

## Culture: An Alternative Variable to Race in Criminology

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### ABSTRACT

The Abril discusses the need for forking racial categories into culturally-based sub-categories for research. The Abril argues culturally-based descriptive characteristics are more robust to use not only within tribal communities but possibly within other communities to better understand criminogenic community profiles. Culturally-based behavioral characteristics might lead to better predictive capabilities for such areas as terrorist activities, victimization profiling, and other areas. Theoretical developments are facilitated when alternative measures to broad racial categories are proffered, such as the notion of cultural efficacy. Cultural efficacy is the idea that internalized cultural values work in conjunction with cultural identity to (1) restrain an individual from deviant behavior while (2) motivating one to respond to cultural or social deviance. Ideas for research are provided.

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### Introduction

For centuries, race (skin tone / phenotypology) has been an all-encompassing measurement variable in most social scientific work. Recently, problems inherent to measuring race as a constant variable have come to light that now require immediate remediation. Conflation of the vast number of sub-cultural groups comprising the “African American/Black” race category or the “Hispanic/Brown” category, for example, has led to such problems as mis-messaging for political scientists and pollsters alike who seek to target each population with its messaging, and have negatively impacted such areas as the recent 2024 Presidential election with poorly designed messaging strategies (Cadelago & Otterbein, 2024). Healthcare advancements are stymied too because individuals who comprise the Hispanic/Brown’ category experience disparate social circumstances that any singular initiative to target problems inherent to the overall Hispanic population are often ineffective to addressing the entire population (see, *e.g.* Macias-Konstantopoulos *et al.*, 2023). Educational initiatives too are hindered when policies are designed with a monolithic view of a large population are conceived in the minds of policymakers (Stevens, 2007). Other ethnic groups experience similar problems when policies designed for large groups such as Asians or American Indians, for example, are discussed in public forums. One often asks, “Which Asians are you referring? Indians from India (hailing from southeast Asia) or Chinese from China or Japanese from Japan?” Likewise, American Indians - the original indigenous peoples of North America and made-up of 574 federally-recognized and 60 state-recognized tribes and their descendants whose members exhibit varying degrees of skin tone found throughout the entire human population – suffer too when policies and practices targeting the unique needs of this group are debated. Are federal Indian policies, for example, directed to enrolled members of the federally-recognized Pascua Yaqui Tribe of Arizona or to the various unrecognized Yaqui tribes of California or Texas or to the dark-skinned dis-enrolled Freeman individuals (descendants of former slaves) who were once enrolled in one of the Cherokee Indian tribes residing within Oklahoma? What about the Aboriginal Australians whose skin tones often lead these folks to be considered ‘Black’? Finally, what about brown-skinned migrants who are of indigenous heritage who hail from countries such as Mexico or Guatemala? These people are often of Mayan descent, but which one of the 21 different Mayan peoples (Minority Rights Group, 2024) does the speaker have in mind? This is the point of this report.

More pressing for problems centered within the United States, lumping all people with dark skin tones into one large group has led to many significant problems for criminology and criminal justice system policy-making. Uninformed statements made by policymakers and pundits alike, who cite ‘official government statistics’ for criminal and victimization characteristics often incorrectly rely on the archaic racial categories

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provided to them by such agencies as the Federal Bureau of Investigation (FBI) for the Uniform Crime Report (UCR) or the USDOJ Bureau of Justice Statistics (BJS) for the National Criminal Victimization Survey (NCVS) or the modernized National Incident-Based Reporting System (NIBRS) (which is a compilation of police department reporting systems found throughout the United States). To illustrate the different sub-categories within racial classification systems found within the United States, Chart 1 (Appendix) delineates various generalized culturally-based group norms, beliefs, behaviors and values inherent in each of the larger racial categories now in use.

To better accentuate the need and urgency for the proposed change to data collection efforts and categorization of phenotypology to cultural characteristics within criminology and criminal justice, I will use the Native American Indian population as an example, while highlighting where other ethnic groups are similarly situated. I then argue for a culturally-based behavioral typology to improve and enhance data collection and crime and victimization forecasting technologies.

Chart 1. Broad Racial Categories and Some of Their Sub-groups and Characteristics (For Illustrative Purposes Only – Not all inclusive)					
RACE	Sub-Cultural Groups	Culturally-based Behaviors	Cultural Values	Cultural Beliefs	Cultural Behaviors
<b>White</b> (skin tone)	Ku Klux Klan (usually most impoverished)	Hatred	“proving” racial superiority	White superiority must be proven regardless of legality	Degradation of other races by any means necessary
	Elites (many sub-groups) – usually socio-economically advantaged	Higher education, pro-social behaviors - perpetuate socio-cultural dominance LANGUAGE: English	Mostly pro-social, generalized, ethnocentric views	Values education and alignment with acceptable community behaviors	Investments in children, higher education, etc. -perpetuating ethnic dominance and power group dynamics
	Native Americans	Whatever their cultural affiliation(s) dictate	Embedded in their cultural affiliation(s)	Embedded in their cultural affiliation(s)	Embedded in their cultural affiliation(s)
<b>Black</b> (dark to light brown skin tone) (many subgroups due to diasporas)	Urban ghetto (many sub-groups)	Survival crimes (drug sales, frauds, theft, etc.) LANGUAGE: English	Survive modern society at all costs – a human cultural value!	Poor self-perception gleaned from societal messaging	Whatever it takes to survive in world (drug dealing, crime, etc.) – including working low wage jobs, too!
	Alpha Kappa Alpha & Omega Psi Phi	Higher education Financial success LANGUAGE: English	Pro-social behaviors	Hard work & education leads to rewards	Children are valued, stratified educational system (HBCUs)
	Southern Baptists	Attend church LANGUAGE: English	Brings God/Spirituality into their lives	Belief in God and pastor brings just rewards	Church attendance, child rearing valued
	Native American	Whatever their cultural affiliation(s) dictate	Embedded in their cultural affiliation(s)	Embedded in their cultural affiliation(s)	Embedded in their cultural affiliation(s)
<b>Hispanic</b> (usually brown skin tone) (many subgroups due to diasporas)	Chicano/a	Solidarity with others like-categorized LANGUAGE: Mixed Urban/ghetto Spanish / English / Indigenous (Mexican or Yaqui)	Indigenous identity is prized	Historical ties to Aztec and Mayan cultures (warrior identities), intellect (builders of pyramids, founders of field of mathematics, etc.)	Street-level acts of solidarity (e.g. gang formation and membership, ‘low riders’ ‘old school’ ‘OG’ behaviors of long-ago notions of relatives, <i>et al.</i> ) – use of Spanish language, a mixture of “Mexican” Spanish street

