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# SITUATIONAL DETERRENCE: FEAR DURING THE CRIMINAL EVENT

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by

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*Abstract\* The link between situational crime prevention and deterrence theory can be found in the fear experienced by the offender in certain crime situations. This paper starts with an examination of deterrence theory. It is argued that perceptual deterrence is flawed in three respects. First, it is not time-specific enough, being incapable of grasping the short-term impact of variations in sanctions. Second, it does not specify the concrete contingencies in which crimes are committed. Third, it does not measure the emotional component of deterrence. Situational deterrence is simply the intimidating effect of the dangers involved in a specific crime situation. It is a fact that some offenders experience fear when they go into action. It is also a fact that this fear leads to some criminal projects being aborted, and often stops offenders before they can achieve their ends. However, there is a limit to the influence of this emotion. Many offenders succeed in mustering their courage and plunge into action despite the danger. Also, some enjoy the excitement generated by fear. Situational risks are important components of crime prevention, not only because they are taken into account by offenders in their cost-benefit calculations, but also because they can trigger uncontrollable fear, forcing the offender to flee empty-handed.*

## INTRODUCTION

Deterrence and situational crime prevention have quite a few things in common. The first is their point of departure: both assume some rationality in the offender's choice. The second is fear. While fear is obviously at the heart of deterrence, one of the major goals of situational crime prevention is instilling fear in any individual contemplating a crime by increasing the risks (Clarke, 1983, 1992a). The object of this

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article is to connect deterrence theory and situational crime prevention by analyzing the fear experienced by offenders as they go into action. It begins with a critical examination of deterrence theory, which tends to show that the impasse in which it finds itself is due to a lack of knowledge of concrete situations in which crimes are committed and to a disregard of the fact that fear is an emotion (and not a calculated risk). The article will then define the concept of situational deterrence and give an account of its scope and its limitations, suggesting some hypotheses concerning the influence of situational risks on the offender's decisions.

### CONTEMPORARY DETERRENCE THEORY

After a long interval, deterrence theory has made rapid progress (Andenaes, 1974; Gibbs, 1975; Cook, 1980; Tittle, 1980; Homel, 1988; Paternoster, 1989; Sherman, 1990; and Killias, 1991). The kinship of this work with the doctrine put forward by Montesquieu (1748), Beccaria (1764) and Bentham (1789, 1802) is obvious.

Deterrence is the inhibiting influence that fear exercises over the potential offender. This effect occurs when a person tempted to commit a crime refrains from doing so because he or she fears a sanction. Since most deterrence research concerns crime policy, it has been largely limited to the study of the intimidating effects of formal sanctions. However, this did not prevent the authors from acknowledging that deterrence does not come from legal punishment alone. Thus, a person's law-abiding peers can react to his criminal behavior with disapproval, disciplinary measures, job loss, isolation, etc. These informal sanctions have an inhibiting effect on adolescents that is generally more powerful than fear of the law (Erickson et al., 1977; Tittle, 1980; Grasmick and Green, 1980; Paternoster, 1987).

A potential offender can also be deterred by the self-protection or self-defense measures adopted by potential victims. He refrains from crime because he is afraid of being bitten by a watch dog or of setting off an alarm; because the area seems to be too closely watched; or because he feels that his potential victim looks dangerous. If it is accepted that legal punishment is but one means of intimidation among others, deterrence theory might usefully be broadened to include the principal sources of intimidation: (1) Legal sanctions, (2) Informal sanctions, and (3) Situational measures adopted mostly by potential victims.

### **The Short-Term Effect of Deterrence**

The best research on deterrence has arrived at the conclusion that it would be an illusion to hope for a lasting effect of sanctions imposed only during a limited period. The effect of a punishment cannot last much longer than the duration of its application. This is due to the fact that offenders act strategically (Cusson, 1983a, 1986, 1990). They take into account the risks to which they expose themselves at a given moment and act accordingly. They adapt to circumstances. If they anticipate a high risk of arrest because the police are on the alert, they will not act. But if, later on, the level of risk seems lower, they become active again. This is exactly what happens in the case of drunk driving (Ross, 1973, 1982).

