

## Folklore and Crime Models and Applications of Research

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Volume 41, numéro 1, 2019

URI : <https://id.erudit.org/iderudit/1069847ar>

DOI : <https://doi.org/10.7202/1069847ar>

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Éditeur(s)

Association Canadienne d'Ethnologie et de Folklore

ISSN

1481-5974 (imprimé)

1708-0401 (numérique)

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Citer cet article

Conn, J. (2019). Folklore and Crime: Models and Applications of Research. *Ethnologies*, 41(1), 71–97. <https://doi.org/10.7202/1069847ar>

### Résumé de l'article

Le folklore lié au crime et à ses auteurs forme en soi un ensemble diversifié de traditions. Cet article propose que cette diversité résulte principalement de la diversité même des acteurs et de leurs interactions. Il établit une méthode d'analyse qui examine quel groupe social raconte ou pratique son folklore, et par rapport à quel groupe celui-ci est raconté ou pratiqué (comme par exemple les victimes des auteurs présumés ou les accusés du système judiciaire). L'article proposera par la suite un examen général de récits folkloriques par le biais de ces catégories, avant d'entreprendre une étude de cas d'un vaste ensemble de récits concernant une forme particulière de délit, soit la fraude par anticipation, également connue sous le nom d'escroquerie « 419 » ou du « Prince nigérian ».

# FOLKLORE AND CRIME

## *Models and Applications of Research*<sup>1</sup>

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The folklore related to crime and its perpetrators is not a single body of lore. Crime affects and involves many different actors and thus it forms those it touches into separate folk groups, each influenced by the manner in which they interrelate to the others and leading to a diverse output of folklore and practice.

Using Fine's "Folklore Diamond" as a model, this paper examines the different folk groups and their interaction as the greatest drivers in producing folklore regarding crime. In doing so, I shall first examine folklore of and regarding crime in general, as circulated within four main folk groups and follow with a detailed case study regarding Advance Fee Fraud. Through this, I seek to demonstrate that it is by focusing study on the "social structures" and recognising their principal influence elsewhere in Fine's "Folklore Diamond" that the researcher is led, first, to consider the broader challenges in comparing and contrasting different areas of crime lore and is thereafter presented with opportunities for, and uses of, further study.

As a lawyer practising in the courts of Scotland (albeit in the field of civil litigation, not crime), any time spent in court amongst other practitioners—especially time spent in the bar common room before the day's session commences—illustrates my initial observation of the predominant effect of the interaction between folk groups in generating narratives. Stories are exchanged, principally emerging from the space where the lives and domain of the accused meets that of the lawyer or

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1. Elements of this paper were delivered at the 30th Perspectives on Contemporary Legend conference at Göttingen, Germany in 2012. I am grateful to all those who gave feedback, or suggested further avenues of research or sources, in response to that paper.

court structures.<sup>2</sup>

The folklore of and regarding crime can be organized in various ways, each providing multiple avenues for analysis. This paper demonstrates the pragmatic utility of Fine's 'Folklore Diamond'; his "simple model" for "framework [of]... four classes of variables... critical in the analysis of the dynamic of contemporary legend" (Fine 1992: 5). Fine posits that the first node of his triangle—"Social Structures"—interconnects with both "Personal Imperatives" and "Performance Dynamics" which in turn interconnect to produce the folkloric output of "Narrative Content" (5). Using Fine's paradigm, we can see that there exists within the first node of "Social Structures" a multitude of class structures, institutional structures, and various networks (both formal, informal, and temporary) which arise out of shared involvement in, or fear of crime itself, creating the different folk groups, which then forces, or forges interaction between these groups (7-14). It is these interactions that both generate folklore<sup>3</sup> and act as a means of its communication. The different folk groups and their interaction (the "Social Structures") heavily influence the "Personal Imperatives" of the teller (such as warning, boasting, or advising) and the "Performance Dynamics" of the telling (whether it be conversation, social media, public pronouncement, or even a shared joke in a shared holding cell). Thus, though the precise forms of "Narrative Content" are affected

