Yet, revealing the community they live in – according to their statements – often led to negative reactions such as other people being afraid of them or accusing them of being thieves, robbers etc.

XI. Gender Roles and the Perception of Masculinity

I. In General

The present study only delves into homicidal delinquency of young men and disregards delinquency of young women.[718] Men and women are two matches and the terms relate to the sex. From a bio-molecular point of view a man distinguishes himself from a woman by the allosome XY pairing and – additionally to the corporal differences – a higher level of the male sex hormone testosterone. But there are also certain characteristics that refer to socially acquired traits and are ascribed to a man. These characteristics are therefore called masculine and include qualities and behaviours which are ideally associated with men. A few of those ascribed characteristics for example are: Physical strength, independence, invulnerability, coolness, braveness, callousness and offensive acting which involves toughness, aggressiveness, a propensity towards violence, readiness to assume risk, dominance and control.

Though these attributes generally refer to masculinity, they are not more than stereotypes. By far not all men feature those characteristics. Being a man does not necessary have to correspond to being masculine and – contrariwise – there are also women who feature masculine characteristics.[719] Gender is affected by societal role perceptions and describes the social gender attributes which account typical for a specific sex (the social gender role) without directly relating to the sexual characteristics.[720] While in general with most people sex, gender identity and gender role coincide, this is not imperatively the case. Particularly sex and gender role as the behaviour that counts as behaviour of an individual to express his or her gender identity can diverge.

Men are being taught and expected to take on certain roles. As they are expected to be strong and offensive, it is not surprising that parents (mostly unconsciously) condition their

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[718] A comprehensive bibliography of writing on men, masculinities, gender and sexualities (particularly with reference to violence, crime and criminology) can be found at: http://mensbiblio.xyonline.net [as of January 2009]. XY Online is a website focused on men, masculinities and gender politics. For an extensive reprocessing of the perception of manhood in history (in particular with reference to male violence) see van Aaken (2000), who claims that men at all times were associated with death and that their thoughts and acts were geared to killing and subordinating.

[719] See for example Messerschmidt, p. 2; or Heidensohn, in: The Oxford Handbook (2002), p. 761: "'Sex' is commonly used to describe the innate biological characteristics of humans, their femaleness or maleness. 'Gender' on the other hand, covers the social characteristics and usages associated with one sex or the other. Since such roles and customs can vary and be modified it follows that 'masculine' and 'feminine', the terms applied to the respective genders, are much more flexible than 'female' and 'male'." See also Herrington/Nee, p. 5. Herrington and Nee come to the conclusion that the more masculine an individual is, the more frequently involved in delinquency he or she may be. Both men and women can exhibit masculine behaviours, attitudes and beliefs.

[720] Gender thus depicts a socio-cultural construction and is dependant on social and cultural circumstances. See also Krienert, pp. 2-3, who speaks about "doing gender".

boys into rather violent roles from small on and before gender identities are perceived consciously, boys are pressured into the stereotype masculine gender role.[721] Youth cultures, fashion, advertisings and movies aggravate the pictures and ideal of masculinity to an extent that the ideal is unrealistic and unachievable. It could be claimed that boys and young men are pressured into specific masculine gender roles and dictated certain expectations, characteristics and behaviours.[722] Particularly during adolescence the not yet proven gender identity is a sensible aspect in the juvenile's mind. Although the gender identity is not fully developed, the strong social pressure to find the masculine identity and to exhibit a masculine gender role exists. They can come into gender role and emotional stress. Out of this stress it often evolves that men exaggerate and accentuate their (assumed) predominance by exhibiting an overreaching masculine gender role. A man who gears strongly to the traditional picture of masculine gender role is often also referred to as a macho. A macho acts exaggeratedly masculine. Particularly young men often act like machos because they feel pressured to prove their masculinity in society. This refers to sexual challenges, the threat of assertiveness, the breach of a general code of ethics as well as defence of one's honour and respect.[723] The exaggerated demonstration of one's masculinity particularly has effect in situations of mortification, desperation, shock, strain or stress; thus in situations of challenge and controversy.[724]

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[721] See Consalvo, pp. 27-45.

[722] See for example Herrington/Nee, p. 5. They talk about "Socialisation into sex-stereotypes". See also the seven areas of masculinity in general culture in: Saltzman Chafetz, pp. 35-36.

[723] At the heart of interpersonal violence is often the issue of respect. Particularly in the street culture where young men do not have a lot, respect is viewed as a nearly external entity that has to be fought for and guarded constantly as it is easily lost. Therefore young men do not only attempt to resist an assault, but – after a successful assault – also seek revenge. See Anderson, in: Youth Violence, p 79-92. The fight for respect is a form of defensive self-presentation, a way of saving face or maintaining one's honour when one has been attacked. If respect is the only thing they have, it may be the case that the young men prefer to risk dying a violent death than being dissed and loosing their face. It is an appeal for death or glory. Gray points out that the violent expression of some urban poor has to do more with unrequited affairs of honour than with establishing coalitions of the oppressed or seeking the overthrow and seizure of state power. See Gray, in: Harriott (2003), p. 15. She also points out that the urban poor have one thing in common: "anxieties of black personhood and acute sensitivity concerning reputation, social honour and respect. […] This lower-class cultural essentialism made personal honour and racial-group respect the *sine qua non* of social existence, and insisted that both state and society defer to these core values." Ibid., pp. 16-17. This defiance is called "the badness-honour" (stylised outlawry) by Gray. "[B]adness-honour is the oral-kinetic practice in Jamaica that enables claimants, usually from disadvantaged groups, to secure by means of intimidation a modicum of power and respect. […] In post-war urban Jamaica aggressive public displays of personal violence and defensive postures to secure an imperilled self in the ghetto qualify as forms of badness-honour. […] Badness-honour is a major weapon of the powerless, for whom corporeal aggression is a real form of social power. " Ibid., pp. 18-22. Badness-honour is characterised by the aggressive display of unpredictable and ominous corporeal power.

[724] Schwalbe and Wolkomir emphasise that men do not only struggle with the battle of manhood, but also with the knowledge that particularly women are witnesses to men's weaknesses and failures and therefore constitute dangerous audiences. This can lead to anxiousness and insecurity. See

The aim to act demonstrative masculine is doomed to failure as the masculine role models are not well-defined, contradictory and – as set out already – often unachievable. The demonstratively displayed masculine behaviour, such as the emphasis of virility or strength to fight, can easily knock over to violence-prone behaviour.[725] Some situations of challenge and controversy thus might end fatal.[726] The question therefore arises which role gender may have in predicting homicidal delinquency.

It is taken for granted that males are more criminogenic than women.[727] Studies have come to the conclusion that gender on the one hand depicts the strongest predictor of delinquency, but on the other hand fails to explain delinquency by itself.[728] Although masculinity has been identified as central to the question of violence, the correlation does not necessarily signify causation. The relationship between masculinity and other factors is complex. In a multidisciplinary study it is crucial to know more about the perceptions of gender roles in the area of investigation and to have an insight how men perceive their own masculinity. The perception of gender roles and gender identities and thus masculinity is often strongly influenced by the culture of the respective country.

2. Survey Data Evaluation

Thus, there exist stereotype masculine characteristics which mark out a man. These characteristics on the one hand include physical appearances such as height, strength, voice and the like, on the other hand, the behaviour that is exhibited outwards. As was outlined in the foregoing chapter, the respondents' featured similar inches and very much looked alike considering their stature: Skinny and not very tall. Considering that a stereotype man is tall, broad and muscular, the respondents do not exhibit an all-to masculine picture. Men who do not feature a very masculine physical appearance often think that they have to compensate that deficiency with their behaviour.[729] It is therefore crucial to find out how the respondents

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Schwalbe/Wolkomir, in: Handbook of Interview Research, pp. 205-206. See also Krienert, p. 4 with further references.

[725] Relating to the associations between gender and crime see Heidensohn, in: The Oxford Handbook (2002), pp. 491-530 with many further references.

[726] Robertz highlights the divergence between the labelled role models of cool machos (for example in action movies) and the imitated actions of juveniles. See Robertz, p. 42.

[727] With reference to the connection between masculinities and delinquency see Jefferson, in: The Oxford Handbook (2002), pp. 525-557. For a comprehensive overview of masculinity studies see Connell (2006) and for a theoretically systematic attempt to relate the concept of masculinity to crime see Messerschmidt (2005). With reference to violence in Jamaica Clarke outlines that "Violence is very much an expression of masculinity in communities with high rates of unemployment and housing deprivation". Clarke, p. 343.

[728] Messerschmidt, pp. 2, 4 with further references; Krienert, p. 1; Herrington/Nee, p. 2.

[729] Particularly in Jamaica it is crucial for a bigger part of the population that sex, gender identity and gender role comply. A man *has* to have a masculine identity and feature a masculine gender role. Gay men live a difficult – and dangerous – life in Jamaica as they are not only not accepted and

perceive the role allocation between men and women and how that situation makes them feel.

As the gender role perception has an important influence on behavioural patterns of men – which can be violent and lethal – this subject matter was considered an own range of topic in the present study though not intended in the interview schedule. The respondents were asked how they perceived the role allocation between men and women and how they felt about it.[730]

At this topic it has to be noted that the respondents were all emotional and passionate and had a lot to say about their perception of men and women in Jamaica. Their statements in general were consistent so that it will not be gone into detail of all single interviews. The statements did not only comply on the whole, but one could notice that the role allocation between men and women had concerned the respondents often already, though their statements were controversial in part.

Men and women were distinctly perceived as two different species with a clear role allocation. They do not only look different, are of a different sex and they do not only behave differently, but – after the respondents' opinions – live completely different lives as well.[731] Whilst the men are said to live in a world in which they have to fight and work hard, in which it is all about survival and proving themselves, the women are perceived to live a life in which they – according to the respondents – do not have to work, are responsible for the household, can do whatever they want to do for the rest of the time and do not have any worries as the men are taking care of them. Women were perceived to live "a better life" and

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rejected, but often also hunted, beaten and even killed. Insults used for homosexuals for example are fag, faggot, homo, battyman or battybwoy, chi chi man (the latter two are terms used as insults for homosexuals in Jamaica; batty is patois slang for the buttock). At this point it has to be stated that the consensual gay sex between males is criminalised according to article 76 OPA which punishes the "abominable crime of buggery" by up to 10 years imprisonment with hard labour. Article 79 OPA punishes any act of physical intimacy between men in public or private by a term of imprisonment of up to two years and the possibility of hard labour.

[730] In part, the respondents also made details on the subject matter of sex which was not planned in the interview schedule but what was yet considered as they revealed some interesting information.

[731] See for example Alex: „Women dunno how rough it is." He also detailed that women had an easier life from childhood on. Whilst young boys don't get any great care or supervision, little girls are more looked after and protected at home and obtain a better education in hope of the family to find a man who will nourish her. She can only achieve that if she represents an interesting woman. Once that goal is achieved she is said to have a good life. The worries and pressures are not upon her. "Women 'ave more opportunities." Alex was very upset and not happy with this situation at all, yet he did not have any solutions. Concerning his future plans he made contradictory statements indicating that he wanted a wife with kids who could play on the streets. He stated that a change in his life could only occur if he found the right woman and work. "Girls can effect change; a woman is a man's weakness."

to "have it much easier" in life than men.[732] On the one hand, the women were adored and admired – sometimes even worshipped – for their looks and their wide influence they exerted on men (literally, the men seemed to fall for women). The respondents agreed that the women would push men around, yell at them, were bossy with them and even hit them with dirty clothes, their hands and fists or throw things after them. On the other hand, the respondents also seem to envy the women. They said that women did not have to do anything else in their life than look for and find a man. If that goal was accomplished they had someone who looked after them and their problems, they did not have to work and could live a nice life, whilst the men were the ones who had to work and struggle. So while on the one hand there was a deep admiration towards women, on the other hand, the same women were envied. The admiration for the powerful influence of women as well as the enviousness of their seemingly carefree life are supplemented by the pressure the men are set out to; the pressure to feed the family, to provide the woman a good life and to dispose all the worries and problems as for once and for all.[733] The respondents felt the pressure coming from the women who appear to have high expectancies from the men and treat them badly, as well as from the surrounding environment in front of which nobody wants stand as a loser.

Thus: Men admire women. But as the women in those parts of Jamaica apparently do not work,[734] a lot of pressure is loaded onto the men's backs as they are the ones who have to nourish and support the family, have to provide food, money and shelter and demonstrate masculinity outwards in order not to be perceived as a wimp. Masculinity for the respondents means being able to nourish a family and not to be unmasked outwards. It is crucial to exhibit a masculine gender role, to stand the man and not to lose the respect of the others. This includes that the woman has to be protected and possible intruders or people who challenge their masculinity have to be confronted. The man is therefore the one who has to give proof of himself in any situation and in front of everybody. The respondents thus spoke of women with enthusiasm, but also with great frustration about their own position and role in life.

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[732] Contradictory, Barry and Daniel talked of a woman's life, detailing that girls as young as seven years of age were often forced by their mothers to have sexual intercourse with men in exchange for some money which the mothers took as they were single-parents and depended on money. But even if not enforced, sexual activity was said to begin at a very early age. Both named 13 as "old" to have sex for the first time. See also the Jamaica Gleaner of June 7, 2006: "'Parents Force Girls to Have Sex with Older Men for Cash" with the not uncommon example of rape within the family: "Thirteen-year-old Beverley from an inner-city community in Kingston was one such victim. Her mother's boyfriend, who visited the house regularly, raped her and she became pregnant. She told police that a stranger had raped her because her poor mother was not willing to have the family's purveyor imprisoned. For years she hid the truth until one day he tried to rape her nine-year-old sister. Beverly stabbed him."

[733] Hereto see the incoherent and partly controversial statements of Rickie: "Women can calm you down. Them are born blessed. […] Women 'ave di power. A gyal is dangerous. She can make you dead."

[734] Here the question of course arises why the women do not work and if this statement is valid at all.

3. Critical Appraisal

Jamaican young men are exposed to great pressures and have to hold their ground constantly and in any situation.[735] They have a difficult life already (broken home, early school leaving, high rate of unemployment, deprivation etc.), but the issue is even more confused by them having to exhibit the masculine gender role outwards. The men are expected to be strong and to prove their manhood permanently. This puts them into a situation of stress which again leads to enormous frustration as they cannot achieve their goals which in turn can easily transform into aggressiveness and lead to violent and lethal incidents if offended.[736] Everyone – including men – needs the feeling to be appreciated and respected. Jamaican men need a basis which they can build on and do not have to prove their manhood constantly. This again points to the subject matter of education and unemployment. Therefore, at this point it can be referred to the above said. Without having a proper school education it is difficult to obtain a job, and without a job it is even more difficult to nourish a family. Without having the opportunity to finish school and work and gain a regular income it is difficult to put on a strongman act. As the therefore required means are not existent, masculinity has to be proven otherwise. And this is often conducted by applying physical force.

XII. Religion

1. In General

Religion can be defined in various ways and interferes with both the individual and the community level.[737] Religion can roughly be circumscribed as the presence of a belief which usually relates to the existence and worship of a deity or deities and which can entail religious practices such as prayers or rituals.[738] While belief refers to ones personal experiences, faith and conviction, it also – and particularly – produces effects on the community level if the belief is based on a common set of credence held by a group of people who share the same conviction. The term spirituality is broader. Spirituality is a belief on ideas of religious significance without necessarily being bound to the specific structure and creeds of a particular organised religion.

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[735] See hereto also Lemard, p. 162.

[736] The attack of ones masculinity by calling him a battybwoy or chi chi man or the like in Jamaica counts as a massive offence.

[737] See also the definition in the Lindsay Jones, pp. 7692-7701.

[738] Belief can include the credence in apparitions or the efficacy of prayers, supernatural interventions, extraordinary events, an afterlife, prognostications and the meaningfulness of omens.

Religion can entail religious practices, rituals and traditions, but also convey moral codes, values and in the extreme case a whole way of life. Religion can be a worldview, a philosophy of life that dictates one's thoughts and actions. Religion thus can provide norms and values for the rest of one's life.

As of Jamaica's freedom and equality of religion since 1792, there is a great deal of variety in its religion.[739] 62.5% of Jamaica's population is Protestant with the Church of God claiming the largest number of adherents.[740] One specific African-influenced religion in Jamaica is Rastafarianism. Rastafarianism originated in Jamaica and views Emperor Haile Selassie as God – also called *Jah*. The main characteristic of the Rastafarians is their hair which they wear in locks. Although Rastafarianism contains elements of Christianity, it is not considered a standard Christian denomination.[741]

As set out, religion also conveys moral codes and values and is therefore instrumental in developing and maintaining a sacred morality within the community. One would therefore assume that a country with a high rate of religious people would be more moral and have higher values, and therefore in turn exhibit less violence and criminal behaviour than less religious countries as delinquency often involves violation of this standard of morality. It could be acted on the assumption that religion influences delinquent behaviour at the individual as well as the community level and that there is a close relationship between delinquency and religion and religious institutions. At the individual level societal norms get internalised while at the community level environments that are conductive to a high morality are provided.[742] The role of religion is thus seen in providing positive role models and moral values. From this point of view the question arises how come Jamaica, despite being the country with the most churches in the world and a high rate of religious people, exhibits such a high rate of homicides. Is it a failure on the part of the church to train their members of society to behave morally? Or are the wrong values conveyed?

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[739] For a historical refurbishment of Jamaica's religious pathway see the Catholic Encyclopedia New Advent: http://www.newadvent.org/cathen/08270a.htm [as of January 2009] and the detailed report of Marcia Davidson (2003) and the details in Zahl, pp. 148-156 and Ettmayer, pp. 51-59.

[740] Protestant 62.5% (Seventh-Day Adventist 10.8%, Pentecostal 9.5%, Other Church of God 8.3%, Baptist 7.2%, New Testament Church of God 6.3%, Church of God in Jamaica 4.8%, Church of God of Prophecy 4.3%, Anglican 3.6%, other Christian 7.7%), Roman Catholic 2.6%, other or unspecified 14.2%, none 20.9%, (2001 census). For the data presented on the islander's faiths see the CIA World Factbook 2008 – Jamaica, People, Religions.

[741] For details on the Rastafari movement see Zahl, pp. 151-156; Ettmayer, pp. 58-59. Ras Tafari Makonnen was the first black man who was crowned emperor in Africa (in Ethiopia) as Haile Selassie I. in 1930. He was said to be the Messiahs who would free the Rastas from slavery, misery and suppression.

[742] Henggeler, p. 56.

2. Survey Data Evaluation

Religion and everything that concerns one's deep inner belief is always a bit of a sensitive topic as on the one hand, every person may understand religion differently and thus people may be talking cross purposes, and on the other hand, one's belief is very personal and it may not necessarily be gone into details talking with others. Therefore, the respondents were not directly asked which religious group they considered themselves to belong to in the present study, but only if they considered themselves as being religious and what belief meant to them in general. In order not to be limited to religion they were also asked if they considered themselves being spiritual. No definitions were given in order for the respondents having to explain themselves what they meant by (not) being religious and/or spiritual. On the whole it can be noted that quite a few respondents had difficulties to distinguish religion and spirituality. Some of them just mistook being religious for going to church. In such situations the respondents were asked to detail and specify their statements.

In a nutshell it can be said that the respondents claimed to be spiritual without exception. Being spiritual was often connected to an action such as quietly smoking a cigarette or a spliff, meditating, philosophising about everything under the sun alone or with others and listening to music.[743] Those activities are all passive associated with pullback, tranquillity and stimulated cogitation. As most of the respondents have lots of time and yet a lot to think about in their lives, pulling themselves back and philosophising about entity appears to calm them down and to serve them as a kind of relaxation.

Other than that, 17 respondents declared being religious on an individual level which means that they believe in the existence of and worship a deity or deities. Most of them detailed that they carried out the religious practice of praying – some on a more, some on a less regular basis. Of those 17 respondents only three indicated that they went to church regularly and thus exhibited their belief outwards, took part in a partly organised religion and acted on a common set of credence held by a group of people who share the same conviction.[744] For the three of them Jah takes in the centre point of their life while their belief helps them in

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[743] Music came up as a topic of conversation in relation to spirituality often. There are various Jamaican artists such as Sizzla and Jah Cure who bring forward spirituality and religion in Jamaican music.

[744] These three were Robin, Adrien and Barry. All three detailed that they were very religious, went to church and particularly prayed a lot. Robin denounced that he went to church every Sunday without exception and always carried the Bible with him. To fortify his statement he lifted his shirt and pulled a small Bible out of the front of his pants where he had stuck it and read out loud a Psalm. He also made comments such as: "Me luv God and salassie haile."

difficult times. Contrary, there were three respondents who indeed considered themselves spiritual, but not religious.[745]

At this point it is crucial to note that spirituality and religion were not put in touch with delinquency in any way. None of the respondents mentioned any connection between their belief and any of their delinquent acts, particularly not their homicides. A statement whether their belief in general contributed to violent delinquency or on the other hand prevented them from being more violent therefore cannot be made.

3. Critical Appraisal

The respondents without exception indicated that they were spiritual, the majority religious on the individual level and the minority going to church and carrying out religious practices with others on the community level. A link between their belief and delinquency in general cannot be established. It cannot be elicited whether belief has a rather positive or negative influence – if any at all – on the delinquent behaviour of the respondents. This would have to be investigated exhaustively. Yet, as belief was not brought in connection with delinquency in any way it could be acted on the assumption that the influence of belief on delinquent and violent behaviour cannot be that big or even that there is no influence at all – neither as positive role model deterring crime nor as negative influence promoting or legitimising it.[746]

XIII. Public Organisational and Political Structures

1. In General

The process of decision-making and implementation is called governance.[747] Good governance should exhibit characteristics such as transparency, legitimacy and legality of governmental decisions and actions including effectiveness, efficiency and particularly the full protection of human rights. Good governance requires fair legal frameworks that are enforced impartially. This in turn implies an independent judiciary and an impartial and incorruptible police force. A country's citizens have to be able to identify with the superior organisational structures to safeguard the functioning of society. If the feelings of identification dwindle, critical developments within society may generate. Dangerous and in

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[745] Those three respondents were Rickie, Wes and Adam. The three made similar statements concerning life and belief. They said that they lived in the real world facing serious problems and struggling to survive. One needed to know how to survive in this world and not lose himself in or try to depend on a deity as a deity would not be able to provide any physical help in the real world. Others on the other hand strongly believed that God could make a change. For example Dean: "God can change. Praise God."

[746] Religion was also not mentioned in connection with words of justification or neutralisation.

[747] With reference to governance and the field of crime control as one domain of governance see Rock, in: The Oxford Handbook (2002), pp. 84-91.

their self-dynamic barely controllable political and societal flows are likely to develop. The quality of governance in a country is an important determinant of violence.

The government of Jamaica is a Westminster-Whitehall style constitutional monarchy with Queen Elizabeth II of the UK as titular sovereign.[748] She is represented by a Governor General in Jamaica who appoints the Prime Minister.[749] The Hon. Bruce Golding is the Prime Minister of Jamaica since September 2007. Jamaica's political structure is dominated by a two-party system.[750] The maintenance of power of the People's National Party (PNP) and the Jamaica Labour Party (JLP) is largely dependent on the dispensation of patronage at the local level. Patron-client relationships have evolved, exerting a strong influence on the allocation of resources on the district level and distort the relationship between politicians, the patrons, and the dons and community residents, the clients.[751] When political parties actually use community's needs by supporting them in different ways (housing, food, money etc.) in order to secure their vote at elections, the communities are called garrison communities.[752] The political parties are not only said to provide their supporters with shelter, money and other basic needs, but also with arms in order to enforce their dominion.[753] There is mutual consent that clientelism in Jamaica has led to the development of political-partisan violence.[754] Much of the election violence is attributable to rival political gangs who had begun as armed militias created by the major political parties in the 1970s.[755] Political violence kept resurging and clashes between party regulars led to many campaign-related deaths. The campaign for elections in 1980 was said to have been marred by between 800

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[748] See the official website of the British Monarchy at: http://www.royal.gov.uk/output/Page4923.asp [as of January 2009].

[749] The current Governor General in Jamaica is Kenneth Hall. Neither the Queen nor the Governor General have any real authority in conducting the administration of the country. Real legislative and executive responsibilities rest with the elected representatives of the people. See Ettmayer, p. 101.

[750] For details on the political parties in Jamaica see Ettmayer, pp. 102-105.

[751] With reference to political clientelism see Clarke, p. 427; Lemard, pp. 47-48 with further references. See also Sives' article on clientelism in Kingston, pp. 66-89. Clientelism is defined as a fairly personalised relationship between a small elite group with access to material resources who command wealth, status or influence, demand loyalty and in turn conduct beneficial transactions such as the distribution of resources to a large group in need of material relief. Thus, the patron-client ties are vertical, based on individual and/or community advantage. Ipid., p. 67. See also Zahl, p. 58.

[752] See Osei, p. 781. See also the article of Michael Mogensen of November 3, 2004: "Background to Violence in Kingston", in which he states that Kingston has a reputation for factional violence. Violent crime is said to have increased particularly in the Kingston's garrison communities since the election-time warfare of the 70's and 80's.

[753] Gunst, pp. xiii, 65-85.

[754] See Lemard, pp. 48-51; Sives, pp. 68, 71-72; Harriott, in: Harriott (2003), pp. xi-xiii. Harriott clearly states that "the existing political relationships and methodologies of political mobilization operate as root causes of crime, not just as facilitators of crime." See p. xiii.

[755] Thrasher acts on the assumption that politicians particularly find gangs very useful in promoting the interest of their machines. See Thrasher, pp. 452-486. See also British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 12.10min.

and 1'000 deaths.[756] In the first six months of 1999, approximately 500 people had been killed in political gang-related violence.[757] A link between political parties and gangs cannot be denied.[758]

Gunst sets forth that "for as long as the majority of Jamaicans can remember, politicians have armed and paid Kingston's most notorious gunmen to enforce their rule in the capital city's thronged slums" [759]

And also Thrasher employs hard words: "To repay the politician for putting gang members on official pay-rolls, and providing subsidies, protection, and immunities from official interference, the gang often splits with him the proceeds of its illegitimate activities; controls for him the votes of its members, hangers-on, and friends and performs for various types of work at the polls, such as slugging, intimidation, kidnapping, vandalism, ballot-fixing, repeating, stealing ballot boxes, miscounting, falsificating returns, etc." [760]

The cabinet is the centre of the governmental system and consists of the Prime Minister and at least eleven other Ministers. Each Minister conducts the ordinary business of his Ministry. Currently, there are 14 Ministries in Jamaica. The Ministry of National Security exercises overall responsibility for the security and defence of Jamaica.[761] Security is provided by the Jamaica Defence Force (JDF)[762], offering military service, and the Jamaica Constabulary Force (JCF)[763], responsible for the maintenance of law and order. The punishment and

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[756] See Sives, p. 78; Clarke, p. 431; Gunst, p. xiii; Ettmayer, p. 153; British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 12.20min.