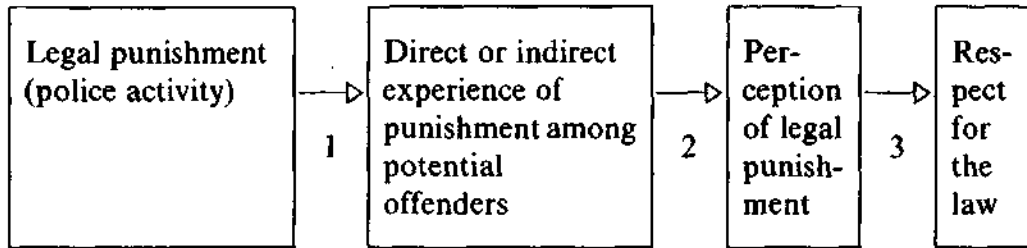
Deterrence, then, can be conceived as an unstable process (Homel, in press), or, more precisely, as a process dependent on fluctuations in the intensity of repressive activity. Nevertheless, the fact remains that if we succeed in keeping the certainty of punishment at a high level, crime would be less frequent. In most western countries, the certainty (and severity) of the punishment sanctioning murder is constantly kept at a high level, and killings are very rare.

Random breath testing, started in 1983 in New South Wales, AUS, provides another example of a lasting deterrent effect due to punishment that has been successfully kept at a high level of frequency (Homel, 1988, in press). Starting in 1983, and continuing ever since, the police have submitted one million automobile drivers to the alcohol test annually (out of a population of three million persons with driving licenses). The drivers are chosen at random. If the level of alcohol in the blood is greater than .05, drivers are liable to a maximum fine of \$500 and to having their licenses cancelled for up to six months. This strategy of ensuring the certainty of punishment rather than its severity was followed by an immediate diminution of 36% of accidental deaths involving alcohol, a result maintained for almost ten years.

### **Links in the Deterrence Process**

Causal sequence is a problem that research on deterrence has not resolved satisfactorily. On the one hand, the links between objective certainty of the sanction and crime rates seem well established (Gibbs, 1975; Cook, 1980; Homel, 1988; Sherman, 1990). On the other hand, research on the relationship between the perception of certainty and respect for the law produces conflicting results, to the point where one would think that the relationship between perception and behavior is either nonexistent or very weak.

Drawing on the work of Homel (1988, in press), the sequence that makes it possible to connect objective certainty of punishment and respect for the law can be illustrated as follows:



The relationships that link the three boxes can be described as follows:

(1) Punishment systematically applied due to intense police and judicial activity will result in a high percentage of offenders punished (the direct experience of punishment), and in a high percentage of potential offenders who know people who were punished (the indirect experience of punishment). This connection was verified by Homel (1988), who compared the frequency of breathalyzer testing in different areas of New South Wales and the percentage of people who had had direct or indirect experience with this measure.

(2) The more offenders who directly or indirectly experience the certainty of punishment, the higher the risk of punishment will be perceived. In other words, the exposure to punishment of offenders or their peers influences the subjective perception of the certainty of punishment.

(3) The greater the perceived risks of punishment, the less crime will be committed.

(Homel, 1988) succeeded in empirically testing the existence of these three relationships. He did so by means of two successive surveys carried out shortly after the implementation of the random breath-testing program in New South Wales.

### Flaws in Perceptual Research

In the sequence presented above, the perception of punishment is the necessary link that binds objective certainty of punishment and respect for the law. This necessitates a hard look at perceptual research on deterrence.