2. Featured in this paper is part of what I have collected during my professional career (overheard or thrown into conversation over a coffee or obtained in more the formal setting of Continual Professional Development ("CPD") seminars). The Law Society of Scotland requires every solicitor (the term generally used in Scotland for a lawyer) to undertake at least 20 hours of CPD a year. The Faculty of Advocates (which regulates lawyers who have chosen to undertake a self-employed route principally involved in court appearance work; what is termed a barrister in England and some other jurisdictions) have a similar requirement for its members. Delivering CPD counts towards your CPD requirement, and much CPD is delivered by other solicitors and advocates to each other. Many CPD seminars thus merge legal knowledge with the speaker's practical advice and experience. There was little rigor in much of my early collecting, which I absorbed purely for the pleasure of retelling to others. Within this paper I have attempted to detail the terms and the circumstances of collection as accurately as my memory and notes allow.
3. In regard to the point of interface between criminals and victims of crime, Wachs (1982: 18) uses the technical term "criminogenic pair" where the victim of crime is engaged by the criminal "by physical force or threat and by verbal demands to relinquish possessions at the cost of serious consequences". She sees the narrative of the victim—the "crime-victim narrative"—formed when "the criminogenic pair dissolves" and "the victim wishes to reshape the experience into words".

by “Performance Dynamics” and “Personal Imperatives”, I propose that it is the “Social Structures” of crime and criminal activity (and the interaction between different Social Structures) that most significantly influences the variety of crime-related folklore.

Further, such a deeper examination of the “Social Structures”, and recognition of their position in effecting the “Narrative Content” generated, can lead the focus of study for the researcher when considering broader challenges in comparing different forms of crime lore, as well as leading opportunities for further study.

### The folk groups of crime and their folklore

To illustrate this, a rough table of the specific folk groups and types of folklore is seen at Figure 1. There are four main folk groups: the perpetrators of crime; the victims and potential victims; the law enforcement and crime prevention authorities (including police, prosecutors, and public authorities); and the courts and legal advisers. To take “crime” as a theme, the folklore generated and circulated varies between and across the groups, yet each present shared characteristics and themes.

		TOLD/ PRACTISED REGARDING			
		Perpetrators of crimes	Victims/ Potential victims of crimes	Law Enforcement/ Crime Prevention organisations	Legal advisers/ Courts
TOLD/ PRACTISED BY	Perpetrators of crimes	Expected: <i>Folktales re great criminals/ Folktales re dumb criminals</i>	Practice of identifying victims and undertaking criminal act	Expected: <i>Practice of avoiding detection/ Warning tales about detection</i>	Folktales or rumours re judges who are tough or soft/ Folktales re Lawyers who outsmarted police or judge
	Victims/ Potential victims of crimes	Warning tales of criminal scheme (re narrow escape)/ Baiting or luring perpetrators	Warning tales of criminal scheme (re bad outcomes)	Alleged official warning tales	Warning tales of criminal scheme (re bad outcomes through legal routes)
	Law Enforcement / Crime Prevention organisations	Folktales re great criminals/ Folktales re dumb criminals	Official warnings of criminal scheme based on ‘intelligence’	Internal training on criminal threat based on ‘intelligence’	Good/Bad outcomes in court (due to good/bad lawyers or judges)
	Legal advisers/ Courts	Folktales re great criminals/ Folktales re dumb criminals	Warning tales of criminal scheme (re bad outcomes for victim)	Warning tales of criminal scheme (re bad outcomes because police powerless)	Judges/ other lawyers to be aware of (due to being smart, dumb, untrustworthy, lazy, etc.)

Figure 1: Folk groups of crime and their folklore

An example of folklore on similar themes but containing different content can be seen in stories regarding “dumb criminals”:

- Those involved in law enforcement circulate stories of criminals outsmarted by police, or undone by their stupidity. The “Colander Copier Caper” is a well known example, where police are said to hook up a suspect to a photocopier and place a colander on his head with wires trailing towards the copier (Brunvand 1999: 303-305). The suspect is told he is on a polygraph machine. A piece of paper is placed on the copier with the words “He’s lying” and whenever the suspect says anything, one policeman presses the button on the copier which sends out a copy of the words, which are shown to the increasingly panicked suspect who eventually cracks and confesses all.
- Lawyers and judges circulate stories relating to the law office or courtroom, where the venue is their domain. A Scottish tale involves a witness describing seeing the perpetrator of a crime escaping. The witness cannot identify the perpetrator but gives a full description of the colours and design of a very distinctive sweater. All eyes then turn to the accused in the dock, wearing that exact same sweater. The defence lawyer is heard speaking, in exasperated tones, to his client: “Why are you wearing that?” The client replies (for all to hear): “You told me to dress smairt! These are my smair’est claes!” (Collected by author at a seminar, Glasgow – mid 2000s).