[757] Data obtained from: www.newadvent.org/cathen/08270a.htm [as of January 2009]. See also Clarke, pp. 429-433.

[758] "The political boss finds gangs very useful in promoting the interests of his machine. […] The effect is to get him in good with potential voters, to gain the support of the boys' parents and friends, and to attract the favourable comment of the neighbourhood. The gang impairs the efficiency and integrity of loyal government by facilitating an extensive alliance between crime and politics." Thrasher, p. 452. See also British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 2.07 min. Ross states that gangs and political parties in Jamaica cannot live without each other.

[759] Gunst, p. xiii. The 'notorious gunmen' are also called dons in Jamaica. See British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 12.10min.

[760] Thrasher, p. 477.

[761] See the official webpage of the Ministry of National Security at http://www.mns.gov.jm/ [as of January 2009].

[762] Two main functions of the JDF relate to the defence of the nation in the event of aggression as well as the assistance to the police and other agencies in the event of civil disturbances or major disasters. See the official website of the JDF at http://www.jdfmil.org/ [as of January 2009].

[763] The responsibilities of the JCF are those of maintenance of law and order, the prevention and detection of crime, the protection of life, the investigation of alleged crimes as well as the enforcement of criminal laws as well as immigration and alien control. Their official website can be consulted at http://www.jamaicapolice.org.jm [as of January 2009]. The actual police department comprises the JCF as well as the Island Special Constabulary Force (ISCF). Policing and crime fighting operations are carried out by special units such as the Homicide Squad, the Criminal Intelligence Division, the Organised Crime Unit and Vice Unit, the Fatal Shooting Unit, the Crime Statistics Unit and many others.

rehabilitation of criminal offenders is carried out by the Correctional Services.[764] Particularly the police meet harsh criticism in Jamaica.[765] While they are agents empowered to enforce the law and to effect public and social order through the legitimate use of force, in Jamaica, they are said to have harbour negative attitudes towards juveniles, to misuse their police discretion, to excessively use their force and to violate human rights.[766] Particularly young men of deprived areas are the most likely targets of police brutality such as abusive language, commands to 'move on' and even police shootings. Jamaica stands under public pressure for their high rate of police killings.[767] Many Jamaican police officers are accused of carrying out extrajudicial executions and to have a shoot-to-kill policy.[768] According to Amnesty International, Jamaica exhibits the highest per capita rate of police killings in the world.[769] And though the past eight years have passed with almost 2'000 police killings, only one police officer has actually been convicted of murder.[770]

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[764] The Department comprises a head office in Kingston, seven adult correctional centres, five juvenile correctional centres and 17 correctional services, probation, aftercare, parole and prevention offices island-wide. See § 4 Law of Homicide in Jamaica, pp. 44 et sqq.

[765] With reference to Jamaica's police and their criticism see Zahl, pp. 64-69.

[766] See for example Robotham, in: Harriott (2003), pp. 223-226. Robotham points out that Jamaica's police is not only corrupt, but sometimes also form partnerships with leading community gangers. He states that the police's "hardcore" approach "leads to a merger of gangster and law-enforcement culture at the street level." Ibid., p. 225.

[767] Also people – such as children and elders not involved in a law enforcement action – are killed by the police. For example the 13 year old girl Janice Allen who was shot dead by the JCF in 2000 as she went to buy a bag of rice in Trenchtown, Kingston. See SOS Jamaica: Janice Allen: 13 years old, shot and killed at Trenchtown; AI Index: AMR 38/006/2004. See also the details of the special rapporteur for Jamaica on police killings in: United Nations: Civil and Political Rights, Including the Question of Disappearances and Summary Executions: Extrajudicial, Summary or Arbitrary Executions: Mission to Jamaica, p. 13.

[768] "Joining the Jamaica Constabulary Force is tantamount to obtaining a license to kill: of every two police officers who spend 25 years on active duty in Jamaica, one of them is destined to kill in the line of duty, suffering no legal or employment repercussions." Kopel/Eisen/Gallant, p. 7. "There were times too that when you have to deal with triple and double murders when gunmen kill each other or innocent people. Sometimes the police take it personally and set an example of them, killing them in public. It is a cycle and it magnifies and before you know it you become something that is not human." Jamaica Observer: "Highly Stressed and Overworked, More Police Officers Opting for Private Psychiatric Treatmen", May 21, 2006.

[769] AI Index AMR 38/12/2002; AI Index AMR 38/010/2001; see also United Nations: Civil and Political Rights, Including the Question of Disappearances and Summary Executions: Extrajudicial, Summary or Arbitrary Executions: Mission to Jamaica. See particularly Table 1 on page 11 which shows the various statistics the special rapporteur had received investigating killings by the police. The number of police officers killed in the line of duty is more than 10 times smaller. See Table 2 on page 12. Police reports describe most fatal shootings as the outcome of exchanges of gunfire, initiated by armed civilians. However, statistical evidence shows that the number of civilians fatally shot by the police is consistently many times larger than the number of police officers shot by civilians. If the number of armed civilians firing upon officers were as high as is claimed, it follows that more officers would have had to been killed or injured by gunfire. Fatal shootings are not counted in the murder statistics each year. Referring to the death of civilians by police officers see Lemard, pp. 60-63.

One of the most famous cases of police killings was the killing of the Breaton Seven. Police – approximately 60 of them – allegedly captured five youths between 15 and 20 years of age, beat

But not only police killings are cause for concern; the police is also accused of being corrupt,[771] selling ammunition, planting or removing evidence from crime scenes, perjury, misuse, beating and torturing suspects, prisoners and their relatives, witness intimidation, extortion, threatening and working hand in hand with criminal alliances up to contract killing.

"Prosecutions for extrajudicial killings, torture and other human rights abuses remain exceptional occurrences. Investigations fail to conform to international standards. The scenes of shootings are not preserved; with forensic and ballistics evidence contaminated or removed. Autopsy reports are so poor that a respected international pathologist described them as "not autopsies in the normally understood sense of the term". Witnesses, relatives of victims or victims themselves have been intimidated, and, in a substantial number of cases, received death threats."[772]

Comments such as the following made by the Minister of National Security in 2001, the Hon. K.D. Knight, boost the unjustified use of lethal force and extrajudicial killings by police officers:

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them and then shot them one by one. A neighbour responding to the captive's pleas for mercy and a passer-by were also shot and killed. The pathologist who was observing the autopsies for Amnesty International verified that six of the seven had received gun shot wounds to the head (some at close range) and the seventh at close range to the chest; a pattern of lesions that could not have occurred by just random shooting. See: AI Index AMR 38/012/2002; United Nations: Civil and Political Rights, Including the Question of Disappearances and Summary Executions: Extrajudicial, Summary or Arbitrary Executions: Mission to Jamaica, p. 16; Aitkenhead, p. 28. For a report listing various individual cases of police killings investigated by Amnesty International see AI Index AMR 38/003/2001.

[770] See the Jamaica Observer: "Gun-happy police add to Jamaica's killing spree", September 2, 2007. The Bureau of Special Investigations (BSI; particularly for shootings) and the Complaints Division within the Office of Professional Responsibility (for misconducts other than shootings) within the JCF are responsible for investigating alleged abuses by the police. Any civilian can deposit a complaint with either unit or with the Police Public Complaints Authority (PPCA) which acts as the civilian oversight body. A completed report has to be sent to the Director of Public Prosecutions (DPP) who then either rules or decides whether criminal or disciplinary proceedings or a coroner's inquest should follow. According to the UN Human Rights Committee, all deaths by security forces should be subjects to a coroner's inquest. In Jamaica though, the coroners have discretion in deciding whether to hold an inquest or not and in practice often only hold an inquest if there is sustained public pressure. See AI Index AMR 38/003/2001. Although police killings apparently are not legal, there is a lack of public pressure for the most part as many Jamaicans actually legitimatise the killings of the ones who they think 'deserve' it. See the following statement: "[The police] do shoot down known murderers and armed gangsters when they catch them, sometimes in cold blood. This is not the best way of justice, but in our present circumstances my only complaint is that they don't shoot enough of them." Gunst, p. 39. (Bracket added by the author.) Gunst calls the police a "tribe of killers in uniform". On the other hand, witnesses who are willing to testify are often being intimidated into refraining from giving evidence at a coroner's inquest.

[771] At this point it has to be set forth that the police pay is grossly inadequate. A police constable's pay ranges from 7'675.42 JMD to 8'684.03 JMD per week which is equivalent to 109.65 USD to 124.10 USD. See Jamaica Gleaner: "One-on-One With Mark Shields – Man with a Sixth Sense", May 10, 2006. With reference to corruption in Jamaica in general see Phillips, in: Phillips/Wedderburn, p. viii; Small, in: Phillips/Wedderburn, pp. 11-13. Small acts on the assumption that corruption is so widely accepted in Jamaica, that the normal terms of fair behaviour no longer operate.

[772] AI Index AMR 38/003/2001.

"The police must be able, if challenged [by gunmen] to respond swiftly, efficiently and effectively... I know I am going to be criticised for this, but gunmen who challenge the police ... their place belongs in the morgue..."[773]

In general, the citizen's attitudes towards the Jamaican police are very negative. The citizens have a negative image of the police, do not trust or like them and therefore in turn fail to support them in solving crimes.[774] Many people think that unless one takes things in his or her own hands, one will never get justice. In Jamaica, a breakdown in the efficiency of governmental institutions and in turn of the belief and trust in the government and its institutions is prevalent.[775]

Thus, the question arises whether the alienation and interior renunciation of juveniles from the public organisational institutions has accelerated and how the juveniles feel about those institutions. Do they perceive them as statical institutions that cannot be changed and are not able to solve any problems with their formal-hierarchic and clumsy structures and therefore take matters into their own hands?[776]

2. Survey Data Evaluation

The subject matter of this chapter encompassed a range of topics such as governmental institutions in general (governmental offices, health care institutions etc.), the respondent's attitudes towards the government and its institutions in general and the police in particular, their opinion on politics in Jamaica as well as their personal involvement in politics – if at all – and the respondent's feelings towards everything concerning the government and its institutions. The respondents were asked what they thought of politics in Jamaica in general, whether they were politically involved in some kind of way, whether they could identify themselves with the superior organisational structures of the economical and political life in Jamaica with a special view on the police in particular in the end.

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[773] AI Index AMR 38/002/2001.

[774] Stone, in: Phillips/Wedderburn, pp. 30-34.

[775] See Small, in: Phillips/Wedderburn, p. 10: "The general breakdown in the efficiency of institutions, in the honesty of institutions, the lack of concern for the public, the preoccupation we fell that the fights of people are NOT protected, pursued and advanced, itself is an indication of the overall breakdown in the society. The inevitability of this results in non-judicial, in-disciplined reactions to disputes between people. […] the absence of the various arms of the administration of justice purely from the point of inefficiency is itself creating within the society, the opportunities for the expression of violence […]." See also Gentles, in: Phillips/Wedderburn, pp. 49-55; Harriott, in: Harriott (2003), pp. 2-5; Lemard, p. 74.

[776] Harriott, amongst others, puts forward that violent crime in Jamaica cannot be fully understood without reference to politics. See Harriott, in: Harriott (2003), p. xi. Harriott details that particularly mal-administration and ineffectiveness of some state institutions have contributed to the crime problem in Jamaica whereas "citizens seem to have lost their patience with the crime problem, and lost confidence in the ability of the police to protect them and in the capacity of the state to provide effective institutional responses to the problem." Ibid., p. 3. See also Lemard, p. 74.

The topic of this chapter caused quite a stir and let the respondent's blood run high – particularly talking about the police. The respondents had a lot to say and the subject matter of governmental institutions and political processes was by far the topic about which they discussed the most. One could observe that the respondents' were eager to discuss this theme in detail, to vent their anger and frustration and to announce their opinion. Contrary to the planned timetable of the interview schedule, the respondents were granted more time for their remarks.

A clear trend could be stated: With the question whether the respondents could identify themselves with the superior organisational structures of the economical and political life, whether they felt that they and their concerns were taken seriously by the government and whether they were content with the government and its institutions, all the respondents declared very clearly that they could not identify themselves with the superior organisational structures of the economical and political life in any way and did not perceive that they were taken seriously by the state – they rather felt that they and their concerns were not even acknowledged by the state. Many of the respondents expressed their feelings about that situation and said they felt been left out by the state and did not count to the ordinary population. Though they lived in the same country, though they were the country's citizens, they were not granted the same rights like others. Mark who was very upset about that situation detailed that Jamaica had a two-tier society whereas the upper class was the one dominating, making the laws, arranging everything after their wishes, needs and goals and thereby leaving out the lower class and not acknowledging them any rights. The respondents felt left out, not belonging to the general society and left abandoned to their faith. Identification with the superior organisational structures of the economical and political life was thus not even approximately existent.

Not only could the respondents not identify themselves with the superior organisational structures of the economical and political life, but all of them spoke very negatively and with a lot of frustration and anger about the police as one of the governmental institutions. Though there were a few who said that one had to distinguish between good and bad policemen,[777] they all agreed upon that the majority of the policemen was corrupt, bribable, excessively violent and did not obey the law. The respondents fortified their statements with examples of their own life. Here a few extracts:

Dean said that there was a tremendous amount of police killing. He added that his brother had been killed by the police and that he had witnessed the killing of a two year old child in

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[777] Though Robin spoke with lots of frustration about police, he admitted that Mark Shields – Jamaica's deputy police commissioner from the UK – was doing a good job and that there were other good police officers in Jamaica as well.

its mothers arm. He declared that the police did not obey the law and did not respect fundamental human rights, that they planted evidence, were bribable (for example with ganja) and very violent (also in prisons and police stations). "Them 'ave too much powa."

Alex: "Them police do what them want. You know the game cops and robbers? Them just play cat an' mouse and kill people down to them whim."

Kevin: "Them kill fi nuttn. Them build up crime, them build up more savage."

Wes: "Police are a cause of crime. Them not better than the gunmen. Jamaican police are not like a cop, them more like a terrorist."

Sean: "Police are murderer. Them are wicked. Them 'ave no mercy. Pure gunshot."

There was no confidence in the police – the police was rather feared and detested. One could easily tell that the clash between the respondents and the police was a great cause of friction. Basically all the respondents described the police not as protectors from crime as they should be but rather as a force applying violence capriciously. Each respondent claimed having made direct and indirect experiences with police brutality and experienced disrespect of human rights. The respondents declared that they felt that the police was encouraged to abuse them and did so with impunity. Here again the two different systems of justice were mentioned. The uptown and the downtown justice for the upper respectively the lower class: The upper class that is privileged and affluent and seems to enjoy impunity and the lower class with rough and unpredicted justice.[778]

Also regarding the political situation in general in Jamaica, the answers of the respondents were concordant. All the respondents described that the politicians were heavily involved particularly in the deprived areas and covered the people in those areas with basic supplies in order to get their vote in elections.[779] The people in those areas were said to be glad about the support by help of the dons and that they did not care where and from whom the support came from as they were in need. Thus, both sides have an advantage resulting from the symbiosis: The politicians ensure votes and support and the garrison residents receive supplies such as housing, food and money.[780]

Contrariwise, the respondents answered the question whether they were politically involved differently. While all of them stated that politicians clearly were involved, 12 respondents said that they were not involved in politics to say that they didn't have any direct or indirect

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[778] In reference to Jamaica's class ridden society see Lemard, p. 164.

[779] Dean: "We really bond to politics."

[780] Kevin declared his dissatisfaction with this situation as he said that one never saw the politicians unless shortly before the elections, that they never put a foot in their community and did not know what was going on there. "You never see'em."

contact with politicians, did not get anything from politicians, vote or do other things by order of politicians. The remaining eight respondents declared that they were politically involved and received a bit of the pie the politicians brought into their community. The majority of them detailed that they received money to vote.[781]

3. Critical Appraisal

The government and its institutions were a topic that let the feelings run high. The respondents do not feel that they and their issues are taken seriously and that they are being included into the general society, but feel excluded and abandoned to their fate. Particularly talking about the police in Jamaica they feel mistreated and do not only bring forward distrust, but also fear and hatred. The relationship between the respondents and the police seems to be a constant cause of friction inciting feelings of insecurity, fear and aggressiveness whenever the two parties clash together.[782] Confrontations are likely to escalate rapidly and can lead to fatal consequences.[783] It is crucial to note at this point that the behaviour and attitude of the police described by the respondents is not only their subjective perception and might have been exaggerated, but comes under worldwide fire. Their excessive use of force may be connected to their own insecurity and fear, a lack of sufficient training, but also a certain organisational culture.[784] It should be crucial to ensure that law enforcement officials do not use any lethal force except when unavoidable in order to protect life. Changing the climate of impunity which encourages continuing police violence

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[781] The respondents were not directly asked whether they went voting or not, yet many of them brought up the topic by themselves and declared that they voted or that they did not vote for various reasons. Dean for example declared that he had to vote for the party his parents voted and therefore could not change parties. Though 'his' party had lost in the 2007 election, he was glad about the change in the government: "The party didn't do anything. We'll see if it gets any better." Adrien on the other hand for example said that first he was not interested in politics and voting, and second wasn't able to vote anyway as he did not have an ID. Others said they did not vote as they felt that their vote wouldn't count anyway and would not make a difference – such as for example Robin: "JLP and PNP do nuttn for me.", or Sean: "You just end up getting nuttn, pure promises." Others again (Wes and Adam) were afraid that the government would take their fingerprints if they went voting and therefore didn't go.

[782] See also Jamaica Gleaner: "Letter of the Day – Crime Key: Better Witness Protection", June 30, 2006: "The situation may be described as a cycle, consisting of three elements, namely: (1) the negative perception of the police or fear of reprisal for supplying information, which leads to (2) less citizen participation, which limits (3) the ability of the police to solve crime, which supports the original negative perception of police of fear to close the cycle's loop."

[783] Robin: "Police them is the main problem. Them are corrupt and shoot people. You haffi shoot back. Dog eat dog." Robin himself was shot once by the police when he was 16 years old. Detailing the incident in which his cousin also got shot and killed by the police he showed the research conductor the gunshot wound on his neck and behind the ear. He also explained that policemen often had two guns: One licensed and one not licensed. Rickie mentioned the same. He also added that there were many innocent young men in prison.

[784] The Jamaican police force was originally set up by the colonial rulers to protect them from attacks by the local population. The role of the police as defender and protector of all citizens' rights still seems to be only weakly rooted in Jamaican society today.

in the excessive dimension as is prevailing in Jamaica is an immediate priority. Stronger efforts should be made to condemn the misuse of force by the security forces. It should be ensured that complaints and reports of extrajudicial executions or torture are investigated as promptly, impartially and effectively as possible.

Bribe, corruption and the influencing of voters by the various means cannot be tolerated in a democratic state. Each individual should be able to trust any civil servant and any politician, to form an own opinion, to be taken seriously and to identify himself with the superior organisational structures of the economical and political life. It is crucial to build up mutual trust. As set out above, it is the government's duty to be responsive to present and future needs of society – and society includes the most vulnerable. To build up mutual trust in Jamaica between the governmental institutions and its civil servants and the individuals will take a lot of effort from both sides though and particularly lots of time. The promotion of good governance should be a long term task.

XIV. Societal Media Consumption

1. In General

The media are carriers of information and communicative devices of humans. The media can be used for various purposes such as entertainment, journalism, education or the like. It mediates values and life approaches in the human's socialisation process to which particularly children are susceptible the more other socialisation agents lack. The media is therefore a major agent of socialisation.

Media research in general attempts to determine whether a link between media consumption and different forms of behaviour – such as delinquency – exist. It is assumed that the media can have both positive and negative influences on people.[785] On the one hand, media can be utilised for positive purposes. For example, there are shows on television that are developed to teach academic and social skills and therefore can help children effectively to learn various skills. Media can be utilised for information search, education, communication and entertainment. On the other hand, media can easily dispread possibly harming and problematic contents such as pornography or violence.[786] It is claimed that the continuous

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[785] With reference to the representation of crime in the media see Reiner, in: The Oxford Handbook (2002), pp. 376-416 with further references. Reiner's article reviews the broad contours of empirical research, theorisation and policy debates about delinquency and the media. It deals with the content, consequences and causes of media representations of delinquency as primary focus of research.

[786] For a definition of media violence see Grossman/DeGaetano, pp. 127-128. For a digression of the current theories relating to media influence see Goldberg, pp. 123-126 with further references; Filser, p. 116. For general remarks on media and delinquency see Schwind, pp. 278-301. For an extensive commentatorship of empirical research, theorisation and policy debates about

consumption of media violence can lead to the acceptance of violence as patterns of behaviour.[787] Particularly children and juveniles easily internalise scripts that use violence as an appropriate method of problem-solving as they consume media.[788] The majority of media violence researchers support the link between consuming media violence and subsequent violent behaviour.[789] Anderson et al. in their article on the influence of media violence on juveniles accentuate that there is a large research base on media influences on youth and that it is consistent in overall findings. They come to the conclusion that there is "unequivocal evidence that media violence increases the likelihood of aggressive and violent behaviour in both immediate and long-term context".[790]

At this, a distinction between immediate and delayed consequences of media violence has to be made.[791] While in the short-term media violence activates the tendency to imitate or react violent immediately after the media consumption, in the long-term it leads to the acquirement

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delinquency and the media with focus on the content, consequences and causes of media representations on delinquency see Reiner, in: The Oxford Handbook (2007), pp. 302-337.

[787] It has to be noted that there are numerous differences between watching violent television or movies, reading print media about violence, playing violent video or computer games or listening to music with violent lyrics. Research studies usually focus on the one or the other way of consumption. Particularly violence on television has been widely examined and a relationship between watching violence and an increase in aggression and violence in the viewing child has clearly been demonstrated. See Huesmann/Moise-Titus/Podolski/Eron, p. 201 with references to further supporting studies, pp. 203-213, 219.

[788] Filser, p. 117; American Academy of Pediatrics, p. 1222. Much of the research has been guided by the social learning theory which suggests that one way human beings learn is by the process of modelling. Huisken makes a good point saying that today, socially accepted cultural assets such as western movies or thrillers do not teach that the good is nonviolent and the bad is violent as the good does not abstain from violence either. The difference is that the good can apply justified violence. The message therefore is that violence is justified as long as it stands for a good cause. See Huisken, pp. 23-24.

[789] Six major professional societies in the U.S. (the American Academy of Pediatrics, the American Psychological Association, the American Academy of Child and Adolescent Psychiatry, the American Medical Association, the American Academy of Family Physicians and the American Psychiatric Association) have concluded that "the data point overwhelmingly to a causal connection between media violence and aggressive behaviour in some children". See the Joint Statement on the Impact of Entertainment Violence on Children, Congressional Public Health Summit of July 26, 2000. For an extensive review of empirical research on media violence and aggression see Anderson/Berkowitz/Donnerstein/Huesmann/Johnson/Linz/Malamuth/Wartella, pp. 84-94. Grossman and DeGaetano clearly set forth that the exposure to violence in TV, movies and video games actually teach children how to kill. See Grossman/DeGaetano, pp. 12, 36. They state that "Wir bringen eine Generation von Kindern hervor, die in einem sehr jungen Alter lernen, entsetzliche Gewalt mit Vergnügen und Erregung zu assoziieren – eine gefährliche Assoziation für eine zivilisierte Gesellschaft." Ibid., p. 17.

[790] Anderson/Berkowitz/Donnerstein/Huesmann/Johnson/Linz/Malamuth/Wartella, pp. 81, 93-94. See also the FCC Report, pp. 4-5 with further references. For an overview and analysis of the research literature on the different approaches to media representations of crime see Reiner, in: The Oxford Handbook (2007), pp. 316-323.

[791] Anderson/Berkowitz/Donnerstein/Huesmann/Johnson/Linz/Malamuth/Wartella, pp. 94-96, 104; Huesmann/Moise-Titus/Podolski/Eron, p. 201.

and propagation of violent behaviour. [792] By continuously being exposed to media violence individuals get accustomed to violence, blunted of emotional sensibility and desensitised towards violent stimuli.[793] There is no more constraint of violence.[794]

Today, there is a mutual consent that media violence does not directly cause real-life violence and that there is no mono-causal impact of media violence consumption.[795] The dominating question therefore is whether the consumption of media violence can fortify existing violence-prone tendencies in young people or affect the development of violent behaviour of juveniles.

In general, particularly children and juveniles are attracted to violent scenes by the action and intense emotions.[796] In relation to delinquency and violence, particularly the news – in newspapers, radio and TV – is criticised for its playing part. News reporting by its dramatisation and publicity can create the impression that crime is customary and foster a culture of accepted violence. An attitude of indifference towards – particularly petty – crimes is perpetuated, while the public is thrown into panic with serious crimes such as murders.[797] Crime sells and news coverage is sensation oriented without consideration of the possible effects on the consumers. [798]

Although Jamaica is regarded to be a third world country, its involvement in the entertainment and media business is amazingly high; and so is the media consumption. Television, radio and music in general are the most prevalent forms of media consumption in

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[792] For the various short- and long-term effects of media violence consumption see Anderson/Carnagey/Eubanks, p. 969; Anderson/Berkowitz/Donnerstein/Huesmann/Johnson/Linz/Malamuth/Wartella, pp. 81, 94-96; Filser, p. 119.

[793] Anderson/Berkowitz/Donnerstein/Huesmann/Johnson/Linz/Malamuth/Wartella, p. 96; Huesmann/Moise-Titus/Podolski/Eron, p. 202; American Academy of Pediatrics, p. 1223; Grossman/DeGaetano, pp. 45-48. See also Goldberg, p. 124 with further references.