Perception of the certainty of punishment is measured by answers to questions such as: "Imagine that you take an automobile that doesn't belong to you; what are your chances of being arrested and taken to the

police station?" At first, a series of cross-sectional studies tended to show that the perception of a high certainty of punishment is associated with a low rate of self-reported delinquency. A later series of longitudinal studies (with a panel design) did not verify the theory that the perceived certainty of punishment deters subsequent self-reported delinquency (William and Hawkins, 1986; Nagin and Paternoster, 1991). In some cases, the relationship was found to be positive: The higher the risk perceived at Time 1, the more crimes the subjects commit later (Schneider, 1990:109). Although the subjective certainty at Time 1 does not predict the self-reported delinquency at Time 2, curiously enough, the reverse relationship is observed: The delinquency at Time 1 predicts the perception of the certainty of punishment at Time 2. This phenomenon is called the "experiential effect," though it might have been better to refer to this as the "experience of impunity." It seems that having committed one or more offenses without being arrested leads the subjects to revise their estimation of the certainty of punishment (Paternoster et al., 1982; William and Hawkins, 1986).

It can be argued that perceptual research is flawed in three respects: (1) It is not time-specific enough; (2) It does not specify concrete crime opportunities. (3) It disregards fear conceived as an emotion in the decision as to whether to commit a crime or not.

The first point has to do with the time lag between the measure of certainty and the measure of criminal activity. It was made recently by (Chamlin et al., 1992), who argue that if the deterrent effect of arrest is to occur, it will appear within a short time, not more than a month. The reason is that recent information on the likelihood of arrest would be more relevant to the decision to commit a crime than dated information. Also, building on communication research showing that news is diffused very rapidly, Chamlin and colleagues assume that "information pertaining to the risk of arrest may become diffused throughout the population of potential offenders at a fairly rapid rate" (1992:378). Their results tend to confirm this argument. They find that for monthly data, "high level of arrests have a negative effect on the reported number of robberies and auto thefts" (p. 388) (but not on burglary and larceny). With semi-annual data, the changes in the number of arrests have no impact on crime.

This research fits in nicely with the very short time lag that Sherman (1990) reported in his review of police crackdowns. When a crackdown does have an impact, the sudden increase in the risk of punishment is almost immediately followed by a reduction in the targeted crime. This being so, it comes as no surprise to find that when there is a full year between the time when the perception of the probability of punishment

is measured and the time the self-reported delinquency is registered, there is no deterrent effect.

More generally, when one considers the frame of reference of an offender contemplating a crime, one should conclude that the aggregation level should be small—not only the aggregation in time, but also spatial aggregation. It is the immediate characteristics of the crime situation that will influence the offenders' decision; not last year's information about risks of arrest, but last week's; not information at the city level, but information at the neighborhood level—even better, at the situational level. Deterrence theory is making progress by becoming more time-specific and more space-specific

A second weakness of the existing perceptual research is that respondents are asked to estimate the certainty of arrest in an abstract manner that in no way resembles the real life situation in which an offender makes his decision. Respondents are asked to give their perception of the certainty of punishment if they committed an "auto-mobile theft," but the context of the theft is not specified. In real crime situations, the probability of arrest cannot fail to vary according to the circumstances. A car thief is exposed to a much greater risk if he tries to steal a locked vehicle on a busy street than if he is lucky enough to find one parked in a deserted parking lot with the keys still in the ignition. In both cases the crime is legally the same, but the circumstances generate very different risks. The respondent who is asked to estimate the risk of committing a crime with no mention whatsoever of the context cannot help but speculate on the circumstances. If, a few months later, he is confronted with a real crime opportunity, there is no reason to believe that it will resemble the one he had imagined. If it is true that the estimation of the risks that will influence the offender at the moment of acting-out is largely determined by the circumstances, it should not be treated as a personal variable, measurable by means of an abstract question that does not give the context of the crime (Cusson, 1983b: 205; Williams and Hawkins, 1986:55; Homel, 1988:73; Schneider, 1990:97, 109).

