



5-2011

Passivity: Looking at Bystanding Through the Lens of Criminological Theory

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I am submitting herewith a thesis written by Rahim Manji entitled "Passivity: Looking at Bystanding Through the Lens of Criminological Theory." I have examined the final electronic copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in Sociology.

Lois Presser, Major Professor

We have read this thesis and recommend its acceptance:

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Accepted for the Council:

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Vice Provost and Dean of the Graduate School

(Original signatures are on file with official student records.)

Passivity: Looking at Bystanding Through the Lens of Criminological Theory

A Thesis Presented for the
Masters of Arts
Degree
University of Tennessee, Knoxville

Rahim Manji
May, 2011

To the idea of a world in which injustice causes people to roil.

To my family, for a lifetime of support without conditions.

And to Lois Presser: a tireless teacher, editor, and mentor. As an example, she is a giant. But for her, my mind would not be the same.

Acknowledgements

I would like to acknowledge my mother, who raised us with the utmost hope and energy. Her boundless desire to see her children educated, to see her children make something of themselves in this world, made this thesis possible. I would also like to thank my sister and my father, both of whom offered so much support of so many kinds that I can never begin to repay them. Unfortunately for them, they will have to make-do with being mentioned here. And maybe a nice dinner.

I owe a huge debt to my mentors: Doug Blaze, Chris Craig, Robert Holub, Mark Luprecht, and Lois Presser. They challenged me. The many hours of conversation, the many ideas, the many books they shared with me made for an education that was better than any other I could have gotten.

My deepest gratitude to the members of my committee: Ben Feldmeyer and Harry Dahms. Their input on early drafts of this paper, especially the proposal, made the final product much better than it would have been otherwise.

A huge thank-you to my closest people in Spain. They taught me a different way of being in the world. And what it meant to enjoy the fruit of life.

And I would like to thank my friends. A heartfelt thank-you to my best friend, Matt Lorenz, whose kindness and intellect has stood out as a model for me all these many years. To Ryan Tofteland, who always kept me thinking about things outside academia. To Scott Thurman, whose speed and perspicacity made me want to better myself. To Emily Prabhaker, whose ideas and love of words, among other things, affected me more deeply than anyone I have ever met. And to Mark Luprecht, whose sense of humor and knowledge always, always made my life in Knoxville worthwhile. And whose unconditional support for this work made it possible for me to get it done.

Abstract

Criminologists have long since marginalized passivity as a variable of interest when studying the phenomenon of harm-doing. In this thesis, I explore the role of passivity in such instances and build a case for its centrality to deviance. I also undertake a number of other tasks. First, I review the extent to which research throughout the academy has connected passivity to violence. Second, I explore whether criminological theories have incorporated the variable of passivity and how they could. Lastly, I reflect on why more work on passivity has not been done given its manifest connection to harm, and I offer suggestions on how criminology can move forward in integrating bystander behavior in its theories of harm-doing.

Foreword

The more I have worked on this thesis and the more deeply I have engaged with the concept of bystanding, the more apparent it has become to me just how widely relevant the topic is. Take for example the shooting of congresswoman Gabrielle Giffords, which occurred just as I was finishing this work. A gunman walked up to Giffords as she was about to give a speech to her constituents outside a Tucson supermarket and began firing, both at her and at the crowd at-large.

Bystanders were integral to this incident in almost every way imaginable: one bystander, who had already been shot, lunged at the gunman as he was trying to reload his gun and delayed his ability to fire off more ammunition; another bystander tackled the gunman and prevented him from leaving the scene of the crime; and yet another bystander, an aide to Giffords, put pressure on her wound and likely saved her life. The shooting has, in President Obama's words, "touched off a number of national conversations," perhaps the most prominent of which involves the suggestion that the hyper-partisanship of the contemporary political culture contributed to this episode of violence. Inasmuch as this true, bystanders become relevant to the incident in a whole new way. For, many people around the country who were not at the incident or part of it, may have contributed to it vis-à-vis their participation in wider national culture. We can take a number of things from this. First, relevant bystanders are not always local. Second, bystanders can contribute to the common culture in ways that have real impacts on violence. And third, bystanders are central to any cultural explanation of harm-doing, whether or not we openly acknowledge the term or their responsibility.

In light of this, I think the work contained herein is especially important: it provides a way forward that takes into consideration the importance of passive behavior. I hope that those who read this thesis will perhaps be a little more sensitive to the effects that bystanders, who have sometimes been considered peripheral to harm-doing, can have on harm.

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Chapter 1: Introduction

“Silent bystanders act as enablers because watching others ignore something encourages one to deny its presence.”

-Eviatar Zerubavel (2006)

Passivity and Harm

In his 2001 book, *States of Denial*, Stanley Cohen points out his own complicity in apartheid while growing up in South Africa. One night he began to feel uneasy about the African male, a security guard of sorts, huddled over the fire in the front yard with his collar turned up, trying to keep warm, while he sat comfortably inside and did nothing. Had Cohen decided to do something, the security guard's condition, indeed the quality of his life, could have been altered. But Cohen's reaction of inaction is a typical feature of many—if not most—harms. Below, I provide four further examples of passivity in discrete situations of harm-doing in order to build a case for the significance and pervasiveness of such behavior in instances of harm-doing. Afterwards, having established the centrality of inaction, I will move on to the focus of this thesis: examining the extent to which criminology has reckoned with passivity.

The first example involves the public beating of a young girl in Seattle, Washington in January, 2010. Aiesha Steward-Baker, a 15 year-old girl, was followed by a group of ten young men and women into a Seattle Transit Tunnel. There, while waiting at a bus platform, one young woman confronted Steward-Baker, pushed her off the platform onto the ground, punched her, and kicked her in the head six times – five times at a go, and then, after leaving and returning, one more time (Clarridge, 2010). Most surprisingly, all of this happened in a well-populated public place and in front of three terminal security guards who did not attempt to intervene or restrain the assailant. Video footage of the incident shows that one security guard left the scene,

a second turned his back, and a third looked on as the beating occurred. None of the guards offered to help the victim even after the beating had ended and the assailant had gone. The guards reported not having acted because the company for which they worked instructed them to “never get involved in enforcement action” (Yardley, 2010).

A second example illustrates how passivity is characteristic of school-bullying. 15-year old Phoebe Prince had recently moved from Ireland to South Hadley, Massachusetts, where she began high school as a freshman. Soon after arriving, she began a relationship with a popular senior. Though the relationship did not last, it had an enduring and profoundly negative impact on Prince’s relationship with her peers. As the *New York Times* reports, Prince’s peers taunted her day-after-day: they sent her threatening text messages, knocked books out of her hands, called her an “Irish slut,” and one girl even threw a canned drink at her from a car window (Eckholm and Zezima, 2010). Prince’s harrasment created a number of bystanders, including school officials who knew much of what she was enduring. As the district attorney in charge of prosecuting the case modestly stated, “the actions or inactions of some adults at the school were troublesome” even though they did not break any law (ibid).

A third example looks to the mass-killings in Rwanda in 1994 to show the link between passivity and genocide. At 8:20 p.m. on the evening of April 6th, 1994, Rwandan President Juvenal Habyarimana’s plane was shot down from the sky. The event touched off the quickest genocidal killing spree in history. The ethnic majority of Rwanda’s population, the Hutus, turned on the minority group, the Tutsis. Radio broadcasts were made announcing the names, addresses, and license plate numbers of Tutsis and moderate Hutus (Power, 2002: 333). The Hutu-controlled army, the gendarmerie, and the militia worked together to systematically hunt down and kill Tutsi citizens. As Power states, “a fever descended upon the nation” (ibid). That

fever resulted in the killing of 800,000 Rwandan citizens in just 100 days. Unlike the other two examples above, this crime was undertaken by a number of people acting together in a concerted fashion. Because the harm took place on a large scale—that is to say, on a societal level—there were a greater number of bystanders involved. The group of bystanders included community members, aid organizations, nations and supra-national bodies, such the U.N. As Power (2002: 367) observes, policy during the first month of the genocide “can be described simply: no U.S. military intervention, robust demands for a withdrawal of all of Dallaire’s [the U.N. commander] forces and no support for a new U.N. mission that would challenge the killers.” In other words, there was extensive passivity and demands for passivity from all quarters.

A fourth example illustrates how passivity can be part of terrorist activity—a type of harm-doing that is especially important in the modern era; criminologists point out that the rise and prevalence of terrorism in the 21st century makes it an important disciplinary concern going forward (Yacoubian, 2006). This example, that of the recent attempted Times Square bombing, is significant for two reasons: it provides an example of how terrorism is a threat in modern society and it highlights the potential pro-social role bystanders can have in such instances.

Faisal Shahzad was a Pakistani immigrant who had come to Bridgeport, Connecticut in 2000, enrolled as an undergraduate student, married a Pakistani-American woman with whom he had two children, and became a naturalized U.S. citizen (Elliot, 2010). But colleagues say he seemed frustrated and unfulfilled by his life in the U.S. By 2004, Shahzad had increasingly begun to dabble in jihadist ideology, and in the months after the 2007 bombing of the Red Mosque in Pakistan, he became associated with militant groups (ibid). In May, 2010, Shazad packed his Nissan Pathfinder full with a crude bomb made of propane, gasoline, and fireworks and parked it in the Times Square area of Manhattan (Mazzetti, Tavernise, and Healy, 2010).

The bomb would have gone off, potentially injuring or killing scores of people, had the S.U.V not been detected by two street vendors, Lance Orton and Duane Jackson. The two men notified the authorities of the illegally parked Pathfinder when they saw it “fill with smoke, emit sparks, and make popping sounds” (Kilgannon and Schmidt, 2010). Over the next several hours, police officers and emergency service units swarmed in, evacuated thousands of tourists, and removed the device from the area. The two bystanders were instrumental in preventing anyone from being hurt.

The bystanders’ behaviors in the above cases are highly relevant to criminology and phenomenon of harmful action, even though they may not be deemed important by the legal system. Each of the four examples demonstrates that bystanders either could have been or were central in preventing the harm from being carried to term. In what follows, I seek to accomplish a number of tasks. First, I define bystanding and passivity, terms that will be used throughout the thesis. Second, I explain how these terms are relevant to harm-doing on all levels of society from the micro- to the macro-social. Third, I provide a literature review of work that has already been done on these concepts in all disciplines, including criminology. Fourth, I analyze how scholars deploying each of the nine dominant criminological approaches *have* examined passivity and how they *could*. In other words, I wish to examine the extent to which passivity has been part of the foreground of criminological inquiry. Finally, I discuss my findings, I note the variables that emerge as being centrally important in the study of bystanding, and I offer an agenda for the work that remains to be done within criminology on two counts: understanding the concepts of bystanding and passivity and integrating them as independent variables in theories of harm-doing.

Defining Bystanders and Passivity

As sociologist and legal scholar Claire Valier (2005: 2) notes, “common usage holds the bystander a nonparticipant spectator, one present at an event but who stands by and takes no part in what goes on.” I suggest that the category of bystander is more complex than the above definition suggests for a number of reasons.

First, the relationship of bystanders to perpetrators and victims can be more complex than the term “spectator”—which implies non-acquaintance—indicates. For example, Luckenbill (1977) notes how one young man instigated violence between his friend and his friend’s girlfriend by saying, “I wouldn’t let that guy fool around with [her] if she was mine” (p. 181). These statements influenced the boyfriend’s own assessment of the situation, led to a confrontation between the man and his partner, and eventually, to the woman’s murder. Clearly, it would be inaccurate to refer to the friend who instigated the murder as a mere spectator or bystander. The friend’s evaluation of the situation, indeed his incitement, was an instrumental factor in the situation becoming violent.

In contrast, another example demonstrates how bystanders can implicitly incite violence by remaining silent and sending a tacit message of approval. In India, after then-prime minister Indira Gandhi was murdered by her two Sikh body guards on October 31st, 1984, enraged mobs killed 3,000 Sikhs around India over the following three days (Polgreen, 2010). Multiple commission investigations and Indian government panels have found that when the police were not actively helping the rioters, they stood by and watched the violence take place (ibid). If we refer to the police as spectators to the violence, we miss the fact that they had a professional duty to intervene. Thus, the police played an essential role in spurring on the mob: their passivity sent a message that violence was justified and beyond reproach. Their inaction incited harm.

Second, it is not always the case that bystanders do nothing: bystanders take part in harmful events in various ways. In some situations, they intervene to help the victims (see Oliner and Oliner, 1988). Even when bystanders do not intervene per se, there is significant variation among their behaviors; *passive* bystanders are not always *impassive*. Nor are they steadfastly passive.

Some bystanders *desert* the scene of harm-doing. Examples of this kind of behavior can be found in the actions of the security guard who walked away from the beating of young Aiesha Steward-Baker in Seattle or in the demands of the United States to withdraw UN peacekeepers from Rwanda once mass-violence had begun (see Power, 2002: 335). Some bystanders *deny* either the harm, its meaning, or their own responsibility in ending it (Cohen, 2001). The Serb government's claim that the February 1993 massacre in Sarajevo either was not a massacre or was perpetrated by the Bosnians themselves for political advantage exemplifies more than one of these types of denial. Some bystanders *ignore* harm-doing. Betty Curie, President Clinton's personal secretary, tried to "avoid learning the details" of the President's relationship with Monica Lewinsky, for example (Zerubavel, 2006: 48). And some bystanders take *pleasure* in harm-doing. E.M. Forster (1938: 13) observes: "People who would not ill-treat Jews themselves, or even be rude to them, enjoy tittering over their misfortunes; they giggle when pogroms are instituted by someone else and synagogues defiled vicariously." Daniel Goldhagen (1996: 94) provides a concrete, historical example of such delight in others' pain: "SA [a specialized paramilitary group in Nazi Germany that was instrumental in maintaining Hitler's power] men bludgeoned the chosen Jewish victim, who was known to everyone in the town. The townspeople, enthusiastic at the sight of their suffering neighbor, urged on the SA men with cheers." Thus, the actions of bystanders who do not intervene are diverse; their behavior is best

represented by a range of reactions that vary from desertion to pleasure. Using these categories, I suggest that bystanders—people who do not intervene—are not just “non-participant spectators;” they are those who are not part of the first order of harm-doing but who nonetheless have the potential to, and sometimes do, affect the situation.

Relatedly, I define passivity as the behaviors exhibited by the non-intervening bystanders who are aware of the offense and in a position to stop it but do not. Such a definition of bystanders as people who are *aware* comes, as Stanley Cohen (2001: 69) notes, with a particular burden: a case for the non-intervening bystander is built on the *a priori* assumption that bystanders know that help is needed, that something is wrong. Because this thesis undertakes a criminological exploration of bystanding, I bracket those questions that deal with psychology and ethics, and I shy away from using words such as “indifference,” which refer to psychological or emotional states.¹ I am concerned only with how the presence of bystanders encourages or discourages harm-doing.

In the remainder thesis I will focus on those who do not intervene. Despite the significant variation among those who compose this group, I will refer to these observers monolithically as “bystanders.” To further simplify matters, I will refer to the behavior of these actors as “passivity,” “nonintervention,” “inaction,” or “bystanding.” These four terms will thus be used interchangeably throughout the thesis.

What Is At Stake?

Passivity is central to numerous concepts of interest across the academy. It is related to pro-social characteristics such as heroism, courage, altruism, enthusiasm, and empathy. It is

¹ The matter of indifference as felt state is problematic. Barnett (1999: 112) provides an excellent discussion of how “indifference” sometimes masks other emotions. Goldhagen’s (1996) thesis rests on the idea that bystanders in genocidal regimes, at least, cannot be considered indifferent.

implicit in the study of motivation and (in)action. And it is a common response to a variety of social problems including human rights violations, environmental degradation, urban decay, homelessness, natural- and social-disasters, and poverty.

Within criminology specifically, passivity is central to harm on micro- and macro-social levels. As an increasing number of criminologists call for micro- and macro-social theoretical integration (see Muftić, 2009), and inasmuch as the future of the discipline lies in identifying factors that are endemic to many forms of harm, passivity shows promise. Passivity is relevant to the entire “life-course” of harmful patterns including their onset, escalation, and perpetuation.

First, the centrality of passivity to the *onset* of both micro-and macro-social is demonstrated by a range of studies that show that a variety of offenses, including drug-trafficking, sexual assault, child abuse, partner violence, incest, peer-bullying, burglary, and larceny could, at times, not have begun had bystanders been proactive or merely present (Shelley, 2001; Harari, et al., 1985; Christy & Voigt, 1994; Shotland & Straw, 1976; Staub, 2003; Aboud and Joong, 2008; Cohen and Felson, 1979; see also Gottfredson and Hirschi, 1990: 27). On the macro-social level, genocide provides a prominent example of a harm in which passivity is central to the start of harm. In the twentieth century alone, the genesis of genocides in Turkey, Germany, Cambodia, Iraq, Rwanda, and Bosnia depended on the inaction of scores of individual, organizational, and national bystanders who knew massive harm was imminent and did nothing to stop it (Barnett, 1999; Power, 2002).

Second passivity is central to the *escalation* or *de-escalation* of violence. Luckenbill (1977) points out that of the criminal homicide cases he studied, seventy percent (forty-nine cases) were performed before an audience; many times, the audience’s reactions were impacting (p. 173):

interested members of the audience...actively encouraged the use of violence by means of indicating to opponents the initial improprieties, cheering them toward violent action, blocking the encounter from outside interference, or providing lethal weapons.

In these cases bystanders had a clear role in the continuation of the harm: they served to spur the violence on, supported the use of violence, and impeded others from seeing (and perhaps stopping) the harm. The bystanders were part of the act. And bystanders can have similar functions in macro-social contexts. In genocide, bystanders are in a unique position to stop harm-doing before it reaches the level of ethnic violence. No genocide in history has begun *as* genocide. Lesser harms—elimination of rights, stigmatization, segregation, and differential application of punishment—precede such crimes (Barnett, 1999). In the time between the onset of discrimination and full-blown genocide, bystanders can play a crucial role in halting the violence or letting it increase, and they are perhaps the only people who have such power. As Staub (2000: 371) states:

Only witnesses or bystanders can stop the *evolution* of increasing violence. Unfortunately, both internal bystanders (members of the group who have not joined the perpetrators) and external bystanders (outside individuals and groups) usually remain passive.

