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0521852781 - Street Justice: Retaliation in the Criminal Underworld

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## ONE

## Background and Methods

THE SKINNY YOUNG DRUG dealer sitting across from us had been robbed at gunpoint. Someone had lobbed a brick through the passenger-side window of his car, shoved a pistol in his face, and demanded his money, drugs, and keys. He handed everything over without protest. The robber had the ups on him – what else could he do? The dealer could not see the offender’s face – he was wearing a mask – but he recognized his voice and the distinctive paint-stained boots on his feet. He knows who did it. Now, he wants to get even.

The pursuit of justice animates social life. “[T]he question of what people are entitled to is fundamentally a question about what it means to be a person” (Miller 2001:545; see also Furby 1986). Is it any wonder that people are hypersensitive to infringements on what they believe should be theirs by right, and feel compelled to get even with anyone who dares to deprive them of what they regard as their just due?

The need to retaliate arises from a basic sense of *injustice*, the feeling that you have been unfairly subjected to a force against which you are situationally powerless to act (Marongiu and Newman 1987:9). As “gifts of negative moral value” (Miller 1993:16), injustices create imbalances that cry out for elimination. Though these injustices vary in nature and severity, all deprive grievants of the respect that they believe is owed them (Miller 2001).

Retaliatory urges belie the powerful human need to “get even” (Marongiu and Newman 1987). This desire for payback has been called a universal drive, an instinct, for want of a better term, on the same conceptual plane as hunger or thirst (see, for example, Fromm 1973). We may not wish to acknowledge this “feral force” within us

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(Seton 2001), but it is there nonetheless, poised and ready to elicit responses against perceived encroachments both major and minor. Someone wrongs you, and you experience a spontaneous urge to strike back, quickly, reflexively, with no qualms. All of us have felt this urge at one time or another. Many of us have acted on it.

The retributive urge has a vicarious dimension as well. The righteous feeling that third parties experience from witnessing wrongdoers get their just desserts often rivals or exceeds the impulse to see victims compensated. As Miller (2001:535) notes, “[H]owever great the empathy that people have for victims of injustices, their anger toward the perpetrator is generally greater.” It is not uncommon, for example, for so-called Good Samaritans to leave crime victims bleeding on the sidewalk as they instead chase down and tackle the person responsible for inflicting those injuries (Huston, Geis, and Wright 1976).

Vicarious or direct, revenge is uniquely transportive. It represents a return to the site of an “earlier moment of pain.” The objective, of course, is to neutralize that pain for, in its perpetual remembrance, there “can be very little freedom to accept the future” (Barreca 1995:9). Such neutralization is obviously impossible because harm – once inflicted – can never be undone. Revenge, therefore, takes on a certain “magical” quality (Fromm 1973; Marongiu and Newman 1987).

People have long taken the law into their own hands in an attempt to right perceived wrongs. Historically, vigilantism served as the principal method by which disputes were resolved. It remains the prevailing mode of social control in traditional, honor-based societies, triggering penalties that can be notably violent. “Honor societies,” as Gould (2003:126–127) remarks, “are renowned . . . for the practice of blood revenge.” He continues:

Social scientists interested in explaining the practice . . . have most often seen it as a form of dispute resolution – a tool for settling conflicts in situations lacking a formalized, third-party justice system. It is now commonly argued that the threat of revenge is a functional alternative to the threat of third-party punishment;

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according to this view, social groups, usually families of some kind, can deter rival groups by making it clear that the kin of someone killed during a dispute will punish the offender and possibly others in the offender's group.

Be that as it may, the retaliatory ethos that underpins traditional blood feuds is backward-looking in that it encourages individuals to bear grudges, to remember past wrongs, and to disregard their future well-being in favor of getting even (Gould 2003).

As societies modernize, there is a move away from informal methods of dispute resolution toward a more bureaucratized system of justice that allows individuals to transfer their grievances to a formal authority and thereby get on with their lives. As Gould (2003:22, 170) puts it: "Honor systems encourage people (especially men) to react quickly, definitively, emotionally, and often physically to insults or other transgressions, whereas the modern bureaucratic world emphasizes dispassionate, rational deliberation and long-term planning. ... [In modern societies,] prudence and peacemaking demand ... that wronged persons abandon the past and embrace the future." Even in modern societies with highly formalized systems of justice, vestigial contexts inevitably remain. The street criminal underworld is perhaps prototypical in this regard: It exists largely beyond the reach of formal law and continues to lionize honor – often in the guise of "respect" – as something to be protected at all cost.