The third difficulty raised by studies on the perception of certainty is their intellectualism. In the classroom situation, where most questionnaires on perceptual deterrence are answered, the respondents calmly calculate risks; there is no chance that they will panic as in a real crime situation when things go wrong. Such a questionnaire can neither grasp nor measure the emotional component of a criminal's decisions. In reality—the autobiographical data is evidence of this—it can happen that, in the heat of the moment, offenders are overwhelmed by fear they cannot control. What happens is not a cerebral calculation of the risks, it is

sheer "panic," cold sweat, the grip of terror (Irwin, 1970:186; Caron, 1978:65; Braly, 1976:372). Here we have a fact forgotten by deterrence theory: fear is an emotion. To cite Delumeau (1978:27), "fear is an emotion—shock, often preceded by surprise, provoked by the awareness of a present and pressing danger that we believe threatens our very lives." Fear is a primitive, fundamental and sometimes uncontrollable emotion. When a burglar breaks into a house plunged in darkness and panics because he hears strange noises, we are far from the intellectual perception of the probability of arrest. We are instead facing a strong emotion capable of paralyzing the person it seizes before forcing him to back off. It could even be that an irrational fear, causing panic, can short-circuit the calculation of the risk. A burglar could very well imagine that his chances of success are excellent and, in spite of everything, be filled with uncontrollable terror during the burglary. We know that intelligence and emotions do not always go together. Why should calculation of the risks and fear necessarily be in harmony?

In short, deterrence theory is at an impasse because it ignores the temporal and situational contingencies of the criminal act as well as the emotional components of intimidation.

### **SITUATIONAL DETERRENCE DEFINED**

Situational deterrence puts the focus on the offender's fear that is generated by the actual circumstances of the criminal event. It is the intimidating effect of the dangers involved in a specific crime situation. It can be said to occur when a motivated offender refrains from committing a crime because of the risks he perceives in the crime situation he is facing.

There are two different types of dangers implicit in a pre-criminal situation. First, there are immediate dangers, for example, the risk that a burglar runs of being bitten if he breaks into a house where there is a guard dog. In predatory crimes the dangers are mainly due to the protection measures taken by potential victims and the possibility that the latter will counterattack. In infractions, such as drinking and driving, the main immediate danger is that of accidents made probable by the offender's unlawful behavior. Then there are subsequent dangers that are indicated by some elements of the pre-criminal situation. For example, the camera in a bank is not dangerous in itself, but it warns anyone who wants to commit a holdup without wearing a mask that he is taking the risk of being identified, arrested and convicted. The robber can therefore perceive the camera as a forewarning of future punishment. All offenders can read in the pre-criminal situation the signs that enable

them to estimate their risk of being punished sooner or later: inquisitive passersby, a watchman, metal detectors, alarms, closed-circuit television, etc. But if they are to be deterred, punishment must follow. Surveillance systems installed in large department stores do not effectively deter experienced shoplifters because they know that this type of theft is rarely sanctioned. During a police strike, alarms lose their effect because the thieves know there will be no intervention. The complementary nature of situational prevention and legal punishment goes both ways. A sentencing policy intended to punish shoplifting more systematically and more severely would not make much of an impact if stores were to have poor surveillance.

### **SITUATIONAL DETERRENCE SUBSTANTIATED**

The first question about situational deterrence is whether offenders actually experience fear before the crime or in the heat of the action. The most precise data on this point comes from Walsh (1986:78-79). Among the robbers he interviewed, Walsh found that 46% felt fear just before the robbery and 52% during the execution of the crime. According to Lejeune (1977:129), fear was the dominant emotion experienced by muggers during their first mugging. What they feared most was being unable to control the victim, being wounded by the latter or being caught by the police.