On many levels of society and in many types of harms, then, bystanders become part of the theater of evolving violence. But for their non-intervention, harm-doing could not occur, evolve, and escalate.

Staub's use of the word "evolution" points to an important area of understanding for why bystanders react as they do. First, the very fact of incrementally increasing harm may be

instrumental to the phenomenon of non-intervention. For it may cause bystanders to merely evaluate changes in the harm rather than the harm *in toto*, which is perhaps central to answering why bystanders allow all manner of “atrocities” to take place. Second, bystanders’ first reaction towards harm charts a path along which they move incrementally and irreversibly. Many times, even if bystanders are uncomfortable with the kind of violence taking place, they find it extremely difficult to switch away from a passive mode of operation once begun. On the micro-social level, the 1964 murder of Kitty Genovese provides an example. Genovese was attacked on her way back to her apartment in Queens, New York. Her assailant stabbed her in the back three times before worrying that he would be seen and running off. But then he came back, found her lying in the foyer of her apartment building, and continued his assault by slashing her repeatedly. The attacks were seen or heard by over thirty people, none of whom intervened or called the police *despite* the fact that the harm was carried out over multiple encounters and that it escalated from assault to murder (Rosenthal, 1964). The spectators’ initial passivity conditioned their responses when the assailant returned.

This type of response consistency occurs in macro-social harms, as well. In two German villages, Mauthausen and Sonderbrug, initial reactions to the Holocaust guided subsequent behavior. Barnett (1999: 155) comments: “early, apparently innocent compromises eventually destroyed the whole fabric of townspeople’s ethics.” On the other hand, the people in a third village Barnett studied, Le Chambon in France, traveled a different course. Of them she says, “Le Chambon began to move in the opposite direction, toward goodness. Its residents became more sure of themselves, more reliant and trusting of one another” (ibid). The villagers of Le Chambon were responsible for saving over 2,500 Jews from the Holocaust. Surprisingly, the three towns were largely similar at the beginning of the war.

Third, passivity can affect the *perpetuation* of harm-doing, especially in societies where violence assumes a protracted, episodic pattern. This is especially important to the study of cycles of violence, where researchers look at the societal and cultural factors that affect reoccurring harm. One way passivity can be impacting is through its influence on later accounts of the harm-doing. Analyzing the way German citizens remembered their role in the Nazi Germany, Barnett (1999: 5) writes, “The residents interviewed by Henry were puzzled and hurt by the suggestion that they might have been responsible for Nazi crimes in any way. In their minds, Sonderburg had continued to be a decent, upstanding community between 1933 and 1945 [despite evidence to the contrary].” Bystanders’ passivity at the time the harm takes place has a number of deleterious consequences: it impedes a full view of the atrocities, it causes bystanders to be unable to come to terms with the idea that they did nothing in the face of great violence, it causes bystanders to deny that the acts of violence occurred in their cities and towns, and it leads them to contend that even if genocide did take place, they were not witness to it. This type of myopia that results from bystanding has important consequences. Scholars of justice emphasize that truth and acknowledgement are essential to healing (Minow, 1998). If bystanders cannot accept responsibility for harm, they exclude themselves for being able to ask for forgiveness for their role.

Further, criminologists are beginning to explore the connection between the accounts of those involved in past harm—including perpetrators, victims, and bystander—and future harm-doing. Presser (2009: 192) suggests that some accounts, or “narratives” as she calls them, may seed the ground for future violence. As the discipline moves forward in understanding which accounts are linked to further harm-doing (if indeed any are), passivity’s role as a shaper of such accounts becomes increasingly important.

Bystanding in the Modern Context

Bystanders can be distinguished in three ways: by demographic characteristics, degree of separation from the harm, and unit of aggregation. First, I review demographic characteristics. As examples in the introduction demonstrate, bystanders have many faces. Unlike offending, passivity does not seem to be a gendered phenomenon: both men and women can be and often are bystanders. Also unlike offending, passivity does not seem to be circumscribed by age: research indicates that adolescents and adults may be passive in situations of harm-doing. There is also reason to believe that passive behavior may be found among young children and the aged.² Lastly, passivity does not seem to be the preserve of certain social classes. As a group then, bystanders are more diverse than offenders. Whereas the conventional crime or deviant act is perpetrated by the adolescent male,³ passivity is apparently a demographically unbounded phenomenon.

Second, bystanders can be distinguished in terms of degree of separation from, or proximity to, the harm-doing. Some harms take place in real-time, in front of witnesses present at the site. Increasingly however, with the advent of technologies such as the television and the internet, individuals and aggregates are being made aware of harms occurring in other places. Barnett (1999: 166) observes: “Modern developments have made us all too familiar with suffering elsewhere in the world. Technology has made us witnesses—and thereby bystanders—to much horror.” The result is that all of us are bystanders to some extent and with respect to certain harms (Cohen, 2001; see also Power, 2002 and Bauman, 2003). Acknowledging these degrees of separation from the harm complicates the research agenda on passivity. It introduces

² Goldhagen (1996: 101) demonstrates that young people in genocidal contexts are often part of the bystander population.

³ This analysis of conventional crimes does not incorporate white-collar offenses, which as Sutherland (1983: 5) notes, are less obvious to the criminal justice system because higher income members of the population are better able to cloak their deviant activities.

questions on the moral responsibility of bystanders, and it focuses attention on what impact these bystanders, near and far, have on violence.

Third, bystanders differ by aggregation. On the individual level, bystanders can be friends, neighbors, or even strangers who stumble upon the violence. On the collective level, bystanders can include groups as small as the family unit, or larger corporations such as neighborhood groups, associations, and even entire communities. On an even larger scale, national and transnational bodies can be passive in the face of known violence. These organizations include NGOs, nations, and supra-national bodies, such as the UN. Some of these bystanders—individuals and groups—remain inactive despite an individual, professional, or organizational duty to do more.

Although the categories above provide analytic value, it is important to note that the divisions they represent are not so neat in the real world. For example, looking at units of aggregation—such as the passivity of individuals versus the passivity of nations—will fail to illuminate the relationship *between* individuals and collectivities in situations of harm-doing. In micro-social offenses where other bystanders are present, the very fact of these other bystanders may dissolve feelings of responsibility and create pressure towards passivity. Psychologists studying such behavior have called this phenomenon the “diffusion of responsibility” (Darley and Latané, 1968). There is also evidence that the organizations and individuals influence each other in macro-social offenses. During the Holocaust, the German Evangelical Church’s decision not to challenge the Nazi regime had profound effects. Barnett (1999: 39) believes that “The church’s institutional conformity and its compromises with Nazi leaders clearly influenced the viability of protest by individual Christians.”

To return to the central preoccupation of this thesis, we have to apply the observation that

there is a greater number of bystanders in an increasingly interconnected world to the question of how these bystanders affect the trajectory of harm. The many ways bystanders can have an effect on harms are too numerous to catalog here; in any case, an exact understanding of the many ways bystanders are part of harm-doing requires further empirical study. I do, however, wish to review three paradigmatic effects which show-up repeatedly in the literature on passivity. First, perpetrators may construct immediate bystanders as friendly to the event. These people—generally acquaintances or intimates—are seen as audience members, and their presence facilitates harm. Research on school-bullying and violence against women, for example, has found that the presence of bystanders can increase the likelihood of such behavior (Aboud and Joong, 2008; Miethe and Diebert, 2007). Second, perpetrators may construct immediate bystanders as regulators. In these cases, bystanders serve a policing function and reduce the likelihood of crime (Shotland and Goodstein, 1984; see also Felson, 1995). Note that in both cases, it is how bystanders are *signified* by others that matters. Third, bystanders can have instrumental value for perpetrators. In such instances, the salient consideration is not how perpetrators construct bystanders (as appreciative or critical of the harm-doing) but how they use bystanders to *disguise* the real nature of their actions. Offenders use immediate bystanders' passivity as evidence that no harm is taking place. As Stanley Cohen (2001: 257) observes, “[bystanders] may be incorporated as a fixed part of the scene, even as proof that the authorities have nothing shameful to hide.” In these situations, bystanders serve a symbolic function.

As the discipline moves forward, the categories I provide above (demographic characteristics, degree of separation from the harm-doing, and unit of aggregation) can provide a useful framework for analyzing the role of bystanders in harm-doing. Do external bystanders serve a policing function? Does unit of aggregation affect the impact bystanders can have? That

is, do collectivities stand a better chance of preventing harm than others? These are just a few of the many questions to consider when examining bystanders and their impact.

Finally, a word on the purpose for studying passivity. Many of us in the real world are, or may become, bystanders. Clarkson (1996) notes that bystanders most often cite the impossibility of addressing all harms as a reason for passivity. Being confronted with the fact that we are all bystanders to a variety of harms elicits responses such as, “Why should I help? Why are you asking me? I can’t be everywhere at once.” I have not undertaken to study passivity with an eye towards normative prescriptions. My aims are to 1) shed light on how bystanding affects the trajectory of harm, and 2) examine how criminological theories can help us understand the causes and consequences of passivity. Ideally, my research will affect the role that criminology assigns to bystanding and the extent to which the concept of bystanders is employed in explanations of harm.

Chapter 2: Literature Review

Passivity and bystanding have been studied by scholars throughout the academy.

In this chapter, I review the disciplines in which passivity has been examined in order to give a history of this scholarly work. At a minimum, these disciplines include psychology, sociology, philosophy/law/public affairs, education, and to a lesser extent, criminology.

The Study of Passivity Across the Academy

In psychology, the study of passivity began with Darley and Latané's (1968) touchstone study on how groups and situational factors affect bystanding behavior. In this foundational work, they found that the presence of others can inhibit helping behavior through a process they call "the diffusion of responsibility." They suggest that bystanders refrain from intervention on the belief that others—who are also witness to the harm—will already have acted, making intervention redundant or even confusing (p. 378).

This work inspired numerous other studies which added volumes to the psychological literature on why some people do not intervene. For example, Latané and Darley (1970) found that social influence, the process of looking to others to help define an ambiguous situation, and audience inhibition, whereby bystander resists intervention for fear of the interventionist behavior being evaluated negatively greatly affect bystanders' willingness to intervene. Bickman (1971) found that attributing responsibility for helping to others—which occurs when those called upon to help believe that others are able to provide the necessary aid—is a fundamental factor in explaining passive behavior (for a review, see Latané and Nida, 1981).

More generally, research findings suggest that the social context also affects helping behavior. The topography of the situation; that is, the ability of bystanders to speak to each

other, and whether or not the offender can quickly exit the scene impact bystanders' decision to intervene (Harari et al., 1985; Schreiber, 1979). Furthermore, Shotland and Huston (1979) report that the severity of the situation—that is, the extent to which bystanders defined the situation as an emergency—affects the likelihood of intervention. Other studies in a similar vein suggest that bystanders are most likely to help when the victim cannot help him- or herself (Clark and Word, 1972, 1974).

Helping behavior also depends upon bystanders' perceptions, such as the extent to which bystanders can relate to victims (Krebs, 1975; Toi and Batson, 1982), and bystanders' calculation of the costs and benefits of intervention (Piliavin et al., 1975; Shotland and Stebbins, 1983; Wagner and Wheeler, 1969). Characteristics of victims also affect helping behavior. These characteristics include the victims' gender (Howard and Crano, 1974; Shotland and Straw, 1976), race (Gaertner and Dovidio, 1977), age (Laner et al., 2001), or whether the victim appears to be ill (Piliavin et al., 1969). These studies demonstrate that female victims are appreciably more likely—sometimes twice as likely—to receive help; and white victims are more likely to receive help, especially when bystanders have the opportunity to diffuse responsibility. Also, characteristics, competencies, and feelings of the bystander have been shown to consistently impact intervention (Midlarsky, 1968; Staub, 1970). Huston et al. (1981) report that bystanders who are taller, heavier, and better-trained to cope with emergencies are more likely to intervene. Cramer et al. (1988) demonstrate that if bystanders have skills that are relevant to the emergency, they are more likely to help. Wegner and Crano (1975) show that characteristics such as the race of the bystander can play a role in helping behavior.

Lastly, the number of perpetrators and their characteristics have demonstrated relevance to intervention. Latané and Darley (1970) found that multiple perpetrators are more likely to

draw intervention. And Christy and Voigt (1994) found that bystanders are more likely to intervene when the perpetrator is thought to be of high socioeconomic status.

Finally, psychologists have studied concepts that are related and relevant to passivity. One such concept is motivation. Dweck and Leggett (1988) found that motivation is linked to “mastery-oriented patterns” and “helpless patterns.” The former is characterized by effective behavior under pressure and the seeking of challenges while the latter is characterized by opposite tendencies. Ryan and Deci (2000) identified the social conditions that help people become proactive and engaged. They suggest that the satisfaction of three psychological needs—competence, autonomy, and relatedness—lead to greater self-motivation and better mental health. Of course, when these needs are not met, the opposite is true.

Scholars have also studied heroism, another concept relevant to passivity. Becker and Eagly (2004) define it as “actions undertaken to help others, despite the possibility that they may result in the helper’s death or injury” (p.163). They, like other scholars studying concepts such as helping behavior, found that heroism is rooted in empathic concern for the other. Relatedly, scholars have studied altruism. These studies found a link between egoism and altruism, a relationship between collective identity and altruism, and a feeling of a general universal bond among those who engage in altruistic behavior (Batson, 1991; Monroe, 1998; Oliner and Oliner, 1988). Other work has examined “pro-social/positive-social behavior” (Bar-Tal, 1976; Dovidio et al., 2006; Eisenberg and Mussen, 1989; Staub, 1978; for a review, see Staub, 2003). This research found that a number of factors are intimately connected to pro-social behavior: value orientations, such as a concern about the welfare of other human beings or a sense of duty and obligation rooted in moral principles; personal goals, or the “desire to reach a certain state or outcome;” and situational characteristics, such as the ambiguity of the request for help, the

degree of need, the direct or indirect costs of helping, and the social appropriateness of the behavior required to help (Staub 2003: 114; 127-128).

Research on passivity related concepts has also been conducted in sociology. Gillis and Hagan (1983) examined how social distance and “territoriality,” or the desire to exert control over the space around oneself and the activities of persons within that space, affect bystanding. They found that that bystanders are almost as likely to help friends as they are family, but there is a large difference between the willingness to help these two groups and the willingness to help strangers. On another note, Stanley Cohen (2001) looked at how bystanding is related to denial, which he defines as the repression, disavowal, blockage, or reinterpretation of information that is too disturbing or threatening to openly acknowledge (p. 1). He suggests that denials enable bystanders to evade responsibility and demands for intervention.

Other scholars in sociology, taking a more theoretical approach, have turned to problems such as why bystanders sometimes evolve into perpetrators. Bauman (2003) suggests that there is “an affinity between ‘doing evil’ and ‘non-resistance to evil’ [that is] much closer and more intimate than scholars engrossed in the exploration of one but neglecting the other would notice and admit” (p. 138).

Sociologists have also studied bystanders in the context of natural/social disasters. (Quarantelli and Dynes, 1977; Levine and Thompson, 2004). They have put forward a number of findings: intervention is often undertaken by groups that emerge in response to disaster (as opposed to pre-existing groups), bystanders are crucial to managing the aftermaths of disasters, and when intervention is undertaken by individuals, it is often by those who feel a shared identity with the victims (see Helsloot and Ruitenber, 2004). Sociologists have also done research on a variety of topics that are relevant to passivity but less directly connected. Studying the

relationship between health and social support, for example, House et al. (1988) found that longevity and healthfulness are positively correlated with social support. Relatedly, researchers have discovered that having a larger context (that is, a larger territory), being married, personality traits, attitudes, and situational variables—such as number of children in the household—affect volunteerism by giving volunteers more or less human, social, and cultural capital to use for their volunteer activities (Smith, 1994; Sundeen, 1990; Wilson and Musick, 1997; Wilson, 2000).

Lastly, sociologists have conducted research on concepts related to passivity. One area of work has examined the origins and forms of altruism. Sociobiologists Smithson, Amato, and Pearce (1983) propose that human beings are genetically programmed for altruism. Other sociologists have studied altruism in connection donation of blood, tissue, and organs. Piliavin et al. (1982) found evidence that affective “addiction” is one of the several factors that influences regular blood donation. While Healy’s (2000; 2004) studies of blood and organ donations suggest that that organizations play an important role in creating the conditions under which donations occur. She reports that social organizations and their varying logistical efforts impact donations. For example, state-run donation drives recruit a larger number of donors, but few of them give blood consistently. On the other hand, the Red Cross has a smaller donor pool, but one that is highly regular in giving blood (Healy, 2000: 1654). On a different note, Zahn-Waxler (1986) has called attention to the relationship between altruism and emotion. Carlson et al. (1988) found that positive moods are consistently linked to a higher likelihood of helping behavior.

Another area of sociological work related to bystanding has examined indifference. Sticweh (1997) suggests that indifference results from social arrangements particular to

modernity; he observes that modern society “is no longer a membership organization” (p. 1). Associating with people who are neither friend nor stranger, which is a fact of modern life, breeds indifference. Taking a different approach, Tester (2002) traces indifference to the predominance of a hermeneutical culture in society. In other words, he suggests that a societal emphasis on asking “why” proliferates and causes the breakdown of any binding universal declarations, including universal human rights. The consequence is a pervasive indifference built on suspicion and criticism.

Passivity has also been studied at the intersection of philosophy, law, and public affairs. Work in this area has focused on a number of ethical questions. Some scholars have asked whether the law should require bystanders to intervene. They suggest that the law should specify either a duty to report a crime or the duty to intervene in one (Bagby, 1999; Kirchheimer, 1942; McIntyre, 1994; Wenik, 1985). Other academics have sought to determine whether and to what extent bystanders should be considered guilty of the crimes to which they are witness. Although most suggest that bystanders cannot be found guilty in the same way as perpetrators, they diverge in the kinds of guilt they ascribe to the bystander. Valier (2005) suggests that “the bystander is one who *suffers* a crime to be committed in their presence” and thus experiences a guilt that is particular to those who remain passive (p. 10, emphasis in original). In other words, the bystander is in some ways a victim of his or her own bystanding; non-intervention leads to its own kind of guilt. Taking a different view, Hill (2010) believes that bystanders are guilty of violating three “second-order responsibilities”: to exercise due care in deliberation, to scrutinize one’s motives for passivity, and to try to develop virtue. He says that bystanders, who by definition have not done these things, are guilty of not sufficiently respecting others and themselves.