Both examples are stories of “dumb criminals”, though one outsmarted by the police and the other undone by his own stupidity in the court. Books of legal anecdotes are full of similar stories of idiotic accused, but also tales of bad or great lawyering, such as when that final question in cross-examination leads directly to the lawyer’s victory or defeat. In considering such occupational lore, McCarl termed a corpus of traditional skills as “technique”:

Each occupation demands an ability to do something... In each case, the worker must make decisions and manipulate objects to produce the desired result and it is in the manner and appropriateness of the manipulation (its technique) that the occupational network is born, perceived by other workers and stereotyped by outsiders. What is important in this technique is not its inherent danger, technical complexity, or traditional nature, but the way it is influenced and interpreted by others in the work group. Technique reflects the ‘working knowledge’ (what you need to know to do the work) of any work group, and as it is passed from one worker to another through imitation and instruction, it begins to reveal a pattern of interactions that is unique to that particular group and almost invisible to the outside observer. (McCarl 1978:147-148)

The stories of courtroom failures and triumphs, or police station tricks, function both as light relief within the occupational lore of the folk groups involved, and perform an educational function in passing on “working knowledge” of the folk group’s “technique”, to teach the inexperienced the tricks of the trade or how to avoid pitfalls.

Further, as in Figure 1, it may be expected that tales circulate amongst those who have ‘brushes with the law’ (or outright criminals) and are told both as jokes or cautionary tales of the risks of being outsmarted and suffering punishment.

Therefore the same type of tale (or the exact same tale) may be generated and circulated for different reasons across different folk groups, each told with a different emphasis on the *dramatis personae*. Conversely, the same emphasis and meaning may be found in very different pieces of folklore. For example, where a particular judge may gain a reputation for being extremely harsh or soft in sentencing, this view will circulate amongst lawyers through stories of (alleged) outcomes in court. The lawyers will act on this knowledge accordingly (either in tailoring their legal submissions to the judge, or when advising clients). Amongst accused, the same judge may gain a simpler reputation as a villain or a hero. A particular Scottish judge (still in office, so remaining anonymous) has a reputation for softer sentencing. The judge’s surname (X) is similar to a line in an old popular song about how much the singer loves X. I have heard reports of a chorus of accused sitting in the holding cells at the court singing the old song about their love of X when they hear that Judge X is going to be deciding their cases that day (Collected by the author from another lawyer in social setting, Glasgow – early 2000s). Some accused may consider the advice of their lawyer in light of their own beliefs about Judge X (rather than risk the case being continued to another day when a different judge may be sitting) and those previously unaware of Judge X’s benign reputation will be educated by the cellblock song.<sup>4</sup>

Even where there is a significant difference in the “Performance Dynamics” and “Personal Imperatives”, it is the “Social Structure” of the folk group and its interaction that act to drive the folklore formed. This can be observed when considering the use and circulation of crime warnings issued by official Law Enforcement or Crime Prevention authorities, versus those circulated by the general public, such as through e-mail or social

4. This tale was told to me by another solicitor and, though I have categorised this as evidence of folk belief circulating amongst those accused of crime, it may not be circulating in that folk group and may instead be a folk tale by solicitors (and police) regarding perpetrators of crime.

media (and previously as Xeroxlore). We can cite two classic examples to illustrate the differences between folk transmission and official bureaucratic communication from various bodies of law enforcement. First, the classic “Lights Out!”/“Gang Car” warnings are well known and, regarding alleged gang initiations that imperil the common commuter, are occurring locally or nearby (see Bennett and Smith 2007: 66-68). Second, there are the perennial alerts regarding distinctive drugs said to be produced so as to attract children (such as “Mickey Mouse Acid” or “Blue Star Acid” (ibid: 211-214)). The modes of transmission are well known to contemporary legend scholars, as are the narrative forms. The texts often make specific reference to dates, times, or having occurred to someone known to the circulator, all adding an air of authenticity. Some versions also claim to originate from a named public authority, adding a sheen of officialdom (for a general overview of the main features, see de Vos 1996: 3-11). This reference to a credible source within widely distributed warnings is not coincidental. Fine and Ellis considered that “the presence of an authoritative (or authoritative sounding) name in photocopied texts often proved influential in how widely the flier circulated” (2010: 107).