If it is true that the criminal is not immune to fear, it follows that fear should lead him to abort some of his projects. We have indications of this in clinical studies, in the autobiographies of offenders and in victimization surveys. Criminals studied by Yochelson and Samenow (1976:410-411) plotted a large number of crimes, but most of them were abandoned, often because they looked too dangerous. Sometimes a thief who has planned a robbery with accomplices panics just before going into action (Irwin, 1970:186; Caron, 1978:65). It seems that fear of situational danger does lead to abandonment of criminal projects.

Victimization surveys give further indications that a large portion of criminal projects are only attempts. Of 100 burglaries registered in the British Crime Survey, 49 reported losses, 42 were merely attempts, and eight occasioned no loss to the victims. The attempts were those that had come to the attention of the victims, most often because they found evidence of a break-in at a door or window. No doubt many other attempts leave no trace and could not be known to the potential victims (Hough, 1987; Gottfredson and Hirschi, 1990:19). If one were to add the criminal projects aborted even before they can be called attempts, it



might be said that for every crime that succeeds, there are possibly many that are aborted. Why? Fear is very likely one of the factors responsible.

Finally, there are indications that the sounding of an alarm and the resistance of the victim quite often succeed in putting robbers to flight. In Swiss banks, as soon as the alarm is heard, 68% of hold-up men run away empty-handed (Grandjean, 1988:74). In the U.S., 55.5% of the victims of armed robbery resist, either by screaming, threatening, arguing or running away (30%), or, violently, by counterattacking (25%). These types of resistance often thwart the attack (Fattah, 1991:206-209).

### SITUATIONAL RISKS

Granting that fear does play a role just before or during the criminal event, crime analysts should be attentive to situational risks. These are the dangers to which an individual is exposed should he decide to commit a crime in a given situation. They fall under three headings: (1) the risks connected with the reaction of the victims (who might resist or retaliate), (2) the risks inherent in the very nature of the crime (the more serious the crime, the higher the probability that it will be reported and the more serious will be the punishment), and, (3) the risks resulting from situational crime prevention.

According to Clarke (1983, 1992), increasing the offender's risks is one of the three goals of situational prevention. This can be done by entry-exit screening (baggage search, electronic detectors in libraries, automatic ticket gates, etc.), formal surveillance (security guards, alarms, police patrols, etc), surveillance by employees (bus conductors, janitors, closed-circuit television, salesmen, etc.), and natural surveillance (lighting, cocoon neighborhood watch, pruning hedges, etc.). There is also another category of measures for increasing the risks: slowing down the offender during or just after the crime. Quite a few situational measures consist of devices that increase the time of execution of the crime or slow down the flight of the offender. This increases the risks because the longer it takes to commit a crime and to get away, the higher are the risks of being caught red-handed. Under this heading, we find target-hardening measures such as locked doors, gates, steering locks, and double-door locks at the exit of banks, which are used in France to slow down or even stop a robber's escape.

### COURAGE AND EXCITEMENT. THE LIMITS OF SITUATIONAL DETERRENCE

However, it must be recognized that fear has a limited effect. Fear-inspiring pre-criminal situations do not always succeed in deterring criminals; fear is an emotion that can also be controlled. According to Rachman (1978), fear has three different components: first, the frightening stimuli (the victim's weapon, his dog, the police siren, etc.); second, the subject's reaction to fear (shaking, sweating, accelerated heart beat, anxiety, awareness of danger, distress); and third, the action taken in the face of a frightening stimulus (flight, paralysis, avoidance etc). The correlations between the objective dangers, the subjective state and action are quite low. Rachman (1978:21, 64) reports that in a laboratory situation, the subjective fear measured by questionnaire is only moderately correlated with avoidance behavior. During a war, the large majority of soldiers experience fear, but most continue to fight; they control their avoidance behavior.

Courage explains this imperfect coupling of danger, emotion and flight. A source of danger does not necessarily cause fear, nor does the latter necessarily induce flight. Courage is such an important part of the human experience that it must be central to any theory of deterrence. During World War II, in certain theaters of operation the chances of an aviator completing a series of missions without being brought down were only 50%, and, yet, the majority of pilots agreed to return to combat, including those who had been afraid on all their missions (Rachman, 1978:50). Every war provides evidence that millions of young men prefer risking their lives to being considered cowards.