On a macro-social level, philosophers have examined the inaction of nations and whether certain conditions should require military intervention (Wheeler, 2000). Some academics believe that intervening in a nation's business is an offense to a people's right to live according to their own traditions; as such, they conclude that intervention should only occur in the most extreme cases, such as genocide (Walzer, 1980; Slater and Nardin, 1986). Others believe the issue to be more complex. They suggest that, though intervention should be employed only in the most selective cases, sovereignty is contestable and must change in response to the demands of situations and times. Most of all, it must be guided by a more general "responsibility to protect" human life. When that responsibility cannot be fulfilled by the state, it becomes the responsibility of international actors (Weber, 1992; Tanguy, 2003)

As in other disciplines, philosophical work has examined concepts that are related to passivity. For example, philosophers have studied altruism to a number of ends: they have suggested that a proper examination of the concept can inform the adoption of appropriate moral paradigms; they have examined the extent to which evolution can explain altruism as it is traditionally defined by philosophers; and they have attempted to square the existence of altruism as defined by psychologists with the precepts of evolutionary biology (Brandt, 1976; Kitcher, 1993; Sesardic, 1995). And in political philosophy, scholars have studied the concept of indifference. For example, Geras (1998) suggests that if a person does not come to another's aid in times of distress, that person cannot expect to be aided when in need. He calls this the "contract of mutual indifference."

Education is yet another discipline that has contributed significantly to the understanding of passivity; work in this area has largely focused on bullying behavior. O'Connell et al. (1999) look at the role of bystanders in bullying behavior and find that peers play a central role in

encouraging or impeding such actions. In fact, a great majority of bullying takes place in the presence of bystanders: Rigby (2006) reports that over 90% of such behavior occurs in front of others. Inaction on the part of peers can have real effects on the perceptions of those involved in the violence: scholars have found that doing nothing is “functionally equivalent” to condoning bullying behavior (Carney and Merrell, 2001: 380; O’Connell, et al., 1999). As Gini et al. (2008) observe: “Children who are neither bullies nor victims can be part of the problem and part of the solution” (p. 620). And yet these bystanders are often reluctant to intervene in the harm-doing or inform authorities that bullying is taking place (Olweus, 1993; Whitney and Smith, 1993). What is more, bystanding can contribute to a cycle of violence. Twemlow et al. (2004) report that bystanders themselves often later become victims or bullies.

Other work in education has examined how bystander training programs can cause positive change in school-bullying (Smith et al., 2003). These studies note that intervention programs should target the entire peer group in which bullying takes place (O’Connell et al., 1999) and that training programs, such as those that impart conflict-resolution and counseling skills, provide numerous benefits: participants serve as a resource for victims and are more likely to report instances of bullying behavior (Cowie, 2000; Cowie and Sharp, 1996). A subset of this body of research has found that age and gender affect success in these programs. Researchers note more positive results in primary schools than secondary schools (Whitney and Smith, 1993), and a greater amount of positive change among female participants (Cowie, 2000; Li, 2006). Females are more likely to serve as peer supporters, prefer to be approached for help by other females, and are more likely to report incidents of bullying behavior, both as witness and victim (Salmivalli, 2001). Finally and most importantly, research indicates that if bystander behavior is

changed, bullying behavior—and violent behavior in general—can be reduced greatly (Lodge and Frydenberg, 2005; Salmivalli, 1999; Smith and Shu, 2000; Twemlow et al., 2001).

The Study of Passivity in Criminology

Despite the extensive work that has been done on passivity and related concepts in the above disciplines, criminology has had only limited engagement with this area of human behavior. This fact is especially notable given that much of the research on inaction conducted throughout the academy has centered on violence. Some findings suggest that passivity contributes to harm (Aboud and Joong, 2008; Miethe and Deibert, 2007; O’Connell et al., 1999), while others indicate that bystanders have the opposite effect (Shotland and Goodstein, 1984). Both findings imply that passivity affects harm-doing.

The work on passivity that has been done in criminology can be broken down along the following lines. Shaskolsky-Sheleff and Schichor (1980) looked at whether crime affects bystanders in the same way that it affects victims. This research found that there are, in fact, affinities between the experience of being a bystander and that of being a victim: both may feel similar emotions at the scene of the crime, harm-doing can have similar psychological effects on both groups after the harm has passed, and both can have comparably negative experiences in the event of a trial.

Other research has focused on bystanders’ reaction to crime and their inclination to report it to the authorities. In a comprehensive theory of what motivates reporting, Kidd (1979) suggests that in order to report a crime, a bystander must view the harm-doing as wrong, assume personal responsibility, and believe the benefits of reporting outweigh the costs. More specific work has looked at individual variables that correlate to reporting behavior. For example,

scholars have found that anonymity and monetary rewards are not correlated to crime reporting (Bickman and Helwig, 1979), but that gender seems to be a strongly, if inconsistently, linked. Hartmann et al. (1972) find that males are more likely to report crime; while Bleda et al. (1976) find that females are more likely to report crime and that crime is more likely to be reported on when the perpetrator is female. Some studies suggest that crime is more likely to be reported when a man attacks a woman (Felson et al., 1999). Research also demonstrates that bystanders are unlikely to report a threat of harm when the parties to a conflict are relatives or intimates (Felson et al., 1999).

Bystanding and passivity have also been examined as components of variables in criminological theories, especially in the social disorganization and the routine activities paradigms. In social disorganization research, passivity is of a piece with the theory's central concept of "collective efficacy" or the ability of a community to reach its desired goals (Sampson et al, 1997). Because collective efficacy relies on community mobilization, cohesion, and action, many measures of efficacy are measures of the population's passivity. In one study, Morenoff and colleagues (2001) asked residents how likely they thought it was that neighbors would act if they knew children were skipping school (p. 526). These and other measures demonstrate how passivity is central to the social disorganization perspective. And in the routine activities paradigm, which takes an ecological approach to crime, theorists use the concept of "capable guardianship" (Cohen and Felson, 1979; see also Felson, 1995). This perspective notes that for any crime to occur, it must take place in the absence of a capable guardian. The concept of capable guardianship is a nod to the vital role that bystanders can play in the etiology of crime.

Despite these few studies on or using passivity, criminology has not plumbed the extent of the bystander's role in harm-doing. As Zerubavel (2006: 22) observes, "part of what distinguishes any given academic discipline from any other are the variables they tacitly opt to ignore. By holding these variables constant, they thus transform them from potential 'figures' into part of the 'background'..." Perhaps by placing passivity in the background, criminologists have overlooked a potentially powerful contributor to harm on all levels of society which has resulted in an under-appreciation of passivity as a structural feature of harm (Hart and Miethe, 2008).

Chapter 3: Methodology

My empirical goal was to scrutinize the extent of criminology's treatment of passivity. I began by examining popular criminological theory readers written in English to identify the most important paradigms in the field. In order to maintain my disciplinary focus, I excluded paradigms that are not sociological—such as psychological and biological paradigms—even though they were discussed in all nine of the readers I referenced. The readers I consulted appear in Appendix A. From these works, I distilled nine paradigms said to represent the discipline. These include the deterrence, routine activities, social disorganization, labeling, social learning, strain, control, feminist, and Marxist/critical criminology paradigms.

Within each paradigm, I sought to understand which theories have had the most influence; throughout this thesis, I call these “mainstream” or “dominant” theories. I was guided by a number of factors. First, in some paradigms, competing theories do not exist. In those cases, I have included *the* theory that represents the paradigmatic thinking. Examples include deterrence theory, rational choice theory, routine activities theory, labeling theory, and social disorganization theory. In the cases of deterrence theory and social disorganization theory, various scholars have elaborated on and expanded the original theoretical statement. All of these subsequent works will be reviewed in an effort to understand how the perspective can explain passivity. Second, within paradigms with multiple and competing theories, I selected dominant theories based on the number of citations an article or book has received in English-language outlets by entering variations on the name of each theory into a standard search engine, Google.Scholar. Those theories that received the most citations were the ones I reviewed for (past or potential) attention to passivity. For example, in the control paradigm, I have included Travis Hirschi's social bonding theory first set out in 1969 in *Causes of Delinquency*, which, as

Ronald Akers observes, superceded all earlier version of control theory (Akers and Sellers, 2008: 128) and has 4,048 citations at the time of this writing. On the other hand, Walter Reckless's containment theory presented in his 1967 book, *The Crime Problem*, which is also considered a control theory, has been cited 346 times to-date; as a result of this relative inattention, it has been left out of my analysis. Note that I did not establish a citation floor below which a theory would not be considered; instead, I examined the number of citations a theory had garnered *relative* to others in the paradigm. Those theories that clearly had more citations than others in the paradigm were included. Appendix B shows the various theoretical statements and their citations as of March 7th, 2010. Highlighted works were determined to be paradigm leaders, have greatest relevance in the field, and have been included for review.

Two exceptions to this method should be noted. First, in some paradigms all major theories have received similar amounts of attention. When this was the case, as in feminist theories and Marxist/critical theories, all theories have been included. Second, in some cases later theorists have taken up and expanded the concepts of earlier theories. When this was the case, as in Agnew's strain theory (predicated on Merton's theory of social structure and anomie) and Akers' social learning theory (predicated on Sutherland's theory of differential association), I have used the updated theory in my analysis despite its having fewer citations overall.

One more caveat on the selection of theories for each section. In providing an overview of some paradigms, I have at times included theories that have not garnered many citations in order to provide the reader with fuller knowledge of the paradigm's evolution. An example of this can be found in my inclusion of Albert Reiss' work in the section on control theories despite its not being a leader in the paradigm. However, even though I have included such works in my overviews, their lack of contemporary relevance—as discussed above—has led me to exclude

such works from those sections of the thesis in which I analyze how the paradigm can explain passivity and how it can be made to do so. A list of the works I have used in analyzing criminology's engagement with passivity has been provided for the reader; these can be found in Appendix C.

The approach of using criminological theories to explain passive behavior opens the door to two probing lines of criticism. One, critics may say that explaining passivity is outside the purview of the discipline. According to such thinking, criminology is charged with examining deviant behavior (action), not passivity (inaction). I believe criminology is charged with understanding harm-doing in general. On this view, all factors that contribute to the commission, escalation, and perpetuation of harm must be carefully considered. I have sought in earlier sections of this thesis, and especially in the introduction, to build a strong case for how passivity is of a piece with harm-doing. Inasmuch as I am correct, passivity is highly relevant to the field and deserves its attention.

A second line of criticism can be directed at my method. The relevance of passivity to criminology may be conceded, but some may say that passivity is fundamentally different from criminal behavior and requires its own theoretical framework. Thus, to attempt to explain passive behavior using criminological theories, as I am doing, is a futile and ultimately fruitless task. Passive and criminal behavior, however, may have more in common than meets the eye. As Zygmunt Bauman (2003: 137-138) observes:

Distinguishing the bystanders from the perpetrators may make a lot of legal (or, more generally, institutionally warranted) sense [but]...the habit of analytically separating the crime commission ascribed to the perpetrators from the sins of omission attributed to bystanders can be

challenged and faulted...[Scholarly discourses] will tend to constitute perpetrators and bystanders as distinct categories with psychological characteristics and social locations of their own...And yet there is an affinity between “doing evil” and “non-resistance to evil”—much closer and more intimate than scholars engrossed in the exploration of one but neglecting the other would notice and admit.

I think it useful to begin with the assumption that deviance and passivity are caused by the same underlying variables. Further scholarship will illuminate the limits and merits of this perspective.

Chapter 4: Plumbing Traditional Criminological Theories

Criminological theories can be relevant to passivity in a variety of ways. In part or whole, they can explain the motivations to, opportunities for, or consequences of such behavior. In this chapter, I undertake a systematic analysis of whether and how each mainstream criminological theory can speak to passivity. In what follows, I first give an outline of each criminological paradigm, including its dominant theories and their hypotheses. Next, I explore whether the paradigm and its theories have been used to explain passivity, and the problems and prospects for putting them to such uses. Lastly, I provide a summary of the ways the paradigm can explain passivity and further work that could be done in the paradigm with respect to bystanding.

An Overview of Deterrence Theory

The 18th century writings of Cesare Beccaria in Italy and Jeremy Bentham in England were widely influential, giving rise to the deterrence doctrine in criminology and utilitarian philosophy in economics. Deterrence theory lays out a number of precepts: actions are made by persons in the rational exercise of free will, and individuals choose to obey or violate the law in a rational calculation of the risk of pain versus pleasure to be derived from the act. In other words, the decision to commit a crime is made if the potential benefits of the offense outweigh the potential costs (Bentham, 1876 [1780]). Further, the theory suggests that three variables can affect this calculus and thus deter offenders from committing offenses. These include the *certainty* of being caught, the *severity* of the punishment, and the *celerity* (swiftness) with which the punishment will be imposed. Moreover, when taken together, these three variables are thought to affect specific and general deterrence (Zimring and Hawkins, 1973). Specific

deterrence notes that an individual offender who has been apprehended and punished will be prevented from committing further crimes because he or she wants to avoid future sanctions. On a broader scale, general deterrence suggests that punishment imposed by the state will have symbolic value: it will show that crimes have undesirable consequences, it will serve as an example to members of the general population, and it will ultimately dissuade others from choosing to commit crime.

Some theorists contend that deterrence theory should include consideration of the “informal costs” of offending, such as the effect that offending can have on relationships, reputation, or employment (Meier et al., 1984; Williams and Hawkins, 1986; Grasmick and Bursik, 1990; Nagin and Pogarsky, 2001). Others believe that expanding the scope of deterrence theory to include “informal costs” fundamentally changes the theory, transforming it into one that already exists – for example, social control theory (Gibbs, 1975; Paternoster, 1987).

Using Deterrence Theory to Explain Passivity

To date, deterrence theorists have not addressed passivity. The omission may partly be explained by the fact that deterrence focuses on the motivation to commit crime. In other words, being a theory of action, not inaction, bystanding is tangential to deterrence theory (Grasmick and Green, 1980: 335). Nonetheless, even in its original form and without the conceptual addition of “informal costs,” deterrence theory can explain passive behavior in at least two ways.

First, a person or group’s perception of *certainty* of sanctions may be affected by the passivity of the people who populate the environment in which the offense takes place.

Perceived certainty of punishment – which has been found to deter criminal behavior (Klepper and Nagin, 1989; Paternoster and Simpson, 1996) – is reduced when and where bystanders are

passive. William L. Shirer's (1960) observations from *The Rise and Fall of the Third Reich* support this idea:

It is equally easy to see, in retrospect, that France's failure to repel the Wehrmacht battalions and Britain's failure to back her in what would have been nothing more than a police action was a disaster for the West from which sprang all the later ones of even greater magnitude. In March 1936 the two Western democracies were given their last chance to halt, without the risk of serious war, the rise of a militarized, aggressive, totalitarian Germany and, in fact—as we have seen Hitler admitting—bring the Nazi dictator and his regime tumbling down. They let the chance slip by.

The West's refusal to compel Germany to abide by the tenets of its treaty obligations—its decision to remain passive in the face of Germany's violation of international laws—encouraged the Third Reich's quest for power. As Staub writes, “the path to grave horror begins with minor transgressions...if no one objects, it emboldens the transgressors” (2003: 29). Arguably perceiving less certainty of punishment for its actions due to U.S. and Britain's passivity, among that of other nations, Germany continued to offend.

Second, deterrence theory can explain passivity by examining the behavior of bystanders rather than perpetrators. As Meier et al. (1984) note, “The concept of *deterrence* is unduly restricted to sanction-behavior relationships because it deals only with *legal* sanctions and *illegal* conduct. There is no theoretical reason why the notion of deterrence cannot be extended to other types of sanctions and other types of conduct” (p. 68, emphasis in original). Again using the WWII example, this application of deterrence would ask: What led the West to remain passive in

the face of German aggression? A deterrence theoretic analysis of bystanding behavior answers, simply, that the West may have avoided intervention because, in the language of the theory, “the risk of pain was higher than the potential pleasure from the act.” Put another way, we can take deterrence theory as something besides a theory that explains the inhibition of offending behavior; we can use it as theory all action *and* inaction. Accordingly, we would theorize that individual or collective inclinations to help—to intervene—are suppressed by the agent’s rational calculation that greater pain than pleasure will result from such action.

Numerous research studies in psychology support the notion that bystanders conduct cost-benefit analyses when considering intervention (Shotland and Huston, 1979; Shotland and Stebbins, 1983; Shotland and Straw, 1976; Wagner and Wheeler, 1969).⁴ As Shotland and Stebbins (1983) state, “there is a cost level which few people would incur regardless of the benefit to others. For example, we suggest that few bystanders would sacrifice their own lives to save the lives of say, two victims” (p.37). Shotland and Stebbins’ research, along with that of others, finds that helping behavior is most likely to occur in low-cost, high-need situations. Some researchers cast an even wider net when discussing how bystanders factor costs in helping behavior; these scholars believe that bystanders also consider the costs of *nonintervention* (Piliavin et al., 1975). In either case, data support the idea that bystanders undertake cost-benefit analyses when contemplating helping behavior.

A deterrence theory that is modified to include “informal sanctions” adds specificity to the costs that bystanders may consider. Bystanders are not likely deterred from intervention for fear of punishment; indeed, only five of fifty U.S. states have statutes which create a legal duty to rescue (McIntyre, 1994). Thus, the certainty, severity, and celerity of *formal* punishment are

⁴ Such studies can only explain why bystanders do not intervene, and why they do intervene when they can expect little harm from intervention. As Stanley Cohen (2001: 264) notes, cost-benefit analyses do a poor job of explaining altruistic behavior or selfless intervention at great personal risk.

largely irrelevant to bystanders. But bystanders may calculate the costs of extra-legal sanctions. Such costs can be personal, such as physical costs, including calculation of personal risk involved in intervention (as demonstrated in the paragraph above), or emotional costs, such as feelings of guilt or shame that might attend non-intervention (Grasmick and Bursik, 1990; Nagin and Pograsky, 2001). Such costs can also be social, including stigmatization if (in)action takes place in an environment in which such behavior is deemed inappropriate. Both types of costs may be salient considerations for bystanders contemplating intervention. Further research is required to understand the extent to which these factors play a role in bystanders' decision-making.

