

Introduction

Crime, and the issues that relate to it, arouse compelling curiosity and fervent debate. In the human psyche, crimes and their underlying motives often capture equal measures of fascination and revulsion. In the media, criminals are both condemned and granted celebrity. Accordingly, the readings and resources offered in *Crime and Punishment: Essential Primary Sources* are designed to demonstrate the development, diversity, and duality of attitudes and arguments related to crime and punishment.

The selections in *Crime and Punishment: Essential Primary Sources* are intended to stimulate critical thought and debate about issues that generate social discourse and consume social resources. The selections attempt to reflect passionate debate about such issues as the death penalty, where impassioned pleas for mercy often contrast with the condemned's indifferent and brutal acts.

Crime and Punishment: Essential Primary Sources provides primary source documents related to leading social issues of the nineteenth, twentieth, and twenty-first centuries. The selection of primary sources draws from speeches, legislation, magazine and newspaper articles, memoirs, letters, interviews, novels, essays, songs, and works of art related to crime and punishment.

Because criminal intent and culpability can be critical components of debate, *Crime and Punishment: Essential Primary Sources* entries offer important insights into the criminal mind as they explore a range of crimes that range from economic and nonviolent crimes to crimes of violence, crimes against humanity,

war crimes, terrorism, and hate crimes. Moreover, because perceptions and impacts of crime also play key roles in framing social issues, the selection of entries attempts to portray the realities of systems of justice and punishment that change as social values evolve.

The articles presented in *Crime and Punishment: Essential Primary Sources* are designed to be readable and to instruct, challenge, and excite a range of student and reader interests while, at the same time, providing a solid foundation and reference for more advanced students and readers. In pursuit of that goal, *Crime and Punishment: Essential Primary Sources* draws on experts and resources from around the globe. Such pan-global perspective regarding issues related to crime is increasingly important as crime itself becomes increasingly globalized in an age of electronic commerce and connectivity.

While editing *Crime and Punishment: Essential Primary Sources* the editors attempted to focus on important aspects of the social issues surrounding crime, while minimizing descriptions of often horrific criminal acts and inhumanity. A book based upon primary sources, however, cannot—and should not—be sanitized of all coarse words and offensive thought. Accordingly, it was the editors' goal to balance sensitivity with their desire not to ennoble criminal thought, words, or behavior.

K. Lee Lerner & Brenda Wilmoth Lerner,
editors

Siracusa, Sicily
April, 2006.

About the Entry

The primary source is the centerpiece and main focus of each entry in *Crime and Punishment: Essential Primary Sources*. In keeping with the philosophy that much of the benefit from using primary sources derives from the reader's own process of inquiry, the contextual material surrounding each entry provides access and ease of use, as well as giving the reader a springboard for delving into the primary source. Rubrics identify each section and enable the reader to navigate entries with ease.

ENTRY STRUCTURE

- Primary Source/Entry Title, Subtitle, Primary Source Type
- Key Facts—essential information about the primary source, including creator, date, source citation, and notes about the creator.
- Introduction—historical background and contributing factors for the primary source.
- Primary Source—in text, text facsimile, or image format; full or excerpted.
- Significance—importance and impact of the primary source related events.
- Further Resources—books, periodicals, websites, and audio and visual material.

NAVIGATING AN ENTRY

Entry elements are numbered and reproduced here, with an explanation of the data contained in these elements explained immediately thereafter according to the corresponding numeral.

Primary Source/Entry Title, Subtitle, Primary Source Type

[1] **Saudi Arabia: Execution of Nigerian Men and Women**

[2] Use of Beheading and Amputation in Saudi Penal System

[3] **Report excerpt**

[1] **Primary Source/Entry Title:** The entry title is usually the primary source title. In some cases where long titles must be shortened, or more generalized topic titles are needed for clarity, primary source titles are generally depicted as subtitles. Entry titles appear as catchwords at the top outer margin of each page.

[2] **Subtitle:** Some entries contain subtitles. Subtitle:

[3] **Primary Source Type:** The type of primary source is listed just below the title. When assigning source types, great weight was given to how the author of the primary source categorized the source.

Key Facts

[4] **By:** Amnesty International

[5] **Date:** June 15, 2000

[6] **Source:** Amnesty International. "Saudi Arabia: Execution of Nigerian Men and Women." London: Amnesty International, June 15, 2000. Available online at <<http://web.amnesty.org/library/>>. (accessed January 20, 2006).