For his part, the common thief operates under conditions where he often can control his fear. He chooses the time and place of the theft. He takes the initiative and makes every effort to keep it. Most thefts are over in a few seconds or minutes, and by the time the victim realizes what is happening it is too late to react. As long as the thief keeps everything under control, he will not panic. In fact, psychological research shows that fear is held in check by "controllability," that is, a feeling of power over a situation (Rachman, 1978:7-10). It is helplessness in the face of danger that engenders panic. Since it is the offender who generally takes the initiative, there is little chance that he will be overcome by fear as long as he can remain in control.

During armed robberies, one way for the robber to keep control is to have an overwhelming superiority over the victim. He has an excellent chance of subjugating his unarmed victim when he has a gun. Furthermore, the gun is not only a means of intimidation, it is also for

self-defense. A number of holdup men who operate with a loaded gun do so in order to defend themselves if the victim should counterattack (Conklin, 1972:110-111). Most robbers combine the gun with the effect of surprise to paralyze the victim with fear. In fact, the whole art of the stickup consists in terrorizing the victim while mastering one's own fear (Einstadter, 1969; Letkemann, 1973; Lejeune, 1977; Walsh, 1986).

Subjective ways to control fear are also available to the offender. The robbers met by Bellot (1983:25) tried not to think of the possibility that the theft might not go well. One of them said: "When you set out to commit a crime, you do not think of being caught or else you would not go ahead." It was the same for burglars interviewed by Bennett and Wright (1984:115). "They were aware that not thinking about the consequences was an effective way of weakening the deterrent effect of the threat of punishment" (p. 115). "If I did think about being caught, you are too frightened to do anything" (idem). Another way for the thief to give himself courage is to recruit a few fearless accomplices. This is possibly one of the reasons why young delinquents so often operate in groups: They dare not go it alone.

Finally, increasing the risks can have an unintended effect, quite the opposite of the desired one: By making the crime more challenging, it makes it more exciting. It is a well-established fact that one goal achieved by delinquency is excitement—the "thrill," the "kicks" (Cusson, 1983a). Vandalism and joyriding are committed because they are fun, and they are fun mostly because they are risky. To give themselves heightened sensations, some juvenile delinquents play with fire by choosing to commit risky crimes. Because of this, situational risks, instead of preventing crime can have the reverse effect by stimulating it. (However the argument should not be pushed too far. Only the suicidal or the masochistic want the certainty of being killed, punished, or bashed. Most daredevils like to expose themselves to a "reasonable" amount of danger, always with the hope of escaping).

## CONCLUSION

This paper rests on the premise that deterrence theory can be made more powerful and more practical by a situational way of thinking about crime. Up to now, deterrence theorists tended to situate the problem at a high level of aggregation, intellectualizing the offender's decision, and abstracting him from a real crime situation. An improved deterrence theory would deal with the real fears generated by specific situational risks and that have an immediate effect on an offender's decisions.

As for situational crime prevention, its proponents should not forget that the "reasoning criminal" can also be subjected to irrational fears. Increasing offenders' risks will not influence them only by appealing to their rationality but by playing with their fears. Improved surveillance, cameras, detectors, alarms and dogs are effective not so much because they modify the offender's cost-benefit calculation but because they activate a very primitive emotion—fear.

Unfortunately, it is difficult to predict which offenders will be deterred by situational risks. Some will panic, others will muster their courage, and still others will respond to the challenge, enjoying the excitement inherent in the danger. Despite this uncertainty, it is reasonable to predict that inexperienced offenders or ones who were severely punished or received significant setbacks in the recent past might be deterred more easily than experienced ones who previously succeeded in overcoming their fears and achieved their ends by criminal means.



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