In contrast, the language of crime warnings actually issued by official Law Enforcement and Crime Prevention authorities varies but is generally clear and emphatic, drafted for the layperson, and absent references to specific crimes or predicted events. As at the time of writing, the most recent crime prevention warning on Police Scotland’s Twitter feed is concise:

Mandate Fraud is one of the most reported frauds in the UK.

Always verify invoices, and any changes to personal banking. If you’re concerned a request isn’t legitimate, contact the supplier directly.

#BeatMandateFraud (Police Scotland 2019)

The alert is accompanied by a clean infographic with three brief bullet points of advice that you should always double-check bank details if someone purports to change the payment details for a purchase or invoice (so as to rule out the request coming from a fraudster). It is simple, contains useful advice, and has a measured tone (*but* was only retweeted 15 times in the first 56 hours since first posted). For comparison, a form of Mandate Fraud recorded by *Snopes* circulates online in this emic form:

My daughter called me a couple of days ago asking me if I had already paid my Florida Power & Light (FPL) bill, I told her that I hadn’t and she proceeded to tell me that the accounts were being funded by some entity for this month only for Florida residents. I gave her my account

information, including SS #. I received a confirmation # from FPL. Today she calls me to tell me that she had found out this was a scam. She has no idea of how this was distribute, a friend of hers is the one who provided all the information. (Mikkelson 2012)

Looking broadly at these crime warnings, the similarities in “Performance Dynamics” (a written text, publically circulated) and their differences (short and factual in the official texts, longer and personal in the others) arise from the differences in the folk groups. The “Personal Imperatives” may be seen as the same—to alert others to a perceived danger—but again the content is determined principally by the differences in personal imperatives between the different folk groups, and the personal imperative of the teller if speaking to a different folk group (as seen in the sober, brief and authoritative voice of the official warning to the public).

Though the tone and style of official warnings may be different to those circulated by the public, their nature may not be. A circle is often completed when a public authority, in possession of a poorly controlled social media feed or other ill-judged official utterance, issues a warning on the latest social fear, thus adding official approval to the folk crime warning already circulating emically. This semi-official communication is then re-shared by the public and press, potentially fuelling a panic.<sup>5</sup> A recent example saw the Police Service in Northern Ireland sharing its own “Momo Challenge” warning, albeit claiming that it was a means for hackers to harvest data. This police warning was then reported in the press, even outside Northern Ireland, aiding circulation and likely fuelling the general panic regarding Momo’s alleged threat of encouraging child suicide (see Christian 2019).

This short review thus supports the continued focus on social structures in considering the production of the folklore of crime interacting with the personal imperatives of tellers and the manner of performance. Through this, we see the contemporary legends of crime as materially influenced by folk groups (both occupational within law enforcement and the judiciary and the general public) and their interactions.

*Case study: Advance Fee Fraud or ‘the 419 scam’*

To highlight how different folk groups interact with and within similar crime narratives to produce a diverse output of folklore in practice, I have collected a broad body of material regarding Advance Fee Fraud (AFF).

5. The phenomenon is well studied by contemporary legend scholars and includes not only law enforcement but also any government or trusted private institution or business. For examples focused on local panics regarding ritual abuse or Satanism, see: Guinee 1987, Ellis 1990 and Victor 1993.



Commonly known as a “419 scam” or “Nigerian Prince” scam, it involves the receipt of an unsolicited e-mail or fax asking for our assistance in seeking to withdraw a very large sum of money from an inaccessible account. A classic AFF (like “The Spanish Prisoner” scam that it is based on) is a confidence trick which attempts to part the victim from their money on various pretexts with the promise of a greater payoff. Needless to say, the final payoff never arrives.

Dating from at least the late 1800s, the “Spanish Prisoner” was described by the *New York Times* in 1898 as “one of the oldest and most attractive and probably most successful swindles known to the police authorities”. Variations abound, such as ‘romance scams’ featuring fake Internet loves who require cash to pay for a ticket or visa to come and visit; ‘over payment’ scams where a genuine payment appears to have been made and the victim is to send back the excess (after which the original payment is dishonoured); and ‘lottery scams’ where a claim is made that a significant sum has been won on a foreign contest but funds are needed to pay fees or tax to release the winnings. There are many other varieties.