Offenders who fall victim to crime are reluctant to go to the police because, among other things, doing so could expose their own illegal activities to official scrutiny. But even if criminal victims could make a police report without fear of implicating themselves (say, through a guarantee of immunity from prosecution), few probably would exercise this option; most realize that the government cannot enforce illegal contracts. Moreover, the inherently conflictual relationship between street criminals and law-enforcement personnel, coupled with an informal code that prohibits offenders from cooperating with authorities as a matter of honor, militates against turning to the police for help.

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Street criminals' desire for safety and justice are of little or no concern to most police officials anyway. As a result, offenders are forced to handle conflicts and disputes through a rough-and-ready brand of self-help (Black 1983). The need for them to retaliate is substantial because street criminals are especially vulnerable to victimization. Living in high-crime neighborhoods, largely invisible to the police, often carrying high-value contraband (for example, drugs), dealing almost exclusively in cash, and regarded by virtually everyone as deserving what befalls them, street criminals are routinely exploited by other predators. The only realistic mechanism available to them for responding to such attacks and deterring future ones is exacting their own justice.

Cultural imperatives reinforce the need for retaliatory justice. In the volatile world of street crime, projecting an image of self-reliance dominates almost all other concerns. Inter-personal encounters are loaded with meaning, especially disputes, which are proving grounds for character (Oliver 1994; Anderson 1999). Violations that do not elicit retaliatory responses label the victim as being weak, and on the street, there is no place, or mercy, for cowards (Topalli, Wright, and Fornango 2002).

For precisely this reason, alerting the authorities is not a realistic option for criminals who have been victimized. Calling the police stigmatizes you as someone who cannot handle your own business. Cooperation with the authorities also may label you as a snitch, and in street culture there is no more reviled status. "[A] snitch is the worst thing you can be," one street criminal proclaimed, "inside or outside of jail" (quoted in Rosenfeld, Jacobs, and Wright 2003:298). Being labeled as a snitch, deservedly or not, can result in your being targeted for retaliatory strikes, and many an informant has experienced the wrath of jilted street criminals looking for payback against the "rats" who supposedly implicated them.

The paradox of criminal self-help is that it occurs in a setting inundated with law enforcement. Zero-tolerance policing in its many guises – saturation patrol, crackdowns, sweeps, covert operations, and the like – is emblematic of the War on Crime that has taken over the nation's urban neighborhoods. Such tactics are

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divisive at best, sinister at worst, but all foment a general perception that the police are the enemy – individuals who abuse their power and exercise discretion for purposes best considered nefarious (see, for example, Miller 1996). When the source of a sanction threat is perceived as being unjust, the sanction loses its assumed legitimacy and generally cannot have the desired deterrent effect. Worse yet, attempts to impose an illegitimate sanction may actually encourage individuals to defy it and commit more crime (Sherman 1993). At the least, this will decouple the link between formal and informal social control – the building blocks of collective efficacy and crime containment – and allow instability to thrive. This reinforces the code of the street and the retaliatory ethic that drives it.

Although retaliatory acts committed in the name of social control are a widely recognized feature of the urban street scene, they seldom appear in official police reports despite the fact that many of them clearly represent serious violations of the law. An understanding of retaliation as both a social process and a control process is important, however. It is clear that a substantial number of assaults, robberies, and other forms of serious criminal behavior are a direct consequence of retaliation and counter-retaliation (Topalli, Wright and Fornango 2002). As such, retaliatory conflicts contribute significantly to the violent reputation and reality of many high-crime neighborhoods. Retributive threats play a crucial role in shaping the interactional environment in which street-level behavior is enacted, motivating offenders to acquire firearms for both retribution and protection. This leads to a concomitant increase in the number of firearms on the street, the diffusion of firearms to persons not directly involved in predatory crime, and an increasingly casual use of weaponry (see Blumstein and Rosenfeld 1998; Jacobs et al. 2000). Retaliation fuels official rates of serious violence, resulting in injuries or deaths that cannot easily be covered up (Jacobs, with Wright 2000). This may trigger a contagion of violence, whereby increasing numbers of disputants get sucked into germinating spirals of conflict. The resultant instability and chaos can have grave long-term consequences – within the street criminal underworld and beyond it.