					slang with profanity
	Cubano/a	Political participation LANGUAGE: Castilian (*proper Spanish) mixed with Indigenous	High education attainment	Values high education of children and self	High participation in politics and aiding other refugees from Cuba – child rearing valued – use of Spanish language – certain dialect
	Spaniards	Higher education attainment, intelligence confirmation/validation LANGUAGE: Castilian Spanish	Similar to other Europeans	Whatever Europeans believe	Go to Spain to find out! – child rearing valued – mixed linguistic characteristics – well refined Castilian
	Native Americans	Whatever their cultural affiliation(s) dictate	Embedded in their cultural affiliation(s)	Embedded in their cultural affiliation(s)	Embedded in their cultural affiliation(s)
<b>Asian</b> (many subgroups due to diasporas)	Chinese (many sub-groups)	Hard work LANGUAGE: dependent upon sub-group membership and immigrant status or English in U.S.	Hard work in all pursuits, educating children valued	Don't know b/c I can't ask/observe them - Buddhist	Don't know b/c I can't observe them - Highest level of efforts in all educational or business pursuits, etc. – willing to compete in mainstream – use of idiosyncratic esoteric languages
	Japanese (many sub-groups)	Intelligence and talent confirmation LANGUAGE: Japanese or English	Hard work in all pursuits, educating children	Don't know b/c I can't ask/observe them - Buddhists	Highest level of efforts in all educational or business pursuits, etc. – willing to compete in mainstream
	Korean (many sub-groups)	North or South are different based on diff. societies which leads to development of diff. sub-cultures LANGUAGE: Korean	Varies	Varies. North might believe in leader worship while South might lead to individual or self-worship, etc.	Varies due to location of residence. I cannot observe these groups – willing to compete in mainstream if given the opportunity
<b>American Indian</b> (ALL RACIAL skin tones are represented in Indian Country populations) (fewer sub-groups impacted by diasporas AFTER the Indian Boarding School Era and Indian reservation system policies)  There are 574 federally-recognized and nearly 60 state recognized tribes in the U.S. alone. Each tribe has different	Yaqui (many sub-groups (Texas vs. California Yaqui, e.g.) diasporas created from Mexican Revolution and Yaqui Wars in the U.S.	Survival tactics (crime, violence, etc.) **Cultural survival** - most are insular societies especially around photos of ceremonies and sharing cultural knowledge with outsiders LANGUAGE: Mixed / tri-lingual English/"Mexican" (street) Spanish/Yaqui	Reject Most Euro-American values, inclined towards "Mexican" values – Hard worker (agricultural labor, construction labor, home health, etc.) – strong cultural values	Spirit World a very BIG aspect of ALL areas of life (home, work, education, identity) – <i>Yuri</i> (White people) caused many problems for <i>Yoeme</i> (Yaqui)– Catholicism, Jehovah Witness and other institutionalized religions hybrids with Yaqui spirituality and norms	Deer Dance, various cultural societies that facilitate various spiritual ceremonies – Trilingual use Yaqui/"Mexican" (street) Spanish/English – Rejects label of "Indian" because Yaqui was never dominated – use of witchcraft and traditional healers ( <i>brujarea</i> / 'good' witches) - Most will not speak to outsiders

<b>unique characteristics but do share some pan-Indian traits/behavioral norms.</b>	Ute	High educational attainment, financial independence, <i>etc.</i> – integrated society <b>**Cultural survival**</b> , high levels of political participation LANGUAGE: English / Ute (nuuchu)	Reject many European-American values – strong ties to ancient past, warrior culture – strong cultural values	Cultural and spiritual ceremonies solidify one’s membership in group – NOT related to blood quantum	Sun Dance and Bear Dance – Ute language and values prized and taught to younger generations in Ute only elementary school – use of witchcraft - Most will not speak to outsiders although Bear Dance is open to public
	Apache	<b>**Cultural survival**</b> - uses historic reputation to achieve self-power/actualization and cultural revival LANGUAGE: Mixed Apache / English / Spanish	Reject ALL Euro-American values	Warrior mentality	Cultural and spiritual dance participation – use of witchcraft - Will not speak to outsiders

**Previous Work  
Anthropological Use of Race**

A remnant of United States racial policies of previous centuries has forced a movement within anthropology toward cultural anthropology. Indeed, many anthropologists argued it was a relic of past anthropological research efforts to substantiate *with science the empirical basis* of racial inferiority (Garros, 2003; Norton *et al.*, 2019) that led to early race-based public policies (Kenyon-Flatt, 2001). A broad consensus of anthropologists generally agree race is a “socially-constructed” category (Ifekwunigwe, Wagner, Yu *et al.*, 2017) and of little use for understanding behavioral norms of any human group. Hence many anthropologists have turned their collective attention to understanding culture as it relates to explaining human behavioral norms. Thus cultural anthropology has become a large sub-field within anthropology. The American Anthropological Association’s (AAA) Society for Cultural Anthropology section is one of the larger groups available to AAA members to join and is devoted exclusively to the study and understanding of culture in its varied manifestations within and throughout humanity (AAA, 2024).