		TOLD/ PRACTISED REGARDING		
		Perpetrators of crimes	Victims/ Potential victims of crimes	Law Enforcement/ Crime Prevention organisations
TOLD/ PRACTISED BY	Perpetrators of crimes	Criminal fraternities/ Songs	Practice of identifying victims/ Styles of fraud letters	Practice of avoiding detection and hiding money trail
	Victims/ Potential victims of crimes	Scam baiting	Warning tales of criminal scheme (re bad outcomes)	Alleged official warning tales
	Law Enforcement/ Crime Prevention organisations		Official warnings of criminal scheme based on ‘intelligence’/ Interactions with victims re other bad outcomes	Internal training on criminal threat based on ‘intelligence’
	Legal advisers/ Courts	Professional warnings re attempts to defraud	Warning tales of criminal scheme (re bad outcomes for victim)	Warning tales of criminal scheme (re bad outcomes because police powerless)

Figure 2: Folk groups of Advance Fee Fraud and their folklore

In Figure 2, I categorise AFF material I have collected into the folk groups seen in the previous table.

*Transmission from law enforcement/ public authorities to or regarding potential victims*

The principal transmission from law enforcement and public authorities to potential victims relates to the risks of AFF. Vast sums are allegedly lost through this form of fraud, though the figures quoted are often based on vague estimates by governmental bodies and researchers. The International Mass-Marketing Fraud Working Group, in its June 2010 report, estimates a total of US \$23-25 billion in losses in the United States (International Mass-Marketing Fraud Working Group 2010: 7), apparently on the basis of extrapolation from research in other countries and the view that most victims will not report their losses<sup>6</sup>. One piece of research the report relies on is from the UK's Office of Fair Trading which "estimated the direct cost of [mass marketing] scams to UK consumers was at least £1 billion a year" in 2005 (being roughly US\$1.8 billion that year) (Office of Fair Trading 2006: 7).<sup>7</sup> The discrepancy between the high estimates of total losses (that is, including predicted victims who have not reported the crime), and official reported losses (that is, where the victim has gone to police) remains significant.<sup>8</sup> According to the FBI, total reported figures in 2017 in the US were \$57,861,324 (2017: 21). Reports of specific crimes committed and investigated normally mention relatively modest figures, though undoubtedly significant for the individual victim; for example, "Two women from Northern Ireland caught up in romance scams have lost a total of nearly £105,000 in the last fortnight, police has said" (BBC News 2019).

While the vast majority of potential victims are selected from easily obtained databases or online information, there is specific targeting of professional groups. My own professional body, the Law Society of Scotland issues frequent fraud alerts to its members regarding e-mails offering

6. The New York Times article of 1898 (op. cit.) stated even then that "detection and punishment of the perpetrators are practically impossible, especially as the victims rarely complain".
7. The research methods stated in the report bring into question how accurate their figures may be. It "included initial interviews with more than 11,200 people and 1,900 detailed follow-up interviews with people who reported that they had been a victim of a scam, or knew someone who had been a victim, or had been a target of a scam" (para 1.5: 7). Thus it appears that only 10% of the initial interviewees were "victims" and of the final 1,900, victims made up 37%, the "Family/Friend/-Colleague" category made up 29% and "Target" 34% (para A.4: 83). The research pool thus included a large number of 'friends of friends'.
8. Public authorities' repeating and relying on the figures of other public authorities are common and the two reports quoted—from the International Mass-Marketing Fraud Working Group and OFT—are only a single example.

apparent legal work or opportunities (see, for example, Law Society of Scotland 2019). Some may be attempts to set up money laundering, or pass on viruses, but many appear to be AFF attempts seeking to entice lawyers into becoming victims. The targeting of professional people is likely both because they have easily obtainable contact details and because they are assumed to have money, or access to their clients' money.<sup>9</sup>