[7] **About the Author:** Amnesty International (AI) is a human rights watchdog organization that engages in research and activities to prevent and end human rights abuses. AI operates as an organization independent from affiliation with government, political, or religious organizations.

[4] **Author, Artist, or Organization:** The name of the author, artist, or organization responsible for the creation of the primary source begins the Key Facts section.

[5] **Date of Origin:** The date of origin of the primary source appears in this field, and may differ from the date of publication in the source citation below it; for example, speeches are often delivered before they are published.

[6] **Source Citation:** The source citation is a full bibliographic citation, giving original publication data as well as reprint and/or online availability.

[7] **About the Author:** A brief bio of the author or originator of the primary source gives birth and death dates and a quick overview of the person's work. This rubric has been customized in some cases. If the primary source written document, the term "author" appears; however, if the primary source is a work of art, the term "artist" is used, showing the person's direct relationship to the primary source. For primary sources created by a group, "organization" may have been used instead of "author." Other terms may also be used to describe the creator or originator of the primary source. If an author is anonymous or unknown, a brief "About the Publication" sketch may appear.

Introduction Essay

[8] INTRODUCTION

During the beginning of the twentieth century, Abd al Aziz Al Saud (1880–1953) and the House of Saud forged Saudi Arabia into a unified kingdom. In a culture largely ruled by familial alliances, Abd al Aziz successfully created a state loyal to the House of Saud. In order to create this loyalty and stability, Abd al Aziz used a code of behavior and a security force to instill respect and obedience to the law. Abd al Aziz created the modern day penal system in Saudi Arabia based upon the Sharia, specifically the Hanbali, school of Sunni Islam. The Hanbali School is based on the teachings of Imam Ahmad ibn Hanbal (780–855), one of the founders of Sunni Islamic Law. Hanbal was a scholar on the traditions concerning the life of the Prophet Muhammad. The Hanbali judicial system is based on the traditions, sayings, and life of Muhammad. This system of law outlines three types of crimes: crimes explicitly defined by the Sharia, implicitly defined crimes found in the prohibitions of the Sharia,

and emerging more recently through governmental decrees, those crimes dealing with corporate law, taxation, immigration, and oil and gas.

For crimes that are explicitly defined by the Sharia—homicide, assault, adultery, theft, and robbery—a *hadd*, or penalty, is also outlined. Homicide, for example, is determined by Sharia as a crime against an individual rather than the western view of crime against society. As such, the victim's family has the right to enact punishment, which can range from granting clemency to demanding *diyya*, or compensatory payment, or even the victim's next of kin enacting the same bodily injury. Those accused of a crime are not afforded the same basic rights as those in western societies. In certain situations, namely cases involving death and grievous injury, the court holds the accused without bail or communication with an attorney. Although lawyers can advise the accused, criminal trials in Saudi Arabia are often held without the benefit of council. The trials are closed and for trials involving foreign nationals, consular access is generally not allowed. A judge, considering the accounts of witnesses and the defendant's sworn testimony, determines the guilt or innocence of the accused, at which point a sentence is imposed. In the case of appeal, the Ministry of Justice examines a judge's decision, except for those sentences of death or amputation. In cases with a sentence of death or amputation, appeals are directed to a panel of five judges. The king automatically reviews the findings of this appellate court in all cases of capital punishment.

[8] **Introduction:** The introduction is a brief essay on the contributing factors and historical context of the primary source. Intended to promote understanding and equip the reader with essential facts to understand the context of the primary source.

To maintain ease of reference to the primary source, spellings of names and places are used in accord with their use in the primary source. According names and places may have different spellings in different articles. Whenever possible, alternative spellings are provided to provide clarity.

To the greatest extent possible we have attempted to use Arabic names instead of their Latinized versions. Where required for clarity we have included Latinized names in parentheses after the Arabic version. Alas, we could not retain some diacritical marks (e.g. bars over vowels, dots under consonants). Because there is no generally accepted rule or consensus regarding the format of translated Arabic names, we have adopted the straightforward, and we hope sensitive, policy of using names as they are used or cited in their region of origin.