In sum, though the deterrence paradigm does not explain the motivation for passive behavior, it adds to the understanding of how a cost-benefit calculation impacts the opportunity for offending and bystanding in two ways. First, it suggests that the harm-doing of offenders is encouraged by the passivity of bystanders. Harm-doers, the theory as I have interpreted it suggests, are manifestly aware of the potential consequences of their actions, and their calculations are informed to a certain extent by the reaction of those who populate the environment. Secondly, the theory can explain bystanding by suggesting that passivity may result from a calculation of the costs and benefits of intervention; that is, those who witness harm-doing make choices about whether to intervene based on predictions concerning the impact of intervention.

An Overview of Routine Activities Theory

Routine activities theory examines the ecology of crime and emphasizes that opportunity is necessary for crime to occur. Giving the theory its namesake, Cohen and Felson (1979)

propose that crime rates are related to patterns of “routine activities,” said to be “recurrent or prevalent activities which provide for basic population and individual needs, whatever their biological or cultural origin” (p. 589). In their theory, the authors discuss three variables they believe are necessary for the commission of crime: motivated offenders, suitable targets, and the absence of capable guardians. Because criminal inclinations are assumed to be given, the authors do not discuss the first of these factors at length. The concept of suitable targets gets more attention: target suitability depends on value, visibility, accessibility, and other such factors; expensive and durable objects are said to be at the highest risk for theft (Cohen and Felson, 1979: 595). The third variable, capable guardians, is loosely defined as any guardians—formal or informal—who deter a potential offender from committing a crime. The first two variables, and an absence of the third, must converge in space and time to create the opportunity for crime.

Using Routine Activities Theory to Explain Passivity

The routine activities approach is highly relevant to passivity. As Marcus Felson notes, “those who interfere with offenders, however inadvertently, play an even more central role [than offenders] in crime and its prevention” (1995: 53). Indeed, Felson (1995) has studied the role of bystanders in crime prevention using this paradigm.

Of the three variables put forward in the routine activities perspective, the concept of “capable guardians” is most relevant to passivity; the focus on *capable* guardians, as opposed to guardians generally, emphasizes the need for bystander competency in helping behavior. The hypothesis that a bystander’s ability impacts intervention is supported by research findings. Take for example, a psychological study conducted by Cramer and colleagues (1988) in which

female participants, either nurses or general education students, were led to the end of a hallway, passing a workman on a ladder, to a room where each was asked to perform a drawing task. In one design, the woman was alone; in the second, she was asked to perform her task in the presence of a confederate. Soon after beginning, the woman heard a crash in the hallway indicating the workman had fallen. In the first design, in which the woman was alone, nurses and general education students had an equal probability of coming to the aid of the workman. In the second design, however, in the presence of a confederate who remained inactive and seemed to ignore the commotion, nurses had a much higher probability of aiding the workman than did the general education students. Other studies provide similar findings. Banyard et al. (2004) found that: “If bystanders are taught [certain] skills...they may be more likely to intervene with regard to rape, sexual violence, and intimate partner violence incidents...” (p. 68). Indeed, a high level of competence relative to the situation may significantly impact the decision to intervene.

The research has implications for the idea of “capable guardians:” increasing capability, expanding bystanders’ skills for dealing with various crime situations, might prevent some crimes from taking place. In other words, teaching bystanders certain skills could transform *incapable* guardians into *capable* guardians. Shotland and Goodstein (1984) have found that bystanders have a role in shaping criminals’ perceptions as to whether committing a crime in a particular situation would be highly risky. According to these researchers, “the mere presence of bystanders reduces crime...criminals try to avoid being observed when committing crimes” (p.17). Since “the mere presence of bystanders” may suppress crime rates, the presence of *capable* guardians may have a still larger positive impact.

In summary, the routine activities approach is most adept at analyzing the opportunity for harm. Specifically, in illuminating the conditions under which crime occurs, the perspective highlights how bystanders can have a positive impact on crime prevention. Further, researchers can conduct empirical investigations to explore whether bystander training programs—that is, making bystanders more capable—reduces the incidence of passivity, as the theory might suggest.

An Overview of Social Disorganization Theory

Social disorganization theory, like routine activities theory, focuses on the environment in which deviance takes place. In their formulation of the theory, Shaw and McKay (1969) stated that rates of delinquency reflect the characteristics of the community in which adolescents live (p. 162). Using research on the delinquency rates in Chicago and surrounding suburbs, they demonstrated that specific geographical areas, characterized by high rates of change and low socioeconomic status, had the highest rates of delinquency (ibid).

Shaw and McKay's argument was predicated on the idea that poverty is only a correlate to, not a cause of, delinquency. They wrote: "economic segregation in itself, as has been said, does not furnish an explanation for delinquency. Negative cases are too numerous to permit such a conclusion" (Shaw and McKay, 1969: 186).⁵ They suggested that poor areas give rise to alternative norms that conflict with conventional ideas promoted by institutions such as schools, churches, etc (p. 170). These alternative beliefs, combined with restricted conventional vocation paths, result in more adolescents turning to deviance to fulfill culturally-set goals (p. 173). Moreover, unconventional standards develop particularly in communities that are constantly in

⁵ For a fuller discussion of Shaw and McKay's theory as it relates to socioeconomic status and crime, see Bursik, 1988: 520.

flux—or, disorganized communities—which are characterized by lack of community organization, high residential mobility, and low socioeconomic status. These qualities create instability and contribute to the breakdown of social control and the transmission of positive social values (Shaw and McKay, 1969; see also Kubrin and Weitzer, 2003).

Later theorists have criticized Shaw and McKay for not fully explicating the causal linkage between community disorganization and crime (Bursik, 1988). However, beginning in the late 1970s, researchers began to focus on reformulating and specifying the processes by which disorganized communities promote crime (see e.g., Kornhauser, 1978; Sampson and Groves, 1989; Bursik and Grasmick, 1993; for a review, see Kubrin and Weitzer, 2003). Some theorists sought to add specificity to the theory by defining social disorganization. One scholar, Robert T. Bursik, refers to social disorganization as the inability of a community structure to realize the common values of its residents and maintain social controls (1988: 521). Others sought to clarify social disorganization by explicating the variables through which disorganization causes crime. According to Sampson and Groves (1989), three variables are salient in understanding the process through which this happens: local friendship networks, control of street-corner teenage peer groups, and the prevalence of organizational participation.

More recent theoretical refinements have expanded the theory by adding the concept of collective efficacy as a causal mechanism by which crime is prevented at the community level (Sampson et al., 1997; 1999). Sampson and colleagues (1997) define collective efficacy as “social cohesion among neighbors combined with their willingness to intervene on behalf of the common good” (p. 918). Whereas control was seen as the mechanism for containing crime, collective efficacy goes deeper: it explains the motivations behind efforts to control. Thus, in attempting to explain crime, theorists in this tradition examine how disorganization can be

measured—for example, through local friendship networks—and how these measures relate to broader concepts thought to be relevant to crime, such as collective efficacy. In taking this approach, the social disorganization perspective focuses attention on the community-level characteristics and how they promote and impede harm-doing.

Using Social Disorganization Theory to Explain Passivity

The social disorganization perspective can provide numerous insights on how group dynamics affect passivity. In fact, some research in this paradigm has already begun to incorporate passivity. For example, in measuring collective efficacy, researchers have used three variables: shared expectation for control, mutual trust/cohesion, and extent of organizational participation in neighborhood (see, e.g., Sampson et al., 1997; Morenoff et al., 2001). In further examining social control, researchers asked respondents how likely they believed it was that neighbors would take action if children were skipping school, hanging out on a street corner, spray-painting graffiti on a local building, showing disrespect to an adult, or if a fire broke out in front of the respondent's house and the local fire station was facing budget cuts and could not respond (Morenoff et al., 2001: 526). Virtually all of these questions measure the respondents' perception of whether their neighbors will be passive. Similarly, when seeking to measure social cohesion or trust, researchers asked how strongly respondents agreed with statements such as "people around here are willing to help their neighbors;" "people in this neighborhood can be trusted;" and "people in this neighborhood generally don't get along well with each other." (Morenoff et al., 2001: 528). These questions are part of a broader research effort that examines how group-level characteristics affect passive behavior.

Going forward, the social disorganization perspective can speak to passivity in at least two additional ways. First, the perspective can examine the extent to which socially disorganized communities create a sense among bystanders that, if they intervene, they will not have institutional or community support for their efforts. As Kubrin and Weitzer (2003) explain, “Residents of (disorganized) communities who view the police as unresponsive or ineffective may feel vulnerable when considering whether to try to stop street deviance” (p. 383). These same residents may hold a similar view of their fellow community members, and with the same effect: a belief that their neighbors will not provide “back-up” when such help is needed. Thus, passivity in a community may have a compounding effect. Not only can it have negative effects for the initial harm, consequences from passivity can endure, or occur, long after the proximate event requiring intervention has passed

Second, bystander non-intervention might be a sign of the power distribution in a given community. Stanley Cohen (2001: 145) observes “internal bystanders to real atrocities are often not faceless strangers at all – they live in ‘situations’ where they know the victims and could become victims; they know the perpetrators and could become perpetrators.” It is unlikely that residents will challenge locally-powerful groups—such as gangs—for fear of retaliation. In fact, Felson (2006: 312) notes that gangs may seek to make themselves easily recognizable in order to, among other things, discourage bystanders from interfering with offenses or speaking out at a later point. In other words, gang members intimidate community members such that “victims and bystanders will be less likely to resist, intervene, or report the incident to authorities when they believe the offender is a gang member” (Melde and Rennison, 2009: 5). Thus, communities themselves may give rise to smaller groups that demand passivity on the part of

other residents. As the social disorganization perspective aptly points out, it is only through examining group processes and the community that such behavior can be understood.

In short, the social disorganization perspective focuses attention on the community and its relationship to individual passive behavior. Because it is a theory of motivation, it best explains the causes of passive behavior, not its consequences. An examination of the community—especially through collective efficacy—demonstrates the extent to which a sense of support may affect passive behavior. A second advantage of the social disorganization perspective is its ability to focus attention on the context in which bystanders must intervene, both geographically and temporally. As I have noted elsewhere in this thesis, harms evolve. Any bystander contemplating intervention—inasmuch as such action is the result of contemplation—must consider the community to which he must return after the proximate harm has passed.

An Overview of Labeling Theory

Howard Becker's 1963 book *The Outsiders* provides the substance for the most-often quoted statement of labeling theory. Two propositions are generally taken to represent the thrust of the labeling perspective: 1) people with power help determine *what* and *who* is labeled deviant, and 2) the experience of being formally labeled deviant is criminogenic. That is, the label instigates subsequent deviant acts (Paternoster and Iovanni, 1989: 361). Theorists working in the labeling tradition have sought to specify the causal mechanisms by which labels lead to increased deviance; they have found that labels limit educational opportunities (Bernburg and Krohn, 2003), limit occupational opportunities (Davies and Tanner, 2003), increase involvement with deviant groups (Bernburg et al., 2006), weaken parental bonds (Stewart et al., 2002), and

alter the offender's self-concept (Matsueda, 1992). Nonetheless, empirical investigations have not provided strong support for the hypothesis that formal labeling affects future deviance (Smith and Paternoster, 1990; Thomas and Bishop, 1984).

Despite—or perhaps because of—mixed support for labeling theory, more recent criminological theories have turned the labeling perspective in new directions. Some theorists contend that instead of formal labeling, *informal* labeling may in fact have a significant impact on deviant behavior (Adams et al., 2003; Triplett and Jarjoura, 1994). Other theorists have reformulated and incorporated labeling concepts in new theories of deviance. John Braithwaite's (1989) reintegrative shaming theory is the best known of these efforts. Unlike previous labeling theories, he subcategorizes labeling antonymously, as reintegrative shaming or stigmatization. Reintegrative shaming is “shaming which is followed by efforts to reintegrate the offender back into the community of law-abiding or respectable citizens” (Braithwaite, 1989: 100). On the other hand, stigmatization is “disintegrative shaming in which no effort is made to reconcile the offender with community” (p. 101). Thus Braithwaite contends that only stigmatizing labels increase deviance. As he says, “To the extent that shaming is of the stigmatizing rather than the reintegrative sort, and that the criminal subcultures are widespread and accessible in the society, higher crime rates will be the result” (1989: 102). His perspective highlights the complexities of labels and provides a valuable perspective that allows researchers to examine how labels can both promote and impede deviance in society.

Using Labeling Theory to Explain Passivity

As research studies demonstrate, the imposition of labels can influence subsequent behavior. The broad application of this knowledge, even beyond the confines of labeling theory

as it is traditionally interpreted in criminology, can be used to theorize passivity in at least three ways; the first two of these impose labels on the victims of harm, while the third uses the labeling process to diminish the inclination of bystanders to help. First, a variety of labels can be imposed on subjects of harm to construct them as unworthy of help. These labels precede violence, create antagonism, and promote harm (Staub, 1989: 61). As Hiebert (2008: 13) explains:

victims of genocide are nonetheless dehumanized by being equated with ‘animals,’ ‘vermin,’ or ‘pests’ so that the actual act of exterminating whole groups of people becomes intellectually comprehensible and psychologically tolerable.

All such labels undermine a sense of “we-ness” or categorization of the other as a member of one’s “own” group (Dovidio and Gaertner, 1981). The centrality of a shared identity to helping behavior is well-documented by research (for a review, see Levine et al., 2002). The lack of connection with the victim, then, reduces the impulse to help and results in bystander passivity.

Second, labels can be used to justify harm-doing by recasting victims as opponents. This process, described by Sykes and Matza (1957: 668) in their discussion of the “denial of victim,” is one in which “the moral indignation of self and others may be neutralized by an insistence that the injury is not wrong in light of the circumstances. The injury, it may be claimed, is not really an injury but a form of rightful retaliation or punishment” (ibid). Records of violence are replete with instances of this sort of labeling. Consider further the example given in the introduction, that of Aiesha Steward-Baker. Friends and family of the four people arrested in connection with the assault said that the incident was blown out of proportion and that the two girls had fought each other in the past and Steward-Baker had usually won (Clarridge, 2010). Not only did the

family members of the assailants re-cast the victim as opponent, in this case, they re-cast the attacker as victim. Such reconstructions also occur in mass violence: Power (2002) demonstrates that the view of victim as opponent is seen in many, if not all, genocides. For example, the government of Turkey issued the following statement when accused of undertaking a systematic ethnic killing of Armenians: “All those who have been killed were of that rebellious element who were caught red-handed or while otherwise committing traitorous acts against the Turkish government” (p. 10). Genocide was reframed as reprisal. Re-labeling shifts bystanders’ perspectives in multiple ways. The “opponent” label can suppress sympathies for the victim, absolve bystanders of a sense of responsibility to “right a wrong,” and allow bystanders to see the conflict as another episode in a protracted conflict for which there is no solution.

Third, labels can be imposed on bystanders. For example, many people who opposed the war in Iraq that began in 2003 did not speak out for fear of stigmatization. Rohlinger and Brown’s (2009) interviews with members of the MoveOn.org members asked respondents how they felt about publicly opposing the war on terror. The researchers found that the *most fundamental* reason participants did not speak out was because they “feared being *labeled* as ‘unpatriotic,’ ‘un-American,’ or worse—as ‘terrorist sympathizers’” (p. 140 emphasis added; see also Coy et al., 2003: 467). These labels signal that those with power will interpret dissent as subversion; moreover, they warn potential dissidents that their membership in the dominant group is provisional and tenuous. Thus, labels function to ostracize bystanders who issue policy challenges and promote passivity even among those who disagree with unfolding events.

To summarize, the labeling perspective can help us understand how labels relate to passive behavior. The theory begins with the assumption that people seek to help, and then proceeds to suggest that labels suppress their altruistic inclinations. According to the extensions

of the theory provided above, three kinds of labels serve this function: those that dehumanize victims, those that cast victims as antagonists, and those imposed on bystanders that lead to the belief that intervention will be viewed as disloyalty to the dominant order.

An Overview of Social Learning Theory

Social learning theory is heavily influenced by Edwin H. Sutherland's (1947) differential association theory. Sutherland put forward his theory in nine propositions. Together, they suggest that the propensity to offend varies with an individual's attitudes, values, motivations, and skills, all of which are learned, in intimate personal groups, from exposure to an "excess" of definitions conducive to crime. Sutherland's theory has been a foundation of criminological thought and a springboard for other so-called social learning theories.

In the latter half of the twentieth century, Ronald Akers undertook a highly successful expansion of Sutherland's differential association theory that drew on the work of psychologist Albert Bandura, who demonstrated that learning takes place in a reciprocal process that involves thinking, the environment, and behavior. Akers' theory helped to shed light on the processes through which definitions favorable to crime are learned and how this learning affects the acquisition, continuation, and cessation of behavior (Akers, 1998). Specifically, he proposes four concepts that affect behavior: differential association, differential reinforcement, imitation, and definitions. His work, called social learning theory, is the most cited and tested revision of Sutherland's original formulation.

Below I elaborate on the four concepts foundational to social learning theory. First, *differential association* refers to the groups with whom one has contact. As Akers (1998) says,

“[they] provide the major social contexts in which all the mechanisms of social learning operate” (p. 62). Further, Akers (1998: 61) explains how these contexts are important:

The significance of primary groups comes not only from their role in exposing the individual to culturally transmitted and individually espoused definitions, but also from the presence of behavioral models to imitate and their control over what rewards and punishers will likely be available and attached to criminal or conforming behavior.

In other words, differential associations are foundational: they refer to collective arrangements that are the social site of all other learning processes.

A second learning mechanism Akers discusses is *differential reinforcement*, or the function, frequency, amount, and probability of rewards and punishments that follow behavior (Akers, 1998 66). Reinforcements are instrumental in strengthening or weakening the pattern and shape of actions. Importantly, Akers notes that the *balance* of rewards and punishments offered for individual actions matter. These work through a process of “operant learning” to condition a person’s behavior and help him or her decide whether to undertake the action in the future.