*Transmission from perpetrators to potential victims*

In regard to folklore circulated from the perpetrators towards potential victims, the AFF texts bear clear similarities in style and content that form them into a body of related narratives. The style has been remarked upon from as early as the 1898 *New York Times*' article. It noted the texts were "written as fairly well-educated foreigners write English, with a word misspelled here and there, and an occasional foreign idiom". In his article, *I crave your distinguished indulgence (and all your cash)*, Douglas Cruickshank (2001) bemoans that "the literary merit of these letters themselves is rarely discussed" and observes "an almost poetic sweetness (swaddled in lavishly stilted prose excavated from an 18th century protocol handbook) in how the letters begin". In regard to content, the images generated from the tales are powerful and engaging. These characteristics are seen in Henning Wagenbreth's woodcuts, published as *Cry For Help: 36 Scam E-mails from Africa* (2006), where the artist illustrates typical texts of tragic stories told and of locked trunks bursting with cash. A study of the letters as a form of business communication is made by Marilyn Dyrud (2005). While also referring to a "tone [that] is invariably polite and delightfully Victorian", Dyrud notes tropes and persuasion techniques that include reference to recent current events and appeals to religious obligation, pity, and trust. Considering the semiotics of the texts, Blommaert and Omoniyi identify similar motifs as Dyrud and conclude that "at least three different forms of communicative competence seem to be blended" being "technological competence", "cultural competence: they need some awareness of genre and genre expectations among their addressees" and "linguistic competence: the capacity to actually produce linguistic messages that are congruent with the projected identities and relationships in the transaction" (2006: 573). A contrary view is found in a 2012 analysis by Microsoft Research

9. The criminal greed of the fraudsters does occasionally meet a similar criminal greed in the trusted adviser. I have collected two reports of lawyers being disbarred from practice—one in Idaho, USA and the other in Auckland, New Zealand—after being lured into "inheritance scams" and then using client money to pay the fraudsters (New Zealand Herald 2013; and Weiss 2013).

which holds that, given the very large number of targets, the language and content may be purposely ridiculous:

Far-fetched tales of West African riches strike most as comical. Our analysis suggests that is an advantage to the attacker, not a disadvantage. Since his attack has a low density of victims the Nigerian scammer has an over-riding need to reduce false positives. By sending an e-mail that repels all but the most gullible the scammer gets the most promising marks to self-select, and tilts the true to false positive ratio in his favor. (Herley 2012: 1)

Detailed listing of the varieties of letters can be found on anti-fraud websites along with full texts of sample letters and e-mails (see, for example, those collected by Crimes of Persuasion, and Silicon Valley Business Law). A selection from those I have received, or collected from colleagues, include the following which I have organized thematically:

#### Relatives of politicians in distress

- In July 2010 my firm received a number of faxes purporting to be from Charles Taylor Jr, son of the ex-Liberian President who was at the time on trial in The Hague for war crimes (of which he was later convicted). We were offered 15% of US\$60 million said to be in a South African bank account. Mr Taylor Jr assured us that the remaining 85% was earmarked for investment in the UK.
- Miss Jelinda Uwilingiyimana (entreating me with “PLEASE HELP ME/ BELOVETH ONE”) who claimed to be the daughter of the first female prime minister of Rwanda, killed in the 1994 genocide.<sup>10</sup> She offered 20% of US\$14.5 million that is in a trunk in a finance company in Abidjan. Once released she wishes to come to “your country... to continue my studies there”.

#### Bank and administrative problems, requiring disposal of funds

- The Senate President of Nigeria hoped I could collect the US\$9.5million in payments due to them from the Nigerian Government to “foreign and local contractors/ Inheritance”. He was keen to “apologize for the delay of your payment”.
- Mrs Veronica Amadi of the “KTT UNIT CBN” (the last part presumably meaning ‘Central Bank of Nigeria’) had a US\$2.5 million fund at risk due to “a lot of forces working against you right from the last CBN

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10. Agathe Uwilingiyimana was Rwanda’s first female Prime Minister, assassinated in April 1994.

Governor... and the current Governor". She was "taking this bold step because of my belief as a Christian".

- Douglas Ashitey, "the Branch Manager of the Eco Bank of Ghana First Light Branch" said it was "my duty to send in a financial report to my Head Office... at the end of each year" but regrettably he "discovered that my Branch... made a proceed of \$8,750,000.00... which my Head Office are not aware of nor must they know that I am involved in this transaction".