Primary Source

[9] PRIMARY SOURCE

Saudi Arabia has one of the highest rates of capital punishment in the world. Of the 766 executions recorded by Amnesty International between 1990 and 1999, over half were of migrant workers and other foreign nationals. While a high proportion of those were Asian migrant workers mainly from Pakistan, Bangladesh, India, Indonesia, the Philippines and Nepal—who comprise between sixty and eighty per cent of Saudi Arabia's workforce—at least seventy-two were Nigerians, mostly convicted for drug smuggling or armed robbery. By mid-June 2000 Saudi Arabia had executed fifty-three people, twenty-five of them in May: nineteen were Saudi Arabian nationals and thirty were foreign nationals, including from Nigeria, India, Pakistan, Sudan, Eritrea, Yemen, the Philippines, Ethiopia, Egypt and Iraq. Migrant workers and other foreign nationals have faced discriminatory treatment under the criminal justice system in Saudi Arabia.

Saudi Arabia has expanded the scope of the death penalty to cover a wide range of offences, including offences without lethal consequences such as apostasy, drug dealing, sodomy and 'witchcraft'. The scores of people who are executed every year, many for non-violent crimes, are put to death after summary trials that offer them no opportunity to defend themselves and almost no protection against miscarriages of justice.

Execution is by public beheading for men and, according to reports, by firing squad or beheading for women, sometimes in public. Foreign nationals are sometimes not even aware that they have been sentenced to death and neither they nor their families are warned in advance of the date of execution. They are rarely if ever allowed to see their loved ones before they are executed.

For those in prison who fear they face execution, the psychological torment is extreme. A former prisoner released from a women's prison in 1999 described to Amnesty International the fear of a fellow woman prisoner accused of murder: 'Every time a guard opens her cell door she gets very scared [thinking] that they will come to take her out for execution.'

Relatives of those executed in many cases receive no formal notification that the execution has taken place. The governments of foreign nationals executed in Saudi Arabia are also not always informed.

Amnesty International is also concerned at the high levels of judicial amputation carried out in Saudi Arabia, which it considers to be a form of torture as defined under the United Nations Convention Against Torture and

Other Cruel, Inhuman, and Degrading Treatment or Punishment, to which Saudi Arabia became a state party in 1997. So far this year twenty-three amputations have been recorded, compared with two in the whole of 1999. Seven of these were 'cross amputations' (amputation of the right hand and left foot). On 13 May 2000, cross amputations were carried out on Kindi Amoro Muhammad, Nurayn Aladi Amos, and Abdullah Abu-Bakr Muhammad, Nigerian nationals convicted of armed robbery and assault, with seven Nigerians executed on the same day (see above). In June, two Nigerian men had their right hands amputated following conviction for theft: on 1 June, Muhammad Othman Adam in Mecca, and on 4 June, Sanussi Sani Muhammad.

[9] **Primary Source:** The majority of primary sources are reproduced as plain text. The primary source may appear excerpted or in full, and may appear as text, text facsimile (photographic reproduction of the original text), image, or graphic display (such as a table, chart, or graph).

The font and leading of the primary sources are distinct from that of the context—to provide a visual clue to the change, as well as to facilitate ease of reading. As needed, the original formatting of the text is preserved in order to more accurately represent the original (screenplays, for example). In order to respect the integrity of the primary sources, content some readers may consider sensitive (for example, the use of slang, ethnic or racial slurs, etc.) is retained when deemed to be integral to understanding the source and the context of its creation.

Primary source images (whether photographs, text facsimiles, or graphic displays) are bordered with a distinctive double rule. Most images have brief captions.

The term "narrative break" appears where there is a significant amount of elided (omitted) material with the text provided (for example, excerpts from a work's first and fifth chapters, selections from a journal article abstract and summary, or dialogue from two acts of a play).

Significance Essay

[10] SIGNIFICANCE

A 1999 review by Human Rights Watch (HRW) determined that "The government of Saudi Arabia, an absolute monarchy, continued to violate a broad array of civil and political rights, allowing no criticism of the government, no political parties, nor any other potential challenges to its system of government. Arbitrary

arrest, detention without trial, torture, and corporal and capital punishment remained the norm in both political and common criminal cases, with at least twenty-two executions and three judicial amputations of the hand carried out by mid-October. Human rights abuses were facilitated by the absence of an independent judiciary and the lack of public scrutiny by an elected representative body or a free press.” The study also determined that women face discrimination within the penal code. For example, it takes the testimony of two women to equal the testimony of one man. HRW also cites that although the penal code is based on teachings of Imam Ahmad ibn Hanbal, few laws are published. The Saudi monarchy possesses the power to “appoint and dismiss judges and to create special courts, undermining judicial independence. In addition, judges [enjoy] broad discretion in defining criminal offences and setting punishments, which [includes] severe floggings, amputations and beheadings.” The report also asserts that Saudi law allows for convictions based on uncorroborated confessions.