Third, Akers (1998) focuses on the concept of *imitation*, or the process of “committing behavior modeled on, and following the observation of, similar behavior” (p. 75). Imitation, then, is the repetition of behavior that one has seen enacted by others. A number of factors affect whether the observed behavior will be imitated, including characteristics of the model, the behavior itself, and observed consequences (also called vicarious reinforcement). Imitation can play a part in the maintenance and cessation of certain behaviors, but its greatest effect is on the

initial acquisition of behavior (ibid). In other words, imitation is the process through which definitions favorable to crime are learned.

Akers fourth concept, *definitions*, is taken to be “normative attitudes or evaluative meanings attached to given behavior” (1998: 78). Orientations, rationalizations, neutralizations, definitions of the situations, and attitudes that confer moral judgment on events are all subsumed under the concept of definitions. Thus, definitions can be both general and specific, and can include beliefs that are guided by religion, prevailing cultural norms, and personal ideals.

As I will discuss in further detail in the next section of the thesis, Akers’ concept of definitions is compatible with Sykes and Matza’s (1957) techniques of neutralization.⁶ Sykes and Matza suggest that “much delinquency is based on what is essentially an unrecognized extension of defenses to crimes, in the form of justifications for deviance that are seen as valid by the delinquent but not by the legal system or society at large (p. 666). These techniques of neutralization include the denial of responsibility, the denial of injury, the denial of the victim, the condemnation of the condemners, and an appeal to higher loyalties. Subsequent theorists have built on Sykes and Matza’s work by adding to the bank of neutralizations thought to promote harm-doing (Benson, 1985; Coleman, 2002; Cromwell and Thurman, 2003; for a review, see Maruna and Copes, 2005) and using these and other rationalizations to theorize the behavior of bystanders (Cohen, 2001; Walster and Pilliavin, 1972). Because this work is based on the deviant’s definition of the situation, much of the work is relevant to social learning theory.

⁶ Sykes and Matza’s (1957) techniques of neutralization were originally positioned in the differential association/social learning paradigm per the authors’ judgment. Later theorists have suggested, however, that neutralizations lead to “episodic release” from moral prohibitions – and thus, the theory is better placed in the control paradigm. I find that Sykes and Matza’s theory is compatible with a number of paradigms, including differential association/social learning, labeling, and control. As such, I have integrated the techniques of neutralizations into various perspectives.

In the next section of the thesis, I will elaborate on how these techniques of neutralization provide definitions conducive to passivity.

Using Social Learning Theory to Explain Passivity

Although social learning theory has so far not been used to theorize bystanding, it can offer insights into such behavior. Going forward, I examine how the theory's four concepts can be applied to passivity. I begin with differential association, which provides the social context in which passive behavior is learned. Contact with others exposes a person to definitions, models, and reinforcement that suggests passivity can be a viable response to some situations. In other words, applying differential association to bystanding suggests that being in an environment of passivity provides a context in which to learn passive behavior. Various studies in psychology provide confirmation for the view that the passivity of peers plays a role in individual passivity (see for example, Latané and Darley, 1968), yet none has so far explored whether such passivity is the result of social learning processes.

Second, differential reinforcement is relevant to passivity in much the same way the deterrence and control paradigms are relevant. That is, the variable suggests that people act in response to punishments and rewards (or costs and benefits) of a potential action. As reviewed above (see "Deterrence Theory and Passivity"), cost-benefit analyses have been shown to impact bystander behavior (see, e.g., Shotland and Stebbins, 1983). However, whereas other paradigms merely state that rewards and punishments play a role in behavior, the social learning perspective outlines the processes through which knowledge of costs and benefits is acquired. Thus, according to the concept of differential reinforcement, passive behavior is the result of a personal or vicarious experience, *on balance*, of a greater amount, frequency, and probability of rewards,

rather than punishments, for inaction. Future studies can examine the underpinnings of bystander calculations and whether the perceived costs and benefits of intervention are learned from others.

Third, in the context of passivity, imitation signifies the modeling of bystanding behavior based on the behavior of others. Social science research aimed at understanding bystanders' non-intervention suggests that imitation does play a role in passivity. Based on empirical investigations, Latané and Darley (1970) note that "social influence" is a major factor in non-intervention; bystanders imitate passive behavior because they take the inaction of others as a cue that nothing is wrong. And imitation may operate for other reasons and to different ends. Some people may model passive bystanders in order to fit in with a dominant or powerful group. In other cases, imitation can lead to positive results. Dautenhahn and Woods (2003) suggest that imitation is a powerful tool that can be used in "imitative interaction games" to increase empathy and reduce the incidence of bullying behavior. Thus, people may imitate the behavior of others for a variety of reasons. Whatever the cause, research indicates that imitation is relevant to, and may provide a potential explanation for, bystanding behavior.

Lastly, Akers' concept of "definitions," especially coupled with Sykes and Matza's (1957) techniques of neutralization, is relevant to bystanding. Social psychology experiments demonstrate that often bystanders will not intervene to stop harm-doing because they believe that the violence is a private matter between the perpetrator and the victim. Sometimes this belief stems from the notion that those involved in the violence are related (see e.g., Shotland and Straw, 1976; for a review, see Banyard et.al., 2004). Mark Levine's (1999) study of this phenomenon in his analysis of the James Bulger trial provides evidence. Two ten-year-old boys abducted two-year old Bulger and dragged him around Liverpool for over two hours before

murdering him next to a set of railroad tracks (p. 1133). In the process, at least thirty-eight witnesses saw the trio (ibid). Many witnesses believed the three boys to be brothers (ibid). Consider the following dialogue, excerpted in Levine's (1999) article, in which a prosecuting attorney asks a witness whether she noticed various bumps and scratches on Bulger's arms:

CT: Can I ask you about the little boy? You noticed the graze [cut on Bulger's arm]? You didn't ask the little boy how he was and you didn't ask either of the boys how he had come by the graze?

B28: No

CT: It wasn't sufficiently bad, nor was there anything in the boys' demeanor to cause you to intervene?

B28: Yes, well, I when the three boys came in I automatically thought they were brothers.

CT: Did you? Why would you automatically think that? I'm sorry I don't want to be accused of interrupting you.

When asked to explain her non-intervention—her passivity—the bystander responded that she believed the three boys were related. Such a *definition* of the three boys' relationship *neutralized* the witness' feelings of responsibility to intervene. In other words, the bystander's perception of the three boys being brothers was an instrumental factor in her decision not to interrupt the events taking place.

In sum, the social learning perspective can furnish an explanation for both the motivation and opportunity for passive behavior: it suggests that bystanders learn both passive behavior and

when to remain passive. Passive behavior is learned in the context of differential association, is acquired through imitation, and is made concrete through differential reinforcement. The opportunity for such behavior is found—or in some cases, created—by the way bystanders define the situation as appropriate to non-intervention.

An Overview of Strain Theories

Robert K. Merton's (1938) article "Social Structure and Anomie" laid the foundation for modern strain theories. In contrast to the classical view of human nature and control theories which rest on the classical view, Merton argues that the social structure does not restrain deviant behavior; instead, it generates the impetus for deviance. According to him, two components of the social structure contribute to the pressure that causes deviance: "culturally defined goals, purposes, and interests" and the part of the social structure that "defines, regulates, and controls the acceptable modes of achieving these goals" (pp. 672-673). Pressure to deviate is caused by an over-emphasis on the first of these components, achieving culturally-valued ends, without an attendant emphasis on the second, the legitimate means of achieving those goals. As Merton observes, "the equilibrium between culturally designated means and ends becomes highly unstable with the progressive emphasis on attaining prestige-laden ends by any means whatsoever" (p. 679). Further, Merton suggests that mal-integration between means and ends, coupled with blocked opportunities for some social classes, promotes antisocial conduct. Importantly, the lack of opportunities for some classes is only salient because those same classes are socialized into common symbols of success. In societies where this is not the case, such as caste-laden or feudalistic societies, subordinated members of the order do not desire or expect privileges of those higher up and do not feel pressure to obtain such privileges. Merton

observes: “The American stress of pecuniary success and ambitiousness for all thus invites exaggerated anxieties, hostilities, neuroses, and antisocial behavior” (p. 680).

Such was the fame of Merton’s theory of anomie that Marshall Clinard wrote, “Few sociological formulations have provoked greater interest and discussion” (1964: V). Works that Merton’s theory has influenced include Albert K. Cohen’s (1955) theory of adolescent male delinquency, also known as “subcultural theory,” and Cloward and Ohlin’s (1960) “differential opportunity” theory of delinquency. Merton’s work, and those of these later theorists, have all come to be known as part of the strain tradition. Later theorists have, however, strongly criticized theories in this tradition for failing to receive empirical support (see Agnew, 1985 for a review). In response, strain theories have been revised.

Modern revisions to strain theory have taken two forms. First, Messner and Rosenfeld (2007 [1994]) have used strain concepts to formulate their institutional-anomie theory of crime. Their theory, a macro-social perspective, uses data from cross-national comparisons of violent crime to answer the question of why levels of crime vary across social systems, such as neighborhoods, cities, and nations (Messner and Rosenfeld, 2007: 44). They argue that the violent crime rate in America—which is the subject of their study—is higher than that of other post-industrial countries because of the particular *culture* and *social structure* that exists in the U.S. As regards the former, Messner and Rosenfeld (2007: 69) suggest that four characteristics of American culture lead to higher violence: an exaggerated emphasis on achievement—with personal worth being measured through success; individualism—or the emphasis on making it on your own; universalism—or the idea that all members of society should ascend the socio-economic ladder; and the fetishism of money—which has become the “metric of success.”

Exploring the institutional structure in more detail, they suggest that the four institutions it comprises (i.e., economy, polity, family, and education) are out-of-balance in a way that makes the economy dominant and renders other social institutions unable to tame economic imperatives (Messner and Rosenfeld, 2007: 74-75). Specifically they believe that American society *devalues* noneconomic goals (e.g., education is valued only inasmuch as it allows one to gain a better job); it *accommodates* the demands of the economic structure to the cost of other institutions (e.g. unlike other post-industrial countries, businesses in the U.S. are not obliged to pay for parental leave after the birth of a baby); and economic norms *penetrate* other institutional areas (e.g. economic terminology permeates discourses on education with references to the “value of education” and “accountability”). At the cultural level, the American Dream contributes to criminal motivations, while, at the institutional level, the dominance of the economy undercuts the ability of non-economic institutions to check criminal aspirations. Together, these factors contribute to the uniquely high level of crime in the U.S. (2007: 84).

In contrast to the macro-social reformulation of Merton’s concepts, Robert Agnew (1992) has advanced a micro-social revision which he calls general strain theory. Agnew’s strain theory differs from antecedents in a number of ways. First, Merton and later strain theorists of the 1950s and 1960s, referred to strain as the result of a disjunction between *aspirations* and *expectations* (Agnew, 1992: 51). Agnew submits that strain can also result from the disparity between expectations and actual achievements. He suggests that unlike aspirations, which, because they have “something of the utopian in them” are less likely to cause strain if not achieved, an inability to achieve expectations can be greatly distressing (p. 52). Another source of strain Agnew adds is the disjunction between just/fair outcomes and actual outcomes. Agnew draws on justice/equity literature in social psychology to note that actors experience distress

when they believe outcome/input ratios are unfair (1992: 53). He suggests that both sets of disparities cause strain and lead to deviance.

Second, unlike other strain theories, which focus on the inability to achieve positively-valued goals, and mainly pecuniary goals at that, Agnew (1992) suggests that strain can come from two other sources: the removal or the threat of removal of positively-valued stimuli and the presentation or the threat of presentation with noxious or negative stimuli. The loss of positively-valued stimuli can include events such as the loss of a boyfriend/girlfriend, the death or serious illness of a friend, or the divorce/separation of one's parents. The second type of strain that Agnew adds, the presentation or threat of presentation of negative or noxious stimuli, relies on findings in stress research and oppression. The category of noxious stimuli encompasses a wide variety of actions, including abuse, neglect, negative relations with parents, and/or negative school experiences (p. 58).

A number of factors affect whether the three types of strain Agnew (1992) presents will lead to deviance. For, as he notes, the presence of strain does not mean that deviance will follow automatically. The magnitude, recency, duration, and clustering of strainful events affects the likelihood of deviance (1992: 65). The individual can adapt to strain using a number of cognitive, behavioral, and emotional coping mechanisms, only some of which lead to delinquency. Critically, strain can lead to anger which, according to the theory, is the reaction most likely to lead to deviance

Using Strain Theories to Explain Passivity

Because Robert Agnew's general strain theory has eclipsed earlier strain theories (per my method discussed above), I give it exclusive focus in this section. So far, no work has been done

examining strain theory's relevance to passivity, and such an application faces problems. First, because strain theories focus on how social pressures generate negative affect that causes a person to deviate—that is commit an action that allows a person to get out from under the negative affect—passivity must be considered a *delinquent action*. Though inaction has real and detrimental effects which need to be considered, there is currently little support, legally or socially, for the idea that bystanding is deviant behavior.

Nonetheless, strain theory can be turned towards passivity in two ways. First, we can assume that the stimuli that normally cause deviance instead generate passivity. In all such cases, the effect of the stressor and the resultant are virtually identical: the stressor causes strain which in turn leads to passivity. Differences occur in the types of stressors that lead to strain. As reviewed above, Agnew (1992) outlines three categories of such stressors (the first of which can be further subcategorized into three parts). All of these can be adapted to explain passivity, a model of which I provide below.

One Example of a Traditional Strain Model

Difference between expectations and actual achievements



Negative Affect/Strain



Deviance

Example of Strain Model Adapted to Passivity

Difference between expectations and actual achievements



Negative Affect/Strain



Passivity

Research in psychology provides a mechanism for understanding how strain can lead to passivity. Such research indicates that at least one type of strain that Agnew discusses—the difference between expectations and actual achievements—can lead to “learned helplessness,” if the disjunction is experienced multiple times. According to such research, repeated failure experiences, or a lack of meeting one’s expectations, will lead to a belief that outcomes are uncontrollable. Mikulincer (1994: 14) explains “uncontrollable failure means the loss of the pursued goal and the frustration of other goals that are instrumentally related to it.” In response, actors attempt to cope by analyzing the situation and trying to understand the limits of their ability to affect a result (Lazarus, 1984). At times, actors cope through behavioral disengagement, also known as passivity (Carver et al., 1989).

Relatedly, a second way of thinking about strain and passivity suggests that passivity reduces strain—say, by allowing for the elimination of noxious or negative stimuli. Inasmuch as coping with strain leads to harm-doing, the following explanation helps us understand why people remain passive. Note that this explanation is different from the one offered above, where passivity is a reaction to strain yet nothing is known of whether the passivity impacts that amount of strain an individual feels. The elimination of negative stimuli can take two forms. The stimuli can be removed physically, as was done when Germany exterminated 6 million Jewish lives on the belief that Jews were “the root cause of all Germany’s other afflictions” (Goldhagen, 1996: 85). According to the strain analysis on offer here, the Jews were universally conceived of, by perpetrators and bystanders alike, as a strain. And bystanders acculturated into this way of

thinking became sympathetic to the idea of eliminating Jews from the social landscape; they believed that doing so would alleviate, or at least ameliorate, all other hardships.

And strain can be removed or reduced psychologically. Harm-doing can provide one avenue for reducing strain in this way, in a process that Ernest Becker's (1975) research illuminates. In one example of this process, stress may be reduced by creating societal in- and out-groups. The creation of social divisions—which, as has been noted earlier, is often a precursor to violence on all levels—may begin with the individual or collective desire to deflect the strain of perceived flaws with the self or society. Governments sometimes undertake violence against out-groups in a bid to quell internal social unrest. Observing governments of the past, Becker notes, “The state... ‘solved’ its ponderous internal problems of social justice by making justice a matter of triumph over an *external* enemy” (p. 98, emphasis in original). The process of scapegoating creates group cohesion and turns unwanted feelings—such as hostility, anger, or guilt—outward (Eilenberg and Wyman, 1998). This process also occurs in smaller contexts. Psychologists have long noted that children and others often use name-calling and scapegoating as a way of dealing with negative aspects of their personalities that they cannot come to terms with (Gemmill, 1989; see also Bly, 1988). And the process of scapegoating is not confined to the young or to societies that engage in macro-social harms: Maruna et al. (2004) observe that modern societies’ use of heavily punitive measures may result from individuals’ desires to disown their own darker sides. To apply this field of research to the behavior of bystanders would suggest that witnesses remain on the sidelines of conflict because doing so allows their anxieties—internal or social—to be dispelled.

Another psychological reason for passivity in the face of violence may be found in the fact that watching violence against others can reduce existential strain; that is, the fear of death.

Writing about the process through which people gain a sense of control over death, Ernest Becker observes (1975: 102, emphasis in original):

Men spill blood because it makes their hearts glad and fills out their organisms with a sense of vital power; ceremoniously killing captives is a way of affirming power over life, and therefore over death. The sacrificer may *seem* nonchalant about it, but this is because men like to experience their power effortlessly and smoothly...

The fear of death is universal, and those in control—whether active or passive—presumably derive the same pleasure of control that comes to those who, as part of the group with power, inflict harm on others.

To summarize, in theorizing passivity strain explanations can put forward at least two different models. First, drawing on psychology research, passivity can be seen as the result of a process by which action seemingly becomes futile. Put differently, passivity is the absence of motivation, a maladaptive response to motivated behavior being repeatedly unrewarded. Second, a strain explanation of passivity can suggest that such behavior stems from the desire to be relieved of social or psychological tensions. Relief is achieved either by eliminating others who are taken to be the source of pain or by harming them in order to gain control over internal anxieties, such as the fear of death.

An Overview of Control Theories

Contemporary control theories began with Albert J. Reiss's (1951) article, "Delinquency as the Failure of Personal and Social Controls" in which he examined the relationship between delinquency and personal and social control. Personal controls can be defined, he said, as "the

ability of the individual to refrain from meeting needs in ways which conflict with the norms and rules of the community,” whereas social control is “the ability of social groups or to make norms or rules effective” (p. 196). Nearly two decades later, in *Causes of Delinquency*, Travis Hirschi expanded on Reiss’s thinking by advancing social bonding theory, which explicated specific mechanisms that create and maintain controls. Unlike other paradigms, the control paradigm is predicated on a classical view of human nature. It begins with the view that: “deviance is taken for granted; conformity must be explained” (Hirschi, 1969: 10).