**Sociological Use of Race**

A pivotal point in the field of sociology was collective recognition of deleterious connotations inherent to using race as an explanatory variable in the discussion of human behavioral norms in general and deviant behavior in particular, especially as race relates to intelligence differences (Lynn, 2006) between sub-groups of humans. This led others to further develop the area of sociology now known as cultural sociology. Unlike earlier cultural sociologists Pierre Bourdieu and his student Michelle Lamont, who examine comparative cultures through a lens of social class privilege, such as Euro-American art (Bourdieu, 1993), lifeways (Bourdieu, 2021), leisure activities (Long, 2003), and scientific evaluation of knowledge (Lamont, 2009), a few cultural sociologists are interested in the sociological aspects of culture – indeed the Durkheimian classification of social facts – as these are related to the various elements of culture. In a Durkheimian sense, some cultural sociologists seek to type and classify culture by its very elemental nature. To reflect this growing interest in and indeed a scientific acknowledgement that culture influences human behavior and interactions on many different social levels, the American Sociological Association’s (ASA) section on Sociology of Culture is one of ASA’s largest and most diverse interest areas (ASA, 2024). Culturally-influenced human interactions extend to areas well-covered under the wide umbrella of criminology.

**Theoretical Developments of Race in Criminology**

Within criminology, there have been few developments of racial perspectives of behavior while there is much interest in developing such perspectives due, in part, to the over-representation of racial minorities embodied within the criminal justice system (see, *e.g.*, Piquero, 2015). Often, attempts to develop racially-based perspectives of behavior are critiqued for several flaws within the paradigm (see, *e.g.*, Steffensmeier, Ulmer *et al.*, 2010). Hence, testability and generalizability (a general lack thereof) and various other substantive flaws make racially-based theoretical perspectives of behavior flawed and less useful than culturally-based

perspectives of behavior for understanding causal mechanisms motivating human behavior. Of course, there is the overarching reality that any attempts to develop a racially-based perspective of human behavior is inherently 'racist' (see, e.g., León, 2021), a pejorative term inside and outside the United States. Because of this reality, any scientific attempt at racially-based theoretical perspectives of behavior must be proffered by members of that same racial group - in a poor-attempt to ameliorate any appearance (real or perceived) of racial superiority by the theoretical Abril, as what happened with the work presented in *The Bell Curve* (Herrnstein & Murray, 1994). This led to less-capable racial others making feeble attempts to explain behavioral patterns of members of their own racial group (see, e.g., Cullen, Chouhy, Butler & Lee, 2018).

### **Anthropological Definition of Culture vs. Sociological Definition**

Anthropologists define cultural anthropology as a method to classify and code human behavioral norms transmitted through human interaction (a social learning explanation) (Naroll & Cohen, 1970), whereas sociologists might define culture as Simmel (1971:43-140) has as "the cultivation of individuals through agency of external forms." Today, many cultural sociologists focus their attention on the manner, mechanisms, and methods of how culture is socially transmitted to and throughout various human sub-cultural groups, especially as they relate to transmission of values and reinforcement of cultural norms often found in educational or scientific pursuits (see, e.g., Lamont, 2024). Culture, however, has many different, varying and significant definitions yet all these definitions may be combined into one overarching category that encompasses the very essence of what Bose (1929:14) wrote as the "crystalized phase of man's life activities" that encompass such activities as Boroch (2016:65) delineated as

a) social b) behavioral c) patterns d) habits d) acting f) heritage g) beliefs h) customs; i) symbols j) systems k) attitudes l) knowledge m) language n) transmission o) industries p) doing.

### **Relevance of Culture to Behavior**

Little debate exists within and between several disparate scientific domains that culture influences human behavior (see, e.g., Cronk, 2017; Abril, 2005; Hernandez & Gibb, 2020). How precisely does culture influence behavior and the development of behavioral norms (both pro-social and anti-social)? Which precise element(s) of culture is/are the key explanatory mechanism(s) for behavioral norm acquisition? These and several other questions cannot begin to be answered without further interdisciplinary development of the role and relevance of cultural attributes found among human behavioral norms.

### **What is Identity?**

Identity as "an individual's sense of self defined by (a) a set of physical, psychological, and interpersonal characteristics that is not wholly shared with any other person and (b) a range of affiliations (e.g., ethnicity) and social roles" (APA, 2018). How is an identity acquired and developed? Galliher, Rivas-Drake & Dubow (2017), for example, attempt to answer this question and provide theoretical integration by incorporating various perspectives that span several culturally-based differences. Similarly, Abril (2024(a)) discovered identity acquisition and maintenance among homeless American Indian youth is highly dependent upon a variety of social and cultural phenomena that vary according to socio-economic status and larger societal values assigned to various sub-cultural groups at varying historical time periods. One's social identity, as Tajfel (1981) has argued, emanates from and is directly related to one's social or cultural milieu, which is a direct result of one's sub-culture group membership status. Thus, one's social identity is translatable to mean one's *cultural identity* and is dependent upon the social or cultural context in which one finds themselves at any given time. Sub-cultural group membership status dictates strong influence over behavioral choices and patterns in which members engage and transmit the norms, values, and behaviors of the group to other group members, as senior scientist James Diego Vigil discovered in his lifetime of work with Las Angeles area Chicano barrio gangs (Pyrooz, 2024).

### **Relevance of Identity to Behavior**

There is clear consensus across various scientific domains that identity influences behavior, as Alfrey, Waters *et al.* (2023) have synthesized in their work. Indeed, one's identity is part of one's social identity (Tajfel, 1981). The role and power of the influence of one's *cultural identity* then becomes salient to the discussion within and will be addressed shortly in this report.

### **What is Efficacy?**

Efficacy is the ability to produce a desired or intended result. The psychological relevance of self-efficacy to behavior has been well-examined since Bandura first proposed ideas about one's belief in their own

ability to enact strongly-held beliefs (Bandura, 1977). Self-efficacy then became the grounding principle of many sociological and psychological testing efforts and developments, including the ideas surrounding Sampson, Raudenbush and Earls' (1997) initial version of collective efficacy. Sampson and his colleagues discovered large urban-based groups (neighbors) will come together to address or mitigate real or perceived harm to the collective body (the neighborhood community) when certain aspects of shared urban survival are threatened. Sampson *et al.*'s ideas about collective efficacy are different from Abril's (2024(a)) ideas about cultural efficacy in several significant ways.