[794] It is said that a typical American juvenile at the age of 18 has already seen 200'000 violent pictures and 40'000 murders. Children blunt seeing so many atrocities. See Grossman/DeGaetano, pp. 15, 63 with further references.

[795] Goldberg, p. 125. If the consumption of media violence had a direct and mono-causal effect, media violence researchers would have to be the most violent criminals. But it also depends on the individual and his or her attitude towards a violent behavioural pattern. See also the FCC Report, p. 6 with further references.

[796] The American Academy of Pediatrics outlines that in the U.S. children aged two to 18 spend more than 6.5 hours each day using the media and that by the age of 18 years will have seen more than 200'000 acts of violence on television alone. See American Academy of Pediatrics, p. 1222 with references to further literature. They even go as far as to say that the "media have greater access and time to shape young people's attitudes and actions than do parents or teachers". Also Anderson/Berkowitz/Donnerstein/Huesmann/Johnson/Linz/Malamuth/Wartella, p. 101, accentuate that by the time a child finishes elementary school, it will have seen approximately 8'000 murders on television.

[797] For details on the media and the fear of crime see Reiner, in: The Oxford Handbook (2007), pp. 321-323.

[798] Schwind, p. 280.

Jamaica. One cannot go anywhere in Jamaica without hearing soft reggae or the harder-edged dancehall.[799] Reggae is based on a specific, slow rhythm style. Reggae songs are songs of acceptance and social progression. Its lyrics often deal with social criticism, thus include socio-political topics such as criticism of political systems or issues such as poverty, injustice and crime in order to call attention to challenges of society.[800] Dancehall is reggae's descendant and characterised by deejaying and rapping or toasting over fast, danceable music rhythms. There is a stark contrast from the songs of reggae music as its 'slack' lyrics often propagate profanity, misogyny, homophobia and violence.[801] Particularly in Jamaica, music is seen as a reflexion of incidents that appear in reality. What happens in society and what people experience is expressed in their music. Naturally, crime and violence is also omnipresent in the various forms of news reporting.

Hence, the question arises whether media violence – distributed in its various forms – in Jamaica merely mirrors the real violence in society or if it is a factor that contributes to the development of violence in young people.

2. Survey Data Evaluation

The media in Jamaica are omnipresent: On the one hand, newspapers are sold at every imaginable street corner in Kingston at a very cheap price, while on the other hand, there are television or radio broadcastings or there is music playing wherever one goes. Televisions are set up in restaurants, bars or just on the street and broadcast either the local music

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[799] For a small country as Jamaica is, it has done more to influence world's music than any other country its size and even far more than various bigger countries.

[800] With reference to reggae and the local value of music in Jamaica see Ettmayer, pp. 60-67. Reggae is said to be more than just music. It is the hallmark of Jamaica par excellence.

[801] Various celebrated artists such as Capleton, Sizzla, Elephant Man, Shabba Ranks, Vybz Kartel, Bounty Killer and others sing about gay men, using the derogatory terms for them (battybwoys, chi chi men, etc.), urging the audience to apply force against homosexuals. Gay men are lyrically denounced as the arbiters of all forms of corruption and evils who must be eradicated from the face of the earth by various means. Dancehall artists' homophobic lyrics have provoked protests since the early 1990s when Buju Banton had a hit with 'Boom Bye Bye', a song advocating shooting and burning homosexuals. Corporate sponsors of the entertainment industry – such as Cable and Wireless Jamaica Ltd., Courts Jamaica Ltd., Digicel Jamaica, Red Stripe, Pepsi-Cola Jamaica and Wray & Nephew Ltd. – made clear that they would no longer lend their names to anything that incites or promotes violence and threatened to withdraw support from the local entertainment industry. See Jamaica Gleaner: "DJ Boycott: Corporate Giants Threatening to Withdraw Support from Music Industry", October 2, 2004. Also, certain dancehall songs were pulled from the airwaves by the Broadcasting Commission Jamaica. For example Chuck Fendah's "Gash Dem" which promotes self-justice instead of punishment through the formal justice system. See Jamaica Gleaner: "Dancehall Records Street Law. The American Psychological Association has published an article which concentrates on the effects of songs with violent lyrics", October 21, 2007. See Anderson/Carnagey/Eubanks, pp. 960-971. The consistent findings of the five experiments conducted for their study show that songs with violent lyrics increase aggression-related cognition and affect. See ibid., pp. 968-969 with references to further scientific research that supports a causal relation between listening to songs with violent lyrics and expression of aggression and violence in short- and long-term time frames, p. 960.

channel Tempo or a local news channel. Radios play local music and often broadcast news talks and radio call-in programmes. Other than reggae and dancehall one will barely hear any other music playing in public places in Jamaica. Particularly at nights it is common that large loudspeakers are set up on the side of the roads and dancehall is played in ear-battering volume. People gather together, sing, dance or just sit or stand around, listening to the music. Therefore in Jamaica, no matter where one goes, one gets the impression that the media are always present in one or the other form. The question was which form of media was prevalent for the respondents of the study and how they may have been influenced by them in connection with their homicides.

The respondents were asked which media form they consumed and which purpose and significance the media had for them. Further, they were asked if they had the impression that the media influenced them, and if so, in which kind of way.

The respondents without exception stated that the media they consumed the most was music. As music is high-ranking in Jamaica and Jamaicans are proud of their worldwide acknowledged and known Jamaican-rooted music, this answer was expected. But not only was the music the most prevalent form of media consumption, most of the respondents also declared that listening to music was their sole form of media consumption. A few of the respondents detailed that they read a newspaper every now and then if they found one somewhere (they would not buy any themselves) or watched TV if they were somewhere where there was a TV. They then would either watch the local music broadcaster Tempo, local sports (cricket) or a local news channel. Rickie was the only respondent who said that he had a television at home and watched TV on a regular basis. Whilst he watched action movies and "gun shows" when he was younger, he had changed his consumption behaviour after having had discussions with his self-styled "father Zeeks" who had told him to watch Discovery Channel and similar television programmes. Programmes such as Discovery Channel are aimed at educating and imparting knowledge. Rickie said that he would learn from these television programmes. But not in the sense that he would learn interesting facts about science, history, space, technologies or world news, but rather delinquent skills and the modus operandi of the police. Watching programmes relating to police operations would provide him an insight to police work and processes and the do's and don'ts of criminals. Rickie was thus the only respondent who declared that he often and on a regular basis watched television in order to learn about and to improve his delinquent skills and delinquent approaches and that those TV programmes influenced him and his behaviour. The influence was said to be positive, as he improved his criminal skills, decreased the chance of being caught or making mistakes and got good tips. In connection with the present study and the question whether media consumption has a rather positive or negative influence on the behaviour of its consumers it has to be outlined that Rickie's story clearly indicates a

negative influence. By watching TV he gets hints on how to better approach a crime in order not to get caught and gets to learn a lot about police operations and their way of handling crime situations. It has to be noted that TV programmes such as Discovery Channel are not meant to give tips to delinquents but to impart knowledge in various fields such as science, technology, the animal planet, health and the like. Such TV programmes are aimed at achieving a positive learning effect and are there to educate.

As said, all the respondents stated that they listened to music on a regular – daily – basis. They said that they listened to reggae and dancehall. The influence of music on the respondents and their behaviour was perceived as purely positive and was not brought in connection with delinquency at all. It was often declared that music was there to "turn off", to bring forward good and positive thoughts, to jolly the consumers along and to meditate. The respondents said that music had a positive influence on their mood and life in general as it would cheer them up. Music was said to have a relaxing influence and belonged to their every-day life as a form of media consumption serving purely the entertainment. Thus, music plays an important role in the respondent's lives. Particularly Rickie who is very religious detailed that he loved music and particularly music of artists such as Sizzla and Jah Cure who sang about love, life and Jah.

Recapitulatory it can be said that the respondents without exception stated to consume media. However, music was the only media form that was consumed regularly to entertainment purposes. Other than music, media was not consumed for information search, education or communication, not even for entertainment. Only Rickie watches TV in order to enrich his criminal skills.

3. Critical Appraisal

It can be adhered that music plays an important role in the every-day life of the respondents. Music brings people together and seems to be a lifestyle bringing forward joy and positive thoughts about life. Music was said to radiate calmness and cheer up the respondents. Music gives them hope as the musicians they listen to often come from ghetto areas as well and have made the step everyone is striving for, and gives them a feeling of connectedness as the lyrics reflect incidents occurring in their own lives. Music was not brought in contact with delinquency. As music seems to exert a calming and positive influence on the respondents and does not bring forward aggressive or other negative feelings and thoughts it can be acted on the assumption that music does not evoke any delayed consequences on the respondents – at least not any immediate consequences. In the present study music does not seem to exert any direct influence on the delinquent behaviour of the respondents and least of all on their homicides. Which role the violence-prone song texts of many dancehall songs play for the sub-consciousness and thus maybe on the long-term acceptance of

violence and violent behaviour of the respondents, has to be examined thoroughly in following studies. In the present study there wasn't any factor that could be viewed as necessary or sufficient to produce long-term delinquent or even lethal behaviour. Whether media violence – and particularly the violent lyrics of some dancehall tunes – can be regarded as a potential contributor to the learning environment of juveniles who eventually go on to develop aggressive patterns of behaviour could not be verified in the present study and should underlie more thorough examinations in the future. For the present study it is acted on the assumption that the music consumption did not have any immediate consequences in connection with the respondent's homicides. It may have had delayed unconscious consequences though. Through the daily exposure to violent lyrics it may be that the individuals get accustomed to violence and unconsciously desensitised towards violent stimuli.

XV. Drug Consumption and Distribution

1. In General

Broadly speaking, a drug is any active ingredient that changes functions in vivo and alters normal bodily function. Such a change of function in vivo occurs when substances that exert influence on the central nervous system are consumed. The outcome is an impact on apperception, sensorial and emotional world, clear thinking and behaviour. These impacts can be the primary aim, a desired or an undesired side-effect. The main problem drugs worldwide are opiates such as heroin and cocaine which are accounted as hard drugs.[802] According to Article 1.j) of the United Nations Single Convention on Narcotic Drugs of 1961 a drug is any natural or synthetic substance specified in Schedules I and II[803]. The most prevalent drugs worldwide are nicotine, alcohol, caffeine and cannabis. These four drugs account as soft drugs. For the consumption of illegal drugs – may they be soft such as cannabis or hard drugs such as heroin, cocaine or opium – the proportion of delinquent juveniles is significantly higher compared to the non-consumers.[804] According to the United Nations World Drug Report 2007 there are about 200 million people worldwide (approximately 5% of the world's population aged between 15 and 64 years) who consume illegal drugs each year.[805] Though 5% is a large share of the world's population, it still is far lower than for example the level of people using tobacco accounting 28% of the world's

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[802] See United Nations: 2007 World Drug Report, p. 9.

[803] See the so-called Yellow List, available at: http://www.incb.org [as of January 2009]. For details on the most prevalent (illegal) drugs see Schwind, pp. 547-551.

[804] Goldberg, p. 127 with further references. See also Glueck/Glueck (1968), p. 161; Quensel, pp. 143-144, 154-156.

[805] United Nations: 2007 World Drug Report, p. 9.

population. The most widely used illegal drug worldwide is cannabis with 3.8% of the global population aged 15 to 64 (nearly 160 million people) consuming it.[806]

There are various reasons why people – and particularly juveniles – take drugs: Peer group pressure, the perception of being grown up when consuming, easy availability, widely dispread use in the family, the escape from reality, boredom, fun and the like.[807] Taking drugs over a longer period of time or in bigger doses can lead to psychic or physic habituation and addiction. The intake of drugs thus can result in addiction or lead to the causation of momentary intoxication or expanded consciousness.

International treaties such as the United Nations Single Convention on Narcotic Drugs of 1961, the United Nations Convention on Psychotropic Substances of 1971 and the United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 regularise drug substances for most countries of the world.[808] While many drugs are prohibited, there are a few drugs that are legal and often widely culturally accepted such as alcohol, nicotine and caffeine. Legal drugs often have an age restriction on consuming and purchasing them.

There are various ways in which drugs and violence can relate to each other.[809] In accordance with Goldstein it can be acted on the assumption that there are three different ways in which drugs and violence can be interrelated:[810] The first one – the psycho-pharmacological way – attributes violent acts to the effects on behaviour caused by the ingestion of a drug. The ingestion of drugs can have an impact on apperception, sensorial and emotional world, clear thinking and behavioural display. It may well be that an individual who has taken drugs becomes irrational or agitated and spontaneously engages in violent acts. The violence is then applied by the consumer as an effect of the ingestion and thus

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[806] United Nations: 2007 World Drug Report, p. 30, 95, 114. Referring to the consumtion of cannabis in general see Wright/Miller, pp. 949-953.

[807] As drugs are often taken for fun, for the experience or to enhance an already positive experience, they can also be called recreational drugs and therefore are pitted against drugs taken to cure or ameliorate symptoms of an illness or medical condition, thus medicinal drugs. The intake of recreational and not medically indicated drugs is called drug abuse as the intake is self-administered, nonmedical and without any medical supervision and often in large doses.

[808] The Commission on Narcotic Drugs (CND) – of which Jamaica is a member state – is the main intergovernmental policy making and coordinating body in international drug control. For information on the CND see http://www.unodc.org/unodc/en/commissions/CND/index.html [as of January 2009].

[809] See Fagan/Wilkinson, in: Youth Violence, p. 163. For general remarks on drugs and delinquency see Schwind, pp. 533-571 with further references. Schwind notes that particularly alcohol as a participant factor of the crime initiating situation plays a crucial role. Ibid., p. 534. See also South, in: The Oxford Handbook (2002), pp. 914-944.

[810] See Goldstein, pp. 24-30. Schwind on the other hand for example lists four groupings: direct and indirect procurement crimes, consecution crimes, retail trade and purchase for self-consumption. See Schwind, pp. 556-557.

occurs under the influence of the drug. Within the second form of relationship between drugs and violence – the economic compulsive –, the acts of violence are the result of crimes committed by the drug consumers in order to amount to money to buy the drugs for their personal consumption. Here, the violent act is not the effect of the ingestion, but is committed in order to finance the addiction or dependency.[811] In the third form – the systemic –, the violent acts are seen as methods of conflict resolution within the underground drug market system. As the market is illegal and there is no legitimate authority one can address him- or herself to when problems occur and disputes are to be resolved, the respondents engage in acts of intimidation and punishment in order to control the market. The drug market hence depends on violence for social control.[812] Victims can be the consumers, distributors and dealers, others who are somehow engaged in the drug business as well as innocent bystanders.[813] Another aspect of systemic violence relates to the high potential for violence around drug enforcement itself. Violence can be employed during raids or searching of suspected drug dealers or street confrontations between law enforcement agents and people who they suspect of violating the drug laws.[814] Also here, innocent people may be implicated. Summarising, violent events related to drugs provide a rich illustration of the multiple meanings of context.[815]

A number of studies have documented a relationship between juvenile drug use and crimes of violence such as homicide.[816] Findings come to the consistent conclusion that drug use and violence are often linked, but that violent crimes are less related to the drug use itself, but rather to a history of violent behaviour by precipitating factors other than the drug use.[817]

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[811] In general, these crimes are more likely to be property offences and thus income-generating and not violent acts in the first instance. It may well be though that the violence results as the by-product of other factors, such as resistance of the victim, detection of the property crime while committing it, intervention of bystanders etc. Unexpected incidents can lead to an escalation of the situation and result in a violent act.

[812] May it be disputes related to money, quality or quantity of drugs, robberies of money or drugs, disputes over selling locations, disciplinary concerns within drug-selling organisations and other routine business conflicts.

[813] See Goldstein, p. 36.

[814] Another with drug control associated problem is the deportation of for drug-related offences convicted people to Jamaica as drug-related crime and violence gets displaced into an area with low resistance which again leads to the exacerbation of economic problems. See also the article of Marlyn Jones on the Implications of U.S. drug control policy for Jamaica: Marlyn Jones, p. 118.

[815] Fagan and Wilkinson point out that such a situation depends on the composition of persons, the social context as well as the type of substance consumed. See Fagan/Wilkinson, in: Youth Violence, p. 162 with further references.

[816] For an extensive review see Carpenter/Glassner/Johnson/Loughlin (1988). See also Gottfredson/Hirschi, p. 40 with further references.

[817] Flowers, p. 94; Carpenter/Glassner/Johnson/Loughlin, pp. 87-100. To the question whether involvement in criminal activity leads to drug use or involvement in drug use causes crime see South, in: The Oxford Handbook (2002), pp. 933-935.

Around the world, countries deal with the subject matter of drugs. In Jamaica, particularly alcohol and cannabis rank as quotidian and self-evident drugs that are widely integrated into the lives of many Jamaicans. Whilst alcohol is not prohibited, the possession, use and sale of cannabis is strictly illegal. Cannabis, the product of a plant that is commonly also known as marijuana, is called ganja[818] in Jamaica and is widely consumed – usually by smoking or ingestion. Although the distribution of cannabis is strictly prohibited, Jamaica is the Caribbean's leading producer and exporter of ganja and the most important cannabis resin producer in the whole Americas with 3% of global mentions.[819] Throughout the world, Jamaica is known for its ganja and so-called spliffs (joints). The question thus arises if a causal connection between the consumption of drugs – particularly the most prevalent ganja – and violence in Jamaica can be established.

The most commonly reported effects of consuming cannabis are said to be "a sense of well-being or euphoria and increased talkativeness and laughter alternating with periods of introspective dreaminess followed by lethargy and sleepiness. […] A marijuana smoker typically has a sense of enhanced physical and emotional sensitivity, including a feeling of greater interpersonal closeness."[820] According to the National Academy of Sciences' Institute of Medicine's 1999 report, the consumption of cannabis is less addictive and a possible dependence less severe than other drugs: "Compared to most other drugs … dependence among marijuana users is relatively rare … [A]lthough few marijuana user develop dependence, some do. But they appear to be less likely to do so than users of others drugs (including alcohol and nicotine), and marijuana dependence appears to be less severe than dependence on other drugs."[821] There is said to be a strong relationship between the consumption of cannabis and its relation to violence, namely that cannabis is more likely to decrease violence than increase violent acts.[822] Thus, research discloses that the consumption of cannabis is considered to be less addictive and if addictive less severe than other drugs and is associated with rather positive experiences than to violent and thus lethal acts.[823]

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[818] See United Nations: 2007 World Drug Report, p. 96.

[819] United Nations: 2007 World Drug Report, p. 103.

[820] Joy/Watson/Benson, p. 83 with references to further research. See also South, in: The Oxford Handbook (2002), p. 914; Wright/Miller, p. 950.

[821] Joy/Watson/Benson, p. 98.

[822] Tardiff, p. 163 with references to further studies. See also Moore/Stuart, pp. 171-192.

[823] Joy/Watson/Benson, pp. 83, 93-98. "The most commonly reported effects of smoked marijuana are a sense of well-being or euphoria and increased talkativeness and laughter alternating with periods of introspective dreaminess followed by lethargy and sleepiness". See ibid., p. 83.

Another problem worth mentioning linked with the consumption of drugs in Jamaica is drug trafficking.[824] According to a recent report of the Council of Hemispheric Affairs (COHA), Jamaica is not only "an important pit stop for the trafficking of Colombian cocaine, South American heroin, and Mexican marijuana, but it is also the Caribbean's leading producer and exporter of marijuana".[825] While marijuana production seizures skyrocketed from 19'777 kg in 2005 to 59'771 kg in 2006, a large amount of cocaine, heroin and foreign marijuana pass through the country daily.[826] With its 638 miles of coastline, the more than 100 unmonitored airstrips and the open-end ocean, Jamaica is a key passageway and warehouse for drug smuggling to the U.S.[827] Thus, in Jamaica drugs are not only domestically consumed, but Jamaica itself is a major transit location for illegal narcotics.[828] The COHA report acts on the assumption that the drugs – and guns[829] – smuggled from Mexico and South America contribute to the high level of violence including the high homicide rate with Jamaican criminal organisations working together with Mexican and South American drug trafficking organisations.[830] As drug trafficking does not stop short of national boundaries and often embraces complex structural organisations, its containment depicts a difficult task for the law enforcement agencies. In order to counter drug-trafficking and to stem the rising crime rate and gang violence in Jamaica, a special police unit was formed in October 2004: The so-

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[824] For details on drug trafficking in Jamaica see Ettmayer, pp. 155-159.

[825] All details given in this paragraph are taken from the COHA Report. COHA is an active and broad-based U.S. private body that deals with the entire spectrum of political, economic and diplomatic issues, as well as responds to the economic and political challenges confronting the nations of this world. See the website of COHA: www.coha.org [as of January 2009]. Jones in the article about the implications of U.S. drug control policy for Jamaica points out that Jamaica is one of the three primary sources of marijuana that enters the U.S. (together with Mexico and Columbia) and that homicides (amongst other major crimes) have increased concurrently with the beginning of mass deportations to Jamaica. See Marlyn Jones, pp. 120-121, 123. With reference to the business with cocaine in Jamaica in general see Zahl, pp. 74-77.

[826] Jamaica is accounted as the leading transhipment point in the Caribbean. See Marlyn Jones, p. 125. Cocaine is much easier to tranship as it weighs less, doesn't smell as strong and has more value as marijuana. It is said that approximately 10 tons of cocaine were transited through Jamaica in 2005. See UNODC/World Bank, p. 15.

[827] Ettmayer, p. 155.

[828] There are authors who point out that the cash flow the illegal business with the drugs generates has a positive impact on commerce in the local towns of Jamaica as the drug trade provides access to capital and capital accumulation, it helps to sustain the flow of imports into the highly import dependent economy by providing a supplementary source of foreign exchange to importers, helps to finance election campaigns and aids are given to schools, hospitals and other community ventures. See for example Stone, in: Phillips/Wedderburn, p. 47: "Whereas conventional crime must be seen as having had a negative impact on the Jamaican economy, the drug trade represents an area of crime where the impact has been mainly positive."

[829] It is said that drug trafficking often involved firearms which were traded for the drugs. See UNODC/World Bank, p. 15.

[830] Concerning organised crime and transnational drug trafficking see United Nations: 2007 World Drug Report, pp. 169-189.

called Operation Kingfish.[831] The multinational task force – the governments of Jamaica, the U.S., the UK and Canada are involved – has had great success with the interception of over 13 metric tons of cocaine and over 27'390 pounds of compressed marijuana, the seizure of numerous boats, vehicles, firearms and an aircraft up to the end of 2006.

Summarising, the question needs to be answered if drugs play a role in the lives of the respondents and if so how they are related to violent acts and homicides.

2. Survey Data Evaluation

As Jamaica is the Caribbean's leading producer and exporter of marijuana, an important transit country for cocaine, heroin and marijuana and is worldwide known for its ganja, drugs were necessarily a subject matter to discuss with the respondents. First, the respondents were asked what they could say about drugs in Jamaica in general, furthermore they were asked whether they consumed drugs and/or whether they were involved in drug distribution. Although the consumption and distribution of drugs is illegal, the respondents were nevertheless open and talkative and stated without hesitation whether and if so, which drugs they consumed, where they got them from, why they took them and how often and if they were involved in the drug distribution business or not. The validity of the statements of course cannot be guaranteed, but the openness, detailedness and accordance with the statements of the other respondents in comparison lead to the nearby conclusion that the statements are true for the most part.

The general drug situation in Jamaica was described uniformly: Drugs in Jamaica are widely distributed and it is easy to obtain drugs – particularly marijuana. Drugs were said to be available 24/7 and everywhere; basically at each street corner and in every bar. The rate of people consuming drugs was said to be very high – particularly people smoking ganja.[832]

Of the 20 respondents 18 declared consuming drugs on a regular basis. There were only two respondents who said that they did not take any drugs at all – neither hard drugs, nor soft drugs, not even legal drugs such as alcohol or nicotine. These two participants were Sean and Adrien. Sean admitted having drunk alcohol and smoked ganja when he was younger, but stopped drinking and smoking as he did not want to "fuck up" his body. He said that

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[831] Operation Kingfish is a partnership between international police agencies and Jamaica in order to tackle serious crimes such as homicides. See Jamaica Gleaner: "One-on-One With DCP Mark Shields – Part 3 – 'I Don't Fear Things I Can't See'", May 26, 2006. For detailed information about the operation Kingfish see their website at: http://www.jamaicapolice.org.jm/kingfish/about_us.htm [as of January 2009].

[832] In Jamaica, people smoking ganja have a specific pattern of smoking which is moderate and not aimed at becoming heavily intoxicated what explains why people are seldom really stoned on ganja despite smoking: A Jamaican actually does not finish a joint in one go. A smoker usually takes a few puffs, lets the joint go out, lights it up again later and repeats the process.

smoking ganja totally "wasted di body" and that one was not able to do anything anymore as it made you so tired. He had better things to do than to spend all time in bed and waste the time dreaming and sleeping.[833] Adrien did not give any details on why he did not take any drugs. It has to be pointed out though that on the one hand, he still lived together with his father who therefore may still have a certain influence and control over his life, and on the other hand, that he holds down a full-time job. It is also crucial to note that he has spent the past five years behind the bars – since he was 13 years old – and just came out recently.

The remaining 18 respondents declared consuming drugs on a regular basis. A regular basis for them meant consumption of the drugs on a daily basis. The following two soft drugs were said to be consumed by all the 18 respondents: Alcohol (specifically beer, Guinness, rum and whisky) as legal drug and ganja as illegal (soft) drug. Whilst most of the respondents declared that they did not drink alcohol every day, but that drinking was more a social thing one did together with friends, smoking ganja was said to occur every day – together with friends or alone. Every now and then there was a respondent who said that he smoked cigarettes as well. The reason for taking these soft drugs – alcohol, marijuana and cigarettes – was congruent: For fun, pleasure and the good feeling the drugs were said to evoke. The respondents said that they first liked to take the drugs because they liked the taste, and second because they wanted to feel the impact of the drug (thus the impact was their primary and desired aim) – particularly when smoking ganja. The impact was circumscribed as a situation of weariness, calmness and doziness. The above mentioned effect from the consumption of ganja "introspective dreaminess followed by lethargy and sleepiness" was confirmed by all respondents without directly asking for it. They detailed that smoking ganja put them in a state of calmness and weariness which was great to meditate, to enwrap and particularly to sleep a lot and long. Alex also mentioned that smoking made him happy. He was the only one mentioning that he also drank weed tea on a daily basis. Whilst alcohol was often drunk in company with friends as a social action and for fun, ganja was said to be smoked in a small circle of friends or alone with the aim to put oneself in a state of calmness and to sleep. Smoking ganja was directly connected with sleeping. In no kind of way was it connected with energetic activities or even aggressive thoughts or actions or the like.