For Hirschi, conformity stems from a “social bond” comprised of four elements: attachment, commitment, involvement, and belief (Hirschi, 1969). These are highly related, and the weakening of one will usually weaken the others. In what follows, I give a brief summary of all of these elements while trying to make clear how each is related to control.

Attachment corresponds to the affective ties a youth has to others—both parents and peers—that lead him to consider their expectations before acting. Weak ties result in a reduced sensitivity to others’ opinions and correlatively weaker constraints from shared norms. Importantly, Hirschi emphasizes that it is not only attachment to conventional others that is important (though attachment to conventional others—especially parents—is undoubtedly influential); rather, the fact of attachment to others, regardless of their behavior, is a source of control (Hirschi, 1969: 108; see also Hirschi, 1969: 152). The second component of the bond, commitment, refers to a youth’s stake in conventional ideals, such as getting a job and going to college. Commitment creates a certain “investment” in conventional behavior; the risk of losing one’s “stake in conformity” as Toby (1957) calls it, restrains propensities toward deviance (Hirschi, 1969: 21). Third, involvement refers to participation in conventional activities, which it is suggested, leaves little time for deviant activities. Such involvement lays the groundwork

for socially-valued successes and deepens the involvement in conventional culture (Hirschi, 1969: 22; see also Wiatrowski et al., 1981: 525). Fourth, belief is defined as acceptance of the dominant value system, or as Hirschi (1969: 26) puts it, “the extent to which people believe they should obey the rules of society.” Together these four elements compose the social bond, which, Hirschi suggests, is the mechanism by which the natural predilection for deviance is restrained.

The second dominant theory in the control paradigm is Gottfredson and Hirschi’s (1990) self-control theory, put forward in *The General Theory of Crime*. Like other control theories, the authors begin with a classical view of human nature and state: “people naturally pursue their own interest and unless socialized to the contrary will use whatever means are available to them for such purposes” (1990: 117). The theory suggests that effective socialization means instilling high self-control in the child, which prevents the child—and later, the adolescent and adult—from engaging in crime and “analogous” behaviors such as smoking, accidents, and alcohol use that provide immediate gratification (Pratt and Cullen, 2000: 931). In other words, the authors suggest that low self-control is the primary causal factor in crime and acts deemed to be related.

According to the Gottfredson and Hirschi (1990: 97), low self-control can be traced to a lack of “effective child-rearing,” which has three minimal conditions: monitoring the child’s behavior, recognizing deviant behavior, and punishing such behavior. Although these steps may not be sufficient for high self-control, they are necessary. The authors suggest that individual differences in self-control will persist over the life span and that lack of self-control causes highly diverse criminal acts. A number of these deviant acts—both criminal and non-criminal—can be seen as conceptually or causally equivalent, and it is impossible to predict the specific forms of deviance engaged in, whether criminal or non-criminal (Gottfredson and Hirschi, 1990: 94).

Many in criminology find these propositions controversial. Whereas most criminologists believe that deviance reaches a peak in adolescence, after which young people “age out” of such behavior, Gottfredson and Hirschi believe that deviance or deviant tendencies are invariably present before and after the teenage years. Across the life course, they note, deviant actions are circumscribed by opportunity. Moreover, Gottfredson and Hirschi suggest that even when deviant courses of actions are unavailable, other correlates of deviance, such as risk-taking and impulsiveness, are stable and evident.

In addition to low-self control, the authors recognize that it is essential to look at the variable of opportunity when considering crime. As they say (p. 95):

It would be easy to construct a theory of crime causation, according to which characteristics of potential offenders lead them ineluctably to the commission of criminal acts...But to do so would be to follow the path that has proven so unproductive in the past, the path according to which criminals commit crimes irrespective of the characteristics of the setting or situation.

Scholars who have reviewed self-control theory since its publication agree: according to the theory, successful execution of a criminal act depends in equal measure on self-control and opportunity (Goode, 2008: 11). Thus, in the next section of the thesis, I will examine how control theories can speak to passivity, using both their native concepts, and in the case of self-control theory, examining how opportunity is fundamental to passivity as well as crime.

Using Control Theories to Explain Passivity

An initial problem with understanding passivity through the lens of control theories is that such theories take the motivation to deviate for granted, presuming that it exists *a priori*.

Accordingly, explaining the lack the motivation to take certain kinds of action—that is, passivity—lies somewhat outside the scope of control theories’ conceptual framework.⁷

However, because control theories are predicated on a classical view of human nature that states that a person will undertake acts that provide the most pleasure and least pain, control theories can deal with passivity by saying that it is a natural response to harms because it minimizes the pain that intervention would invite. This explanation is nearly identical to the cost-benefit analysis undertaken by the bystander in the deterrence paradigm.

I begin by examining how each of the control paradigm theories mentioned above is pertinent to bystanding. First, social bonding theory is most relevant to passivity through its concept of “attachments.” Studies demonstrate that deep attachment to others is related to helping behavior (Barnett, 1999; Oliner and Oliner, 1988). The elements of the social bond that tie the individual to others—parents, teachers, and friends—may provide a foundation for connections to people not in one’s immediate social sphere. As Stanley Cohen (2001: 263) observes:

Dissociation, detachment, and exclusiveness are the hallmarks of constricted persons...Already more deeply and widely attached to others, they [rescuers] find it difficult to refrain from action. Already more

⁷ One way to square control theories’ philosophical assumptions with an explanation of passivity is to treat passive behavior as deviant, instead of as non-behavior. If passivity is so considered, then it falls inside the domain of behaviors control theories seek to explain. As noted throughout this thesis however, bystanding is almost never considered deviant behavior in any academic domain, including legal studies and criminology.

inclined to include others in their sphere of concern, they find no reason to exclude them in an emergency.

Social bonding theory's particular explanation of this process would suggest that the deep attachments evidenced by intervening bystanders have their genesis in the element of attachment to parents, schools, and peers; these same bonds later promote intervention on behalf of others.

A second explanation of passivity in the control paradigm can be gotten from self-control theory's suggestion that opportunity is essential to a theory of crime causation. Unfortunately, Gottfredson and Hirschi give little attention to the variable of opportunity—which is most conducive to an understanding of passivity—in their formulation of the general theory of crime. Nonetheless, their inclusion of the variable serves as a reminder that opportunity is also essential to passivity in two ways. First, as has been reviewed earlier, opportunity is shaped in part on the passivity of bystanders. Second, passivity in some measure is the result of harm-doing. That is, partly, for passivity to occur there must be both the opportunity for harm and harm-doing itself. In other words, passivity is both a cause and a consequence of opportunity for harm.

The remaining link between self-control theory and passivity is a positive correlation between the theory's main variable—self-control—and intervention, despite the authors' initial conception of self-control as a restraining rather than enabling mechanism. Perhaps those who have high self-control are more likely to help others. It seems, however, unlikely that high self-control is a *cause* of intervention.

Nonetheless, despite the weak links between self control theory and passivity, Gottfredson and Hirschi's approach to the explanation of deviance can be instructive. First, to speak meaningfully about passivity, a bystander must either be in the presence of a perpetrator doing harm or, if the bystander is not present, he must have knowledge of the harm taking place,

as per the opportunity variable. Moreover, Gottfredson and Hirschi's belief that deviant behaviors have non-deviant antecedents, and that all of these behaviors come from a single quality, can guide criminology's study of passivity. Behavior that correlates with passivity may be in evidence long before the passivity itself, and such behaviors may be engendered by the presence or absence of individual-level characteristics.

Lastly, the control paradigm can speak to passivity using Sykes and Matza's (1957) techniques of neutralization. From the perspective of control theories, neutralizations provisionally disable social control mechanisms that demand intervention. The underlying assumption in such a view is that the social controls of the conventional order demand intervention but bystanders neutralize this demand through accounts that attenuate their responsibility.

One way bystanders can weaken the demand to help is by using variants of a neutralization termed the "denial of responsibility." In one form of this denial, responsibility for the harm is ascribed to the victim. Staub (1989; 2003) elaborates on this point when explaining his concept of "just-world thinking," according to which people assume that victims "earn" their suffering and are responsible for their circumstances. For example, the crusade to cut welfare rolls in America in the mid-1990s was justified by blaming poverty on the poor: people believed that poverty resulted from a lack of desire to work (Barry, 2005). Denial of responsibility has other forms as well. Governments accused of human rights violations have claimed that abuses were carried out by rogue vigilante groups, and thus, the government could not be held accountable for the acts (Cohen, 1996). At other times, bystanders and harm-doers in genocidal regimes claim that they did not really know what was going on (Barnett, 1999), or were only following orders (Alvarez, 1997; see also Goldhagen, 1996: 212). Although scholarly attention

has focused on how this neutralization applies to deviants, the same bank of research can be applied to bystanders—individuals, organizations, or governments—who sometimes claim that they had no direct role in the harm-doing, did not have full knowledge of the harm, or were forced to stand down as harmful acts took place.

The “appeal to higher loyalties” is another significant technique of neutralization used by many, especially perpetrators of harms on the macro-social level. Scholars have documented how ethnic cleansing and war are often carried out under the guise of building a better society (Alvarez, 1997). Politicians foment nationalism and patriotism to encourage citizens to commit ordinarily unthinkable acts. As Alvarez says in his analysis of the Holocaust, “the appeal to patriotism was a powerful inducement in lowering normative boundaries...” (p. 165). And terrorist activity is often framed as an appeal to higher loyalties. Indeed, modern Muslim terrorists have cast their actions as part of a necessary and holy war against the West (Lewis, 2003). All such appeals neutralize psychological unease and decrease the desire to protest harm-doing. Bystanders who would ordinarily intervene are persuaded to be passive for the interim.

In sum, control theories direct attention to the mechanisms by which society constrains antisocial behavior, the desire for which is assumed to be in-born. Because the control paradigm takes deviance for granted, it has, on its face, little to say about the motivations for such behavior, including passivity. However, the case is complicated slightly: because passivity is not action but the absence of action, it does not fit neatly into the classical view of human nature. Even in the control paradigm, passivity can be taken as a type of behavior that requires explanation. One such explanation holds that strong social bonds promote intervention and their absence promotes passivity. Another such explanation suggests, if unconvincingly, that high self-control leads to intervention. Beyond these two explanations, there are other gains to be had

from the control perspective: Gottfredson and Hirschi's self-control theory puts a premium on the opportunity variable and has paved the way for understanding how opportunity is *sine qua non* to bystanding behavior. And, even though no control theory elucidates the ecology of opportunity, Sykes and Matza's (1957) techniques of neutralization do focus on the psychology of opportunity. That is, they suggest that opportunity for harm occurs when normative constraints forbidding harm-doing have been neutralized.

Chapter 5: Plumbing Critical Criminological Theories

In this chapter, I look outside the traditional theories of criminology to feminist and Marxist theories of crime. These are traditionally known as critical criminology theories for their skepticism towards dominant theorizing in criminology. The label “critical” is apt for these theories for different reasons. Feminist theory is critical in the sense that it questions the “androcentric” assumptions of traditional criminology theories, while Marxist criminological theory is critical of, among other things, the capitalist structure in which such theorizing takes place. Together, these theories challenge traditionally held views in the discipline.

An Overview of Feminist Criminological Theories

The development of the women’s movement and the rise of so-called “second-wave feminism” in the 1960s—which fought for broader equality between the sexes, educationally, occupationally, and otherwise—spurred the introduction of feminist thought into criminology. The expansion of criminology has been engendered by the addition of women to the field, changing the homogeneity of those that study crime and those who are studied as perpetrators of crime. But feminist criminology as a school of thought is hard to define, especially because the term comprises a *set* of perspectives and ideas (Daly and Chesney-Lind, 1988). Nonetheless the feminist criminological project can be understood in broad terms: “a feminist approach to delinquency means construction of explanations of female behavior that are sensitive to its patriarchal context” (Chesney-Lind, 1989: 19).

One major concern of feminist theories of crime is whether traditional theories of crime, by men and about men, can be used to theorize female deviance (Daly and Chesney-Lind, 1988). A second major focus in this perspective is whether the theories available in criminology can

explain why males commit so many more crimes than females, also known as the gender ratio problem. Moreover, a concern with both the rate and type of female offending has led some scholars to put forward the “economic marginalization” hypothesis which suggests that “economic necessity is forcing the emancipation of women from more law-abiding standards of conduct” (Simon and Ahn-Redding, 2005: 16). The idea that economic imperatives are forcing women into certain kinds of deviance, for example sex work, has found support in criminological research studies (see e.g. Box and Hale, 1984). More recent work in criminology has looked at the “gendered pathways” to crime. This approach, which usually constitutes of interviewing female deviants, examines deviance in the context of the life-span. Research using this method has found that female offenders are often the victims of physical and sexual abuse (Daly and Maher, 1998). Feminist research in all these areas suggest that crime undertaken by females may have a distinct explanation from that undertaken by males and underscores the need to examine the reasons for, and manifestations of, female deviance separate from that of their male counterparts.

One work that puts forward a feminist theory of crime is Hagan et al.’s (1985) power-control theory, which seeks to address the gender ratio problem discussed above. Since its introduction, the theory has undergone a number of revisions (see Hagan et al., 1987, Hagan et al., 1990, and McCarthy et al., 1999).⁸ Originally, power-control theory set out to examine the interaction of power and control with gender and class. According to Hagan and colleagues, the level of occupational authority wives enjoy relative to husbands impacted the structure of the family causing it to be either patriarchal or egalitarian (Hagan et al., 1985: 1156). Class relations

⁸ Despite having classified power-control theory as a feminist theory, I am aware that some feminist criminologists (see, e.g., Chesney-Lind, 1989: 20), argue it is only a variation of the theories that suggest women’s liberation causes crime. Nonetheless, I have situated power-control theory within this section of the thesis in keeping with Hagan and colleagues’ intentions for the theory.

or “relations of [male] dominance” that exist in the workplace are transmitted to, and reproduced in, the home which results in the differential treatment of children. Consequently, the theory suggests, “in all classes males are freer to be delinquent than females but...it is in the most powerful classes that males are freest to be delinquent. The presence of power and the absence of control play a joint role in specifying and mediating this gender-delinquency relationship” (Hagan et al., 1985: 1156-1157).

But criticism of the work has led to theoretical revisions (Wellford, 1990). The most recent iteration of power-control theory differs from the original in how it suggests workplace authority is reproduced in the home and in its applicability to both male and female delinquency (McCarthy et al., 1999). Unlike its antecedents, McCarthy et al.’s power-control theory recognizes that delinquency cannot simply be traced back to workplace structures (p. 762). In an attempt to address previous shortcomings, the revised theory aims to address how structure and social change *interact* to perpetuate and control common delinquency. Thus, the revised version of the theory states:

In more patriarchal families, parents offer greater support for dominant schemas and encourage their children to adopt conventional notions about the gender specificity of certain activities; in contrast, parents, and particularly mothers, who live in less patriarchal households are more likely to question these views.

In this version of power-control theory, the extent of parents’ subscription to patriarchal schemas affects attitudes associated with risk. A reduction in patriarchy and a consequent increase of mother’s agency combine to result in less control of daughters and greater control of sons.

Unlike previous statements of the theory, this version stresses that the most significant difference

to come of women entering the workplace may not be the increased delinquency of females, but the decreased delinquency of males due to weaker beliefs in patriarchal schemas and a relatedly decreased appetite for risk.

Another important work of feminist criminology is Messerschmidt's (1993) structured action theory. Unlike power-control theory, Messerschmidt looks beyond economic arrangements to more general cultural conditions in his search for a connection between masculinity and crime. In his theory he states that crime serves as a resource for "doing" masculinity and that men from various backgrounds and classes engage in a variety of behaviors deemed "masculine" in their social milieu—even if such behaviors are criminal. He (1993: 83) says:

Masculinity is based on social action that reacts to unique circumstances and relationships, and it is a social construction that is renegotiated in each particular context. In other words, social actors self-regulate their behavior and make choices in specific contexts. Consequently, men construct varieties of masculinity through specific practices that constitute social structures.

Crime is the result of interaction between class, race, and gender, which provides discrete structural opportunities for "doing masculinity." For example, a young man with access to an after-school sports programs may "do" masculinity by excelling in sports (though such an avenue for achieving gender does not preclude his engaging in criminal behavior), whereas boys who do not have such opportunities may prove they are "men" in ways afforded to them by their particular circumstances. Moreover, for many men, and especially those who are constrained in

their ability to “do” masculinity using traditional resources--such as through playing sports—crime serves as a resource for achieving gender goals (p. 85).

There are, however, limits to what Messerschmidt’s theory can tell us about deviance. Ostensibly, not everyone engages in deviant behavior because wanting to seem masculine. As such, Messerschmidt’s theory can tell us little about why those who do not have such gender goals engage in deviant behavior. This same issue faces the theory’s explanation of passivity in the next section of the thesis.

Using Feminist Theory to Explain Passivity

First, in this section, I want to look at how the feminist paradigm broadly speaking, can theorize passive behavior. Works of feminist thought—in and out of criminology—point out that cultural patriarchy conditions female passivity. As Millet (1970:26 cited in Messerschmidt, 1993: 33) comments, core gender identities are:

Based on the needs and values of the dominant group and dictated by what its members cherish in themselves and find convenient in subordinates: aggression, intelligence, force, and efficacy in the male; passivity, ignorance, docility, “virtue” and ineffectuality in the female....

Feminist theorists submit that women display certain social behaviors because social structures, including patriarchal culture, designate such behaviors as resources for being female.

Consider the example of Agnes, a transsexual who underwent a sex change to become biologically female: “she also learned from his [her fiancé’s] critiques of other women that she should not insist on having things her way and that she should not offer her opinions...”

(Garfinkel, 1967: 147-148). If as feminists contend, culture dictates that certain members of

society must be passive in order to act “appropriately,” we are led to ask whether norms exist that dictate “appropriate” reactions to various forms of deviance: are members of society—both men and women—called upon to be passive in the face of various harms? Is there a cultural code that calls for inaction? How does inaction congrue with a masculinity that is characterized as active and aggressive?