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Despite the potentially destabilizing influence of retaliatory justice, knowledge of the perceptual, situational, contextual, and interactional mechanisms that mediate its occurrence remains incomplete. We are not the only analysts who find it startling that so little empirical criminological research has been conducted on the topic (Vidmar 2001:33). The absence of inquiry is all the more striking when readers consider that most social control is informal and that many crimes are moralistic in nature (Black 1983; Katz 1988). Retaliation represents the obvious intersection between informal social control and moralism. It is, in the elegant parlance of Donald Black (1983), “crime as social control.”

Exploring the intersection between crime and informal social control facilitates a more precise understanding of both deterrence and the contagion-like processes through which violence is contracted and contained (Loftin 1985). If, as some have suggested, the spread of violence represents a public health problem (Cook and Laub 1998; Mercy, Rosenberg, Powell, Broome, and Roper 1993), then we must identify the precise mechanisms that facilitate or impede its transmission from one event to another. Not only might this lead to a better understanding of how cycles of urban violence are promoted and intensified, it also might suggest key points of intervention to break these cycles before they spin out of control (Jacobs, Topalli, and Wright 2000).

The most promising way to address these issues is to go to street criminals themselves. They have an insider’s view of how street crime and informal social control interact in a hidden world beyond the law, outside the popular preoccupation of most academic criminologists and criminal justice policymakers.

### Our Study

This book explores the perceptual and situational factors that mediate retaliatory decisions in the real-world setting of urban street culture, where the ability to exact payback carries especially strong sub-cultural currency. To this end, we recruited from the streets of St. Louis, Missouri, fifty two active offenders who have participated

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directly in retaliation and interviewed them at length about their behavior, paying particular attention to factors that condition the etiology and enactment of street justice. By attending to what Katz (1988:3) calls the “foreground of criminality” – that is, the perceptual mechanisms through which retaliatory acts come to be contemplated and carried out – we will illuminate links between criminal lifestyles, victimization, and the immediate social and situational contexts in which decisions to strike back are activated. Retaliatory decisions, after all, are not made in a socio-cultural vacuum; they are embedded in an “ongoing process of human existence” (Bottoms and Wiles 1992:19; see also, Jacobs and Wright 1999).

Our exploration of criminal retaliation is anchored conceptually at the nexus between rational-choice theory and phenomenological interactionism (see Wright and Decker 1994). Rational choice is a paradigm that holds that all human decisions emanate from a process of careful calculation and assessment. Actors weigh the costs and benefits of anticipated behavior, and proceed when the latter exceed the former. While this ultimately requires actors to make a subjective evaluation of prevailing conditions, decisions revolve around a set of external objective properties that, to a greater or lesser extent, are predictable. In contrast, phenomenological interactionism attends more to the transient internal emotional states that underpin decision-making in the offending moment (Wright and Decker 1994). Sensual concerns predominate, and cool rationality gives way to hot “emotionally-laden” cognition (see, for example, Exum 2002). This often results in less than optimal choices, though at the time they may appear optimal to the party making them.

Blending rational-choice theory and phenomenological interactionism, then, permits us to assess the simultaneous impact on retaliatory decisions of hard, verifiable contingencies (for example, costs, benefits, physical obstacles) and subjective emotional forces (Jacobs, with Wright 2000). This approach is critical because the structure of reprisal, its process, and contingent forms inevitably reflect elements of both calculation and emotion. Ascertaining the

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relative contribution of each has important implications for understanding the role that retaliation plays in facilitating – and constraining – the spread of street crime and violence.

**Research Site**

The research on which this book is based was conducted in St. Louis, Missouri. Once a manufacturing hub for the Midwest and Mississippi River Valley, the city is now in serious economic trouble. The revitalization that swept through so many other rustbelt cities in the 1980s and 90s largely bypassed St. Louis, a city with a long and complicated history of regional political fragmentation that has habitually inhibited economic development. Lucrative blue-collar jobs, once the principal source of high-paying employment in the city, have vanished, and nothing of real consequence has replaced them. Residents of St. Louis have fled, and continue to flee, to the surrounding suburbs, taking much of the tax base with them. In the forty years following World War II, St. Louis lost more than half its population (Bray 2003). A significant portion of the remaining population is poor, aging, and in chronic need of expensive social services.