Of the 18 respondents who said that they consumed (soft) drugs on a regular basis, two additionally declared taking a hard drug as well: Daniel and Paul admitted taking cocaine. They said that taking cocaine was for recreational purposes as well. Both respondents detailed that they mostly smoked their cocaine, sometimes also snorted it.

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[833] Sean: "Smokin' totally mash you up."

Recapitulatory it can be noted that the majority of the respondents declared consuming drugs on a regular basis for a pure recreational purpose. Of those 18 respondents only two admitted consuming hard drugs (cocaine) whilst – other than that – the only illegal drug taking was the smoking of ganja which accounts as soft drug. Thus, the consumption of ganja seems to be widespread amongst the respondents compared to the intake of hard drugs.

In regards to drug distribution 13 respondents denounced not to be involved, while seven respondents openly admitted that they were actively involved in the drug business: Dean, Alex, Robin, Rickie, Daniel, Adam and Greg. Funnily enough Mike stated not to be involved in the drug distribution, whereas – talking about employment – he had said that he sold ganja to get to money. This addressed, he specified that every now and then when he was able to buy cheap ganja he would sell it for a bit more to make some profit. He said that he was not part of a drug ring and did not sell marijuana on a regular basis. It only concerned very small amounts on an irregular basis with no fixed buyers or the like. Of the other seven who said that they were involved in drug distribution, Alex and Dean declared that they only dealt with marijuana whilst the remaining five respondents said they also dealt with hard drugs such as cocaine and heroine.[834] Drug businesses were mostly carried out by order and together with other gang members. Drug distribution was always said to be linked to gang involvement. At this point it can be mentioned that all seven who had declared to be active in drug distribution were also members in gangs, whereas four of them even had their own gang (Dean, Alex, Robin and Greg). Drug distribution thus does not seem to be an activity that is undertaken alone but is organised, supervised and executed in a group in which every one has his specific task whereas everybody controls the actions of the others. Robin and a few others noted that the police was involved in the drug distribution often as well; either being actively involved in the drug business or extorting hush money.

In the end the respondents were asked whether their homicides stood in any connection with possible drug consumption (drug-influenced crimes, crimes for drugs or drug prohibition crimes) or drug distribution (drug business related crimes or again drug prohibition crimes). Without exception the respondents stated that they had not committed their homicides under drug influence,[835] in order to get drugs or connected with drug prohibition or the like. With the exception of one respondent the remaining respondents also denounced that their homicides

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[834] Greg specified how the hard drugs came into the country: A partner in the export-country packs the desired amount and sticks it to the bottom side of a specific boat (thus the sealed package is beneath the water). A guy working at the harbour seemingly only unloading the containers – such as him – then quickly jumps in the water to get the package.

[835] Thus at the same time they declare that their criminal responsibility at the time of the homicide was not limited for that purpose.

had not been drug business related. Daniel was the only respondent who admitted having committed homicides in line with drug distribution by "getting rid" of people trying to trick or betray him or his gang. Other than that it can be noted that all other respondents did not connect drugs or drug distribution to their homicides in any way. This outcome supports the thesis that the consumption of ganja – with its effects of dreaminess and sleepiness – decreases aggressiveness and violence rather than adding to that sort of crime.

3. Critical Appraisal

It can be noted that the consumption of drugs – particularly ganja – is widespread and part of the everyday life of many Jamaicans. The vast majority of the respondents said that they consumed soft drugs on a daily basis. Soft drugs are consumed for pure recreational purposes whilst ganja concerns a drug that makes sleepy and puts the consumer into a state of calmness, serenity and pleasure. Only a small fraction admitted taking hard drugs (cocaine). A bigger fraction is involved in the drug business. Despite the wide appearance of drug consumption and the frequent involvement in drug distribution it was surprising that only one respondent associated drugs with his homicide(s).[836] But even if the majority of the respondents denounce that their drug intake and/or part in the drug business stood in no connection with their homicides, the intake as well as distribution is yet illegal and should be thoroughly examined further. Though this study focuses on the possible causes of juvenile homicidal delinquency and not the illegality of drug consumption and distribution, the consumption and maybe even more the drug dealing could lead to homicides in certain cases. This needs to be tackled – both the consumption and the involvement in drug distribution. But the demand for illicit drugs will continue to exist as long as society's members continue to provide a market for its consumption.[837] And as long as there is a market, there will be people consuming drugs and a competition for sales amongst the dealers what can lead to disputes for territorial retail control. And as the police are often said to be accomplices in the drug business and maybe even in drug-related violence continuing to support the drug trade it is crucial that a reform of the police is effected with the establishment of accountable community-based policing. And instead of purely repressing policing policies that target juvenile drug distributors, alternatives to the drug trade in the community should be given in order for the juveniles to choose not to get involved in drug distribution.

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[836] This supports the number of studies whose findings come to the consistent conclusion that drug use and violence are often linked, but that violent crimes are less related to the drug use itself, but rather to a history of violent behaviour by precipitating factors other than the drug use or distribution itself.

[837] Maybe one could even think of legal drug distribution as an alternative. Details concerning this matter would go beyond the scope of the present study though.

XVI. Small Arms

1. In General

Small arms – hereinafter also referred to as firearms or guns – are defined as weapons which can be carried and operated by an individual.[838] Small arms include pistols respectively handguns, revolvers, submachine guns, shotguns, carbines, assault rifles, squad automatic weapons, light machine-guns, general-purpose machine guns, medium machine-guns and hand grenades.[839] Small arms are aimed at their targets by hand using optical sight while the range of accuracy is generally limited to about 1'600 meters (usually considerably less). The firearm is to be used by firing the projectile, but it can also be applied as a club or by striking somebody with the barrel of the firearm or the butt; also known as pistol-whipping. Firearms can be obtained through channels of the legitimate market – this way of purchase is connected with effort, paper work, mostly a delay and payment – or through the black market where fewer questions are posed, no paper work has to be done and the prices are less expensive as the firearms are mostly stolen or exchanged against other goods.[840]

The possession of a firearm has different meanings. On the one hand, it can have a symbolic meaning for the person carrying it by providing a feeling of power and control. A firearm poses great danger to life and limb of other individuals what is particularly unequalled in events involving other weapons; there is no weapon more lethal than a firearm. Possessing a firearm gives its owner superiority, power and control of the situation and the progress of action. On the other hand, firearms can accord status and identity.[841] Suddenly people react in a different way towards the person holding the firearm by showing respect and awe. Furthermore, the strategic importance of the possession of a firearm is to be mentioned. Usually the person with the firearm has more pull and therefore can play off the advantage against his opponent(s), making a victim's resistance less likely. A firearm accords influence capabilities one would not necessarily have otherwise and therefore influences behavioural

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[838] If items are included which require at least two individuals to carry and operate them, the term 'light weapons' is used. The common term for small arms and light weapons is SALW. For an extensive definition see the IANSA Report 2007, p. 3.

[839] These weapons have in common that they fire single or multiple projectiles propelled at high velocity by the gases produced through rapid, confined burning of a propellant. For definitions of the various terms see the United Nations International Study on Firearm Regulation, pp. 9-10.

[840] In Jamaica, firearms are said to be available from 65 USD. See Kopel/Eisen/Gallant, p. 7 with further references.

[841] Ellis, in: Phillips/Wedderburn, p. 7.

patterns and actions. Thus, firearms are salient symbols of power and status and strategic means of gaining status and domination.[842]

Firearms can be used lawfully as infantry weapons, for recreational purposes such as target shooting, for hunting or for personal protective reasons. They are also exerted as instruments of conflict resolution within the criminal field. Only the latter use – also referred to as *gun violence* – is of importance for the present study. Interpersonal conflicts of some sort are inevitable and universal, but the presence of firearms in such situations may partially determine whether verbal conflicts escalate to violence, whether physical attacks are completed by reaching their target, and, when they do reach their target, whether such attacks result in death. If firearms appear in the criminal field, they are either used as means of coercion by threatening, or – if fired – are meant to harm or kill.[843] It is the main objective of a firearm to neutralise or kill a given target. Thus, firearms are not only lethal, but are meant to be lethal and therefore lead to death incomparably more often than other tools such as knives or fists.[844] Also, firearms are lightweight and small, easily portable, relatively easy to use and do not require any strength or force.[845] Particularly with firearms it is – mechanically as well as psychologically – easier to pull the trigger from a great distance and to kill someone whereas the use of other weapons such as knives underlies a much bigger inhibition. On the one hand, firearms permit attack from a great distance, and on the other hand, no physical force has to be applied directly upon the victim. Relatively invulnerable targets can suddenly be victimised by people too afraid to come into close contact with their victims.[846] The possession of a firearm grants its possessor power – power that he would not have without the firearm. In a nutshell, firearms are deadly instruments.

There is a clear agreement that it is not the firearm itself that pulls the trigger and kills people, but the individuals who kill other individuals with firearms. People have a free will and choose to kill. However, the firearm can be a stimulus to its use and trump other decision logics in the course of a dispute.[847] Mere the presence of a firearm during the course of a dispute can have serious effects on the cognitions and decisions of the involved

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[842] Kleck/McElrath, p. 670.

[843] IANSA Report 2007, p. 2.

[844] Kleck/McElrath, p. 684; Wright/Miller, p. 698. The IANSA Report 2007 sets forth that an assault with a firearm is 12 times more likely to have a fatal outcome than an assault by other means. See the IANSA Report 2007, p. 2.

[845] Cook/Laub, in: Youth Violence, p. 54; Fagan/Wilkinson, in: Youth Violence, p. 107.

[846] Kleck/McElrath, p. 672; Stolzenberg/D'Alessio, p. 1464.

[847] Anderson/Berkowitz/Donnerstein/Huesmann/Johnson/Linz/Malamuth/Wartella, p. 95 with further references. See also Killias/Haas, p. 5.

individuals.[848] The weapon effect hypothesis acts on the assumption that weapons can trigger aggressive thoughts and actions due to learned association between weapons and aggressive behaviour.[849] The presence of the firearm then increases the intensity of the conflict by a multiple and limits the number of choices available to the involved individuals. Thus, the presence of firearms presents a level of danger. And although firearms are not the root cause of conflicts, they exacerbate violence and increase the probability of death.[850] As soon as a firearm comes into play, death is a likely result.

Although numerous studies have documented a positive correlation between firearm prevalence and firearm homicide rates, their causal relationship is yet unclear and disputed. Do more firearms cause more homicides or is there a reverse causality? Causality in the firearm homicide relationship may run in either or even both directions.[851] On the one hand, increases in firearm ownership can lead to a higher firearm homicide rate by increasing the likelihood that any crime will result in a victim's death or by increasing the chance that a dispute will result in the death of one or more individuals; thus that firearms foster rather than deter criminal activity.[852] It could also be assumed that there is no significant correlation between firearm ownership and firearm homicide, leaving open the question of possible

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[848] See for example Neue Zürcher Zeitung: „Wenn die Waffe nach dem Täter greift", November 8, 2006. The article outlines that several studies have confirmed that guns trigger hostile thoughts and actions.

[849] Concerning the weapons effect hypothesis see Kleck/McElrath, p. 672; Bartholow/Anderson/ Carnagey/Benjamin, p. 48 with further references. Bartholow et al. act on the assumption that concepts of firearms learned from television, movies, news media and personal experiences are linked in memory and therefore, at presence of a firearm, identify that firearm with the memorial concepts. As firearms often have aggressive meanings, their sight and presence is capable of evoking aggressive actions. This concept is also referred to as 'weapon priming' or 'weapons-as-primes hypothesis'. Ibid., p. 49. Concerning the weapons-as-primes hypothesis see also Anderson/Benjamin/Bartholow, pp. 308-309, 313. Anderson et al. point out that the weapons effect on aggressive behaviour is well established and recapitulate in a nutshell: "In essence, the gun helps pull the trigger." Ibid., p. 308.

[850] Fagan/Wilkinson, in: Youth Violence, p. 141. Also Kleck and McElrath act on the assumption that the possession of a gun skips a physical attack but, if the gun is triggered, the situation is more likely to end fatal. See Kleck/McElrath, pp. 673-675. They conclude, that "the willingness of a criminal gun user to do violence and to inflict serious injury is greater than that of criminals who do not use guns." Ibid., p. 675.

[851] See Hepburn/Hemenway, p. 420: "There are various theories that predict a negative relationship between household firearm ownership and homicide. […] On the other hand, there are reasons to expect a positive relationship between firearm ownership levels and homicide rates. […] The relationship between firearm availability and homicide can clearly be bidirectional." Consulting international data they come to the conclusion that higher levels of firearm prevalence substantially increase the homicide rate. Ibid., pp. 429, 437-438.

[852] Duggan states that an increase in the number of guns leads to a substantial increase in the number of homicides. The relationship with all other crime categories is much less marked, implying that firearms increase criminal activity primarily through their impact on homicides." See Duggan, p. 1088. This perspective is also referred to as 'dangerousness hypothesis'. See Stolzenberg/ D'Alessio, pp. 1461-1464 with references to further studies.

substitution effects.[853] On the other hand, it may conduct contrary by murder rates having an impact on firearm ownership as individuals purchase firearms in response to expected future increases in criminal activity and thus reduce the crime rate.[854] Yet, the presence of more firearms does not mean less crime, as less as the presence of more firearms means more crime[855], as the example of Switzerland with its unique firearm policy shows: In order to be able to rapidly respond to foreign aggression, individuals of the Swiss army keep their army-issued personal weapon at home, together with a specified personal retention quantity of government-issued ammunition (which is sealed and inspected regularly to ensure that no unauthorized use takes place). Thus, personal weapon of militia personnel is kept at home as part of the military obligations. This leads to a very high firearm count per capita. The total number of firearms in private homes in Switzerland is estimated somewhere between 1.2 and 3 million.[856] Though firearms are present in most homes in Switzerland, criminal statistics of the police reveal that there were only 34 accomplished or attempted killings with firearms in 2006.[857] The majority of those 34 attempted or accomplished firearm homicides – outside the domestic sphere[858] – involved illegally held firearms whereas only a small fraction of the homicides was committed with army ordnance weapons.[859] Therefore, it is important to distinguish between illegally and legally held firearms.[860] Hence, there is some doubt whether firearm control would do much to lower the level of firearm homicides.[861] Firearm control

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[853] Kovandzic/Schaffer/Kleck, pp. 36-39. Kovandzic et al. outline that "guns among criminals may increase homicide while guns among non-criminals decrease it, with the two opposite-sign effects cancelling each other out." Ibid, p. 40. Recapitulatory, there seems to be a clear agreement that guns among criminals can increase homicide. Concerning the rough balance between offenders using a gun during the commission of a crime and citizens who use the guns to defend themselves and thus deter crime see also Moody/Marvell, pp. 3-6, 11, 15-17 with references to further studies.

[854] Stolzenberg/D'Alessio, pp. 1462, 1464-1465 with references to further studies. This perspective is also called the 'self-defense hypothesis'. Hepburn and Hemenway come to the conclusion that although firearms are protective, there is only little evidence of a net beneficial effect. See Hepburn/Hemenway, p. 425.

[855] Kleck aptly distinguishes between the owners of the firearms: "it is possible that gun possession among prospective aggressors increases lethal violence, while gun possession among prospective victims reduces it". See Kleck (1997), p. 215.

[856] About 35% of all households possess a gun of which the most are military weapons. See Killias/Haas, p. 2.

[857] PKS 2006, p. 15.

[858] Contrary, within the domestic sphere, one could assume that the weapons have led to an increase of violence.

[859] Killias/Dilitz/Bergerioux, pp. 5-6; Die Weltwoche 13/07; Die Weltwoche 49/07; Schweizerische Eidgenossenschaft, Factsheet.

[860] Hereto see Stolzenberg/D'Alessio, p. 1462 with references to further studies.

[861] Clinard, pp. 114-115.

usually applies to legally obtained firearms. As most crimes committed in the public are carried out with illegal firearms, firearm control is vitiated accordingly.[862]

Levels of gun violence vary greatly across the world. According to the IANSA Report 2007, one thousand people die by gunshots every day.[863] The firearm is the most frequently used weapon in the commission of violent offences.[864] Particularly in the U.S. it is said that teenagers are growing up surrounded by gun violence.[865] Guns are said to play a significant role in shaping the development trajectories and behaviours of juveniles.[866] Among the per capita murder rate committed by firearms, Jamaica ranks number 8 worldwide.[867] Jamaica is said to have a firearm homicide rate of 16.97 per 100'000 inhabitants each year.[868] And according to the Political Ombudsman the Hon. Justice Kerr:

> "The firearm is by far the most frequently used weapon in the commission of offences of violence. It is the weapon used in the maintenance of garrison enclaves, the dominance of dons, the weapon of war between garrison communities of different persuasions and the on-going gang warfare for causes other than political. The Committee [the National Committee of Political Tribalism] was credibly informed that there are in the hands of criminals guns of power and a firing rate never before seen in the country."[869]

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[862] The results of Stolzenberg and D'Alessio's study exhibit a strong relationship between illegal gun availability and juvenile gun crime, whereas only little or even no effect for the legitimate gun availability. See Stolzenberg/D'Alessio, pp. 1461, 1472-1474, 1476.

[863] IANSA Report 2007, p. 2.

[864] See Wright/Miller, p. 698. This particularly also accounts for Jamaica. Lemard has come to the conclusion that the gun is the weapon must often used in murders (69%). See Lemard, pp. 107-108.

[865] Wright/Miller, p. 698/

[866] For an extensive report on the epidemic of adolescent gun violence in the U.S. see the report of Wilkinson/Fagan: What Do We Know About Gun Use Among Adolescents? See also table 1 (ibid., pp. 4-5) for a summary of school based survey studies of gun experiences among American adolescents.

[867] IANSA Report 2007, p. 3.

[868] Lemard in her study has specified that gunshots were the most likely mechanism for reprisals, robberies and drug and gang activity. Stabbing, chopping or lacerations were the most likely mechanism for domestic disputes and mob killings. See Lemard, p. 127. Further, she concludes that in all the cases where the relationship between the victim and the perpetrator was undetermined or the perpetrator was a stranger, the mechanism on injury used most often was the gunshot. In cases where the perpetrator was known to the victim, the mechanism used most often was stabbing/larceration/chopping. See ibid., p. 124. Lemard's findings are consistent with the findings of the present study in which 24 homicides were conducted by means of a gun and concerned reprisals, drug and/or gun activity or robberies. Only one stabbing could be recorded whereas it did not concern a domestic dispute, but a dispute amongst friends.

[869] Kerr, p. 14. See also British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 20.33min. Ellis for example points out that in Jamaica, fascination with the gun, possession of the gun and a willingness to actually use the gun against another are all features of a culture of violence germinated by Jamaica's very own institutions. See Ellis, in: Phillips/Wedderburn, p. 8.

In Jamaica, illegal firearms are imported and distributed by two means:[870] On the one hand, politicians are said to have brought in and distributed firearms into poor garrison communities in order to intimidate and coerce community members into party alliance (referred to as political tribalism[871]) in the past.[872] On the other hand, there has been a massive trade in firearms and drugs in recent years.[873] In general, there appears to be a consistent spatial and social overlap between drugs and firearm homicides.[874] It is known that there is a massive drugs-for-firearms smuggling ring between Jamaica and Haiti. Sophisticated firearms are being traded for drugs[875] – mostly marijuana and cocaine produced in Jamaica.[876] Thus, there is a large circulation of illegal firearms in Jamaica. The firearms-for-drug trade between the two countries is said to be growing.[877]

A Gun Court Act imposing national firearm prohibition was enacted in 1974. House to house searches were conducted and firearms as well as ammunition confiscated. To all intents and purposes, the act was intended to take the firearms off the street in order to keep gunmen away from the society. However, it is claimed that in the end the police were only able to seize lawfully acquired firearms of law abiding citizens, leaving back the gunmen with their black market firearms.[878] The damage perpetrated to Jamaica's society through illegal gun

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[870] Marlyn Jones, p. 122 with further references. Kemp Ross also highlights that there are many self-made weapons in Jamaica and demonstrates a few from the police confiscated ones such as for example a gun made of a stapler. See British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 7.40min. Ross speaks of "a truly frightening arsenal of weapons", ibid. 7.55min.

[871] See Clarke, p. 427.

[872] See Publique!: "Background to Violence in Kingston", November 3, 2004. While the 'soldiers' receiving the guns depended on party patronage, the politicians depended on the gunmen for support.

[873] At this point is has to be emphasised that the drug and gun trade costs enormous amounts of money which in turn means that enormous amounts of cooperation must exist between the haves from the uptown and the have nots from downtown. „If you think about it, a man on the gullyside cannot afford a tin of mackerel to feed himself, yet he has these guns which cost between USD 2,000 and USD 5,000. We should look at who has access to the ports to shut down machines to get guns in, it is not the poor man on the corner." Social worker Patrice Samuels in: Jamaica Gleaner: "Send me the Report! – Felice Wants Research Findings Which Links Rich Jamaicans to Crime", March 18, 2008.

[874] Fagan/Wilkinson, in: Youth Violence, p. 163. On the one hand, weapon carrying is a central feature in the drug business – may it be for protection or enforcement within the black market –, on the other hand, weapon use is common as a necessary thought pattern of behaviour. Drug business-related gun events can include various disputes such as over selling turf and customers, product price, product quantity and quality, shortage of drugs or money, retaliation for dishonest business practices or the like.

[875] See for example Lemard, p. 53. Recently, it has been assumed that Haitians are exchanging weapons for animal meat. See Jamaica Gleaner: "Guns for Meat: Jamaicans, Haitians in 'Strange' Trade-off – Possible Link to Rise in Praedial Larceny", February 20, 2007.

[876] COHA Report, p. 1. See also Jamaica Gleaner: "Operation Kingfish Looks towards Fishermen for Clues", November 7, 2004; Jamaica Gleaner: "Dirty Money – Cops Eye Financiers in Haiti/Jamaican Gun, Drug Trade", February 3, 2007.

[877] Jamaica Gleaner: "Jamaica, Haiti guns-for-drugs trade concerns US", February 16, 2007.

[878] Kopel/Eisen/Gallant, p. 7.

violence and the inability to control the black market firearms and gun violence is enormous. "Perhaps in no nation is the devastation to society caused by restrictive firearm laws more evident than in Jamaica. The Jamaica of today is no longer an idyllic island paradise. Instead, it is a hellhole caught in the terminal stage of what some euphemistically call "gun control". […] Today in Jamaica, easily acquired black-market firearms, in addition to homemade weapons, have now largely replaced lawfully acquired firearms."[879] In 2001, the first United Nations Conference on Small Arms produced following agreement: The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Jamaica ratified the agreement in 2001. Although some improvement has been achieved, there is only limited progress in stemming the illicit trade in SALW.[880] Yet, between 2001 and 2006, over 30'000 illicit SALW have been recovered as well as thousands of rounds of ammunition.[881] Guns in Jamaica are seen as gifts of society as they can be acquired for instrumental purposes of personal gain or private revenge. Being entrusted with a gun or possessing a gun with firing power is viewed as achieving or enhancing status.[882]

If it is acted on the assumption that (illegal) firearms lead to the death of individuals incomparably more often than other instruments, the question arises whether juvenile homicidal delinquents who use firearms would shift to other tools such as knives to stab or cords to strangle instead of firearms and still commit the homicide or if they would not commit a homicide if they had not had a firearm.[883] Would the confiscation of illegal firearms lower levels of juvenile homicide in Jamaica?

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[879] Kopel/Eisen/Gallant, pp. 6-7. Referring to homemade weapons see British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 7.40min.

[880] Concerning a review of the progress made in the implementation of the programme of action by Jamaica see the statement of H.E. Wolfe, the ambassador and permanent representative of Jamaica to the United Nations.

[881] Ibid, p. 2.

[882] Ellis, in: Phillips/Wedderburn, pp. 6-8. Ellis clearly sets forth who is to blame for the gun situation in Jamaica: "In Jamaica, fascination with the gun, possession of the gun and a willingness to use the gun against another, are all features of a culture of violence germinated by our very own institutions." Ibid., p. 8.

[883] This perspective is also referred to as 'displacement theory' or the 'weapon substitution effect'. See Stolzenberg/D'Alessio, p. 1467. Stolzenberg and D'Alessio come to the conclusion that gun offenders do not substitute other instruments when illegal firearms become less available. Ibid, pp. 1461, 1474. Killias comes to the same conclusion. See Killias (1993), p. 305. Also Robotham points out: "Also, the above data strongly suggest that, absent guns, the lion's share of murders and violent robberies simply would not occur. This leads to the important conclusion that *guns are a critical independent situational causal factor, not only in murder and shootings but in a wide range of other major crimes as well.*" See also Ewing (1991), pp. 132-133.

2. Survey Data Evaluation

In Jamaica, the prevalence of firearms appears to play a crucial role with homicides. The respondents were asked to make general remarks on firearms in Jamaica, whether they possessed or had possessed a firearm themselves, if so, which meaning the possession of the firearm had for them respectively how they felt about possessing a firearm. At last – also with regards to their homicides – the respondents were asked whether they had actually ever used the firearm to intimidate, frighten, wound or kill somebody.

The respondents were uttermost open and talkative and divulged a lot of information about the general firearm prevalence situation in Jamaica as well as their personal connection to firearms. In certain areas nearly everybody was said to have a weapon whereas a firearm was said to be cheap to buy and easily available.[884] Whoever wanted to have a gun and had the right connections or the necessary money could have one within a few hours without any big efforts. Even small boys as young as 12 years were said to be walking around with firearms. Where the firearms exactly came from or where they were produced, none of the respondents knew.[885] They just knew that they were in circulation; often brought into circulation by Jamaica's politicians. The respondents declared that the politicians were those who had brought in firearms to an extremely high degree. Firearms which they had distributed to the dons in the garrison communities and which from there were spread further and still are in circulation now. Also the police was accused of being active in the arms trade and to sell arms and particularly ammunition. Thus, arms were said to be abound quite simply and there whenever needed.