Second, I examine how power-control theory and Messerschmidt’s (1993) theory of structured action are able to theorize bystanding behavior. In order to be current, I use the most recent version of power-control theory, which suggests that the amount of authority men and women enjoy in the workplace establish “patterns of agency” that carry over into the family (McCarthy et al., 1999: 765). An extension of the theory that considers passive behavior could examine whether these “patterns of agency” are reproduced beyond the home, to society in general, and whether the amount of agency a person enjoys in the workplace and home affects his or willingness to intervene in the face of harm. In other words, further research could examine whether the bureaucratization of the workforce creates a class of bystanders accustomed to being directed in the workplace and unable to make decisions outside of it.

Second, James Messerschmidt’s (1993) structured action theory can be used to explain bystanding, and may do so in at least two ways. One, the theory could suggest that bystanding is itself a way of doing a type of masculinity. Messerschmidt’s own research provides an example when he discusses “the cool pose of the badass,” used to display “control, toughness, and *detachment*” (1993: 122, emphasis added). Other scholars also take note of this phenomenon. Majors and Mancini-Billson (1992: 28), in their study of African-American males, observe:

Coolness is a stabilizer that minimizes threatening situations and earns respect from others...Although the “cool cat” may appear indifferent to

the problems around him or seem impervious to pain, frustration, or death, he is unlikely to allow his deeper feelings to surface. If he lifts his protective shield, he risks appearing timid. Cool pose helps him achieve a stern, impersonal masculinity in the face of adversity.

Using such a stance, men attempt to show off their masculinity by feigning indifference. By extension, such a pose is incompatible with bystander intervention, a behavior which symbolically communicates emotion—more specifically, concern for the victim—and is thereby inimical to the detachment the cool pose promotes.

A structured action explanation of bystanding might also suggest that even if bystanding is not a resource for doing crime, its opposite, intervention, may be construed as effeminate behavior. Research studies support the idea that a fear of being deemed effeminate animates male bystanders, at least some of the time. Carlson (2008) reports that, when asked whether they would intervene to stop gang rape, respondents said they would not for fear of looking weak in front of other men. One respondent explained: “They’re not going to leave, they’re not going to do anything about it. ‘Cuz they’re too scared to look like a pussy...” (p. 10). Similar findings appear in other works: Cowie (2000) reports that boys can take part in peer-intervention programs, yet rarely choose to show their caring abilities unless “they are sure that such action will not threaten their perception of what it is to be masculine” (p. 94). In other words, the masculine subculture that characterizes some men’s groups frowns upon intervention, conceiving of it as both a betrayal to the group and to the gender.

Despite the explanations offered above, I want to be careful not to overstate the explanatory power of a masculinities and structured action view of bystanding. As suggested in the review of the feminist paradigm, such a theoretical perspective does not explain why

women—especially those who are unconcerned with “doing masculinity”—fail to intervene. Supposedly, these women are unaffected by bystander serving as a resource for masculinity or by intervention functioning to tarnish masculine reputations. And yet some women do engage in bystander behavior (see Barnett, 1999). To understand such behavior, we must go outside of the theoretical purview of Messerschmidt’s theory, or indeed, any feminist theory of crime.

To summarize, the feminist perspective, broadly speaking, can relate to passivity in three ways. First, it can shed light on the extent to which culture is responsible for conditioning passivity, especially among females, but also among all bystanders. Second, the perspective can shed light on bystander by examining how passivity is conditioned by workplace structures and. This explanation similar to arguments put forth by Marxist theorists (which are elaborated on in a later section of this thesis). Third, Messerschmidt’s (1993) theory can examine whether passivity serves as a resource for projecting a desirable image. This explanation focuses on the culture around bystander behavior and treats such behavior as having instrumental value in establishing gender.

Overview of Marxist Theories

Marxist thought in criminology, taken to be a perspective rather than a theory (Sparks, 1980), has sensitized the discipline to how structural factors—especially the economic system—can impact deviant behavior. Marxist thought entered criminology with Willem Bonger’s (1969 [1916]) work, *Criminality and Economic Conditions*. In this book, Bonger suggests that the capitalist structure of society creates a culture that promotes selfishness and leads to “egoistic acts,” or those acts that are “injurious to the interests of those with whom he [the offender] forms a social unit” (p. 26). Bonger contends that capitalist structures increase people’s egoistic

tendencies in two ways. Among those with power, it engenders a sense callousness; among those without power, it creates a sense of jealousy and selfishness. Together, these effects demoralize—literally, undermine the moral instincts—of human beings and contribute to criminal behavior, which Bonger explains is by nature egoistic (1969: 195).

While Bonger focuses on how capitalism affects individual attitudes and behavior, other Marxist criminological works have focused more on power and the law. Richard Quinney (1970), for example, uses a critical Marxist stance to highlight how the definition of crime is socially constructed. He notes that criminal behavior conflicts with the interests of the powerful, criminal law is applied by those who wield power, and some behavior patterns—namely those which are not part of the repertoire of those making the laws—are more likely to be found criminal (pp. 15-22). Hence, Quinney (1970: 24) aims to direct attention “to the process of by which criminal definitions are formulated and applied.” In so doing, he demonstrates how the upper classes use social institutions, such as the legal system, to represent their own interests and leverage power.

Other Marxist works such as *The New Criminology* by Taylor, Walton, and Young (1973) extend Quinney’s thought by discussing the meaning of acts that don’t conform to societal prescriptions. In this book, the authors suggest that rule-breaking is an act of power: “For us, as for Marx and for other new criminologists, *deviance* is normal—in the sense that men are now consciously involved...in asserting their human diversity” (Taylor et al., 1973: 282). Taylor and colleagues do not romanticize deviance. Instead, they suggest that deviant acts must not be viewed only as behaviors that need to be corrected but as a response and challenge to existing legal norms. They also recommend that criminologists pay attention to the crime-

producing features of society and capitalism and commit to “to the abolition of inequalities of wealth and power” so that the discipline does not fall into mere “correctionalism” (1973: 44).

To sum up, Marxist thought has had varying focuses: some scholars have looked at how capitalism affects individual behavior, while others have examined how capitalism is propagated through societal structures or how individual deviance can be viewed through the prism of capitalist power-relations. But Marxist criminological thought has also been critiqued. Some social scientists have suggested that the Marxist theories do not offer testable propositions (Turk, 1969: 18; see also Sparks, 1980). Others point out that because Marxist analyses call for a revolutionary stance, the paradigm offers little by way of policy recommendations in the current social structure (Lynch and Groves, 1986). Nonetheless, work in this paradigm does have the potential to explain passive behavior; I turn to this project in the next section of the thesis.

Using Marxist Theories to Explain Passivity

The thought of two Marxist criminologists can be brought to bear on passivity. First, Bonger’s thesis that the capitalist structure promotes egoistic tendencies can be modified to address passivity. Simply put, his contention that capitalism increases competition between individuals can be generalized to explain bystander behavior by tracing such behavior to egoism—or in other words, a lack of sympathy for others. As stated in earlier parts of the thesis, much research has found that disregard for others is a prominent characteristic of passivity (for a review, see Levine et al., 2002).

Further inquiry in this area can specify the *mechanism* by which capitalism promotes egoism, and by extension, passivity. A fruitful explanation of this process could look to Marx’s concept of alienation, and his discussion of the alienation of man-from-man (Marx, 1978

[1844]). The very definition of alienation of people from their fellow beings implies a disregard for others. As Erich Fromm (1961) states, “Alienation is essentially experiencing the world and oneself *passively*, receptively, as the subject separated from the object” (p. 37, emphasis added). In other words, the alienated person, in our case the bystander, is divorced from the reality of the situation to which he is witness. How does this happen? According to Marx, it proceeds from the fact of a person’s alienation from his or her species being, his or her labor, and the product of his or her labor (1976 [1844]: 77). Capitalism’s imposition of competition causes one’s estrangement to be “expressed in the relationship in which man stands to other men” (ibid). In other words, the individual comes to view others competitively, which presumably reduces regard for, and increases passivity toward, the other.

A second way to understand passivity in the Marxist paradigm is to apply Quinney’s thesis that the legal structure is designed to leverage the power of the elite—and by extension, minimize those behaviors that are harmful to elite power. Such an adaptation could answer the question of why legislative bodies have not sought to criminalize passivity (or look at collective responsibility for crimes) despite extant evidence that passivity and collectivities are responsible for numerous types of crime (see Chapter 2: Literature Review). There is much evidence that, at least in some instances, a desire to maintain power motivates the resistance to legislation on intervention. Samantha Power (2002: 67) notes that many in the U.S. opposed passing the genocide convention on the grounds that “the convention would empower politicized rabble-rousers to drag the United States or senators themselves before an international court.” In a word, the convention would hold America to account and lessen America’s ability to exert power with impunity. In fact, the fear of undermining U.S. interests has been so pervasive that, since the passing of the genocide convention, U.S. politicians have refrained from applying the “genocide”

label to conflicts around the world for fear that doing so would impose a duty for U.S. intervention. This was the case even when it was manifestly clear that genocide was occurring, such as in Cambodia, the former Yugoslavia, and Rwanda (Power, 2002).

Of course, these examples draw on a particular kind of harm—namely, the macro-social, collective harm of genocide. Further work can examine whether the powerful, in a bid to preserve and increase power, have played a role in blocking legislation mandating individual intervention into harm-doing. What is known is that, to-date, only five of fifty states in the country have legislation that requires bystanders to intervene (McIntyre, 1995). Perhaps Quinney's view explains why.

To summarize, Marxist analyses add to the cadre of knowledge on passivity in two ways. First, Marxist thinking turns attention to macro-structural characteristics of society, such as the economic arrangement, and suggests that passivity is a natural reaction to the egoism and alienation fostered by capitalism. A second perspective takes the motivation for passivity for granted (a view common to the control paradigm) and examines why passive reactions which contribute to harm are not regulated by legislative bodies. This analysis suggests that societal structures are designed to enhance or maintain the power of those who currently possess it. Accordingly, those in power resist calls to outlaw passivity as doing so would impose a heavy burden to intervene that would be harmful to powerful persons' own interests.

Chapter 6: Conclusions --Through the Eyes of Janus, Looking Back and Forward

Looking back and visualizing the slow accumulation of inventions that have made us human beings and, finally civilized human beings, we find, salient among them, man's developing ability to include in the conception of his own group ever more people living at a greater distance: his clan, his tribe, his nation, his religion, his part of the world.

--Margaret Mead (1964)

Having undertaken this survey of the criminological theories, we can look back and take stock of the ways in which these frameworks can incorporate passivity. On reflection, it is clear that each theory can speak to passivity in one of two ways: by theorizing on the variables of *opportunity* or *motivation* as they relate to non-intervention. As regards the former, opportunity, three theories offer propositions on how it is created or how it affects bystanding. As I have analyzed it here, deterrence theory can suggest that harm-doing is encouraged by the passivity of bystanders: perpetrators analyze the costs and benefits of deviance and take into account whether witnesses have interrupted harm-doing in the past and the likelihood that they will do so in the future. The behavior of bystanders, then, is integral to perpetrators' perceptions of whether an opportunity for harm-doing even exists. This conceptualization is similar to the routine activities observation that for any crime to occur there must necessarily be the opportunity for such an action to take place. The two theories differ mainly in that the deterrence theory provides a sketch of how that opportunity is perceived in the minds of those who carry out harmful actions.

Social learning theory also offers ideas apropos of the opportunity for passivity. As its potential has been interpreted in this thesis, it can theorize on opportunity in two ways. First, the core idea in the theory, that behaviors are learned, would suggest that perpetrators learn to distinguish which moments hold the potential for deviance; part of this analysis depends, just as it does in deterrence and routine activities theories, on knowing which environments house either

the right kind of bystander (that is, those who will be passive) or an absence of the wrong kind. Secondly, social learning theory can speak to the opportunity for passivity on the part of bystanders. These witnesses create the opportunity for inaction by the way *defining* the situation as one that does not call for intervention. Thus, the opportunity for passivity is not had geographically but created psychologically.

The other way criminological theories can intersect with passivity concerns motivation for such behavior. Some theories, as I have interpreted them, assume that the motivation to intervene exists but that such motivation is suppressed given the circumstances surrounding harm-doing. The two explanations offered by social disorganization theory fall under this category. The theory suggests that intervention is affected by the level of community support a bystander feels and the context to which the bystander must return after he intervenes. Both explanations take the desire to help for granted, but suggest that such motivations are undermined by the social realities of harm-doing. Additionally, one of the explanations for passivity compatible with strain theory suggests that bystanders begin with a desire to help, but, after numerous instances in which such behavior goes unrewarded, the behavior falls out of use in a type of “learned helplessness.”

Likewise, the explanations of passivity suggested by labeling theory rest on the idea that bystanders naturally want to intervene. In two labeling scenarios—those that transform victims into sub-humans and those that treat victims as antagonists—the desire to help is weakened by perverting the view of the other. The limits of the natural inclination to help are exposed; the leaning to intervene does not extend to those who are on an opposing side or to those who occupy a different realm of existence. Thus, by removing others from the psychological reach of the desire to help, the impulse to intervene is controlled. In the third labeling explanation for

passivity offered in the thesis, the desire to intervene is similarly assumed to be in-born; however, in this scenario, the desire is not controlled by altering the object of empathy. Instead, the bystander him- or herself is made a target of derision. If the bystander chooses to help victims, he or she risks being seen as a traitor to the dominant order. Faced with this choice, in many cases, the bystanders' desire to intervene is diminished.

Other theories, though similar in the kinds of explanations they give of bystander behavior, are neutral on the question of whether people are naturally inclined to help. Take for example another deterrence theory explanation of passivity given in the thesis, which suggests that bystanders decide whether to help using a cost-benefit analysis. In this framework, bystanders are neither naturally inclined nor averse to intervention; their behavior is dictated by an appraisal of the situation and a calculation of which course of action will promote their own best interest.

Another class of explanations suggests that the motivation to help is socially determined. On the one hand, some theories suggest that the motivation to remain passive is inculcated into bystanders. Marxist theories fall into this category. Various, they suggest that economic structures enhance egoism and in turn affect passivity, or that the desire to maintain power creates antagonism to pursuing legislation that would regulate, and diminish, passive behavior. Both explanations give reason to believe that motivation for inaction is socially constructed. One of the explanations offered by feminist theory also falls into this category. The idea that the root of passivity can be found in workplace structures suggests that the motivation for such behavior is not natural but conditioned by the environment to which a person is subject.

On the other hand, some explanations lean the opposite way by looking at various mechanisms that may instill the motivation to intervene. One of the explanations offered by

routine activities theory can be located in this group: the routine activities observation that capable guardians, as opposed to guardians in general, help impede crime relies on the idea that teaching certain skills is both possible and transformative. That is, certain knowledge, when imparted, can make an ordinary guardian a capable guardian and can thus create the motivation to intervene. Two of the three control theory explanations for passivity also fall into this camp. The idea that social bonds and/or high self-control lead people to interrupt harm-doing rests on the assumption that various social factors have the power to change such behavior. The third control theories explanation for passivity, which suggests that the demand for intervention can be provisionally disabled using techniques of neutralization, refers back to the social structure in two ways. It suggests that the demand for intervention is culturally mandated and that mechanisms for evading such demands are also culturally available.

Lastly, explanations of bystander behavior suggest that bystanders engage in passivity for their own benefit. One of the explanations I derived from strain theory indicates that the motivation for passivity comes from the advantages it brings to witnesses. In this framework, bystanders' passivity allows anxiety to be relieved. Such anxiety can be internal and individual or external and collective. Another explanation, suggested by feminist theory, can also be placed in this category. It offers up the idea that passivity is a tool that people—especially males—use to depict themselves favorably to their peers. In such instances, passivity may be used to illustrate detachment and toughness.

And yet, despite the many ways criminological theories *can* explain passivity, it is remarkable that very few *have*. The absence of this key variable from the research leads to a number of questions. First, why has criminology focused exclusively on individuals as antecedents of crime? Second, which kinds of people and organizations are most likely to be

passive? Third, what difficulties face the discipline as it moves forward in studying and understanding passivity?

Why Focus on the Individual

Even though some theories highlight the importance of the environment, even these—social learning, social disorganization, deterrence, and routine activities theory—focus on how the environment impacts the motivations and opportunities of the *individual*. This is especially surprising given criminology's explicit sociological bent. Why has criminology looked exclusively at individuals as propagators of harm? I believe the answer is two-fold.

First, the discipline of criminology has grown up around the legal system and has as a result inherited its perspectives. Feeley and Simon (1992: 451) observe, "Modern American law, whose concepts still form the core of law school education, concentrates on individuals; the individual is the unit of analysis." This emphasis profoundly affects the way criminology constructs responsibility for harm. Just as the legal system individualizes responsibility, so does criminology (Gottfredson and Hirschi, 1990: 14). Partly, this results from the legal system's influence on criminological perception. As Mary Douglas (1986: 92) writes, "institutions systematically direct individual memory and channel our perceptions into forms compatible with the relations they authorize." Thus, the structure of the legal system guides the study of harm-doing in a way that constricts the horizons of the discipline, leading it look to individuals as the propagators of harm even when larger bodies share responsibility.

A second pressure to individualize responsibility comes from funding sources. Dowdy (1994) found that federal funding—a main funding source for criminological research—shapes findings: research funds are more likely to support individualistic rather than structural

explanations of crime. Such an effect can blot out fuller explanations of the phenomena under study.

One possible reason for the emphasis on individual responsibility may be that governments themselves are interested in behavioral explanations that shift responsibility for deviant behavior to the individual. For example, Scoular and O'Neill (2007) note that the problem of prostitution is reduced to one of "recalcitrant individuals" because doing so "promotes a form of governance that individualizes problems and detracts attention from the governments' failure to tackle the underlying conditions that give rise to prostitution in the first place, such as women and young persons' poverty and social exclusion" (p. 773). Relatedly, Monahan (2009) found that government efforts to reduce certain types of crime—for example, identity theft—have increasingly come to rely on education campaigns that shift responsibility to the individual. Thus, by shifting responsibility to the individual, government can avoid coming into conflict with industry, and undertaking politically undesirable condemnation or regulation of it.