### **What is Cultural Efficacy?**

Abril (2024(a)) suggests cultural efficacy is an artifact of the values embedded within a defined cultural group and a strong internalized cultural identity based on membership with and between members of the same cultural group. The cultural values and shared identity (*cultural identity*) of members of the same culture work in tandem to (1) prevent cultural/social deviance and, (2) motivate one to respond to cultural/social deviance when faced with criminogenic circumstances thereby (3) re-enforcing and enhancing cultural group membership (and, the shared *cultural identity*) and (4) ensuring cultural group survival. Abril (2024(a)) posits that cultural efficacy works more effectively than collective efficacy because the values threatened by deviance from acceptable behavioral norms are also an *existential threat* to the very culture and identity of the individuals who make-up that cultural group. If the shared cultural values and identity of the group are threatened by deviance from within the group itself by cultural group members, then these same members threaten extinction of the entire cultural group, as well as threatening the established paradigm of individuals. A threat of cognitive dissonance (mental discomfort from holding conflicting beliefs) surrounding one's way of life (paradigm) motivates individuals to act against cultural or social deviance. This is likely to be the underlying explanation for gang violence committed against a member of the same gang/group. This is contrary to Sampson *et al.*'s (1997) collective efficacy where an individual's (or their group's) personal safety is at risk but can be mitigated by withdrawal from the urban social circumstances. Whereas a threat of cognitive dissonance *mandates* one and all within the cultural group to act when witnessing cultural deviance. Thus, it becomes critical to explore and fully examine just how cultural efficacy works to enhance or facilitate culturally-based behavioral norms found among a variety of human cultures within various populations. This supports the necessity to collect data on various cultural attributes found within populations.

### **Methodological Issues**

#### **Interdisciplinarity Required**

There are methodological and structural issues that must be addressed when attempting to incorporate culturally-based variables into criminological research efforts. As is the case in other empirical research occurring across scientific domains, the need and urgency for interdisciplinarity is pressing. Interdisciplinary research incorporating cross-disciplinary theories is labor-intensive, time-consuming and requires collaboration with colleagues across a wide span of scientific domains, but it is intellectually exciting, doable, and will likely yield better quality research results than by use of single-method / single-theory employment, as is currently the situation in most of criminology. To demonstrate how interdisciplinary research methods and theories may be used within criminology, I examine here a small section of work by Abril, (2024(a) & (b)). To demonstrate how cultural values and cultural identity might be constructed for use within tribal communities (and possibly other ethnic groups), the next section provides some examples of how to construct the developmental work necessary to expand this culturally-based paradigm.

### **Measurement Issues**

As with other previous efforts to expand a paradigm, measurement issues are often the primary concern of researchers. Secondary concerns relate to validity and reliability of any measures created for this endeavor. How to measure identity and culture within a group *from within the field* would be a common thought among many who seek to engage in this type of scientific work. To help guide this proposed cultural data collection effort, I will use methods developed during previous work with Native American Indians as an example of how to (1) measure culture, (2) measure cultural identity, (3) evaluate the validity and reliability of these efforts, and to (4) develop the cultural efficacy scale proposed here and used in the Abril's other work.

### **Cultural Values**

Cultural values may be measured by asking some broad generalized questions about a Native American Indian culture, for example. Some culturally-relevant items might include those derived from asking



about the offensiveness of common stereotypical images and knowledge about Native Americans. If such stereotypes are offensive to an individual who is involved with a study, then assign a number (0 / 1 = not offensive / offensive). Other measures of pan-Native culture values would include asking about personal use of medicine people (traditional healers), views of disrespect of tribal elders, and other such culturally-based values and normative behaviors. Table 1 (Appendix) presents various cultural values and identity measures developed from the Abril's earlier work with Native American tribes across the United States. From personal interviews, cultural values were discussed and offered by previous study participants. These qualitative interview data points were re-coded to later be quantified as dichotomous variables (0 / 1). Dichotomizing variables for ease of statistical analysis provides a method to restrict study participants from providing myriad types of unresponsive data. Moreover, dichotomizing variables, as Farrington and Loeber (2006) earlier reported, provides some additional benefits, such as "improved power" to detect effects and "no measurable decrease" in the strength of detected associations than when using continuous variables that rely on interpretation of the *r* statistic alone. Again, using items that require simple "yes/no" responses control the possibility of myriad varied responses that might later be misinterpreted. The interview data from the S.U.I.C.S.S. from where these qualitative data originated have been publicly available since 2009 (Abril, 2009), but only analyzed recently (Abril, *in press*, (a) & (b)).

Similar to how culture was measured in this early work, cultural identity was measured by using identity measures developed in earlier work on Native American identities among women prisoners housed in the Ohio Reformatory for Women (ORW) (Abril, 2003). These early identity measures were derived from (1) historically established statutory law (*The United States Constitution, Article 1, Section 8, Clause 3: Indian Tribes; Constitution of the Pascua Yaqui Tribe of Arizona, Article III Membership in the Pascua Yaqui Tribe, 2024*), (2) case law (*Cherokee Native v. Georgia, 1831; Worcester v. Georgia, 1810*), (3) administrative law (U.S. Department of the Interior Bureau of Indian Affairs, 2024; U.S. Department of Justice, Office of Tribal Justice, 2024) regarding definition of a tribe and who is considered an Indian for such purposes as federal recognition for treaty negotiations and enforcement of any provision emanating from such, social supports, and other privileges based on ethnic group membership; as well as from a lifetime of lived experience as an Indian person existing under these laws regulating her own identity. The validity and reliability of the identity measures illustrated here have been reported in Abril (*in press*, (c)).