The crime rate in Saudi Arabia remains relatively low, and a recent increase in crime rates coincided with the increased presence of foreign workers. As a result, supporters of severe punishment, such as amputations and beheadings, attribute the prevailing system for the low crime.

[10] **Significance:** The significance discusses the importance and impact of the primary source and the event it describes.

Further Resources

[11] FURTHER RESOURCES

Books

Jerichow, A. *Saudi Arabia; Outside Global Law and Order*. New York: Routledge Curzon, 1997.

Web sites

Human Rights Watch. “Saudi Arabia.” <<http://www.hrw.org/worldreport99/mideast/saudi.html>> (accessed January 6, 2005).

Global Security. “Hanbali Islam.” <<http://www.globalsecurity.org/military/intro/islam-hanbali.htm>> (accessed January 6, 2005).

[11] **Further Resources:** A brief list of resources categorized as Books, Periodicals, Web sites, and Audio and Visual Media provides a stepping stone to further study.

SECONDARY SOURCE CITATION FORMATS (HOW TO CITE ARTICLES AND SOURCES)

Alternative forms of citations exist and examples of how to cite articles from this book are provided below:

APA Style

Books:

Klein, Malcolm W. (1997). *The American Street Gang: Its Nature, Prevalence, and Control*. New York: Oxford University Press. Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. (2006) *Crime and Punishment: Essential Primary Sources*, Farmington Hills, Mich.: Thomson Gale.

Periodicals:

Hodson, Joel. (2003, October 1). A Case for American Studies: The Michael Fay Affair. *American Studies International*. Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. (2006) *Crime and Punishment: Essential Primary Sources*, Farmington Hills, Mich.: Thomson Gale.

Web sites:

U.S. Department of Justice. Office of Justice Programs. Amber Alert. Retrieved February 2, 2006 from <http://www.amberalert.gov>. Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. (2006) *Crime and Punishment: Essential Primary Sources*, Farmington Hills, Mich.: Thomson Gale.

Chicago Style

Books:

Klein, Malcolm W. *The American Street Gang: Its Nature, Prevalence, and Control*. New York: Oxford University Press, 1997. Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*. Farmington Hills, Mich.: Thomson Gale, 2006.

Periodicals:

Hodson, Joel. “A Case for American Studies: The Michael Fay Affair.” *American Studies International* (October 1, 2003). Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*. Farmington Hills, Mich.: Thomson Gale, 2006.

Web sites:

U.S. Department of Justice. Office of Justice Programs. “Amber Alert.” <<http://www.amberalert.gov>> (accessed February 2, 2006). Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*. Farmington Hills, Mich.: Thomson Gale, 2006.

MLA Style**Books:**

Klein, Malcolm W. *The American Street Gang: Its Nature, Prevalence, and Control*, New York: Oxford University Press, 1997. Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*, Farmington Hills, Mich.: Thomson Gale, 2006.

Periodicals:

Hodson, Joel. "A Case for American Studies: The Michael Fay Affair." *American Studies International*, 1 October, 2003). Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*, Farmington Hills, Mich.: Thomson Gale, 2006.

Web sites:

"Amber Alert." U.S. Department of Justice. Office of Justice Programs. 2 February, 2006 <<http://www.amberalert.gov>>. Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*, Farmington Hills, Mich.: Thomson Gale, 2006.

Turabian Style**Books:**

Klein, Malcolm W. *The American Street Gang: Its Nature, Prevalence, and Control*. (New York: Oxford University Press, 1997). Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*. (Farmington Hills, Mich.: Thomson Gale, 2006).

Periodicals:

Hodson, Joel. "A Case for American Studies: The Michael Fay Affair." *American Studies International* 1 October, 2003. Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*. (Farmington Hills, Mich.: Thomson Gale, 2006).

Web sites:

U.S. Department of Justice. Office of Justice Programs. "Amber Alert" available from <http://www.amberalert.gov>; (accessed February 2, 2006). Excerpted in K. Lee Lerner and Brenda Wilmoth Lerner, eds. *Crime and Punishment: Essential Primary Sources*. (Farmington Hills, Mich.: Thomson Gale, 2006).