With the exception of one person the statements of the respondents concerning the possession and usage of firearms were congruent. 19 of the 20 respondents had not only owned firearms in their life course (13 still at the time of the interview), but had also used them. They had neither used them with the goal to merely frighten other people, nor with the aim of hitting and wounding them, but with the aim to hit and kill them.[886] The desired success – the killing of the person aimed at – had arrived with many respondents. However, the gun prevalence and use was not the only consistency: All of the 19 respondents declared that they had got their firearm under-the-counter at the black market by friends or family members. They had all gained illegal, not registered and licensed firearms. The utterly most mentioned word in connection with the question how the respondents felt being in

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[884] A firearm was said to cost around 5'000 JMD (approximately 70 USD).

[885] Alex: "Guns come to Jamaica. We don't mek di gun. There are too many guns in di country and too many guns coming into di country."

[886] Dean added that basically all homicides in Jamaica occurred with firearms: "Di majority die by guns."

possession of a firearm was that a firearm awarded „power". As mentioned above, the possession of a firearm means strategic importance in the sense that even the most lanky and weakest boy has more pull than his opponent; the one with the gun is always the most vigorous, without having to be vigorous himself.[887] Additionally to this strategic importance it seemed to be important for the respondents to have the power which they achieved through the possession of the gun.

The power awarded by the firearms was perceived in various ways. On the one hand, the firearms and the power they exuded were admired as they could basically effect miracles by getting people to do things they would not do otherwise.[888] On the other hand, one could also feel the respect, fear and sometimes even hatred of the firearms and their influence.[889] Firearms were said to change people and it seemed like sometimes the respondents were even surprised at how they themselves changed if a gun was in play. This awareness – if not anxiety – was also the reason for quite a few of the respondents to get rid of their gun. While 19 of 20 respondents stated having possessed and exerted a firearm, there were 6 respondents who said that they did not own any firearm anymore at the time of the interview: Jamie, Rickie, Wes, Sean, Barry and Chris. Without asking them why and how they managed to get rid of the firearm, four respondents gave chapter for a statement. Rickie detailed that there was no day he would walk around without his gun in former times. The birth of his son two years ago made him think about the level of danger the firearm presented. As he wanted his child to grow up with his father and not as a half-orphan, he chose to disavow from firearms and has not touched any since. Sean had to watch as his own brother getting shot during a robbery five years ago. He was so upset by the incident that he gave away his firearm and never wanted to obtain any anymore. Adam was caught by the police during a gunfight and had to go to prison for quite some time. He never obtained a firearm anymore after his release. Chris again witnessed the killing of two of his cousins by rivalling gang members two years ago and has never touched a gun since. It can therefore be stated that of those respondents who had chosen not to have a firearm anymore and had given a motivation for their change of mind, there was a specific incident in their life that was responsible for the change of heart and initiated the reversal. All incidents were perceived as far-reaching and drastic happenings in their lives and showed the respondents that they did not want to continue their live with a firearm – that a life with gun and power was

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[887] At this point it can be noted again that the physical appearance of the respondents was very similar: Skinny and not very tall; thus not with a physical strong appearance.

[888] Dean: „Guns are like a wife; if you 'ave one, you rich."

[889] Wes: "Guns are bad. Them talk to you. Them push you into di streets. Them mek you kill." And "Your gun talks to you and leads you out to shoot somebody. 'Go kill', says the gun."

more worthless than a life with no gun and less power. The remaining 13 respondents declared still owning a gun at the time of the interview.

Thus, the respondents – those who did not possess any gun anymore at the time of the interview as well as those who still had a firearm – stated clearly that the possession of the firearm influenced the decision logics of a gun owner making his thoughts and actions more aggressive and lethal.[890] Many of them added that if there were not as many firearms in circulation, there wouldn't be as many homicides either as the overcoming would cost a lot more effort.[891]

The only respondent who stated never having possessed and exerted a firearm was Adrien. As will be seen in the next chapter, he didn't commit his homicide with a firearm. Adrien did not give any statement on why he had never possessed a firearm, yet it has to be noted once again that he was locked behind bars for five years from when he was 13 years of age, just recently released from prison, lives together with his father and holds a full-time job.

3. Critical Appraisal

Gun prevalence and availability seem to be tremendous high in certain areas of Jamaica. It was said that it was very easy and didn't require large financial resources to obtain a firearm. Thus, firearms in Jamaica are widely available at low cost whilst distribution is informal, with firearms being bought and sold or even just handed over through family, friends and street sources. The thesis that gun possession exerts a big influence on the possessor of the firearm was confirmed by the respondents and thus the weapon effect hypothesis was affirmed. All of those having said to have owned a firearm stated that their behaviour changed when possessing a firearm, that their limit of tolerance had dropped and that they hit the firearm extremely fast. Social interactions are perceived as potentially threatening and other people are seen as harbouring hostile intents and willing to inflict harm. With such a perception, the mere presence of a firearm systematically fuels that sense of danger, contributing to the attribution of hostility in everyday social interactions and thus provoking aggressive and lethal interactions. If the firearms had not been present, the situation would have taken another course. If firearms are present, the probability that a conflict situation ends deadly is large. Either it is the offender who uses the firearm to rid himself of an irritating person or the firearm is used when its threat value fails to intimidate the victim sufficiently. In both cases the homicide would less likely occur if no firearm was present.

It is clear that the presence of a firearm in a conflict situation enhances the ability of an individual to commit a homicide. This in contrary means that if firearms are not present in

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[890] For example Wes: "You couldn't talk to me a certain way."
[891] Kevin: „Crime would be slower." Or Jamie: "Less guns, less murder."

situations of conflict, the situation would have to be solved in another – not as lethal – way. It is therefore crucial to clean Jamaica's streets of firearms in the long run.[892] This does not concern the legitimate firearms though, as the legitimate-market controls are ineffective due to the easy availability of quite inexpensive firearms in the underground market. The cleaning-up concerns the illegal and not licensed firearms circulating in Jamaica's backstreets.[893] A total ban on firearms and/or ammunition would have an important effect on the number of homicides. It is therefore crucial to counter the illicit trade in small arms and to deal with all pertinent aspects related to the illicit trade.[894]

XVII. Situational Factors

1. In General

In general, one would assume that there are not only outer, but first and foremost inner constraints that deter a human being from killing another human being. According to the World Report on Violence and Health 2002 suicide is far more frequent than homicide worldwide. Self-directed violence in the form of suicide accounted for 815'000 deaths in the year 2000 (14.5 suicides per 100'000 population), while interpersonal violence consisting of homicides amongst family members, intimate partners or unrelated people accounted for 520'000 deaths in the same year (8.8 homicides per 100'000 population).[895] People are thus more ready, able and willing to take their own lives than the lives of others. It is assumed that there are not only certain risk factors heightening the probability that a person overcomes those several inner and outer constraints, but that there must also be certain settings in which a homicide is more likely to occur.[896]

A homicide in general is composed of three components: First, the use of lethal force, second, the roots, motivations[897] and goals[898] of using violence, and third, the context of the

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[892] At this point it has to be recalled that according to Amnesty International, Jamaica exhibits the highest per capita rate of police killings in the world. Thus, in Jamaica there are many gun homicides committed by the police as well. See the above made statements on police killings in Jamaica in the chapter on XIII. Public Organisational and Political Structures in this study, p. 178 et sqq.

[893] It goes without saying that such an intention is not easy to enforce and also legal weapons can be used to kill in situations of conflict. Yet, it is assumed that homicides could be reduced to a crucial degree.

[894] See the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001).

[895] WHO World Report on Violence and Health 2002, Table 1.2, p. 10.

[896] "Die Eigengesetzlichkeit, die in der Tatsituation dominant ist, bezieht sich auf die Wechselwirkung ziwischen den Emotionen des Taeters sowie des Opfers, aber auch auf die immer mehr eskalierende Situation." Salehi, p. 57.

[897] Motives can concern interior (such as for example jealousy, hatred or profound aversion) or exterior circumstances (such as for example the elimination of competitors or bothersome individuals, a

homicide event.[899] Juveniles who commit homicides are not a homogenous group and don't act out of the same motivation.[900] They face different situations. There are situations in which the homicide offender first and foremost wants to kill a particular individual. The offender then acts with a direct intent of first degree.[901] The death of the victim is the primary goal of the first degree homicide offender. Yet, there are situations in which the death of the victim is not directly strived for, but the homicide offender either tacitly accepts the death of the victim or views the death as a condition precedent to achieve a particular other goal. This for example if an offender in the course of a robbery feels threatened by the sudden and unexpected appearance of a third person or the resistance of the victim or is afraid of identification and persecution and therefore kills the victim of the robbery or the third person.[902] The offender in that case did not want to kill the individual in the first instance, but – in order to complete the robbery successfully – got rid of the disruptive person or just panicked and over-reacted.[903] These homicides thus occur during the course of another crime or. The immediate offence context plays a crucial role for the homicide.[904] If the casual bystander had not come by or the victim not offered resistance, the course of action may have taken another – not lethal – path.[905] One also has to distinguish between gang and interpersonal homicides as the homicides can be committed either by a gang member (gang homicides such as drive-by shootings and hit-and-run crimes) or by a non-gang offender. At last, homicides can also be

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robbery or disputes). For the various motives that are mentioned in relation to homicides see Koslowski, p. 91; Salehi, pp. 32-34, 55-65.

[898] As what has been sought to be achieved by resorting to lethal force.

[899] With reference to the homicide situation see Eisenberg (2005), pp. 885-893. According to Eisenberg, an offence situation encompasses all outer, psychic and inter-subjective elements that are present at the time of the decision and the conducting of the event qualified as crime. See Eisenberg (2005), p. 885. Particularly in regards to homicides he states: „Bei Tötungsdelikten kommt mitunter einer situativen Eigendynamik wesentliche Bedeutung innerhalb der (interaktionistischen) Entstehungszusammenhänge zu." Eisenberg (2005), p. 891. Referring to the role of criminal offences in general, see Killias (2001), pp. 297-348. Killias points out that a crime is „le résultat à la fois d'un comportement humain et de facteurs non humains ou situationnels". Ibid., p. 298.

[900] See Koslowski, p. 91.

[901] Referring to the various degrees of homicides see Wright/Miller, pp. 693-694.

[902] With reference to homicides incidentally committed in the course of other crimes see Ewing (1991), pp. 49-62.

[903] Other people in such situations are often not perceived as human beings, but as objects that have to be eliminated if they stand in the way of achieving a goal. This is a psycho-dynamical concept of dehumanising victims.

[904] See hereto also Lemard, p. 123: "circumstances leading to the murders are extremely important to understand how such an event could have been avoided or prevented." In regards to the homicide context see also ibid., pp. 129-135.

[905] Koslowski highlights various murder categories such as for example holdup murder, occlusion murder, hate murder, angst murder, assassination, murder for political reasons and the like, see Koslowski, p. 91.

committed in the heat of the moment.[906] Crimes committed in the heat of the moment are characterised by vigorous emotional fluctuations while the offender does not have a goal or any offence plan.[907] Thoughts as well as actions are destined by the instant event to such an extent that considerations about possible consequences and the future are excluded.[908]

Thus, it is therefore important to note that the homicide context plays a crucial role in the judgement of a homicide event.[909] While a homicide clearly is not exclusively determined by the conditional moments present in the particular situation, it is often at least triggered by them.[910] The importance of the homicide context can clearly be perceived with crimes in the heat of the moment at which the offender is basically at the mercy of the immediate offence context.

At this point, a short retrospect on the social-psychological theories of delinquency has to be made: Whilst the aggression theory – as also the frustration or drive theory – views homicides as a reactive, emotional and uncontrollable force, the social learning theories see homicides as a target-oriented and intended use of force. Thus, a distinction has to be made between emotional and instrumental aggression. A homicide conducted on emotional aggression as an unplanned, unpremeditated act at which the homicide is perceived as primary goal, and a homicide conducted on instrumental aggression as an act at which the homicide is also a goal, but in connection with the obtainment of power, restoration of honour or the like.[911]

Recapitulatory it remains to be noted that a homicide does not occur in any particular setting without the various triggering situational factors of the homicide context such as time and scene of the offence, the individuals involved[912], the availability of firearms or other tools,

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[906] These crimes are also related to as affect crimes. Referring to crimes committed in affect see Salehi, pp. 5-8, 44; Wright/Miller, p. 700.

[907] With reference to offences in the heat of the moment see Salehi, p. 45. With reference to the dominant role of emotions in the origination of homicides see Salehi, p. 48; Simons, p. 106.

[908] Regarding the various typologies that can be formed see Eisenberg (2005), pp. 165-171, 947-949.

[909] See also Salehi, pp. 25, 57. Salehi acts on the assumption that a homicidal act is conditioned by the entelechy dominating in the conflict situation. See Salehi, pp. 53-54.

[910] The overcoming of the natural constraint to kill is only possible on the background of an intrinsic personality psychodynamic. This personality level is biographically formed while the situational level is superficial and time-dependent.

[911] Considering the various types of killings, a more precise classification is required. A differentiated and widely elaborated attempt of such a classification can be found in the Crime Classification Manual of the American F.B.I. It distinguishes between homicides committed in the course of other crimes, interpersonal homicides, sexual homicides and group homicides. The Crime Classification Manual is the result of a ten-year project conducted by the F.B.I.'s National Center for the Analysis of Violent Crime. See Douglas/Burgess/Burgess/Ressler: The Crime Classification Manual: A Standard System for Investigating and Classifying Violent Crimes, Lexington Books, New York 1992.

[912] In general, it is acted on the assumption that homicides are rather directed against people of the social close-up range of the offender and is seldomly directed against acquaintances or strangers.

acute emotional states and the like.[913] These triggering factors might be used as interior-psychological legitimation by the homicide offenders trying to up-rate legality. Whilst many people internalise legal regulations[914], there are also people who do not exhibit any interior representation of legality. There may also be situations in which a formerly given internalisation diminishes or vanishes. Thus, there are individuals who are aware of the fact that their actions are not legal, but who still perceive their act as legitimate.[915]

2. Survey Data Evaluation

At last, the actual homicide acts of the respondents were addressed. As it concerned a delicate subject matter and it could not be foreseen how the respondents would react to referring questions and how detailed – if at all – they were willing to respond, this topic was addressed at the very end of the interview. This way the involved parties had the chance to get to know each other better and to build up mutual trust. At the very beginning of the interview it was explained to the respondents what the study was about; that it did not focus on their homicides solely and directly, but rather on their life course and the factors that had led to the homicide(s). The respondents were explicitly released to give answers to posed questions and to divulge as many details as they wanted. Although quite a few respondents were sceptic at the beginning of the interview, most of them came to trust during the course of the interview so that all of them were poised to talk about the homicide context.

In order to arrive to the topic, first a few general questions to the violent crime situation in Jamaica were posed: What the respondents had to say about the violent situation in Jamaica, how they felt living in a violent country such as Jamaica, whether they had ever witnessed a homicide and how that made them feel. After those rather general questions it was gone into their personal homicides and the respondents were asked to give details on their homicides[916] and on how they felt during and after the homicide. None of the respondents reacted enraged to the questions and they spoke openly about their homicides.

Concerning the general questions, the respondents had similar statements to make: That Jamaica was a very rough place to live and survive and that disputes were often solved with

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See for example Koslowski, pp. 71-72, 93, 118. "die Wahrscheinlichkeit, das Opfer eines zufälligen Tötungsverbrechens eines Unbekannten zu werden, [ist] als gering einzustufen." Koslowski, p. 118.

[913] Robertz, pp. 79-84.

[914] There are various reasons for individuals to abide by the rules and internalise them such as for example because they can identify the rules with their existing own moral concepts, or also out of fear of prosecution or the like. See Urbaniok, p. 22.

[915] Urbaniok, p. 18. One could also say that they mitigate their culpability through vocabularies of justification.

[916] If they had committed the homicide alone or with friend(s)/a gang, were engaged in other crimes at the same time, location, relationship to the victim, weapons used, substance use, reasoning, etc.

the appliance of violence. This did not only account for certain areas, but accounted generally. People – men as well as women – would react aggressive very fast and turn out violent. This accounted for the school, the home, the street and other places. Violence was said to be a part of every-day life and a normal pattern of behaviour. Although the respondents said that violence was a "normal" pattern of behaviour in Jamaica and they admitted of resorting to violence themselves, one could feel their displeasedness and frustration about this situation. Over and over the respondents shook their heads and mentioned how "rough" it was living in Jamaica. This leads to the assumption that they know that life could be different and that they wish that their life would not be as "tough". They wished for a life in which there is more than just the fight for survival, a life in which one can walk on the streets without being in fear of attacks, a life in which one has a prospective of actually growing up and living a "normal life".

In relation to the witnessing of homicides, the statements of the respondents were surprisingly consistent. All of them without exclusion declared having witnessed at least one homicide in their lifetime without being involved in the incident. Even though one would not witness a murder every day, there was nothing exceptional about hearing gunshots every day and witnessing a homicide every now and then. Everyone living particularly in the communities the respondents came from could get into such a situation and every person also would; may it be as a kid, juvenile or adult – there seemed to be no way around it. Witnessing a homicide at the same time was also said to be equivalent to witnessing nothing. "Informer dead" was all Tyrone said. With this – in accordance with the statements of the others[917] – he expressed that for ones own safety a bystander looked away when witnessing a homicide and did as if not having seen anything. The respondents and other not involved individuals did not turn around, stare or run away. One just pretended as if nothing had happened and nobody would speak about the incident. Being a witness of a homicide thus meant having not seen anything.[918]

Concerning the respondents' homicides, their stories were entirely diverse. The statements ranged from the killing of one person (11 respondents), over the shooting of several people (seven respondents said that they had shot between 2 and about 20 individuals, one

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[917] For example Adam: "You don't witness no murder."

[918] This behaviour is common in Jamaica and known as the 'code of silence'. The anti-informant message 'informer fi dead' promotes silence. The people remain silent as they are too fearful to effect change and particularly are afraid of reprisal for supplying information and thus would only put their life at risk if saying something. Particularly dancehall songs promote the 'informer fi dead' message. See the Jamaica Gleaner: "Code of Silence Bloody Real", June 25, 2006. Concerning informer lyrics see also Jamaica Gleaner: "45s Aimed at Informers – Records Advocate Violence against Those who Cooperate with Cops", June 25, 2006. See also British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 4.29min.

respondent more than 20 people), up to the alleged killing of 64 people (John). There were different motivations for their acts which were triggered by various factors.[919]

At very first it can be noted that of the 20 respondents there were only 2 individuals (Mike and Chris) who stated that the death of their victim was not the primary aim of their act, but that the homicide occurred in the course of another crime (a robbery with both) whereas a third person appeared at the crime scene unexpectedly and therefore was put away as he posed a threat by either getting into their way or betraying them.[920] In order to keep their robbery or their participation in the robbery secret, in both cases the third person was eliminated by shooting him. Thus, these homicides were not planned, premeditated homicides. Their primary aim was not to kill a particular individual, but they were unforeseen in the forefront and happened due to the mere fact that the third parties were at the crime scene at the time of the crime. The bystanders were literally at the wrong place at the wrong time. For the two respondents the respective homicide was inevitable. They could not leave any traces or witnesses. If the third parties had not been there at the time of the robbery, the robbery would have passed without the homicide. Thus, the immediate homicide context played a crucial role with these two homicides.

All other 18 respondents stated that the death of their victim was the primary aim of their act. For one reason or the other it had become their aim to kill a particular individual. The homicide did not just occur for no reason, but was mostly brought in connection with an action of the victim.[921] May it be that the victim wanted to deceive or betray them, may it be that it did not show enough respect towards the perpetrator by dissing him or someone he knew,[922] may it be that it concerned rivalries between gang members (a total of 14 respondents), may it be a murder for hire (Barry), may it be a specific retaliation after the victim had killed someone itself (Wes, Sean und Tyrone) or may it be a dispute with the victim which escalated (Adrien). At this point it will be gone into detail of a few of the individual homicide incidents in short version.

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[919] Motives can be of various kinds. Referring to the definition of motive and particularly referring to homicide motives see Salehi, pp. 32, 55-65. Salehi acts on the assumption that the identification of the motive that lead to a homicide cannot contribute to the explanation of the origination of the act as it constitutes a tautology without any scientific relevance. See Salehi, pp. 33-34, 52.

[920] Mike: "You cyaan leave no witness. You 'affi get 'im outta di way."

[921] Victim precipitation remains to be mentioned at this point. Victim precipitation occurs when the victim plays a crucial role in the causation respectively provocation of its own homicide. See Robertz, p. 35-37; Zedner, in: The Oxford Handbook (2002), pp. 578-579. Eisenberg states that particularly with homicides, victims who are involved in the act outbalance those who are not involved. Thus, homicides may often be the result of a continuous and coherent progression of a mutual behaviour, whilst at one point it exceeds the barrier. See Eisenberg (2005), p. 894. See also Schwind, pp. 379-393.

[922] To diss is a jargon abbreviation for showing disrespect, though the word is used slightly different.

Alex for example had witnessed the killing of his own parents by robbers at age five. Though he was taken into care by his cousins and aunts, he has been seeking for revenge all his life and decided to live on the streets at a very early age. He eventually managed to find the brother of his parents' killer and killed him in retaliation. He was convicted for murder and spent two years in a care centre and two in prison. Though he had revenged his parents, he seemed to be full of hate against society as a whole. It was accused of having destroyed his life. He wants to retaliate society and give it back what it had done to him. This occurs through the killing of people "who deserve it".[923] After coming out of prison he committed one further homicide and has since given orders to kill other people as he did not need to do that himself anymore as the leader of a gang. He knows that if he gets caught for a homicide now, he would be locked behind bars for life and he does not want to risk that. He would rather stay in the background and pull the strings from the top. He lost track of and could not make any details on how many people had been killed by his order. He showed absolutely no emotions except for the hatred over the killing of his parents. At this point it has to be stated that the witnessing of the cold-blooded killing of parents right in front of their five year old son must leave behind a trauma.

Also Wes witnessed killings which changed his life. In his early teens, his stepbrother came up to him one day and gave him his firearm. He then walked through the yard onto the street. The moment he stepped out on the street, he was shot. Wes ran outside but only found his stepbrother lying in the middle of the street, soaked in his own blood, dead. Wes still had the gun in his hand; the gun his stepbrother had given him seconds before he was shot. Wes ran after the man who had shot his stepbrother, got hold of him and shot him on his part. "Me took back 'im life." An eye for an eye, a tooth for a tooth. The police never linked the incident back to him. Later, at age 19, his biological brother got shot right in front of his eyes by three rivalling gang members. From that incident on he was obsessed by thoughts of revenge. He tracked down two of the three guys with some of his gang members and shot them. The third one was said to be out of the country. "One is still outta di country, but I'll neva forget and 'im will come 'ome one day." After those killings he passed the firearm on to the brother of his dead stepbrother. As the police never found the murder weapon, they were not able to prove the murder. "Me did what me haffi do."

John was the respondent who had pulled his hat far into his face so that one could not see his eyes. He spoke inwardly and never divulged much information. Asked about committed homicides he stated that he had shot 64 people. After asking him to repeat, he said again:

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[923] "We hurt people who have to get it. We do no unnecessary tings, we only do good. Me nah shoot no innocent people. [...] Certain circumstances make people do what them do. Society makes what me is." Robin made similar statements and blamed society for what has become of him: "Jamaica is a violent country. Jamaica is a gun country. Society forces me to do what me do."

"64".[924] Probed for more details he stated that although he counted and remembered all his homicides, they did not mean anything to him. He would not just kill anybody, but only if he or someone he knew got "dissed" by saying or doing something wrong. The person was then tracked down and shot without hesitation. "Diss one, diss all. Killing is like a game." A game he played with absolutely no emotions. He said that he had been jailed from 2000 to 2003 for the involvement in a shooting. The experiences he had made in prison have only made him more violent: "Di prison mek me kill more." He has never been caught for any of his homicides.

Also Rickie's homicide story has to do with disrespectfulness: One day he was together with two of his friends, walking down the streets. It has been outlined earlier that although Rickie had a father and grew up with him, he had a very bad relationship to him and there were times he thought about killing him. The person he looked upon as his 'real' father was Zeeks, the neighbourhood don. Zeeks was the most important person in his life and he would never let anybody harm or talk bad about Zeeks. While he was pottering with his friends that day, they met a guy who introduced himself to them as "King". According to Rickie, 'King' was Zeeks nickname and nobody else was allowed to call himself King. Rickie and his two friends told the guy that nobody had the right to call himself King – nobody. As the man would not listen and apologise, they tracked him down later and shot him. He did not obey the laws of the street and had to be punished. It was his fault. His body was packed in a car, together with nine car tyres and a bottle of petrol. They drove to a deserted locality, chopped the body, stuck it between the tyres, poured the petrol over everything and let it burn. The body was never found and the incident never revealed. "Him fi dead."[925] Rickie himself had to die as well. He was shot while conducting an armed robbery about 10 days after the interview. Shortly after, he was pronounced dead in hospital. "You have to hold di faith" was one of the last things he said talking about life in the violent garrison areas of Kingston. Though never losing his faith, he lost his life at age 25, leaving back a 2 year old son.

Adrien's story illustrates a different perspective: Adrien, the lad who distinguished himself from the others and often had a different story to tell than the others, also had a completely different homicide story and approach towards his homicide. At age 13, he was standing in front of his friend's house's front door, talking with his friend. A dispute between the two arose, getting more and more intense. They both began to lash out. He then suddenly lost his cool, took out the knife that was stuck in his pants and stabbed it into the epigastrium of his friend. He was mad and angry and knew what the consequences could be. But he felt

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[924] As the research conductor was not sure whether the number of homicides Alex had supposedly committed was true, the social worker was asked about Alex and he admitted that Alex was extremely violent and known for the many murders and that that figure could add up.

[925] Him fi dead means as much as 'he has/had to die'.

that he did not have any control over his actions anymore. While stabbing his friend he felt horrified and still was at the time of the interview. He spoke gentle, with a trembling voice and tears in his eyes. He kept repeating how sad and sorry he felt about what happened, that the incident still bothered him a lot today and that he often dreamt about it. "I feel sad. I am very upset", he kept saying. After the incident his friend's mother came out of the house – to find her son stabbed to death by his school mate and friend. Adrien did not run away and waited on the police to take him along. He was jailed for five years. After being set free, he talked things out with the victim's family and today they come along again. Yet, he said that he would never forget what he had done. Adrien's homicide clearly was a crime committed in the heat of the moment, characterised by vigorous emotional fluctuation whilst he did not have a motive or offence plan. His thoughts and actions were destined by the instant event to such an extent, that he lost control over the entire situation. Adrien was at the mercy of the immediate offence context.