Table 1. <b>Measures of Cultural Values (Rank Offensiveness)</b> (Cultural Values Question was rated as "Offensive" to Interviewees and Survey Respondents)	
<b>Cultural Identity Measures (Interviews)</b>	<b>Cultural Values Measures (Interviews and Survey Form)</b>
Are You Indian?	Ever Asked How Much Indian Are You?
Identifies Name of Tribe	Ever Told You Don't Look Like an Indian?
Are You Enrolled?	Ever Asked for Location of Ancient Indian Burial Grounds?
Any Family Enrolled?	Ever Asked to Have a 'Real' Indian?
Any Family Member Attend Indian School?	Ever Heard All Indians Are Drunks/Druggies?
Do You Have Any Contact with Your Tribe?	Ever Asked for Photograph Without Compensation?
When Did You Last Visited the Reservation?	Ever Asked for Cultural Artifacts?
Are You Currently Living on a Reservation?	Stated Using Medicine People (Traditional Healers)
Are You Considered a Tribal Elder?	Holds a Harsh View of Disrespect of Tribal Elders
Has a Harsh View of Disrespect of Elders	Would Act if Witnessed Disrespect of Elder
Not Wanting Family Shame	Involved in Cultural / Spiritual Activities
Are You Involved In Cultural Activities?	Non-Indians Trespassing onto Indian Ceremonial/Burial Grounds
Uses Medicine People (Traditional Healers)	Non-Indians Buying Indian Bones / Other Cultural Artifacts
Mentioned Spirits/Witchcraft in Interview	Non-Indians Hunting/Fishing Without Tribal Permit
Time Living on Reservation (in Years)	Non-Indians Taking Natural Resources / Sacred Items Off Rez
$\bar{X}$ COMPOSITE IDENTITY SCORE	Non-Indians Practicing Indian Spiritual Ceremonies
	Indians Selling Indian Bones / Other Cultural Artifacts
	Indians Not Respecting Tribal Elders
	Indians Taking Natural Resources / Sacred Items Off Rez
	Indians Hunting/Fishing Without Tribal Permit
	Indians Stealing Money from the Tribe
	$\bar{X}$ COMPOSITE CULTURAL VALUES SCORE
Coded as dichotomous variables ("0 / 1" = no / yes <i>or</i> "0 / 1" = not offensive / offensive)	

### **Cultural Values of Other Sub-Cultural Groups**

Cultural values prevalent within and throughout other sub-cultural groups are easy to classify and develop for use as scientific measuring criteria. With any distinctive ethnic group in mind, determine some relevant characteristics likely to be found only within that sub-group. Values may be derived from such well-established cultural attributes as: a shared religious / faith belief system, child rearing characteristics, elements of the cultural heritage (e.g., Mayan/Aztec/indigenous), dialect (or argot) of common language used within the sub-group, marriage rites, and other such relatively stable cultural elements that are indicative of a specific sub-group within that sub-culture. More fluid characteristics, such as clothing and hair styles, might simply be indicative of economic status of a specific group / individual or current environmental climate and not necessarily of a cultural norm, other than belonging to the same economic group or group of people who reside in the warmer desert regions or cooler mountainous areas, for example. Select behavioral characteristics grounded in the cultural beliefs of the sub-cultural group one wishes to understand for better insight into the behaviors under investigation. Understanding *behaviors* will lead to better understanding of groups and those individuals who comprise those groups.

### **Cultural Identities of Other Sub-Cultural Groups**

Cultural identity could be measured by asking about various aspects of one's ethnic identity (asked as "How do you see yourself ethnically or racially?"), tribal affiliation(s), name of tribe(s), tribal enrollment status, familial enrollment status, past attendance at an Indian boarding school, place of residence on/off reservation, etc. Other ethnic groups might be asked about their country of origin, religious / faith preferences, or other cultural indicators that are theoretically important to other groups under examination. Again, data gathered about the *cultural basis* for the behavior will offer better insight into why the behaviors occur within the sub-group. For example, Catholicism is a hallmark of many Hispanic/Latine sub-cultures hailing from Mexico and South America because early Spanish explorers to the Americas brought with them beliefs and values heavily influenced by the Roman Catholic Church. Today, many Mexican nationals *et al.*, have strong beliefs in the Virgin of Guadalupe (an element of Catholicism) for reasons grounded within their various sub-cultures (personal interviews with cultural informants, 1983 – 1996). The Yaqui Natives of Arizona and Sonora Mexico, for example, were also heavily influenced by the Catholic settlers and their missions (Spicer, 1980; 1988). This is why many Yaqui people have modern faith-based beliefs and cultural customs that have incorporated both Catholic elements into their indigenous faith paradigm. Likewise, mainstream religions, such as Jehovah Witnesses and Mormons, have structural elements of their own belief systems that are similar in structure and functioning to Catholicism and make transferability of these vastly different religious belief systems intellectually possible and common practice among modern Yaqui. This is contrary to the early belief about indigenous folks being 'savages without belief in God,' as many early explorers to the Americas falsely assumed of the local indigenous populations (Abril, 2024(a)). By being intellectually and structurally congruent with a Yaqui paradigm, religious ministries can succeed in captivating indigenous audiences, as is continuing to occur throughout underdeveloped African nations. Simply, it is easy for mainstream religious entities to recruit people with indigenous cultural backgrounds because the structures and functions of what these religions offer are what 'fits' into the current paradigm and might, therefore, be believable to the indigenous people who are often sought for religious recruitment efforts.

### **An Example of A Cultural Efficacy Scale The SUICSS and The ORW Data**

To help guide future research efforts into constructing and use of a *cultural efficacy* scale, an example taken from the *Southern Ute Indian Community Safety Survey* (SUICSS), as reported in Abril (*in press*, (a), (b), (c)), is provided. Ethnic identity data were derived from the earlier study of Native American Indian identities among women prisoners housed in the Ohio Reformatory for Women (ORW) (Abril, 2003). The SUICSS collected qualitative and quantitative data from a 72-item survey questionnaire and 85 1–2-hour personal interviews. Both the SUICSS and the ORW studies used the same identity items (verbatim). The ethnic identity data derived from both studies (SUICSS and ORW) were subjected to extensive *t*-tests, ANOVA and principal component factor analyses to determine the reliability of these identity measures for use in various other scientific work efforts, (see Abril, *under review*, for a complete discussion and presentation of these analyses). Because these measures of a Native American Indian identity were based on hundreds of years of Federal Indian law cases and statutes that lead to the development of the legal definition of "Indian," the validity of these identity items was settled before they were even tested in the field, as Durkheim might have advised (1938(a)). Participation in cultural and spiritual activities relevant to one's ethnic group, as well as residing with one's own



ethnic group, and expressing knowledge of cultural matters and other cultural indicators (such as spirit entities and witchcraft) has been discussed in anthropological literature to be a significant indicator of an internalized identity, *i.e.*, a *cultural identity* (Kroeber & Kluckhohn, 1952; Gans, 1974; Erickson, 2008). Likewise, Gans (1979) advised, “identity cannot exist apart from a group.” Considering this idea, an identity derived from a culture – a *cultural identity* - should be measured as well, as others have discovered within other tribal cultures (Erickson, 2008; Tumbaga, 2018). Methods to quantify qualitative data were simple but time-consuming.