Using Primary Sources

The definition of what constitutes a primary source is often the subject of scholarly debate and interpretation. Although primary sources come from a wide spectrum of resources, they are united by the fact that they individually provide insight into the historical *milieu* (context and environment) during which they were produced. Primary sources include materials such as newspaper articles, press dispatches, autobiographies, essays, letters, diaries, speeches, song lyrics, posters, works of art—and in the twenty-first century, web logs—that offer direct, first-hand insight or witness to events of their day.

Categories of primary sources include:

- Documents containing firsthand accounts of historic events by witnesses and participants. This category includes diary or journal entries, letters, email, newspaper articles, interviews, memoirs, and testimony in legal proceedings.
- Documents or works representing the official views of both government leaders and leaders of terrorist organizations. These include primary sources such as policy statements, speeches, interviews, press releases, government reports, and legislation.
- Works of art, including (but certainly not limited to) photographs, poems, and songs, including advertisements and reviews of those works that help establish an understanding of the cultural milieu (the cultural environment with regard to attitudes and perceptions of events).
- Secondary sources. In some cases, secondary sources or tertiary sources may be treated as primary sources. In some cases articles and sources are created many years after an event. Ordinarily,

a historical retrospective published after the initial event is not considered a primary source. If, however, a resource contains statements or recollections of participants or witnesses to the original event, the source may be considered primary with regard to those statements and recollections.

ANALYSIS OF PRIMARY SOURCES

The material collected in this volume is not intended to provide a comprehensive overview of a topic or event. Rather, the primary sources are intended to generate interest and lay a foundation for further inquiry and study.

In order to properly analyze a primary source, readers should remain skeptical and develop probing questions about the source. As in reading a chemistry or algebra textbook, historical documents require readers to analyze them carefully and extract specific information. However, readers must also read “beyond the text” to garner larger clues about the social impact of the primary source.

In addition to providing information about their topics, primary sources may also supply a wealth of insight into their creator’s viewpoint. For example, when reading a news article about an outbreak of disease, consider whether the reporter’s words also indicate something about his or her origin, bias (an irrational disposition in favor of someone or something), prejudices (an irrational disposition against someone or something), or intended audience.

Students should remember that primary sources often contain information later proven to be false, or contain viewpoints and terms unacceptable to future generations. It is important to view the primary source

within the historical and social context existing at its creation. If for example, a newspaper article is written within hours or days of an event, later developments may reveal some assertions in the original article as false or misleading.

TEST NEW CONCLUSIONS AND IDEAS

Whatever opinion or working hypothesis the reader forms, it is critical that they then test that hypothesis against other facts and sources related to the incident. For example, it might be wrong to conclude that factual mistakes are deliberate unless evidence can be produced of a pattern and practice of such mistakes with an intent to promote a false idea.

The difference between sound reasoning and preposterous conspiracy theories (or the birth of urban legends) lies in the willingness to test new ideas against other sources, rather than rest on one piece of evidence such as a single primary source that may contain errors. Sound reasoning requires that arguments and assertions guard against argument fallacies that utilize the following:

- false dilemmas (only two choices are given when in fact there are three or more options)
- arguments from ignorance (*argumentum ad ignorantiam*; because something is not known to be true, it is assumed to be false)
- possibilist fallacies (a favorite among conspiracy theorists who attempt to demonstrate that a factual statement is true or false by establishing the possibility of its truth or falsity. An argument

where “it could be” is usually followed by an unearned “therefore, it is.”)

- slippery slope arguments or fallacies (a series of increasingly dramatic consequences is drawn from an initial fact or idea)
- begging the question (the truth of the conclusion is assumed by the premises)
- straw man arguments (the arguer mischaracterizes an argument or theory and then attacks the merits of their own false representations)
- appeals to pity or force (the argument attempts to persuade people to agree by sympathy or force)
- prejudicial language (values or moral judgments are attached to certain arguments or facts)
- personal attacks (*ad hominem*; an attack on a person’s character or circumstances);
- anecdotal or testimonial evidence (stories that are unsupported by impartial information or data that is not reproducible);
- *post hoc* (after the fact) fallacies (because one thing follows another, it is held to cause the other)
- the fallacy of the appeal to authority (the argument rests upon the credentials of a person, not the evidence).

Despite the fact that some primary sources can contain false information or lead readers to false conclusions based on the “facts” presented, they remain an invaluable resource regarding past events. Primary sources allow readers and researchers to come as close as possible to understanding the perceptions and context of events and thus, to more fully appreciate how and why misconceptions occur.