Recapitulatory it can be noted that of the 20 respondents 11 have committed one homicide by their own hand[926] and nine two or more homicides. Two respondents – Mike and Chris – killed their victims during the course of another crime as the victim suddenly showed up at the crime scene and had to be put away. Adrien stabbed his friend in affect during the course of a dispute. All other respondents did not in the first place act in affect and shot their victims with firearms. They all put the blame on the victim and do not show any feeling of guilt at all. They use triggering factors such as disrespectfulness or betrayal as interior-psychological legitimation and thus mitigate their culpability through vocabularies of justification. They perceive their homicides as legitimate. Adrien is the only one who puts the blame on himself, admits having made a mistake and has tried to make up for what happened. Thus, Adrien stands out in relation to the concrete homicide incidents, as well as the murder weapon and the behaviour respectively the comportment after the homicide. Further, it is crucial to note that 18 of 20 respondents have committed the homicide within a group – with other members of their gang – whereas only three (Wes had committed one homicide alone, two with friends) had committed their homicides alone. One of them again is Adrien (the third is Chris). Adrien was also the only one who had killed a friend. All other respondents declared that their victims were either passing acquaintances or total strangers.[927] The victim selection

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[926] Though some of them stated either having participated in homicides committed by others or having commissioned homicides.

[927] This finding coincides with the above mentioned outcomes of Wilbanks' and Lemard's studies, see § 6 Previous Studies on Juvenile Homicidal Delinquency in Jamaica, pp. 69 et sqq.; Wilbanks, p. 119. See also Ewing (1991), p. 7. Ewing further concludes that not only did the vast majority of juveniles kill either acquaintances or strangers, but if so, the majority of those (53%) were perpetrated by multiple offenders acting in concert. Ibid., pp. 7-8. See also the Offence and Victim's Relation to Offender-Statistics of the Department of Correctional Services, Jamaica. The statistics

occurred targeted, but except for the case of Adrien involved no persons of the social close-up range.[928]

At last it can also be mentioned that of the 20 respondents 15 have been jailed. Of those 15 only two have been jailed for a murder (Adrien and Alex) though, whilst a participation in a homicide could not be proven in all other cases. The remaining 13 were jailed for the possession of a firearm and/or the involvement in a shooting. Thus, of 20 respondents who had committed one or several homicides only two were actually convicted and jailed for their homicide.

3. Critical Appraisal

At this point, a clear tendency can be perceived: On the one hand, all homicides with the exception of one occurred by means of a firearm, and on the other hand, most of the homicides were committed with the backing of a group. Guns and gangs are two powerful factors: A firearm accords power, a feeling of strength and superiority and lets its possessor sit at the long arm. And the same accounts for a gang: One is always stronger in the group than when alone. If there were not that many gangs fostering violence, and if there were not as many guns in circulation, most homicide contexts would remain the same referring to victim precipitation and the like, but the probability that the incident ended fatal would be reduced. At this point it can therefore be referred to the statements made with the respective subject matters of gangs and firearms.

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of 2004-2007 reveal that in approximately 60% of all homicides the victim was either an acquaintance or stranger. See http://www.dcsj.net/p/stats.htm [as of January 2009].

[928] This contradicts findings such as the above mentioned of Koslowski. See footnote 912.

In short:[929]

	unpremeditated affective reaction **manslaughter**	unpremeditated reaction **murder**	premeditated act **murder**	Motivation
Adam			🔫	victim precipitation: dissed by victim
Adrien	🔪			dispute with victim
Alex			🔫🔫	victim precipitation
Barry			🔫🔫	murder for hire
Chris		🔫		Robbery
Daniel			🔫🔫 (> 20)	dissed by victims & gangwar shootouts
Dean			🔫	victim precipitation
Elijah			🔫🔫🔫🔫🔫 (> 5)	victim precipitation: dissed by victim
Greg			🔫🔫🔫🔫🔫 (> 5)	gangwar shootouts
Jamie			🔫	victim precipitation: dissed by victim
John			🔫🔫🔫🔫🔫 🔫 / 🔫🔫 (62)	victim precipitation: dissed by victim
Kevin			🔫	gangwar shootout
Mark			🔫🔫🔫	gangwar shootouts
Mike		🔫		robbery
Paul			🔫	victim precipitation: dissed by victim
Rickie			🔫	victim precipitation: dissed by victim
Robin			🔫	gangwar shootout

[929] The figures in brackets which are superscript are murders which were ordered by the respondents without them carrying out the homicides themselves. The fields which are underlayed Grey (Adrien, Chris and Wes) are those homicides which were committed by the respondents alone in a non-gang situation. All other homicides were gang homicides.

Sean			🔫🔫🔫🔫🔫 (> 5)	gangwar shootouts & retaliation
Tyrone			🔫	Retaliation
Wes	🔫		🔫🔫	Retaliation

XVIII. Conclusion

The respondents of the study, 20 young Jamaican men who have committed homicides, have made individual experiences during their life course that have placed them in situations where homicides were and are likely to occur. Yet, criminal law theory is based on the belief that a person always has a certain extent of freedom of choice. While the choices that human beings make are important, it is critical to note that the choices can be heavily constrained: For the respondents of the present study, the choice to apply violence at the time of the homicide was tied to their adoption to violence directed towards others as a strategy for coping with their experiences and proximate circumstances. Thus, violent and lethal delinquency is not a primary act, but a return, a reaction to particular impressions and experiences of a human being.[930] Man does not kill without reason. Nor is a homicide a homogenous act which can easily be explained, but a convergence of multiple predisposing and precipitating factors as it concerns a complex bundle of influencing factors which were sought to be identified in the present study. These influencing factors can be roughly classified in groupings which account for homicides in general and are not particularly linked to the homicides of the respondents of the present study, whereas those groupings can be accumulated and supplemented by specific factors which accounted for the respondents of the present study in particular. On the one hand, it can be acted on the assumption that individuals are influenced by two sides, respectively that there are inhibition thresholds to commit a homicide emanating from two sides: There is the inner inhibition threshold to kill another human being and there is the society with its perceptions of justice, moral concepts and values and repressive measures that acts as deterrence. Thus, the individual (micro-level) as well as the social context (macro-level) exhibit influence on the individual and his actions. On the other hand, there is also an agreement that a homicide does not just occur based on personal characteristics and the social context, but also has to be triggered. A homicide is not only a one-sided event, but rather a dynamic interaction of various factors.[931] Hence, there were three groupings which were examined in the present study: The individual personality characteristics of the respondents, the social context influencing their thoughts,

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[930] Salehi, p. 60; Lempp, p. 195.
[931] See also Robertz, p. 30.

emotions and actions[932] and the triggering factors in the particular homicide context.[933] At this point it is clear that the sub-level factors of each respondent are different as each person is unique and distinguishes himself from other individuals, thus the personality characteristics vary from person to person, so does the social context in which they are embedded. Also, the triggering factors are time and location dependent and alterable. Yet, the statements of the respondents were consistent remarkably often so that a few high-risk factors can be outlined which applied for the majority of the respondents of the present study.

Generally speaking, homicides can be understood as a result of the co-occurrence of personality characteristics of the delinquent and his present internal state, the social and environmental conditions surrounding him as well as the triggers in the homicide context. Social and environmental conditions that have emerged in the forefront of the actual homicide context flow into processes of the formation of identity and thus influence the present personality structure on the long-term. To what extent the given personality structure with a latent propensity to violence turns into actual appliance of force, again is dependent on actual conditions of the social context as well as the variable influencing factors which only add to the possible emergence of a homicide in relevant modality in the momentary situation. In order to arrive to a homicide, not only outer controls of behaviour have to fail, but also individual standards of the concerning people as the overcoming of the homicide constraint is only possible on the background of a personality specific psychodynamic[934] at the occurrence of a concrete triggering situation (which is mostly a situation of conflict between the offender and the victim)[935].

Beginning at the end, the homicide, one can distinguish three categories of homicides:[936] A homicide can be committed in the heat of the moment, in the context of another crime or as a planned, premeditated act whose primary aim is the death of the victim. A homicide committed in the heat of the moment occurs in an impulsive, spontaneous and highly

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[932] The individuals are influenced by the socio-cultural locations and institutions they are imbedded. The cause of individual deviations can be attributed to a socialisation deficiency which can lead to failed conscience formation, a low level of self-control and the like. The outer inhibition threshold to kill another human being can thus be intermittent.

[933] Triggers in the homicide context can be diverse, yet it mostly concerns a conflict situation with the victim. Either the offender's emotions intensify to the level that he does not have any control over his actions anymore and he kills the victim in affect or the offender feels provoked by the victims action or word and plans the homicide as retaliation or he commits the homicide in the context of another crime.

[934] Already Franz von Liszt said: "Jedes Verbrechen ist das Produkt aus der Eigenart des Verbrechers einerseits und der den Verbrecher im Augenblick der Tat umgebenden gesellschaftlichen Verhältnisse andererseits, also das Produkt des einen individuellen Faktors und der ungezählten gesellschaftlichen Faktoren […], die ungleich grössere Bedeutung für sich in Anspruch nehmen dürfen." Liszt, von, p. 234.

[935] See Salehi, p. 60; Lempp, p. 195.

[936] See also Ewing (1991), p. xv; Solway/Richardson/Hays/Elion, pp. 193-209.

emotional context without any apparent forethought and is generally categorised as (voluntary) manslaughter. Manslaughter results from an intentional act done without malice or premeditation and while in the heat of passion or on sudden provocation. Manslaughter is characterised by an action on the spur of the moment and rather blindfold. Of all respondents there were only two – Adrien and Wes – who had committed each one homicide in the heat of passion. The homicides of all other respondents can be classified as murders.[937] A murder is the unlawfully and unjustifiably killing of another human being purposely, knowingly and recklessly with extreme indifference to human life or during the course of a serious felony.[938] A homicide committed during the course of another crime distinguishes itself through the fact that the ultimate goal behind the act of violence is not primarily the victim's death, but rather money, sexual gratification or the like. Yet, the death of the victim is perceived as an inevitable side-effect in order to achieve the primary goal. As has been outlined above, there were two respondents whose homicides were committed in the course of another crime. All other homicides occurred detached from the commission of other crimes and were either planned killings or unplanned lethal acts committed in affect. At last, a murder and thus planned and premeditated homicide occurs when the perpetrator gets into a conflict situation with the victim, leaves the scene and after a period of time pursues the victim and kills it. This situation accounted for the majority of the respondents (17 respondents). The conflict situations were mostly seemingly meaningless arguments. The respondents felt disrespected by an action of the victim (words, gestures or the like) and in retaliation pursued and killed it.[939] Thus, at the heart of the homicide incident was the issue of respect for the most part. Respect is charged through character contests or identity challenges involving the denying of personal status or identity manifested through insults, ridicule, bumps, slights, hard looks, lack of proper acknowledgement, cheating, deception, domination, cunning, unwarranted threats or unprovoked attacks. Disrespectfulness is inevitably associated with the opponent's hostile intention in the situation. Respect is capitalised in Jamaica and the proportionality between being disrespected and killing someone seems to be given. Respect, honour and life seem to account as equivalently protected interests for certain people living in

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[937] In Jepson and Parker's interviews of 12 murderers, Bill Riley, a lifer, distinguishes between criminal killers and killers who are not criminals. The former comprise recidivist criminals who have killed either in the process of committing another crime, gangland, revenge or contract killings. The latter – the non-criminal killers – are those who he names "normal blokes" who have committed one mad, unexplainable (intra-familial) homicide and then become normal blokes again. According to his theory, Adrien would be the only non-criminal killer that is to say a normal man who has committed one mad homicide but who will most probably never commit another homicide anymore. All other respondents would be recidivist criminal killers. See Jepson/Parker, p. 66. Referring to the various types of murder categories see Koslowski, p. 91.

[938] Beyer/Redden, pp. 487, 602; Ashworth, pp. 232-246; Ashworth/Mitchell, in: Ashworth/Mitchell, p. 4; Wilson, in Ashworth/Mitchell, pp. 26-35 with further references.

[939] With reference to retaliation of revenge killings see Ewing (1991), pp. 67-69.

Jamaica.[940] Violence is seen as a necessary tool in sustaining one's personal identity or status and thus respect. And violence includes lethal violence.

As has been outlined earlier, the respondents come from similar types of areas: Urban areas marked by deprivation, disaggregation and social disorganisation.[941] People living in such downfallen areas do not have a lot. They may not even be able to afford basic necessities. The only commodity they have is respect. Respect in their culture is seen as an untouchable and precious commodity that has to be guarded constantly as it is easily lost and difficult to gain back.[942] If respect is attacked in any sort of way – words, gestures or physical attack –, it has to be defended. Attacks are attempted to be resisted and successful attacks will be revenged. The less one has, the more precious one's commodities become and the more important it is to adhere and fight for them. Being disrespected means losing one's face and honour. If respect is defended and fought for, the face is saved and the honour held up. Thus, the fight for respect in the street culture of Jamaica's urban inner-city youth is an act in self-defence. And an act in self-defence permits to kill and is worth dying for.

> "If respect is the only thing they have, it may be the case that the young men prefer to risk dying a violent death than being dissed and loosing their face. It is an appeal for death or glory. Thus, death can sometimes even come before life when life is perceived as being worth nothing."[943]

The interviews also revealed that Adrien was the only respondent who regretted his homicide and put the blame on himself. All other respondents blamed the victim. This supports the theory that killing someone in a fight for respect is an action in accordance with the code of the street and is therefore acceptable.[944] The respondents perceived their victims as people who deserved to die. Though they know exactly that the killing of another person is not lawful, they perceive their acts as legitimate, have their own compurgations and concoct their own justifications. They tend to regard their illegal, violent and fatal actions as normal and

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[940] See also Gray, in: Harriott (2003), p. 17: "Poor people's fundamentalism for themselves as honourable, inviolate persons of a particular ethnic group insisted, above all else, on volition, self-management and black dignity. This lower-class cultural essentialism made personal honour and racial-group respect the *sine qua non* of social existence, and insisted that both state and society defer to these core values."

[941] It has to be mentioned though that the parishes of Kingston and St. Andrew are completely urban, wherefore all respondents came from urban areas and 100% of the homicides occurred in an urban area. Referring to the urban-rural areas of parishes in Jamaica see Lemard, pp. 115-120.

[942] Referring to respect see Anderson, in: Youth Violence, pp 79-92.

[943] Anderson, in: Youth Violence, p. 82. See also Gray, in: Harriott (2003), p. 35: „ghetto contention also disclosed a determination that violent extremism and physical death were better, even redemptive options – preferable to the far worse fates of social death and crucifying violence that the society deemed as a normal, if unfortunate, part of life in Jamaica."

[944] See also Anderson/Berkowitz/Donnerstein/Hiesmann/Johnson/Linz/Malamuth/Wartella, p. 86. This theory may also be termed 'justification theory'.

justified, and not as criminal. Rather, they regard this as a way of life and they treat it as a more or less legitimate mechanism of justice.[945] By legitimising their acts, the motivational impressions that emanate from social interdictions are neutralised. This neutralisation permits the perpetration of interdictions guilt-free and without the damage of one's own identity. The legitimating occurs through the allegation of the victim of a wrong conduct.[946] They blame their victims for provoking the assault that resulted in the homicide and thus mitigate their own liability by precipitating it to the victim. This way of thinking complies with the theory of neutralisation techniques framed by Gresham Sykes and David Matza.[947] This theory is also known as the drift theory as it seeks to explain why some delinquents drift in and out of delinquency. The theorists act on the assumption that juveniles in principle sense a moral obligation to be bound by the law. When such a bind between an individual and the law is not in place, delinquents will drift. Such delinquents learn techniques enabling them to neutralise such values and attitudes temporarily and drift back and forth between legitimate and illegitimate behaviours.[948] The techniques act as defence mechanisms that release the delinquent from the constraints associated with moral order.[949] Sykes and Matza's model is based on the following five techniques of neutralisation:[950] First, the delinquent will propose the he is a victim of circumstances and is pushed into situations beyond his control (denial if responsibility).[951] Second, the delinquent supposes that his acts really do not cause any harm or that the victim can afford the loss or damage (denial of injury).[952] Third, the delinquent views the act as not being wrong, that the victim deserves the injury or that there is no real victim (denial of the victim).[953] Forth, delinquents shift the blame to others, being able to repress the feeling that their acts are wrong (condemnation of the condemners).[954] And fifth, the delinquents refer to demands and loyalty to important others whereas the rules of society take a back seat (appeal to higher loyalities).[955] The neutralisation theory does not explain the cause of delinquency if juveniles use the techniques of neutralisation before the

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[945] See Stone, in: Phillips/Wedderburn, p. 30.

[946] The allegation of the victim is also called victim precipitation.

[947] See Williams/McShane, pp. 197-199; Akers, pp. 84-85; Schmitt, p. 38; Rock, in: The Oxford Handbook (2002), p. 57. See also Sykes, Gresham M. / Matza, David: Techniques of Neutralization: A Theory of Delinquency, in: American Sociological Review, 22 (1) 1957, pp. 664-670.

[948] See Akers, p. 84; Williams/McShane, p. 198.

[949] Sykes/Matza, p. 664.

[950] See Williams/McShane, p. 198; Rock, in: The Oxford Handbook (2002), pp. 57-58.

[951] Sykes/Matza, p. 667.

[952] Ibid., p. 667.

[953] Ibid., p. 668.

[954] Ibid., p. 668.

[955] Ibid., p. 669.

commission of the respective delinquent act. In that case is simply describes reactions that juveniles incur due to their misdeeds.

Thus, recapitulatory, the majority of the respondents (with the exception of Adrien) blamed their victims for provoking the assault that resulted in the homicide and mitigated their own liability.

Still talking about the context of the homicide event, it is crucial to note that the majority of the respondents' homicides – all with the exception of Adrien again – had committed their homicides by means of a gun. As has been noted earlier, firearms are salient symbols of power and status and strategic means of gaining status and domination. They are lightweight and small, easily portable, fairly easy to use, permit attack from a great distance, do not require the appliance of physical force upon the victim, thus do not require any strength or force to victimise comparatively invulnerable targets. The widely available firearms at low cost granted their possessors power which led them to carry out the lethal acts they would have otherwise been afraid to attempt and which with the utmost probability would not have occurred if not present at that time. The presence of a firearm automatically increases the intensity of a given conflict situation and limits the number of choices available to all parties. In a culture where juveniles think that there is not much to lose, but a lot to fight for, the easy availability of firearms respectively the high gun prevalence intensifies the situation.[956] However, a solution is difficult to achieve.

Talking about the culture of the streets, it has to be gone into the social context which influences the individuals who live within it. Socialisation should be aimed at turning an individual into an active and accepted member of society and culture. Through processes of socialisation and institutions of socialisation the individual arrives at its identity as an identity which is capable of acting within the society as a functioning element in the chain. Institutions of socialisation are social groups such as the family and friends, organisations such as the kindergarten, school, working place, church and the like and the mass media which contribute to the socialisation process of the individual by mediating values, standards, knowledge and other social skills. As the interviews revealed, the different institutions of socialisation perform the task to socialise the individuals to functioning members of society only limited. It turned out that the vast majority of the respondents grew up in a broken home. A few of them grew up with either one of their parents with the other parent being absent or no longer alive, whilst most of them grew up with more distant family members. The relationship to the care giving relatives was either not commented at all, or if so, in a rather

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[956] See also the IANSA Report 2007, p. 2: "Guns may not be the root cause of violence, but they multiply it dramatically. Poverty, unemployment, injustice, frustration, fear, jealousy or depression can kindle the spark of violence; adding guns to such a volatile environment is like throwing petrol onto the fire."

negative way. The family household was left at a very early age for the most part. The bonding and commitment to the family in general did not seem to be strong. This indicates that the family members exert only little influence on their offspring and do not socialise it sufficiently.

The same accounts for the second institution of socialisation: The school. Most of the respondents indicated that there was a low commitment to the school. Violence was said to form part of everyday life at school and teachers to be powerless against the violent scholars and sometimes to respond with physical violence as well. Also, the majority of the respondents stated that they did not finish secondary level at school. They left school between the ages of 12 and 18. Thus, also the school was not able to adequately socialise the respondents. Peers were perceived as the most important attachment figures in the respondents' lives as they share the same destiny and feel connected and understood. However, as the peers are set together of juveniles of the same destiny – juveniles who all have not been socialised sufficiently –, they cannot act as positive institutions of socialisation and rather set up their own norms and values and live after their own street codes. The juveniles are susceptible to gangs as they do not only offer them friendship and a family surrogate, but also security and a sense of belonging. Thus, without any sufficient institutions of socialisation, there are higher levels of commitment to delinquent peers while at the same time there is a higher tolerance for criminal activity on the part of their peers. With the exception of three respondents – those three who hold down a job – all respondents were members of a gang.

Also other institutions seem to have failed to socialise the respondents. The working place is merely of importance as only three respondents hold down a job. The others cannot get a job due to their low education, partly entries into the criminal records and their derivation which basically labels them as 'not-employable'. Though all of the respondents stated being spiritual and the majority also religious, most of them worship only on the individual level and not on the community level. Religion could not be brought in connection to their homicides at all. Of the media, music is the only genre that plays a role in the respondents' lives – mostly the violence-prone and aggressive dancehall. No direct negative influence on the respondents could be assessed though. However, such violence-prone and aggressive lyrics cannot contribute to a positive socialisation either.

Recapitulatory it has to be noted that all institutions of traditional socialisation appear to have failed to socialise the respondents.

If institutions of socialisation – such as the family, schools, peers and the like – do or cannot perform their task, juveniles are not socialised in a positive way. This on the one hand leads juveniles to join gangs and adopt violence-prone moral concepts and behavioural patterns,

and on the other hand, the high prevalence of violence on all institutional levels leads to the formation of a culture of violence.[957] The society in Jamaica is split in two, each part with its own stratification and culture. All participants of the present study belong to the underclass society. The dichotomy between the haves and the have-nots in society is intensifying. This in turn leads to increased social tension and violence. Frustration, feelings of hopelessness and delinquency within the underclass society form an explosive mixture which discharges itself in unmotivated, fierce outbursts of violence.[958] Violence is an important part of that culture and therefore a central element of the lifestyles of Jamaica's juveniles living in those areas: It is an outermost common and frequent activity for the majority of young men living in deprived areas in Jamaica and forms an integral part of their lifestyles. It concerns cultural developments that increase the salience of violence and justify its use in order to achieve dominance and status.[959] The homicidal acts of the respondents are an expression of their helplessness at being unable to live a normal life, unable to gain access to society and exhibit pro-social behavioural patterns. Violence is experienced at home within the family, in the schools, on the street and is omni-present in the media. Who grows up in an environment surrounded by violence, who grows up with violence, sees, experiences and internalises it, will also resort to violence himself. The use of force is an integral part of everyday life. Within that culture of violence the killing of other people is a method of solving conflicts to which the people have adapted because it works: A conflict is easily – particularly if a firearm is at hand – and quickly solved, the honour restored, revenge exerted and the police does not intervene in general. Thus, killing a bothersome person is an effective and easy way to get rid of a problem. This is an instrumental understanding of violent behaviour.[960] For most respondents, violence seems to be the only tool for dealing with the challenges of the world. Violence is used in most situations in which they feel threatened or seek to feel powerful; sometimes it was also used more narrowly, to settle drug debts or other scores. Even the seemingly slightest incident can escalate into war. And the use of violence often means the

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[957] According to the Member of Parliament Dr. Horace Chang "There seems to be a desensitisation of the Jamaican emotion to violence, a kind of acceptance of a certain level of brutality in society." Jamaica Gleaner: "Violence Hardening the Hearts of Jamaicans – Chang", July 14, 2006. See also Lemard/Hemenway, p. 16; Ettmayer, p. 152.

[958] It is crucial to note at this point that although the frustration and feeling of hopelessness forms an explosive mixture, the acts of the underclass members are not directed towards the upper class society. It is their own they are brutalising. As the citation of the lifer Bill Riley clearly points out, the attack of people of the upper class society invites the wrath of the police and places them in danger. As long as the attacks remain amongst their own though, police does not care and they feel to have at least some power. See Jepson/Parker, p. 72. The same seems to account for the participants of the present study.

[959] This attitude is often referred to as bad man culture. The point of the bad man culture is to display who is the "baddest", the cruelest, the most violent. See British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 37.02min.

[960] See Salehi, pp. 76-78 with further references.

death of another human being.[961] The high gun prevalence and easy availability of guns grows the situation more acute by fortifying the level of aggression and danger.[962]

Recapitulatory, a few factors were outlined which contributed significantly to the homicides of the respondents. On the one hand, it has been seen that the respondents without exception were already burdened and charged by living in poverty in a deprived neighbourhood. It is generally acknowledged that people who live in deprived areas and exhibit a low socio-economic status face various challenges in life which to overcome without any outside help is difficult (such as a lack of basic necessities, no money to send the children to school, crime as an income generating source, frustration, labelling, etc.). This accounts in general but was also verified for the respondents of the present study. On the other hand, juveniles growing up in poverty in general are disproportionately likely to be living in unstable family settings, growing up in broken homes and to experience intra-familial violence and neglect. Another related factor is that many juveniles in marginal social positions tend not to find or to lose hold in supportive social networks outside the family. Thus, other factors were identified which accounted for the respondents of this study. It was outlined that the majority of the respondents does not have an adequate social context that can be mobilised as a positive resource. None of the traditional institutions of socialisation – such as the family, schools, peers, church, media, governmental institutions etc. – could socialise the respondents in a way to prevent homicides and show them a way to fit into society. Thus, the respondents do not only have problems at the individual level, but also exhibit a problematic social context which on the one hand leads to the attachment to gangs which offer friendships, support and a feeling of security, and on the other hand to an adaption of a culture of violence and the acquiring of the code of the street. In certain circles in Jamaica violence is a part of everyday life and a common pattern of behaviour. Violence becomes normal and emotions desensitised. Within that culture of violence respectively according to the ruthless code of the street, respect is a highly protected interest and worth dying for. Additionally, the high gun prevalence and easy firearm availability in Jamaica lead to an intensification of conflict situations which puts the strained situation over the edge. And last, the perception of the police as brutal, corrupt and inefficient leads to distrust and contempt in and suspicion of the formal law enforcement systems, general disrespect for law and those who make and enforce laws what in turn leads to vigilante justice again.[963] Vigilante justice in a culture of

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[961] Lemard emphasises that Jamaicans lack the skills to resolve conflicts peacefully and reasonably as the socialsation process does not enable or promote the peaceful resolution of conflicts. See Lemard, p. 160.