### **Quantifying Qualitative Survey and Interview Data**

All relevant interview items were re-coded as dichotomous variables (0/1), where each respondent who indicated a positive (‘yes’) response was coded as “1,” whereas negative (‘no’) responses were coded as “0.” Those participants declining to supply the requested information (or supplying unresponsive or undecipherable responses) were coded as “0.” Using items that require simple “yes/no” responses control the possibility of myriad varied responses that might not be understandable to the researcher at the data analysis and reporting phases of the research. This is yet another reason - among many discussed elsewhere - why it is critical for new, emerging researchers to (1) conduct their own interviews with study participants, (2) transcribe these interviews themselves, and (3) analyze the interviews themselves, as opposed to using a service or computerized program or untrained others to do this critical required work of qualitative data collection and analysis. Others who perform this service for researchers (or using an automated computer-based programs based on Artificial Intelligence (AI) that uses pre-set themes as selector variables) will no doubt miss critical data. Changes in vocal tone or body language, for example, that could indicate a response opposite than that which was verbalized by the interviewee and later typed (entered into the dataset) by an outsider to the research are missed by computerized programs and those who were not present during the interview session. False conclusions about populations may result if researchers rely upon data collected by others - a problem found in many other scientific domains - and likely to be amplified because of future releases of federally-funded research datasets to others who lack scientific training in qualitative data analysis, collection and interpretation.

### **Variables Used in Analysis**

Returning to the SUICSS example, two constructs were developed *post hoc* after study completion - cultural values and ethnic identity. A composite ethnic identity score was developed using ten distinct characteristics of a Native American Indian identity and assigned a value of “1” to each item for each case (a case represented a study interviewee) where an interviewee indicated an affirmative response. For example, if an interviewee indicated they were a tribal elder, then that case was assigned 1 point; if the interviewee indicated they would ‘take action’ if they witnessed disrespect of a tribal elder, they would receive another point. Total possible points each interviewee could be assigned for the identity construct ranged from 1 to 10, while the possible points for the cultural values construct ranged from 0 to 24.

### **Measures of a Native American Indian Cultural Identity**

Measures of a Native American Indian identity were many and diverse. The ten identity items taken from the survey questionnaire were the following: (1) Are you Native American, American Indian, or Aboriginal? Asked as “Do you consider yourself (even partially) to be American Indian, Native American, or Aboriginal?” (2) Identify your tribe’s name. Asked as: “What is your tribe, band, clan or agency affiliation?” (3) Are you enrolled? (4) Has anyone in your family ever enrolled? (5) Has anyone in your family ever attended an Indian school? (6) Do you know your percent degree of Indian blood? Asked as “Do you know how much Indian blood you have?” (7) Do you have any contact with your tribe, band, or clan? (8) When was the last time you visited your land or reservation? (9) Identify who in your family was or is Indian and, (10) Does your family talk about their Indian blood? Five additional identity items derived from the personal interview data were (1) How long have you lived on the reservation? (2) What is your view of disrespect of tribal elders? (3) Are you involved in any cultural/spiritual activities? (4) Do you use a Medicine Man/Woman (a traditional healer) (5) Did the interviewee mention witchcraft or spirit entities during the interview (as an indication of culturally-based beliefs) were used here. From the fifteen ethnic identity (*cultural identity*) measures described above, a composite *cultural identity* mean score was calculated for each case (interviewee). The validity and reliability of these Native American Indian identity measures – used in two separate and distinct populations (SUICSS and ORW) - were subjected to a variety of statistical analyses such as *t*-tests, ANOVA, and principal component factor analysis and are thoroughly discussed in Abril (*in press*).

### **Measures of Native American Indian Cultural Values**

Measures of the cultural values construct were taken from both the survey questionnaire and the interviews. Measures derived from the survey questionnaire forms included: (1) Non-Indians trespassing onto Indian burial grounds, (2) Non-Indians buying Indian bones or other Indian cultural artifacts, (3) Non-Indians hunting or fishing on the reservation without a tribal permit, (4) Non-Indians taking natural resources such as plants, rocks, or other sacred items off of the reservation, (5) Non-Indians selling Indian bones or other Indian cultural artifacts, for personal gain, (6) Indians selling Indian bones or other cultural artifacts for personal gain, (7) Indians not respecting tribal elders, (8) Indians taking natural resources such as plants, rocks, or other sacred items off the reservation, (9) Indians hunting or fishing on the reservation without a tribal permit, and (10) Indians stealing money from the tribe (e.g. a casino employee taking money from the tribes' casino or a Tribal Council member stealing money from the tribe's bank accounts). Additionally, cultural values were derived from interview items. These items were re-coded from the original coding scheme, to 0 = "not serious/little serious," and 1 = "serious/very serious." Additional cultural values measures involved asking interviewees to rate the *offensiveness* of a variety of common questions asked of Native Americans. These were: (1) Has someone asked you "How much Indian are you?" (2) Has someone said to you "you don't look like an Indian!" (3) Has a non-Indian asked you where the ancient burial grounds are? (4) Has a non-Indian asked you to participate in a spiritual ceremony for them to say they have a 'real' Indian involved? (5) Has someone made disparaging remarks about "all Indians" having gambling/alcohol problems? (6) Has someone asked you to do something for commercial purposes but where the Tribe will not get paid (e.g. pose for photograph)? (7) Has a non-Indian asked you for your cultural artifacts? Regarding Elder Abuse (a well-documented cultural value to respect Tribal Elders among many indigenous groups): (8) When people don't respect the Tribal Elders, what is your view of this type of behavior? (9) When people don't respect the Tribal Elders, how does it affect your community? (10) When people don't respect the Tribal Elders, what do you think should be done about this? (11) Regarding disrespecting Tribal Elders, how can we change this behavior? (12) If you were in the community somewhere and you saw somebody disrespecting a Tribal Elder, would you do anything? Finally, a few general culturally-based questions were asked. These were: (13) Have you ever (or would you) see a Medicine Man/Woman (a traditional healer) if you were ill? And (14) Are you involved in any cultural/spiritual activities? These items were re-coded as dichotomous variables (0/1) and included in the composite cultural values construct. The combined 24 measures of cultural values were next calculated together to create a mean ( $\bar{X}$ ) composite numerical score for each study participant. From the fifteen (15) Native American Indian *cultural identity* measures and twenty-four (24) cultural values measures described above, a composite Native American Indian *cultural efficacy* mean ( $\bar{X}$ ) score was calculated for each case (a case represented an interviewee). This is how a composite cultural efficacy score (CE) score was developed for use in other published work and discussed herein. This example of a cultural efficacy score is useful for a variety of investigations of phenomena emanating from this same population such that investigate matters of perceptions of crime seriousness (Abril, 2024(a),(b),(c); Abril, 2015(a),(b),(c),(d); Abril, 2014; Abril, 2008; Abril, 2007), gender differences in civic behaviors (Abril, 2015(c)), reporting victimization (Abril, *in press*(a); Abril, 2015(b); Abril, 2007) and, understanding why some individuals who belong to this cultural group chose to abstain from engaging in crime or deviance without the threat of formal social control (Abril, *in press*(a)).