The Inclination to be Passive

Given the barriers reviewed above to examining passivity in criminology, we are led to ask how we can move forward to integrate this essential variable. The approach I have taken in this thesis represents, of course, only some of the ways passivity and criminology can be made to marry. In my research, I have looked at criminological theories to see how they have examined, or could be broadened to examine, passive behavior. An alternative approach could import and

incorporate theories from outside criminology in order to explain passive behavior.⁹ And some work on passivity has been done in areas outside the discipline.

Keith Tester, in his “Theory of Indifference” (2002) supposes that indifference – or, as we say here, passivity – begins with an asking of the question “why” outside of its proper place. He writes, “when the question ‘why’ is asked too often or too much, universal values of any order collapse and binding claims are replaced with a resigned or cynical, ‘why should I care?’” (Tester, 2002: 175). Perhaps interrogation, the asking “why,” is itself a sign that those upon whom harm is inflicted exist on a moral plane that is different than the one occupied by the majority. As such, reasons must be given for intervention on their behalf. Perhaps the question “why” is not, as Tester says, a cause for cynicism, but rather a *symptom* of the cynicism that results from removing others psychologically from the community. Perhaps by looking at theories outside the discipline, we can fully understand bystander behavior and more accurately predict how and when bystanders will stand up and speak out.

Whatever the case, there is a future in looking to alternative explanations for passive behavior. As I suggested in the first chapter of this thesis, I believe that rich areas of study will particularly shed light on how 1) demographic characteristics, 2) degree of separation, and 3) units of aggregation affect passive behavior (see “Bystanders in the Modern Context”).

Any number of the theories examined herein, and the extensions of them I have proposed, can be used to understand these variables. Take for example demographic characteristics. Deterrence theory would suggest that demographic characteristics—both of the bystanders, and especially, of the victims—may be central to decisions of whether to intervene. As various examples from history demonstrate, the identity of victims greatly affects others’ willingness to come to their aide. In the routine activities paradigm, demographic characteristics of the

⁹ Many thanks to Michelle Brown for pointing this out.

bystanders are salient because the theory, through the concept of capable guardians, focuses on the skills necessary to be an intervening bystander. In other words, education and level of training stand out as demographic characteristics that impact passive behavior. In these and many other ways, criminological theories can shed light on how demographic characteristics impact bystander behavior.

Criminological theories can also be used to examine how degrees of separation from the victim affect bystander behavior. In the labeling paradigm, for example, bystanders far from the harm are less likely to have their desire to help diminished by the imposition of labels that seek to depict helping behavior as disloyalty. Indeed, distance from the harm offers a certain resilience and perspective. On the other hand, it is also likely, as strain theory might predict, that the impact, or strain that comes from seeing the suffering of victims' is much-diminished at a distance. To that end, strain theory might predict that passivity becomes much more likely the farther one gets from harm-doing.

Lastly, criminological theories can also examine how units of aggregation are relevant to passivity. The feminist paradigm, for example, could examine whether being part of some groups, say fraternities or sports teams, encourages passivity in certain situations. And in control theory, being part of larger collectivities is likely to impact foundational elements of control, such as the social bond.

These categories are critically important to understanding bystanders in the contemporary age of social media and alternative forms of communication. As the recent protests in the Middle East have demonstrated, bystanders in different geographical and cultural zones can be a touchstone for strong and effective challenges to harm-doing. And often the effectiveness of

such challenges varies with the age of challengers, where they are in relation to those inflicting harm, and how many are part of the challenge-issuing group.

Practical and Philosophical Obstacles to Working with Passivity

One practical problem with studying the effects of passivity is that the business of studying the effects of inaction is at least in part conjectural. Simply, to adapt a phrase from historian Michael Marrus (1989), it is hard for the social sciences to study negative actions. And more difficult still is predicting what would have happened if intervention had occurred. Yet the irony is that inaction is linked to action. Despite the fact that bystanders may not willfully encourage harm, they are nonetheless part of its progression. As Stanley Cohen (2001: 215) notes, “you may be deemed to have some personal responsibility to intervene even if you have not caused the suffering...if you don’t have a...causal role, you still have moral responsibility” Such a shift would upend current, institutionalized conception of responsibility’s connection to the *intention* of causing someone or someone harm. Sometimes the bystander may hope that harm is visited on the victim. At other times, the bystander may wish nothing of the sort, yet his or her presence promotes harm. In any case, the bystander is an indirect cause of harm.

Negative actions also present problems on the policy front. Both systemically and philosophically, legislating against inaction is a daunting task. Under modern forms of jurisprudence in this country, it would be nearly impossible to hold scores of people to account for individual instances of harm-doing, especially given that, in some cases, harm-doing can find support among broad swaths of the population. Yet collective adjudication is not without precedent. In post-apartheid South Africa, people across the country were called to account in a system of truth commissions (Minow, 1998). The commissions allowed for much more of the

historical picture to emerge intact than would have been the case if narrow, individual justice had been pursued. More importantly for this thesis, more constricted forms of justice would have ignored the instrumental role that collectives played in allowing racial policies to exist.

Beyond the systemic problems that legislating inaction presents, there are numerous philosophical hurdles. The recent passing of the healthcare law, which makes it mandatory that individuals carry health insurance or pay a tax—which is in itself a legislation of inaction and which has provoked a judicial backlash—provides an example. Henry Hudson, a federal judge ruling on the constitutionality of the law says: “it is entirely unprecedented for Congress to regulate ‘inactivity’” (Cole, 2011). He expresses the view that Congress overstepped its bounds in undertaking such a decision and declared it unconstitutional. Any effort to criminalize passivity, or even stigmatize it, is likely to face similar resistance. There is little precedent for collective responsibility in this country, even if data exist to demonstrate that the trajectory of harm is affected by individuals as well as other people. Legislation that affects bystanders in a broad way will face both legislative and cultural obstacles as the very philosophy of collective responsibility is at odds with the prevailing individualism that has been a mark of this country throughout its history

Still, I hope that one consequence of this thesis is that it highlights the promise of looking at passivity as an integral variable of crime and harm. I have illustrated above the ways in which I believe passivity is germane to the phenomenon of harm-doing. It is important in the commission, the escalation, and perpetuation of harm. Numerous studies illustrate that the worst crimes—homicides, gang-fights, genocides—do not begin as such. They have roots in lesser harms. What causes their escalation? Our current theories—which focus on the genesis of harm—are challenged by such questions. Though I would not claim that an understanding of

passivity can, by itself, lead to an understanding of deviance, I do believe that a lack of understanding the role of passivity leads to only a partial explanation of criminology's disciplinary concerns.

Additionally, I hope this work helps show how much work remains to be done on passivity. Future research can undertake to look at the nature of passivity, including when, where, and among whom it is most common. In criminology, much work remains to be done in integrating passivity into the discipline's theories and understanding the extent to which such inclusion proves a boon to predictive ability. Ultimately, the value of our theories rests on their policy relevance and ability to reduce crime.

Finally, I hope that any work that comes out of realizing passivity's role in the trajectory of harm serves to give pause to bystanders and help them realize their potential. Many studies have shown that bystanders can do much to change the outcome of violent actions. The more people who come to believe this, the more it will be true.

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Appendix A

Author(s)	Title	Year of Publication
Akers, Ronald L. and Christine S Sellers	<i>Criminological Theories, 5th Edition</i>	2009
Cullen, Francis T. and Robert Agnew	<i>Criminological Theory: Past to Present, 2ⁿ Edition</i>	2003
Curran, Daniel J. and Claire M. Renzetti	<i>Theories of Crime, 2nd Edition</i>	2001
Einstadter, Werner J. and Stuart Henry	<i>Criminological Theory: An Analysis of Its Underlying Assumptions, 2nd Edition</i>	2006
Jones, Stephen	<i>Criminology. 4th Edition</i>	2009
Kubrin, Charis E., Thomas D. Stucky, and Marvin D. Krohn	<i>Researching Theories of Crime and Deviance</i>	2009
Lilly, J. Robert, Francis T. Cullen, and Richard A. Ball	<i>Criminological Theory: Context and Consequences, 4th Edition</i>	2007
Miller, J. Mitchell, Christopher J. Schreck, and Richard Tewksbury	<i>Criminological Theory, A Brief Introduction</i>	2008
Tibbetts, Stephen G. and Craig Hemmens	<i>Criminological Theory: A Text/Reader</i>	2010

Appendix B

Author(s)	Source	Year	Paradigm	Number of Citations
Akers, Ronald L.	<i>Social Learning and Social Structure</i>	1998	Learning Theories	410
Sutherland, Edwin	<i>Principles of Criminology</i> (reprinted 1992 edition)	1947/1992	Learning Theories	2,167
Warr, Mark and Mark Stafford	“The Influence of Delinquent Peers: What They Think or What They Do?”	1991	Learning Theories	178
Briar, Scott and Irving Pliavin	“Delinquency, Situational Inducements, and Commitment to Conformity”	1965	Control Theories	189
Hirschi, Travis	<i>Causes of Delinquency</i>	1969	Control Theories	4,072
Gottfredson, Michael and Travis Hirschi	<i>A General Theory of Crime</i>	1990	Control Theories	3,390
Nye, F. Ivan	<i>Family Relationships and Delinquent Behavior</i>	1958	Control Theories	518
Reiss, Albert J.	“Delinquency as the Failure of Personal and Social Controls”	1951	Control Theories	200
Sykes, Gresham and David Matza	“Techniques of Neutralization: A Theory of Delinquency”	1957	Control Theories	1,559

Agnew, Robert	“Foundation for a General Strain Theory of Crime and Delinquency”	1992	Strain Theories	766
Cloward, Richard A.	“Illegitimate Means, Anomie, and Deviant Behavior”	1959	Strain Theories	252
Merton, Robert K.	“Social Structure and Anomie”	1938	Strain Theories	1,947
Messner, Steven and Richard Rosenfeld	<i>Crime and the American Dream</i>	1994	Strain Theories	448
Cohen, Albert K.	<i>Delinquent Boys</i>	1955	Subcultural Theories	1,456
Miller, Walter B.	“Lower Class Culture as a Generating Milieu of Gang Delinquency”	1958	Subcultural Theories	1,135
Wolfgang, Marvin E. and Franco Ferracuti	<i>The Subculture of Violence: Toward an Integrated Theory in Criminology</i>	1982	Subcultural Theories	648
Chesney-Lind, Meda	“Girls’ Crime and Woman’s Place: Toward a Feminist Model of Female Delinquency”	1989	Feminist Theories	212
Hagan, John, John Simpson, and A.R. Gillis	“Class in the Household: A Power-Control Theory of Gender and Delinquency”	1987	Feminist Theories	197

Messerschmidt, James	<i>Masculinities and Crime: Critique and Reconceptualization</i>	1993	Feminist Theories	367
Barry, Krisberg	<i>Crime and Privilege: Toward a New Criminology</i>	1975	Marxist and Critical Theories	43
Bonger, Willem	<i>Criminality and Economic Conditions</i>	1916/1969	Marxist and Critical Theories	340
Box, Steven	<i>Power, Crime, and Mystification</i>	1983	Marxist and Critical Theories	329
Quinney, Richard	<i>The Social Reality of Crime</i>	1970	Marxist and Critical Theories	550

Appendix C

Deterrence Paradigm		
Author(s)	Year of Publication	Title
Bentham, Jeremy	1876 [1780]	<i>Principles of Morals and Legislation</i>
Gibbs, Jack P.	1975	<i>Crime, Punishment, and Deterrence</i>
Grasmick, Harold G. and Donald E. Green	1980	“Legal Punishment, Social Disapproval, and Internalization as Inhibitors of Illegal Behaviors”
Grasmick, Harold G. and Robert T. Bursik	1990	“Conscience, Significant Others, and Rational Choice: Extending the Deterrence Model”
Greenberg, David F.	1981	“Methodological Issues in Survey Research on the Inhibition of Crime”
Jensen, Gary F., Maynard L. Erickson, and Jack P. Gibbs	1978	“Perceived Risk of Punishment and Self-Reported Delinquency”
Klepper, Steven and Daniel Nagin	1989	“The Deterrent Effect of Perceived Certainty and Severity of Punishment Revisited”
Meier, Robert F., Steven R. Burkett, and Carol A. Hickman	1984	“Sanctions, Peers, and Deviance: Preliminary Models of a Social Control Process”
Nagin, Daniel S. and Greg Pogarsky	2001	“Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence: Theory and Evidence”

Paternoster, Raymond	1987	“The Deterrent Effect of the Perceived Certainty and Severity of Punishment: A Review of the Evidence and Issues”
Paternoster, Raymond and Sally Simpson	1996	“Sanction threats and Appeals to Morality: Testing a Rational Choice Model of Corporate Crime”
Saltzman, Linda, Raymond Paternoster, Gordon P. Waldo, and Theodore G. Chiricos	1982	“Deterrent and Experiential Effects: The Problem of Causal Order in Perceptual Deterrence Research”
Williams, Kirk R. and Richard Hawkins	1986	“Perceptual Research on General Deterrence: A Critical Review”
Zimring, Frank E. and Gordon Hawkins	1973	<i>Deterrence: The Legal Threat in Crime Control</i>
Routine Activities Paradigm		
Cohen, Lawrence E. and Marcus Felson	1979	“Social Change and Crime Rate Trends: A Routine Activity Approach”
Cornish, Derek B. and Ronald V. Clarke	1987	“Understanding Crime Displacement: An Application of Rational Choice Theory”
Felson, Richard B.	1995	“Those Who Discourage Crime”
Social Disorganization Paradigm		
Bandura, Albert	2000	“Exercise of Human Agency Through Collective Efficacy”

Bursik, Robert T.	1988	“Social Disorganization and Theories of Crime and Delinquency”
Bursik, Robert T. and Harold G. Grasmick	1993	<i>Neighborhoods and Crime: The Dimensions of Effective Community Control</i>
Kornhauser, Ruth	1978	<i>Social Sources of Delinquency</i>
Kubrin, Charles E. and Ronald Weitzer	2003	“New Directions in Social Disorganization Theory”
Morenoff, Jeffrey D., Robert J. Sampson, and Stephen E. Raudenbush	2001	“Neighborhood Inequality, Collective Efficacy, and the Spatial Dynamics of Urban Violence”
Sampson, Robert J. and W. Byron Groves	1989	“Community Structure and Crime: Testing Social Disorganization Theory”
Sampson, Robert J., Jeffrey D. Morenoff, Felton Earls	1999	“Beyond Social Capital: Spatial Dynamics of Collective Efficacy for Children”
Sampson, Robert J., Stephen W. Raudenbush, and Felton Earls	1997	“Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy”
Shaw, Clifford R. and Henry D. McKay	1969 [1942]	<i>Juvenile Delinquency and Urban Areas: A Study of Rates of Delinquency in Relation to Differential Characteristics of Local Communities in American Cities</i>

Labeling Paradigm

Adams, Mike S., Craig T. Robertson, Phylliss, Gray-Ray, and Melvin C. Ray	2003	“Labeling and Delinquency”
Becker, Howard S.	1963	<i>Outsiders: Studies in the Sociology of Deviance</i>
Braithwaite, John	1989	<i>Crime, Shame, and Reintegration</i>
Paternoster, Raymond and LeeAnn Iovanni	1985	“The Labeling Perspective and Delinquency: An Elaboration of the Theory and an Assessment of the Evidence”
Triplett, Ruth A. and G. Roger Jarjoura	1994	“Theoretical and Empirical Specification of a Model of Informal Labeling”
Social Learning Paradigm		
Akers, Ronald L.	1998	<i>Social Learning and Social Structure</i>
Sutherland, Edwin H.	1947	<i>Principles of Criminology, 4th ed.</i>
Strain Paradigm		
Agnew, Robert	1992	“Foundation for a General Strain Theory of Crime and Delinquency”
Control Paradigm		
Gottfredson, Michael R. and Travis Hirschi	1990	<i>A General Theory of Crime</i>

Hirschi, Travis	1969	<i>Causes of Delinquency</i>
Pratt, Travis C. and Francis T. Cullen	2000	“The Empirical Status of Gottfredson and Hirschi’s General Theory of Crime: A Meta-Analysis”
Reiss, Albert J.	1951	“Delinquency as the Failure of Personal and Social Controls”
Sykes, Gresham M. and David Matza	1957	“Techniques of Neutralization: A Theory of Delinquency”
Wiatrowski, Michael D., David B. Griswold, and Mary K. Roberts	1981	“Social Control Theory and Delinquency”
Feminist Paradigm		
Chesney-Lind, Meda	1989	“Girls’ Crime and Woman’s Place: Toward a Feminist Model Female Delinquency”
Daly, Kathleen and Meda Chesney-Lind	1988	“Feminism and Criminology”
Griffin, Susan	1971	“Rape: The All-American Crime”
Hagan, John R., A.R. Gillis, and John Simpson	1985	“The Class Structure of Gender and Delinquency: Toward a Power-Control Theory of Common Delinquent Behavior”
Hagan, John R., A.R. Gillis, and John Simpson	1990	“Clarifying and Extending Power-Control Theory”

Hagan, John, John Simpson, and A.R. Gillis	1987	“Class in the Household: A Power-Control Theory of Gender and Delinquency”
McCarthy, Bill, John Hagan, and Todd S. Woodward	1999	“In the Company of Women: Structure and Agency in a Revised Power-Control Theory of Gender and Delinquency”
Messerschmidt, James W.	1993	<i>Masculinities and Crime</i>
West, Candace and Don H. Zimmerman	1987	“Doing Gender”

Vita

Rahim Manji has been studying issues related to violence for a number of years. As an undergraduate at the University of Tennessee, he was awarded a Chancellor's Undergraduate Research Grant to study legal approaches to bystander malfeasance and nonfeasance. Since that time, he has continued his work on issues surrounding activism, societal-level violence, and approaches to harm-doing. His undergraduate thesis, "Cost-Benefit Analysis and the Death Penalty," reflected on philosophies of punishment and the problems of quantifying human life.

After graduating Magna Cum Laude from the University of Tennessee's Chancellor's Honors Program, Rahim continued his studies under Lois Presser in the department of sociology. His work in the program focused especially on restorative and transitional justice, and how passivity is of a piece with harm-doing. Thus his thesis "Passivity: Looking at Bystanding Through the Lens of Criminological Theory" meditates on how bystanders are integral to violence on all levels of society.