[962] Ross Kemp highlights that Jamaica's gangsters are some of the most violent men in the world. See British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 10.35min.

[963] See the Jamaica Observer: „Out of Control: Police Impotent Against Vigilante Mobs", May 21, 2006: „Enraged mobs have hacked almost a dozens persons to death, an average of three per

violence where respect and honour is equivalent with life and firearms are a conventional instrument of conflict resolution is deathly.[964] One has to imagine the backgrounds of the respondents personalities, their way of thinking and behaving and the social contexts which they are imbedded, add a firearm and a triggering situation and inherently the killing of another person does not seem to be so far off.[965]

In a nutshell, following factors were identified as crucial elements of a male juvenile homicidal act in Jamaica,[966] whereas individual factors per se do not constitute sufficient elements for a homicide to occur:

- Basic Prerequisite for the Occurrence of Homicides in General:
  - ☒ Life in deprivation
  - ☒ Lack of socialisation by failure of institutions of socialisation
  - ☒ A triggering situation

- Plausible Causes for the Occurrence of Homicides in Jamaica in Particular:
  - ☒ Culture of violence
  - ☒ High gun prevalence & easy firearm accessibility
  - ☒ Wide distribution of and attachment to gangs
  - ☒ Police inefficiency & distrust into law enforcement agencies

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month this year, a count of police cases show, as ,vigilante justice' continues to spiral out of control and blood-lust substitutes for inadequate law enforcement." It is pointed out that vigilante killings are often gruesome, sometimes excessively cruel, while vigilantes are rarely brought to justice. See also Small, in: Phillips/Wedderburn, pp. 10-12; Stone, in: Phillips/Wedderburn, p. 33; Lemard, pp. 159-161.

[964] Harriott in his study on social identities and the escalation of homicidal violence in Jamaica comes to the conclusion that "self-help as a retaliatory response to conflicts generally leads to a sharp upward spiral of retaliations that in some cases may continue for many years. […] Self-help tends to develop and is sustained as a response to the ineffectiveness and unavailability of law enforcement and where there is considerable popular antagonism to it." Harriott, in: Harriott (2003), p. 109.

[965] Lemard points out that vigilante justice one the one hand points to a weak and ineffective government and on the other hand points to a socialisation process that inculcates the principle that homicide in as option to redress wrongdoing. She also emphasises that it is no mystery how vigilante justice in the form of mob killings can exist in Jamaica today: "[…] political violence and police brutality, two state controlled forms of collective violence have legitimized violence within the Jamaican society. Partisan politics, clientelism, corruption and distrust by citizens in the government's ability to protect them, have led to the persistence of mob killing style justice." See Lemard, p. 178. Also Ellis emphasises that violence does not only occur within the population, but that the symbolic reactions of the authorities are not lacking in violence either. See Ellis, in: Phillips/Wedderburn, p. 5. Further, Stone speaks of a combination of diminishing confidence in the capability of the police to handle crime and violence on the one hand and increasing fear of the methods used by the police in dealing with citizens on the other hand. See Stone, in: Phillips/Wedderburn, pp. 32-33.

[966] It is assumed that the likelihood of being a homicide delinquent increases with the number of risk factors. See also Farrington (2003), p. 21 with reference to further studies.

Forth Chapter: Closing

§ 10 Summary of the Results

The present study represents a criminological study on the possible causes of male juvenile homicidal delinquency in Jamaica emanating from statements of 20 Jamaican juvenile homicidal delinquents. Homicidal delinquents according to this study are such individuals who self-reportedly have committed one homicide or multiple homicides independently of an investigation and conviction. The self-report data was obtained from guided semi-structured interviews with 20 young Jamaican men who have committed at least one homicide between the years 2002 and 2006 while they were aged between 12 and 25 years at the time of the respective homicide(s). The inference sample was selected by non-probability convenience sampling. The respondents were surveyed in an approximately 1.5 hours lasting face-to-face interview. The summary of the respondents' events from birth to present as well as profound details on the precise homicide context and its background provides an insight into the reasons why those 20 young Jamaican men committed their homicides.[967] As a result of the interviews with the 20 homicidal delinquents there are a number of areas related to male juvenile homicide in Jamaica that have been identified as interesting for future research.[968]

In Jamaica, male juvenile homicide has become of increasing concern both externally as well as internally. On the one hand, the picture of certain communities in Jamaica as violent and dangerous is evident in media reports and influences Jamaica's economic situation by decreasing the number of tourists who shy away from visiting the isle and having a serious deterrent effect on investment.[969] The prospects for economic growth in Jamaica as well as social development are hindered.[970] Crime and violence are thus a development issue.[971] On

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[967] At this point it is crucial to note once again that it cannot be generalised from the statements of the 20 respondents. What is presented here is a snapshot of the particular lives of the study participants at the time of the interview.

[968] The next step would be to establish which factors predict offending independently of other factors.

[969] See Stone, in: Phillips/Wedderburn, p. 21; Lemard, p. 63.

[970] Not to forget are violence-related costs the Jamaican government has to come up for every year: Seven hundred million dollars in direct and seven billion dollars in indirect hospital costs are said to be incurred yearly. Also, there are sixty-seven thousand violence-related injuries treated at the Kingston Public Hospital yearly. See Jamaica Gleaner: "Crime Costing Hospitals Billions – Workshops Put in to Address Issue", June 26, 2006. Further direct costs of violence include the value of all goods and services devoted to the prevention and treatment of victims as well as the costs of apprehending and prosecuting the perpetrators of violence. See Smith/Green, p. 418; Lemard, pp. 3-4, 63-64.

[971] According to the Human Development Index of the UNDP, Jamaica ranks 104 of 177. See UNDP Human Development Report 2006, pp. 283-286 (284), Table 1. It is said that if Jamaica reduced its homicide rate to the level of Costa Rica, it would record an increase in its growth rate of 5.4% yearly. See UNODC/World Bank, p. 59.

the other hand, the internal reality is reflected in the islands violent crime rate in general and homicide rate in particular by fierce outbursts of violence in urban inner-city areas. Crime and violence are destructive to life and property, bring grief, frustration and terror to involved individuals and communities and are morally abhorrent. Lethal violence therefore has significant repercussions on Jamaica's economic and social environments. In order to enhance a country's economic and social state, occurring problems need to be identified and tackled at their roots. It means a lot to know more about those roots as particularly juvenile homicide is not only a problem for society, but also an indicator for problems in society. Therefore, attention has to be afforded to violent and particularly lethal violence in Jamaica. And this too was the aim of the present study:

The present study sought to find a plausible explanation for the high proportion of male juveniles in the Jamaican homicide rate respectively attempted to confer sense to the officially available police homicide statistics. Despite the dimension and severity of the homicidal problem in Jamaica, it was set forth that literature on this phenomenon in Jamaica is very sparse and the literature that is available either doesn't conform to the current homicide situation in Jamaica anymore or is inconsistent with other studies. The researchers agree on the beginnings and roots of Jamaica's lethal violence: A combination of the country's national class political culture (inter-party political strains) and the decline in growth of the economy. Referring to the further going development of the homicide rates in Jamaica, it can generally be adhered that two different waves became apparent:[972] The first homicidal escalation can be attributed to the political struggle for party dominance in western Kingston, the second to a politically independent informal sector. While Harriott ascribes the present homicide rate to inter-group conflicts, Lemard refers to interpersonal conflicts arisen by arguments or reprisals. On the basis of the barely existent empirical work and the fact that the existing younger studies do not correspond, there was the urgent need to undertake empirical work required to advance the understanding of the juvenile homicidal phenomenon in Jamaica.

Further, general theories of delinquency were analysed in view of the present research question.[973] Yet, despite the multiplicity of existing theories, no such general theory of delinquency is able to explain juvenile homicidal delinquency as a general phenomenon. It has been outlined that there is no comprehensive valid theory of delinquency being able to explain homicide as an overall phenomenon as homicides can be divided into various sub-groups. Most theories of delinquency are accurate only to a certain degree and may be able to explain certain sub-groups of homicides but not homicides in general. Also, each country,

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[972] This statement is in accordance with the studies of Harriott and Lemard.
[973] See this study, § 2   Theories of Delinquency, pp. 18 et sqq.

each nation, even segments of a given population exhibit specific characteristics which cannot altogether be explained by one single and comprehensive statement. It has to be gone into the local, historic and cultural variations. Third, theories of delinquency mostly direct their attention to one criterion within a larger group and at the same time disregard other criterions. However, trying to explain a specific phenomenon implicates that all possible influencing criteria have to be taken into consideration in order to disclose their reciprocal effect and the weight of the individual factors. Taken everything into account, it can be said that there does not exist any plausible and comprehensive knowledge in regards to the causes of juvenile homicidal delinquency to this date. Specific factors have to be on hand to give the high homicide rate of Jamaican juvenile men a meaning. As neither an existing theory of delinquency can be called in hereunto, nor is empirically tested, tightened and congruent literature on the phenomenon existent, the aim of the present study was to close the existing gap.

The analysis of the theories of delinquency was complemented with a view on the historical sequence of crime waves that can be ascribed to various social surrounding conditions. Possible influencing factors can be political, economic, social as well as cultural. Their occurrence and coherences can only be interpreted within the scope of a historical analysis. The analysis of the historical homicide figures in Jamaica has provided that the homicide figures in Jamaica have steadily increased. It was outlined that the increase cannot be traced back to a steady, coherent ascent, but to two distinct waves. While the first wave was driven by political motivations in the mid 1960s until the mid 1980s and characterised by political violence, the second wave was characterised by a noticeable shift towards social – and for the most part politically detached – conflicts. Thus, the appearance of today's homicide phenomena can be traced back to political patronage emerging in the 1940s and having its height in 1980. Today, the violence has shifted away from politics and has to be ascribed to a new, detached phenomenon: Hazardous social interpersonal and inter-group conflicts that are prone to escalation and the excess use of force.

Thus, in order to find a plausible explanation for the high homicide rate of juveniles in Jamaica, the existent literature on juvenile homicidal delinquency in Jamaica was consulted, general theories of delinquency were analysed and coherences were outlined in the context of a historical analysis of official crime fluctuations. And though it has been disclosed that violence today has shifted away from politics and can be ascribed to social conflicts, the factors that have to be on hand in order for a homicide to occur, are yet unclear. It was therefore the aim of the present study to fill that existing gap and to seek to highlight plausible factors that heighten the probability that a juvenile in Jamaica commits a homicide.

In general, various single factors have to concur cumulated in order to arrive to a homicide by a juvenile.[974] And although there is a clear agreement among researchers that lethal violence seldom occurs unless there is a convergence of multiple predisposing and precipitating factors[975], the precise combination of such factors is difficult to identify as it concerns a complex interplay between the various influencing factors.[976] The present study acts on the assumption that a homicide is thus a dynamic interaction of various factors.[977] The possible influencing factors can be classified in groups. On the one hand, individuals are influenced by two instances, respectively there are inhibition thresholds to commit a homicide coming from two sides: The inner inhibition threshold and the society with its perceptions of justice, moral concepts and values and repressive measures which act as deterrence. Thus, the individual context as well as the social context exhibit influence on the individual and his actions. On the other hand, there is an agreement that a homicide does not just occur based on personal characteristics and the social context, but has to be triggered by the specific context of the homicide. Roughly said, there are three groupings that have to be examined: The individual personality characteristics of a homicide delinquent, the social context influencing the individual's thoughts and actions and the triggering factors in the homicide context. In order to arrive to lethal acts thus not only outer controls of behaviour have to fail, but also individual standards as the overcoming of the homicide constraint is only possible on the background of a personality specific psychodynamic at the occurrence of a concrete triggering situation (which is mostly a situation of conflict between the offender and the victim). Thus, in order to accomplish the goal of identifying plausible risk factors which significantly contribute to homicides of juvenile men in Jamaica, interviews with 20 self-reported offenders who have committed at least one homicide were conducted. The interviews have revealed the following:

First and foremost, it has to be noted that the respondents without exception grew up in poverty. Worldwide, violent crimes in general and homicides in particular tend to be concentrated in urban inner-city neighbourhoods in which the residents are the victims as well as the perpetrators of the offences.[978] Thus, there is mutual consent that poverty – both

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[974] Robertz, p. 53; Lempp (1977), p. 1822.

[975] See for example Huesmann/Moise-Titus/Podolski/Eron, p. 201.

[976] Most risk factors tend to coincide and to be inter-related. Due to the concentration and co-occurrence of various kinds of adversities it is therefore difficult to establish independent, interactive, and sequential influences on offending. See Farrington, in: The Oxford Handbook (2002), p. 395.

[977] The weight of evidence indicates that violent actions seldom result from one single cause. Rather, multiple factors converging over time contribute to such behaviour. See also Robertz, p. 30. Thus, always various factors will constitute essential elements of a homicidal act, whereas single factors cannot constitute any sufficient elements.

[978] This of course does not mean that violent crimes are confined to economically disadvantaged communities.

on the individual and the aggregate level – increases families susceptibility to crime and violence. In Jamaica, both chronic individual and community level poverty and escalating homicide rates can be observed. There are approximately 110'000 young people between the ages of 12 and 24 living in poverty, whereas this age group accounts for over a quarter of all persons who are poor. This age group also accounts for the majority of violent crimes including homicides. Poverty linked with high violence rates yields an exacting toll on a significant proportion of the Jamaican population, particularly those residing in the urban inner-cities. A robust link between poverty and elevated levels of violent delinquency including homicides has been demonstrated in general in Jamaica and has been confirmed by the respondents. Yet, Jamaica does not stand alone with its high poverty level. Other countries exhibiting similar or worse economic pictures – such as for example Haiti, the Dominican Republic, South Africa and others – do not necessarily exhibit similar homicide trends though.[979] A direct causal link to violent and fatal crime can therefore not be established. Yet, it is acted on the assumption that life in deprivation can be seen as a basic prerequisite for the occurrence of homicides in general.[980]

Poverty on its part in Jamaica leads to a lack of physical, social and economic power. Such social and economic disadvantage increases juvenile susceptibility to various factors such as the experience of a high level of broken home rates, unstable family settings, a high rate of school dropouts, low educational achievement, chronic unemployment or underemployment, involvement in illegal activities, lack of supportive pro-social networks, involvement in gangs, a high incidence of domestic, school and community violence and the like and can lead to fatal behavioural problems in the end.[981] Socialisation deficiencies lead to the abandonment in social exile and to the development of a positive attitude towards violence. And this is precisely what has happened to the respondents of the present study. The respondents depicted unstable home environments and deficiencies in parenting, education and training and a high level of experienced violence. The failure of the institutions of socialisation leads

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[979] In Jamaica, 14.8% of the population lives below the poverty line. The rate averages 49 homicides per 100'000 inhabitants. Jamaica's neighbours, the Dominican Republic and Haiti both exhibit a much larger proportion of population living below the poverty line with 42.2% respectively 80%. Yet, both exhibit way less homicides per capita than Jamaica. Haiti for example has a homicide rate of 11.5 HHTI, the Dominican Republic 9.7. The same accounts for countless other countries such as for example South Africa (50% of the population living below the poverty line (PBPL) with 40.5 HHTI), Colombia (49.2% PBPL, 37.3 HHTI) Argentina (23% PBPL, 9.5 HHTI), Uruguay (27.4% PBPL, 5.6 HHTI), the United Arab Emirates (19.5% PBPL, 0.6 HHTI), Pakistan (24% PBPL, 0.05 HHTI) and many others. For facts and figures in this paragraph see the CIA World Factbook 2007 and 2008 and the Pan American Health Organization (PAHO) Regional Core Health Data Initiative, Table Generator at http://www.paho.org/English/SHA/coredata/tabulator/ newTabulator.htm [as of January 2009].

[980] See also Jamaica Gleaner: "Crime, the Economy and Youth: Facing our Priorities", February 26, 2006.

[981] See Smith/Green, p. 422 with further references.

to the absence of effective informal and formal social controls and to a socialisation deficit. A socialisation deficit in turn may lead to the feature of anti-social behavioural patterns such as the appliance of (fatal) violence. Violence quickly leads to a proposed result, is a direct and sensuous experience and markedly functional. Yet, the identification of a lack of socialisation did not by itself lead to the explored homicides of the study participants. This study has revealed particularly four areas for further investigation which accounted for the homicides of the respondents:

First, the interviews conducted in the present study revealed that the respondents grew up and live in a culture of violence in which violence has become part of their life concept.[982] Jamaica is generally characterised by a two-tier system; the upper class (the haves) and the underclass (the have nots). The gap between the two classes is immense and there is no middle class being able to act as connector between the two. Such a middle class in general is presumed to be a guarantor for order, organisation and ethical values, connecting the various parts of society to one larger society. This connector is absent in Jamaica. The extreme inequalities that characterise Jamaica's society are readily observable. This has a psychological impact on young people and affects their sense of trust in the fairness of the social system, their feelings about the value of life and their outlook on the future. The present study merely referred to homicides of male juveniles coming from the deprived underclass. The underclass in Jamaica is not only characterised by deprivation, a high level of broken home rates, unstable family settings, a low level of school attendance and educational achievement, a high level of unemployment and underemployment, unstable kinship relations, a strained relationship towards the government and its institutions and the like, but particularly by a high level of experienced violence. The respondents revealed having experienced or still experiencing violence at home, in school, in the community and picking up violence in the media, from the music and on the street.[983] It seems as if the experienced violence in the family, the public and the media leads to emotional desensitisation and the creation of social norms emphasising non-legal and frequently violent means of dispute resolution.[984] The underclass culture of Jamaica turns out to be a culture of violence whereas those who are fully socialised into this culture and do not know any

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[982] Lemard points out that "The escalation in violence has transformed the entire social landscape of the country. […] Language, behaviour, music, self-presentation and other aspects of Jamaican life are becoming increasingly conditioned by violence." Lemard, p. 66.

[983] Also, the social impact of legal force – such as for example public (police) or inner-familial force within the framework of corporal punishment – can enhance the development of illegal violence. In a spiral of violence former victims will later apply violence. Children and juveniles have learned that violence is a means with which society provides for the maintenance of the legal system, but also as means with which social disparity is enforced within society.

[984] See hereto Hannon, p. 116; Salehi, pp. 76-78 with further references.

different believe that violence is an acceptable way to deal with conflicts.[985] Children growing up and being fully socialised into this culture experience violence on an every day basis internalise violent behavioural patterns and pass on violence as a regular pattern of behaviour. Connected with this culture of violence is the issue of respect. It has been outlined that the respondents living in the deprived ghetto areas do not have a lot. The only thing they inherently have is respect. Respect in their culture is seen as an untouchable and precious commodity that has to be guarded constantly as it is easily lost and difficult to gain back.[986] If it is attacked in any sort of way – by words, gestures or physical attack –, it has to be defended. Attacks are attempted to be resisted and successful attacks will be revenged. The less one has, the more precious one's commodities become and the more important it is to adhere and fight for them. Being disrespected means losing one's face and honour. If respect is defended and fought for, the face is saved and the honour held up. Thus, the fight for respect in the street culture is an act in self-defence. And an act in self-defence or in provocation permits to kill and is worth dying for in certain areas in Jamaica.[987] Hence, the culture of violence the respondents are socialised in leads them to respond to seemingly minor transgressions with lethal force because of a culturally defined need to protect their reputation and a normative aversion to legal forms of dispute resolution. Within that culture of violence, respect is capitalised and the proportionality between being treated disrespectfully and killing someone seems to be given. Respect, honour and life account as equivalently protected interests. Violence is seen as a necessary tool in sustaining one's personal identity or status and hence respect.[988] Thus, Jamaica's underclass is so steeped in violence that it has become a way of life. In the Jamaican underclass society, there is a deeply embedded

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[985] However, it is crucial to note that first, not the entire underclass is socialised into this culture of violence and second, also those who are socialised into this culture not inherently value violence for the sake of it.

[986] Referring to respect see Anderson, in: Youth Violence, pp 79-92.

[987] See for example also Athens, pp. 4-5. Athens terms violent and lethal crimes heinous if they exhibit a relative lack of provocation. She distinguishes between various degrees of provocation such as maximum provocation (here the perpetrator can claim that his act was legally permissible on grounds of self-defence), moderate provocation (they are not potentially justifiable, yet at least somewhat understandable) and minimal provocation. "Minimal provocation may be said to occur when the victims provoke their subsequent attacker, but their provocatory actions fall somewhat short of those just described. For violent crimes to be heinous, there must have been only minimal or less than minimal provocation for their commission. […] Heinous violent crimes, therefore, are those in which the provocation is grossly disproportional to the injuries inflicted upon the victim, so that these violent crimes in which people are severely injured or killed with little or no apparent provocation.[…] Criminals who commit heinous violent crimes are the most dangerous violent criminals in our society […]" Athens acts on the assumption that four stages have to be passed by a non-violent person to become a dangerous violent criminal: The stages of brutalisation, belligerency, violent performances and virulency. See Athens, pp. 25-79.

[988] Closely linked to this finding is the subculture of violence thesis which is based upon African Americans living in the U.S. See Hannon, pp. 115-121; Athens, pp. 10-11.

willingness to apply violence to solve seemingly minor disputes.[989] Thus, the high homicide rate in Jamaica can primarily be traced back to societal-cultural differences in its society.

Second, the meaning and prevalence of guns in Jamaica was eye-catching. The finding of the present study goes hand in hand with the findings of the three specific studies of homicidal violence in Jamaica by Wilbanks, Harriott and Lemard who came to the consistent conclusion that gunshot wounds were the cause of death in the majority of all homicides.[990] In the present study all respondents with the exception of Adrien had committed their homicides by means of a gun. The interviews revealed without a dissentient vote that gun prevalence is tremendous high and firearms easy accessible in certain areas of Jamaica. Firearms in Jamaica are widely available at low cost whilst distribution is informal. The thesis that gun possession exerts wide influence on the possessor of the firearm was confirmed by the respondents and thus the weapon effect hypothesis was affirmed. The limit of tolerance was said to drop as soon as a gun was present and that it would be hit outermost rapidly. The mere presence of a firearm systematically fuels a sense of danger, contributing to the attribution of hostility in everyday social interactions and provoking aggressive and lethal interactions. If the firearms had not been present, the situation would have taken another course. If firearms are present, the probability that a conflict situation ends deadly is large, given the culture of violence the respondents are embedded and the low level of tolerance in general. Thus, the presence of a firearm in a conflict situation enhances the ability of an individual to commit a homicide.

Third, it has to be highlighted that the involvement in a gang seems to be common practice for people who have nothing to do for most time of the day and do not have a permanent and real source of income and engagement whilst being in connection with delinquency. Economic hardship and social disorganisation in general enhance juvenile susceptibility to gang membership. The interviews have revealed that – with the exception of Adrien and Chris – all other respondents were either members of a gang or claimed being the leader of an own gang. All the respondents reported that there were scores of gangs particularly in Kingston. Gangs seem to be widely dispread at least in the deprived inner-city areas of Jamaica, constantly recruiting new members. One has to know how to comport, where to go and especially where not to go. Gangs were said to have specific codes of conducts one has to adhere to. Being a member of a gang means more security as the gang can provide protection. The individual becomes less vulnerable and has a strong back. The respondents

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[989] "The slightest thing can set it [war] off." Sarah Manley, in: British Sky Broadcasting: "Ross Kemp on Gangs, Jamaica", 16min.

[990] The findings of the present study also conform to the offender-victim relationship which was highlighted by Wilbanks and Lemard as well as the official correctional statistics: In most homicides the victim was either an acquaintance or stranger. There were no domestic homicides.

perceived a gang as an association with a hierarchic structure that is connected with the commission of crimes such as thefts, robberies, extortions and violent acts such as bodily harm as far as murders. A gang can provide backing, but not unconditional and reciprocal as it is not built upon friendship. The connection is also bound with risks. Gangs are able to provoke and spread a high potential of violence and force their members to take part in crimes they mightn't commit otherwise. Being and acting with the backing of a gang increases ones risk propensity and at the same time decreases individual responsibility. Gangs therefore develop group dynamic processes, spiralling up violence, the level of danger, risk of violent death and thus contributing to the existing culture of violence. Also, gang membership in turn again increases the probability of the use of weapons in conflict situations.

Fourth, the interviews have clearly revealed that there is a high level of distrust in governmental institutions in general and in formal law enforcement systems in particular. This leads to a general disrespect for law and for those who make and enforce laws. All the respondents declared clearly that they could not identify themselves with the superior organisational structures of the economical and political life in any way and did not perceive that they were taken seriously by the state; they rather felt that they and their concerns were not acknowledged. Jamaica was said to be a two-tier society whereas the upper class was the one dominating, making the laws, arranging everything after their wishes, needs and goals and thereby leaving out the lower class and not acknowledging the underclass population any rights. The respondents felt left out, not belonging to the general society and abandoned to their faith. But not only could the respondents not identify themselves with the superior organisational structures of the economical and political life, but all of them spoke very negatively and with a lot of frustration and anger about the police as one of the governmental institutions. They agreed upon the majority of the policemen being corrupt, bribable and excessively violent and not obeying the law.[991] There is no confidence in the police; the police is rather feared and detested. One could easily tell that the clash between the respondents and the police is a cause of friction. Basically all the respondents described the police not as protectors from crime as they should be, but rather as a force to be feared. Each respondent claimed to have made direct and indirect experiences of police brutality and to have experienced disrespect of human rights. The respondents declared that they felt that the police was encouraged to abuse them and did so with impunity. Here again the two different systems of justice were mentioned; the uptown and the downtown justice for the upper respectively the lower class – the upper class being privileged and affluent and

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[991] It is crucial to note at this point that the behaviour and attitude of the police described by the respondents is not only their subjective perception, but comes under worldwide fire.

seemingly to enjoying impunity and the lower class with rough and unpredicted justice. This strained relationship between the general population of the deprived neighbourhoods in Jamaica and particularly the police contributes to the prevalent culture of violence by leading to a strict decline of cooperation and vigilante justice.