### **Arguments for Cultural Identity Measures**

As previously implied, reduction in the use of race-based characteristics - that ultimately contributed to false stereotypes and led to policing policies and practices of racial profiling - might reduce the proliferation of negative stereotyping that currently fuels conflict and violence between groups within some communities (Abril, 2024(a)). More precise criminal profiling techniques are likely to be developed using culturally-based characteristics that include behavioral norms derived from cultural group membership. Indeed, profiling criminally-defined *behaviors* would be a vast improvement to those that profile others based on such inappropriate characteristics as skin color or hair type, for example. Targeting negative behavioral norms (criminal behaviors) as opposed to skin tone/phenotypology is more likely to yield better results for criminal profiling efforts than those that have targeted a phenotype displayed by criminal actors. Likewise, profiling behaviors over such fluid criteria as manner of dress or appearance (hair style or facial hair), for example, will reduce attention on sub-cultural group members who migrate from various locations to other areas where their outward appearance contrasts with that of others who originally resided in the new locale. Finally, victimization characteristics and probabilities of vulnerability might be better refined and subsequent prophylactic educational campaigns better targeted and polished when culturally-based norms of crime targets are understood and ameliorated.

### Arguments Against Cultural Identity Measures

There are several significant arguments against the use of culturally-based measures of population descriptors. Study participants might refuse to reveal elements of their culture that have previously been subjected to harsh criticism (disbelief) by outsiders, such as religious-based beliefs or values. Anthropologist Edward H. Spicer, who extensively studied Yaqui Native people in Arizona and Mexico, discovered this when he asked members of various Yaqui sub-cultures about their use of and belief in witchcraft - to which his informants often feigned disbelief or no knowledge - when there was clear evidence found within these sub-cultural communities that belief in witches and use of witchcraft was rife (Spicer, 1980 & 1988). This practice is still evident within field research efforts today. In Abril's study of a Ute Indian community in Colorado (Abril, 2024(a), 2009(b); 2005), where her informants revealed not only the belief in and use of witchcraft to effectuate culturally-based informal forms of social control and retaliation, known colloquially as "Ute ways," but also using modern formal mechanisms of social control (the police) to regulate use of witchcraft (Abril, 2024(c)). This is a well-known phenomenon within other Native communities, such as in the Diné (Navajo – *The People*) Nation, as well as within other tribal and non-tribal ethnic communities found within the United States and around the world (Gershman, 2022; Spicer, 1988; Simmons, 1980; Garcia, 2007; ForeverAz, 2023).

Identical to the phenomenon found within the theoretical physics domain known as quantum mechanics is what is referred to as "the observer effect," whereby observation alone changes the phenomena in question (Dirac, 1967; Dent, 2019). Within sociologically-based research, this phenomenon is likely an artifact of observer bias, whereas quantum mechanics suggest changes due to observation alone are a result (artifact) of time dilation. Thus, changes occurring within a sub-cultural group under observation or through interviewing, such as revealing secrets of a society, has the likelihood of changing the phenomena itself. This was likely observed during attempted empirical observations and testing of such phenomena as human sensory-based perception, telekinesis, and other such similar human-brain-based technologies during the Cold War period of the United States but may now be testable with advancements in human knowledge in areas such as physics and brain mechanics. Simmel's (1906; 1950) ideas about the function and purpose of secrecy and secret societies are relevant here, as these might be adversely-affected by revealing culturally-based knowledge to outsiders.

### Future Directions

#### **Interdisciplinary Collaboration Required**

Criminology of the 21<sup>st</sup> century and beyond demands interdisciplinary collaboration. Cross-use and employment of mixed approaches (both methodological and theoretical) to gather and interpret pertinent culturally-based and criminologically-relevant data and characteristics that will better inform researchers on the etiology and spread of criminological phenomena within and between global societies, unlike what is not now occurring, is required. Unfortunately for many modern criminologists, these efforts are not amenable to oversimplification and ease of dissemination. Herculean intellectual efforts not unlike what led to the original scientific development of criminology are necessary for further and more significant developments within this scientific field that go far beyond the infinitesimal 'advances' now often over-hyped elsewhere, such as .049 *p*-values found among obscure datasets of descriptive-only phenomena. Major changes in paradigms within criminology will be fostered by the availability of new culturally-based variables and cross-disciplinary methods for analyzing these variables and the theoretical perspectives derived from these efforts, will soon develop to better inform policy and practice and understanding of phenomena now plaguing society.