Against this backdrop, serious crime and violence flourish. St. Louis consistently places at or near the top of large U.S. cities in rates of violent crimes such as armed robbery, aggravated assault, and homicide. In 1999, for example, the city ranked first in total crimes per capita among American cities larger than 100,000 (Hackney et al. 2000). Recent FBI statistics indicate that 2,323 serious violent crimes per 100,000 people were committed in St. Louis – over four times the national average (UCR 2002). The city's murder rate (nearly seven times the national average), robbery rate (over six times the national average) and aggravated assault rate (over four times the national average) are among the highest in the nation. Property crime rates, including burglary, larceny, and auto theft, are over three times the national average. Increases and decreases in St. Louis's violent crime rate tend to mirror those of other U.S. cities, albeit on a different scale. This makes St. Louis an



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ideal laboratory for investigating the dynamics and processes relevant to violent criminal events, including retaliation (see Rosenfeld and Decker 1996).

### Sample and Recruitment

As already noted, data for this study were drawn from in-depth qualitative interviews with fifty two active street offenders. A number of these individuals were interviewed more than once, and one of them had to be eliminated from the sample because of the poor quality of the interview, producing a total of sixty six separate interviews. Interviews took place over a 22-month period that began in summer 2001. The mean age of respondents was 27 years (the median was 26). Forty respondents were male, twelve were female; respondents, on average, had completed 11.6 years of formal education; twenty five of the fifty two respondents claimed to be working in some legitimate capacity at the time they were interviewed; thirty six respondents reported having children; five of the fifty two respondents were married. All respondents were African-American.

We chose to employ qualitative data-collection techniques because they are ideally suited to the study of “hidden populations” – groups difficult to access by virtue of their stigmatizing or illegal behaviors, which members actively work to conceal from outsiders (see Spreen 1992). Qualitative methods permit investigators to explore the conduct norms that underpin the behavior of hidden populations. In addition, such methods reveal emergent behavioral and decision-making processes, an especially vital objective when the people or setting being examined reside at the “forefront of broader trends” that require real-time identification for the formulation of effective social policy (see Golub and Johnson 1999:1737).

Studying criminals “in the wild” is not an easy task. Offenders have strong incentives to hide their identity and activities from outsiders. This makes them difficult to find, and, once located, they often are reluctant to cooperate. Such reluctance is reassuring in the

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sense that it helps to confirm potential interviewees' deviant status as lawbreakers. For street criminals, the price of indiscretion can be high – lost freedom, reputational damage, even death – so their suspicion of strangers is understandable. Perhaps the most common suspicion that street criminals harbor about outsiders is that they are undercover police of some sort. As Sluka (1990:115) notes, “It is difficult to find an [ethnographer] who has done fieldwork who has not encountered this suspicion.” This is hardly surprising; in the street criminal underworld it is a “basic cultural rule . . . to treat everyone as a snitch or the man [police] until proven otherwise” (Agar 1973:26).

Many criminologists opt to study incarcerated criminals instead of active offenders because doing so can be easier and more convenient. Finding prisoners obviously is not difficult (though negotiating the bureaucratic obstacles necessary to gain access to them may be), and the tedium of prison life ensures that many of them will cooperate, if for no other reason than to break the monotony of their daily routine. The drawback to prison-based research is that jailed offenders represent a certain type of criminal – those who have been caught and successfully prosecuted. By definition, this makes them unsuccessful criminals and perhaps different from offenders who have managed to evade capture. Beyond this, prisoners often bring an agenda to the interview setting that can compromise the validity and reliability of any information they provide to researchers. No matter how much they are assured otherwise, incarcerated offenders often associate researchers with prison staff and other criminal justice functionaries who can provide benefits or mete out punishment. Bias results when prisoners tell researchers what they think they want to hear in the hope of receiving a reward or avoiding a penalty. Many inmates steadfastly believe that “what they say to researchers will get back to the authorities and influence their chances for early release. And even if this does not seem likely, why take the chance? Consequently, inmates . . . put the best possible spin” on their previous activities (Wright and Decker 1997:4). For these reasons, criminologists have long “suspected that offenders do not behave naturally” in criminal justice settings (Wright