Thus, the homicides of the respondents of the present study – additionally to the basic prerequisites of the occurrence of homicides in general such as a life in deprivation and the failure of the institutions of socialisation to sufficiently socialise their members – can be explained in high gear by the in the deprived areas widely dispread culture of violence which perceives violence as a normal pattern of behaviour and killing as a legitimate form of dispute resolution if a situation is inflicted by the victim. This apparent culture of violence of the underclass society is intensified by a high gun prevalence and easy firearm accessibility as well as the wide distribution of and attachment to gangs. All homicides with the exception of one occurred by means of a firearm (and it is a matter of approximately 100 homicides in total) and the vast majority of the homicides was committed with the backing of a group. Firearms and delinquent gangs are two powerful factors: A firearm accords power, a feeling of strength and superiority and lets its possessor sit at the long arm. And the same accounts for a gang: One is stronger in the group than when alone, has rear cover and the level of responsibility is lowered. Another factor spiralling up lethal violence is the bad relation towards the police. Violence and vigilante justice is fostered and thus the culture of violence aggravated. At last, it is crucial to note – and this accounts in general and not only for the situation in Jamaica – that the respective homicide context plays a crucial role in the judgement of the homicide event. While a homicide clearly is not exclusively determined by the conditional moments present in the particular situation, it is at least triggered by them.

With reference to the above mentioned studies on homicidal violence in Jamaica, the present study fundamentally corroborates their findings: While in former times most homicides in Jamaica were motivated by political feuding between gangs or rival political parties, according to Harriott a shift has taken place towards a more developed informal non-political sector. All three researchers – Wilbanks, Harriott and Lemard – independently have come to the conclusion that most homicides occurred by means of a gun and involved victims who were either acquaintances or strangers to a large part. The present study supports these findings. With the exception of one homicide all occurred by means of a gun whereas the victim was either an acquaintance or stranger in most cases. The present study thus complies and affirms the existing studies and official statistics to a large extent. Yet, the gap between Harriott's ascription of the high homicide rate to inter-group conflicts and Lemard's reference to interpersonal conflicts arisen by arguments or reprisals has emerged as follows in the present study: The interviews have revealed that the homicides of the respondents were mostly not primarily gang or robbery related, but mainly caused by arguments or

reprisals (this supports Lemard's findings)[992]. Yet, although the conflicts sparked on an interpersonal basis, the homicides were mostly committed with the backing of a group (this supports Harriott's findings). However, as the actual trigger for the homicide was interpersonal and not gang related it is therefore – for this study – acted on the assumption that homicides result from interpersonal conflicts, even if conducted in a group. Thus, though the gang prevalence is high in Jamaica and killings often occur with the backing of a gang, the actual *mens rea* to commit a homicide is triggered by an interpersonal argument or will for reprisal. It is not intended to further the aims of any formally defined group, but of ones own interests. The importance of interpersonal conflicts lies in how it is handled. The options when a conflict is encountered are to flee, fight or unite. Jamaicans do not want to walk away and least of all flee. The preferred option for juvenile men coming from the Jamaican underclass seems to be to unite with like-minded juveniles and then fight a fortiori. A win-win situation is not possible anymore at this point. A fight – particularly when several people are involved – is almost always counterproductive as interpersonal violence used in response to interpersonal violence produces more interpersonal violence in return. And this is where the cycle closes.

The findings of the conducted interviews of the present study can be linked with various theories of delinquency that have been outlined earlier such as the socialisation theory, the anomie theory, the social control theory, the differential opportunity theory, the neutralisation theory and others.

Attention was called to the prevailing poverty in Jamaica leading to socialisation deficiencies: The institutions of socialisation have failed to adequately socialise the respondents of the present study. And this is where the socialisation theories pick up the topic by researching the correlations between processes of socialisation and delinquent behaviour. As has been outlined earlier, particularly the family, the school, the peer group and the milieu an individual grows up in are investigated in relation to delinquency propensity.[993] These four mentioned institutions of socialisation are precisely those that have failed in the socialisation process of the respondents. They depicted unstable home environments and deficiencies in parenting, low quality education, the association with delinquent peers and a high level of experienced violence at home, in schools and on the streets within their communities. The four risk areas have been confirmed by the respondents of the present study as the findings have revealed factors that might contribute to high-risk child education, negative academic factors, delinquent gang influences as well as effects within the milieu that can negatively influence

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[992] Lemard's data analysis yields significant finding referring to motives: In the age-group 15-44 years the main motive was reprisal. In none of the age groups were the main motive drugs or gang activity. See Lemard, p. 94. See also Graphs 5-1 – 5-3 and Tables 5-4 – 5-5.

[993] See this study, § 2 Chapter IV. Socialisation Theories, pp. 31 et sqq.

its residents. The socialisation theory thus plays a crucial role in (partly) explaining the high homicide rate of juveniles in Jamaica.

The failure of the institutions of socialisation in turn leads to the erosion of norms that regulate people's expectations as to how they ought to behave with each other and to people no longer knowing what to expect from one another. A state of social deregulation and thus a social condition of inordinateness and a lack of norms result. This is where the anomie theory after Durkheim comes into operation:[994] Anomie as a property of the social structure in which individual desires are no longer regulated by common norms and where, as a consequence, individuals are left without moral guidance in the pursuit of their goals.

But not only values and norms lose their power: The failure of the institutions of socialisation also leads to the absence of effective informal and formal social controls. It is acted on the assumption that usually a firm net of formal and informal external social relationships, bonds and accountabilities as well as internal psychical control contribute to the desistance from delinquent behaviour and keep most of the people as law abiding citizens. The interviews with the respondents have revealed that although the respondents know very well that the killing of another person is not lawful, they perceive their acts as legitimate, have their own compurgations and concoct their own justifications. The legitimating in most cases occurred by blaming the victim of conducting wrongly. It has been outlined earlier that this behavioural pattern complies with the theory of neutralisation techniques framed by Sykes and Matza. The respondents knew that killing another person is prohibited, yet society with its formal and information social controls was not able to prevent the homicides. This leads to the assumption that effective informal and formal social controls are absent or at least weakened in Jamaica. At this point, the social control theory after Hirschi can be called in.[995]

The absence of effective social controls also goes along with the findings of the present study that the respondents feel as if not belonging to the general society and abandoned to their faith. Not only social controls are absent, but the respondents can also not identify themselves with the superior organisational structures of the economical and political life in any way.

The mentioned deficits in Jamaica – such as the failure of the institutions of socialisation to adequately socialise the respondents, the social condition of inordinateness and a lack of norms as well as particularly the absence of effective informal and formal social controls – in turn lead to a social breakdown, i.e. the breakdown of conventional social structures within a community that is characterised by largely transitory, heterogeneous and economically

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[994] See this study, § 2 Chapter 1. Anomie Theory, pp. 25 et sqq.
[995] See this study, § 2 Chapter 2. Social Control Theories, pp. 23 et sqq.

underprivileged people, and the incapability of organisations, groups and individuals as part of the community to effectively solve its problems. The theory of social disorganisation (including the broken-windows theory) concerns just that social breakdown.[996] As mentioned above, this theory itself borrows several arguments from various theories and incorporates miscellaneous social and ecological factors.

If institutions of socialisation do or cannot perform their task, juveniles are susceptible of acquiring violence-prone behavioural patterns. The present study has come to the finding that the respondents were actually socialised into a culture of violence from an early age. If institutions of social control do or cannot perform their task, juveniles who have adapted to such a culture of violence engage with violence themselves when they become older and will pass it on to the next generation as a regular pattern of behaviour. A culture of violence is deadlocked in the underclass (sub-)culture of Jamaica. As has been outlined earlier, the fundamental idea of the subcultural theories after Whyte is that certain communities are regulated by an own subcultural system of norms and regulations differing from the system of the dominant society.[997] In Jamaica, violence and homicide seem to constitute parts of the subculture. Homicides are actually a part of the culture, constituting not only isolated cases, but depicting a social epidemic.

Last, it was outlined that the differential opportunity theory after Cloward and Ohlin builds on the anomie theory after Durkheim and Merton, assuming that there is a discrepancy between the aspirations lower class juveniles strive for and what they have access to. In order to achieve culturally defined goals, they reach for illegitimate means to achieve these cultural goals.[998] The theory additionally basis on the assumption that the availability of illegitimate means depends on chances of access on its part, as illegitimate means are not freely accessible. The chances of access determine whether a person can resort to illegal means or not. The present study has highlighted that the availability and prevalence of illegal guns (and also drugs) in Jamaica is eye-catching. The interviews revealed without a dissentient vote that gun prevalence is tremendously high and firearms easy accessible in certain areas of Jamaica. Who wants to arrive to a gun, has an easy way-over. The chances to access to illegitimate means are thus high for juveniles living in certain communities. These findings go hand in hand with the findings of Wilbanks, Harriott and Lemard.

Summing up, the findings of the present study – the identified criminogenic risk factors – in part are confirmed by general theories of delinquency and particularly are consistent with the findings of the existing literature on this topic in Jamaica. However, the existing empirical

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[996] See this study, § 2 Chapter 2. Social Disorganisation Theory, pp. 27 et sqq.
[997] See this study, § 2 Chapter 3. Subcultural Theories, pp. 29 et sqq.
[998] See this study, § 2 Chapter 4. Differential Opportunity Theory, pp. 30 et sqq.

knowledge on juvenile homicidal delinquency in Jamaica so far has been restricted for which reason no implementation of sustainable solutions has concurred yet. The purpose of the present research study to (at least along general lines) close the existing gap and to help the process of comprehending the problem of fatal juvenile delinquency by engaging empirical research in serious efforts to describe and explain the epidemic has been achieved. A basis for possible further studies has been provided.

§ 11 Conclusion

The homicidal delinquency high risk group of juvenile men in Jamaica has emerged as a result of failures on the part of institutions of socialisation such as families, schools, the community, media and of the government and society as a whole to provide the appropriate and adequate foundation and support for young people of deprived areas to grow into productive, responsible and law-abiding adults.[999] The co-occurrence of such a delinquency high risk group of juvenile men, being increasingly compacted in urban, deprived inner-city neighbourhoods with a high drop out rate from the formal education system and a generally low level of educational achievement, the long-term unemployment or low labour force participation, the general spread and constant exposure to violence at all levels, the actual growing up in a culture of violence, the low commitment to the government and its institutions, the interconnecting network of criminal gangs and the high prevalence of guns is an extremely explosive one.

Homicides can be prevented by reducing the number of juveniles-at-risk, thus the number of young men who tend towards homicidal delinquency. By defining the problem and collecting reliable data, possible causes and plausible risk factors for juvenile homicidal delinquency can be identified, whereupon intervention and prevention programmes can be developed and implemented.[1000] Such a risk-focussed approach is evidence based and aimed at reducing homicidal delinquency by tackling its roots.[1001] Thus, if identified risk factors can be tackled

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[999] See hereto also Athens, p. 6: "When people look at a dangerous violent criminal at the beginning of his developmental process rather than at the very end of it, they will see, perhaps unexpectedly, that the dangerous violent criminal began as a relatively benign human being for whom they would probably have more sympathy than antipathy. Perhaps more importantly, people will conclude that the creation of dangerous violent criminals is largely preventable, as is much of the human carnage which follows in the wake of their birth. Therefore, if society fails to take any significant steps to stop the process behind the creation of dangerous violent criminals, it tacitly becomes an accomplice in creating them."

[1000] Referring to risk-focused prevention see Farrington, in: The Oxford Handbook (2002), pp. 682-689.

[1001] Punishment as a repressing treatment programme is another method of building up anti-criminal attitudes in the general public. Yet, the literature suggests that preventing the development of risk factors is much more effective in reducing levels of juvenile violence than repressing treatment programmes. See Kelly/Totten, p. 140; Robertz, pp. 141-142; Sutherland/Cressey, p. 590; Lamnek (1997), p. 271; Zimring, in Youth Violence, pp. 492-493; Dünkel, in: Riklin, pp. 92-97 with further

and decreased and protective factors enhanced by preventive action, the likelihood of the occurrence of lethal violence could be reduced. Identified risk factors therefore offer possible targets for successful intervention.

The present study – which is based upon self-report data obtained from face-to-face guided semi-structured interviews with 20 young Jamaican men who have committed homicides at young age – has verified generally admitted and identified various for Jamaica specifically accounting risk factors. It is acted on the assumption that the larger the number of risk factors an individual is exposed to is, the greater is the probability that the individual will engage in violent and ultimately lethal behaviour.[1002] As diverse risk factors have been revealed, it is important to develop multi-component prevention strategies addressing the risks across several domains.[1003] As there is not *a* single cause that leads to homicides, the eliminating of the causes has to yield a complex interplay in order to be effective.[1004] Preventive measures focussing only on one variable minimise the probability of obtaining positive results. The individual, his or her social surrounding as well as the possibly triggering situation have to be affected and changed. Such multi-component prevention strategies targeting various risk factors are more effective in preventing lethal violence than those merely targeting single risk factors.[1005] Thus, lethal violence prevention approaches seek to reduce or eliminate factors that predict a greater probability of lethal violence in adolescence and young adulthood and strengthen factors that mediate or moderate exposure to risk. Forming lasting partnerships to eradicate the underlying causes of lethal violence will take effort, time and patience on the part of all individuals involved.[1006] Preventive strategies do not constitute short-term solutions. The aim of risk-focused prevention is to interrupt the causal processes that lead to a problem in the long run and on a sustainable basis.

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references. It is acted on the assumption that early detection and prevention are more cost effective, less problematic (concerning the death penalty or lifelong imprisonment), more human, more sustainable as it tackles the problems at its roots and more reasonable. See particularly Robertz, p. 142. At this point it is also crucial to note that with an efficient prevention, the lives of the victims can be saved, whilst the lives of the offenders re-obtain new sense and quality.

[1002] See Farrington, in: The Oxford Handbook (2002), p. 659 with further references.

[1003] In relation to risk-focused prevention in criminology see Farrington, in: The Oxford Handbook (2002), pp. 660-662. Farrington puts it bluntly: "The basic idea of this approach is very simple: identify the key risk factors for offending and implement prevention methods designed to counteract them." Farrington, in: The Oxford Handbook (2002), p. 660. The book 'Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions by Loeber and Farrington (1998) contains a detailed exposition of this approach as applied to serious and violent juvenile delinquents.

[1004] See Howell/Hawkins, in: Youth Violence, pp. 278-280; Henggeler, p. 103 with further references; Farrington, in: The Oxford Handbook (2002), p. 661.

[1005] See also Hawkins et al., pp. 7-8.

[1006] It also has to be borne in mind that not all known risk factors can be changed. Yet knowledge of the factors that increase risk for violence can help define populations that should receive preventive interventions to enhance protection in the face of risk exposure.

Risk-focused prevention strategies for Jamaica's juvenile homicidal problem could involve strategies for community development and social intervention programmes, long-term investment in education, training and conflict resolution (a general strengthening of the institutions of socialisation), dismantling the garrisons, transforming the security forces (combined with strengthening the role of the state in general) and the control of corruption, gangs and illegal guns.

Juveniles have to be given more pro-social possibilities and room for development and the obtainment of acceptance. Attention has to be paid to them and they have to be taken seriously. A juvenile's social bonding, his hope for the future and his belief in the possibility of a respected position within society have to be strengthened.

This study depicts the first project of self-report methodology to collect detailed information about backgrounds and causes of juvenile homicidal delinquency in Jamaica. It allows an examination of the extent to which these factors are associated with the lives of young men who have committed homicides in a sample of 20 juvenile homicidal offenders. The results of the self-report offending surveys contribute to the understanding of plausible risk factors linked to offenders of lethal violence and hopefully will fuel more comprehensive studies in this field.

Appendix I: Informed Consent Form

Doctoral Thesis on Juvenile Homicidal Delinquency in Jamaica

The purpose of this form is to provide a clear explanation of the nature of the study. The necessary procedures are described below. If, after reading this form, you have any questions or concerns, please demur and have your questions answered to your satisfaction. Once you are satisfied with the explanation and freely choose to participate in the study, you may indicate your willingness to participate by signing below.

<u>Title</u>: Juvenile Homicide: A Criminological Study on the Possible Causes of Juvenile Homicidal Delinquency in Jamaica

<u>Investigator</u>: This research is conducted by <u>Sarah-Joy Rae</u>, Master of Law and Ph.D. student from the University of Basel, Switzerland. The project is partly founded by the Werenfels-Fonds.

<u>Purpose</u>: Many young Jamaican males become involved in delinquency at early ages. The homicide rate in Jamaica is amongst the worlds highest. As a Ph.D. student I am interested in learning why young men in Jamaica chose to kill. The aim of the present study is to generate a plausible and scientifically substantiated hypothesis to explain the high proportion of male juveniles responsible for the homicide rate in Jamaica. Specific risk factors for fatal delinquent behaviour of Jamaican juveniles are investigated by conducting guided interviews with young male Jamaican participants who have committed homicides.

<u>Participants</u>: In order to qualify for this study, you must have committed at least one homicide within the last five years (i.e. 2002-2006) and must have been aged between 12 and 25 years at the time of the homicide. It is anticipated that approximately 20 people participate in this study. As there is no sampling frame list from which interview respondents could be selected, the participants are personally approached by a community worker in his sole discretion. The sampling procedure is effected as non-probability convenience sampling.

<u>Procedure</u>: The study on the possible causes of juvenile homicide is concerned with socio-demographic and socio-structural aspects, i.e. school and academic performance, social characteristics such as materiel resources and social standing. As people differ in other areas of life as well, such as historical and cultural background, future prospects, personal attitudes, the relatedness to governmental institutions and other possible influencing variables, these topics also constitute component parts of this study. You will thus be interviewed about your childhood, family life and background, school and job performances and other social attributes as well as individual characteristics and the homicide incident itself. Please answer each question as honestly as you can. All of your answers will be kept strictly confidential. The results of the study are to draw conclusions on which influencing variables the high impact of juvenile homicidal delinquency depends on. The interview will take up about 1,5 to 2 hours.

<u>Risks and Benefits</u>: There are no known risks associated with this study. Some questions may be intimate and might create transitory discomfort or cause emotional upset. You can decide not to answer the particular question at any time. It is unlikely that you will directly

benefit from your participation in this study. However, the results obtained may eventually contribute to the enhancement of the development process for Jamaican juveniles in order to foster their quality of life and chances of growth and to keep them away from delinquency. The results are to find practical appliance within the criminological research on the roots of crime and may enter crimino-political discussions and decisions as well as support crimino-preventive projects.

Voluntary Participation: Participation in this study is voluntary. Refusal to participate will involve no penalty or loss of benefits to which you are otherwise entitled. The alternative to participate is not to participate. This means that you can decide to not participate. You are free to withdraw from the study at any time and without any penalty.

Confidentiality and Anonymity: All identifying information obtained from the interviews will be kept strictly confidential to the extent allowed. Any information that could be used to identify you will be kept under lock and key. Data files will not contain potentially identifying information. At no point during future analysis you will be able to be identified by name as a pseudonym will be applied. All information obtained from the interview will be destroyed after the information has been used in the study for which it was intended. Any quotations of the interview will appear without anything that identifies you.

Legal Rights: You are not waiving any of your legal rights by signing this informed consent document.

Many thanks for your assistance.

Sarah-Joy Rae

Master of Law

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Consent: I have read and understood the above information, have had possible questions answered satisfactorily, and hereby willingly consent to participate in this study. I hereby give my informed consent to be interviewed. I understand the nature of my involvement and I have been assured that my answers will be kept strictly confidential. I have received a copy of this consent form.

Date   ……………………..

Name   ……………………..

Signature   ……………………..

[Code: ……………]

Appendix II: Interview Schedule

1   INDIVIDUAL LEVEL

Section 1: Physiognomic Distinctive Features and Display of Behavioural Patterns

Physiognomic Features

- ☐ attracting attention
- ☐ tall
- ☐ short
- ☐ corpulent
- ☐ skinny
- ☐ muscular
- ☐ averaged
- ☐ outstanding hairstyle
- ☐ outstanding eye colour
- ☐ big nose
- ☐ small nose
- ☐ hooked nose
- ☐ big ears
- ☐ outstanding bad teeth
- ☐ physical handicap
- ☐ scarred
- ☐ speech disorder
- ☐ other outstanding attributes

Ethno-Racial Origin

- ☐ Black
- ☐ East Indian
- ☐ White
- ☐ Chinese
- ☐ mixed
- ☐ other

Behavioural Patterns

- ☐ friendly
- ☐ courteous
- ☐ calm
- ☐ nervous
- ☐ reserved
- ☐ uptight
- ☐ absent-minded
- ☐ hyperactive
- ☐ unfriendly
- ☐ impulsive
- ☐ aggressive
- ☐ megalomaniac
- ☐ rowdily
- ☐ sceptic
- ☐ communicative
- ☐ uncommunicative
- ☐ egocentric
- ☐ funny
- ☐ affectionate
- ☐ obtrusive
- ☐ pestering
- ☐ other

Section 2:   **Socio-Demographic Profile**

   2.1   How old are you?

   2.2   Where were you born?

   2.3   What is your nationality?

   2.4   What is your marital status?

Section 3:   **Attitude towards Life, Gender Roles and Perception of Masculinity**

   3.1   How would you describe yourself?

   3.2   What does the role allocation between man and woman in Jamaica look like?

   3.3   How does that make you feel?

   3.4   What do you expect from life?

Section 4:   **Leisure Time Activities**

   4.1   What is your usual daytime structure?

   4.2   What do you do for fun during your leisure time?

   4.3   How do you rate the leisure facilities that are offered in your neighbourhhood?
   [clubs, brownies, organised sports, youth centres, cinemas, pubs, restaurants]

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2   SOCIAL LEVEL

Section 5:   **Residential Neighbourhood and Immediate Vicinity**

   5.1   What can you tell me about the neighbourhood in which you grew up?

   5.2   How safe do you feel in your neighbourhood?

   5.3   Are there many crimes committed in your immediate vicinity?

   5.4   How do you perceive police control in your neighbourhood?

Section 6:   **Family Relation and Extended Kinship Structure**

   6.1   Can you tell me how it was growing up in your family?
   [family structure, people living in the same household, living arrangements]

   6.2   What does the family mean to you?

   6.3   How would you describe the relationship to your family members?

6.4   Where you ever disciplined?
       If yes, please tell me about it.
       [by whom, how often, what method]

Section 7:   School, Education and Academic Performance

7.1   What is your general attitude towards schools?

7.2   Were you ever suspended or expelled from or did you ever drop out of
       school?
       If yes, please tell me about it.

7.3   How would you describe the relationship to the teachers?

7.4   How safe did you feel at school?
       Please specify.

Section 8:   Peer Relations

8.1   What do friends mean to you?

8.2   Can you tell me a little bit about your friendships?

8.3   If I mention 'gangs in Jamaica' – what comes to your head?

8.4   Were you ever a member of a gang?
       If yes, please tell me about your experiences.

Section 9:   Employment, Job Retention and Job Quality

9.1   What is your general attitude towards work?

9.2   How would you describe your occupational position?

9.3   Being employed, are you happy with your job or not?
       If no, please tell me about it.

9.4   If unemployed, how does that situation make you feel?

Section 10:   Socio-Economic Indicators

10.1   How important do you think is the social status in the community?

10.2   How is/was the income level of your whole household?
        [compared to other households in the community]

10.3   How do/did you feel about the level of your household income?

10.4   Did you ever have any illegal source of income?
        If yes, please specify.

Section 11:   Public Organisational and Political Structures

> 11.1   If I mention 'politics in Jamaica' – what comes to your head
> spontaneously?

> 11.2   Are you, in some kind of way, politically involved?
> If yes, please tell me about it.

> 11.3   Can you identify yourself with the superior organisational structures of
> the economical and political life?
> [Follow up questions: Do you feel that you and your concerns are taken
> seriously? If no, how does that make you feel?]

> 11.4   What do you personally think about the police in Jamaica?

Section 12:   Religion

> 12.1   What does belief mean to you?

> 12.2   Can you explain how religious you are?

> 12.3   Would you describe yourself as a spiritual person?

Section 13:   Societal Media Consumption

> 13.1   Which significance do the media have for you?

> 13.2   Do you think the media can influence children or not?
> If yes, in what way – rather good or bad?

> 13.3   Has the media ever influenced you?
> If yes, please tell me about those experiences.

Section 14:   Drug Consumption and Distribution

> 14.1   'Drugs in Jamaica' – what comes to your head?

> 14.2   Have you ever used any drugs?
> If yes, please specify.
> [type of drugs, regularity, reason, where from, availability, experiences]

> 14.3   Were you ever involved in drug distribution?

> 14.4   Were you drugged at the time of the homicide?

Section 15: Small Arms

    15.1   What do you think of firearms such as guns or rifles?

    15.2   Have you ever owned a firearm?
               If yes, please tell me about it.
               [type of arm, licensed/unlicensed, where from, reason of ownership, etc.]

    15.3   How did it feel to possess a firearm?

    15.4   Have you ever used a firearm to shoot or frighten other people?

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3   HOMICIDE INCIDENT

Section 16: Violence and Homicides in General

    16.1   What can you tell me about Jamaica's violent crime situation?

    16.2   How does it make you feel to live in a violent country like Jamaica?

    16.3   Have you ever witnessed a homicide?
               If yes, please tell me about it.

    16.4   How did that make you feel?

Section 17: Triggers in the Context of the Homicide Event in Particular

    18.1   Now coming to the homicide, how did it come to that incident?
               Please describe the homicide incident – what happened?
               [alone or with friend(s)/a gang, engagement in other crimes at the same time, age, location, relationship to victim, weapons used, substance use, trigger, reasoning, etc.]

    18.2   What did you feel during the homicide?
               [emotions experienced at the time of the incident (getting a kick, high, rush, thrill), pleasure giving, feelings of regret, type of account (denial, justification, minimization, victim-blaming, excusing, admitting or taking responsibility)]

    18.3   How did you feel after the homicide incident?

In conclusion: Are there any areas I missed out or is there anything particular you would like to talk about?

<div align="right">Thank you!</div>

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