#### **Rapid Development of Technologies in the 21<sup>st</sup> Century**

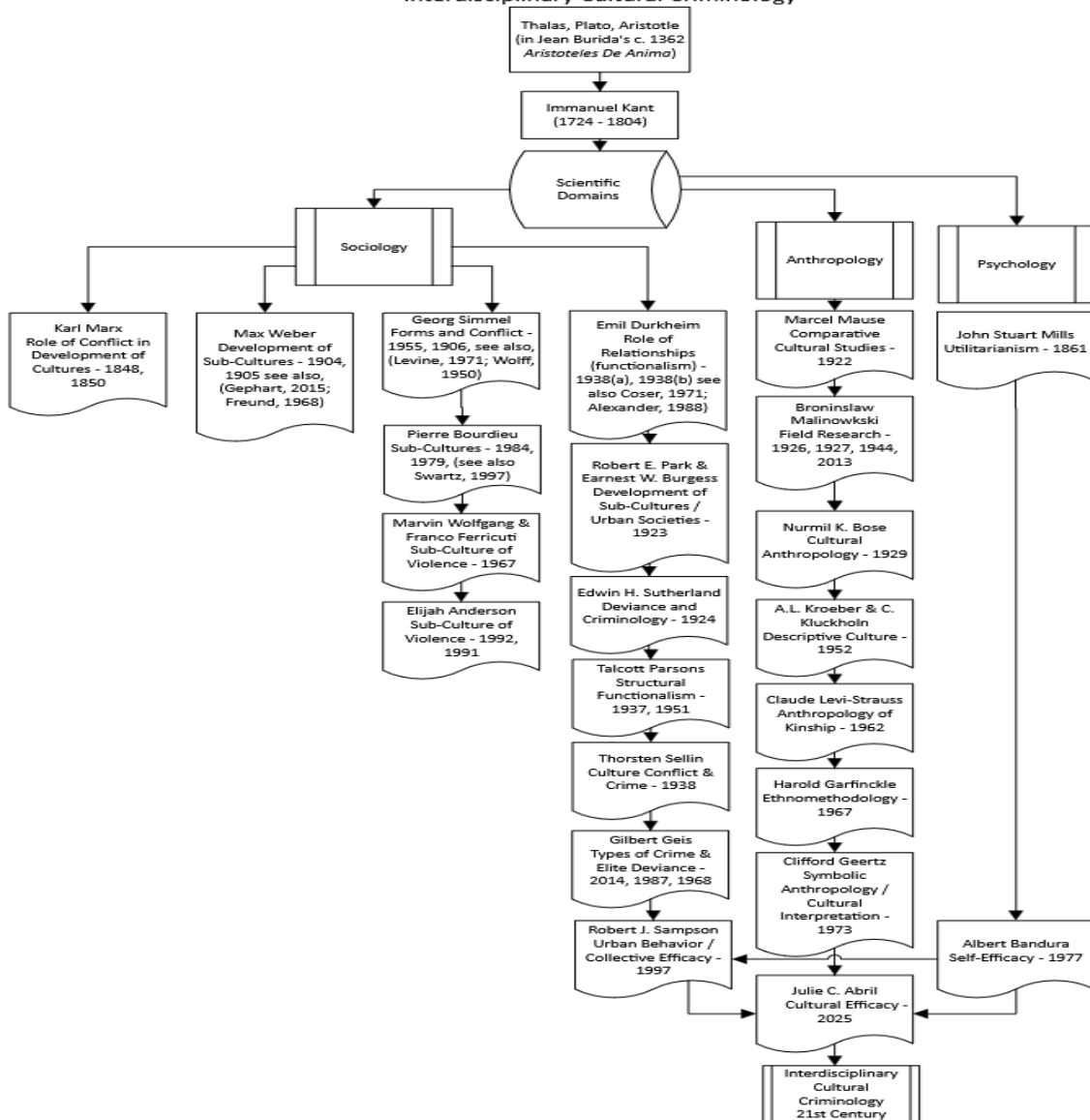
Rapidly developing technological advancements made in such areas as Artificial Intelligence (AI) and computerized predictive analytics, especially those being made within quantum physics (mechanics), are demanding new and not-so-novel approaches to data collection efforts found within a variety of scientific domains, such as anthropology, sociology, psychology, medical sciences, ethnic studies and quantum mechanics, as expressed within the computer sciences. Brain-based technologies of the mind, like those produced by Elon Musk's *Neuralink* devices (Gaurino, 2024), will demand sociologically-based data collection efforts and the resulting findings from such to be used in further development of predictive technologies for the next century and beyond. Considering the rapidly developing technologies now at hand, this Abril recently proposed to the National Science Foundation and the National Academies of Sciences, Engineering and Medicine a research agenda for the next ten years (Abril, 2024(d)). This agenda would see expanded use of large language models (LLMs) to mine anthropological and sociological literatures to extract relevant culturally-based behavioral traits and characteristics for each sub-cultural group found within the United States. The

knowledge of culturally-based behaviors is already developed within the various literatures (such as anthropology) but must be extracted by using new emerging technologies, such as AI and other technologies of computer science. It is not too farfetched to imagine a modern society designed and based upon characteristics already discovered during previous research efforts of the last few hundred years. New societies and their cultures will likely be based on elements of past societies that have been resurrected from the archives of past scientific efforts.

**Cultural Criminology for the 21<sup>st</sup> Century and Beyond**

While effectuating these proposed future-is-now-efforts, the field of criminology will be expanded to include a better refined version of cultural criminology than the one understood today. Presently, descriptive efforts to illustrate certain aspects of deviant sub-cultures, such as what Lilly, Cullen and Ball (2007:201) described as “media-based images of crime,” are often defined as cultural criminology (see, also e.g., Rafter, 2006; Rafter, 2007), while definitions of crime and deviance itself are also contested issues within cultural criminology (Lilly, Cullen, & Ball, 2007). A more socio-anthropoc view of cultural aspects of criminology will lend itself to ease of scientific examination and less researcher bias and misinterpretation if elements of the culture are identified, stratified, and explained based on Durkheim’s notions of the scientific method (1938).

Diagram 1.  
Theoretical Development of  
Interdisciplinary Cultural Criminology



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