#### Potential new clients and long lost relatives

- A gentleman, claiming to be from a Chinese Iron & Steel organisation, asked for assistance in purchasing properties in the "\$500,000.00 USD to \$1,000,000.00 USD" bracket. He offered to "fly to the USA to view the property" (but sent the e-mail to a law firm in Edinburgh, UK).
- Mrs Tammy Armstrong wrote "in good faith hoping that you will understand the importance of my email. I have a Business proposal for you please do get back yo me as soon as possible."
- Many texts purport to come from a lawyer or banker dealing with "the estate of a deceased client with similar last name" which has been placed in safekeeping or under deposit. The more sophisticated texts name the deceased and are addressed to a lawyer recipient with the same surname. On other occasions, there is no pretext that the recipient could be (or convincingly pretend to be) a relative of the alleged deceased, merely a suggestion that the recipient assists by putting themselves forward as the next of kin, in return for a share of the inheritance (as opposed to its automatically going to the government or company holding the funds). One sender, "Barrister Martin Digor", "strongly believe[d] that the Security Company [who currently holds the alleged funds] does not deserve to inherit the funds".

#### Romance scams

- Kate Norman started her e-mail with the subject "Hello Dearest One!" and was "from Northeastern Africa Sudan, now seeking political asylum in Dakar Senegal under the UNHCR as a refugee". Ms Norman was "searching for a true friend. Some one who is God fearing, kind and honest to stand as my foreign representative to help me transfer my inheritance funds so I can leave this camp and come over to your country and continue my education". She signed off "Yours Friend/ kate/ \*kisses\*\*".

### Lottery scams

- Anita Pablo, Promotions Manager at the Euromillions Lottery (which is an actual brand name of a cross-border lottery promoted in the UK), congratulated me as: “Your e-mail address has just won you 840,125.50 Euro in the 2010 Euro Millions Espana e-mail promotion... in category 2A. This is a program aimed to help families with the current Global crisis and aimed also at encouraging Internet users, hence no ticket sold”.
- Revd Canon Duncan Green, Coordinator of the 2012 Summer Olympic Lottery (allegedly based both in London and Madrid), wrote to me at a charity of which I was director. I had won £525,000 and he attached a claim form for me to start the process.

### Friends in need

- After their e-mail accounts were compromised, I have received e-mails from friends and acquaintances with similar distressing tales of being mugged and losing all their money in the Philippines (two different individuals) and in Kiev, Ukraine (three different individuals).
- A gentleman from my synagogue e-mailed me (misspelling his own name) to ask for help in raising £2,500 for his cousins hysterectomy in “Ave, Quezon City”.

In even these quite diverse texts, similar tropes are seen:

- A need for secrecy and urgency;
- References to verifiable background (named individuals) or organisations;
- The senders referring to themselves as lawyers or bankers;
- No victim (especially where the request is clearly fraudulent) or a wealthy and undeserving victim (such as a bank or a foreign government);
- An “inheritance” (especially one with no claimant). This term is particularly noticeable where it is incongruous to the rest of the text, such as in odd compounded phrases like “foreign and local contractors/ Inheritance”; and
- An appealing aspect, other than money. For instance, in those where the sender is allegedly a young woman, there is an element of a “damsel in distress” and an apparent promise of romance. Other texts promising the money to be released say that it will then be used for investment, implicitly offering to use me as the lawyer for that future business.

Most likely these shared motifs and narrative structure arise from a transmission of traditional styles and methods between the criminals, through their own networks. Looking back to Fine's Folklore Diamond, these appeals circulate as narrative within the esoteric and emic criminal occupational folk practice, within Fine's "Social Structure". The "Performance Dynamics" are nearly identical (an unsolicited communication) and the "Personal Imperative" is identical (an attempt to defraud). The variations in text—whether it is a romance scam or a pretended legal matter—are influenced by which folk group of intended victims is being targeted.

*Transmission internal between perpetrators*

It is thus within those criminal networks that knowledge is shared as to what elements of a story entice and best engage interaction with a potential victim. The nature of some of these Social Structures can be found in security firm CrowdStrike's March 2018 report on Nigerian cyberfraudsters. The report, using the term "A Tradition in eCrime" to describe confraternities with their own long histories and emblems (such as the Pyrates confraternity founded at the University of Ibadan, Nigeria in 1952), details groups which are now said to have connections with criminal undertakings in that country and through members living abroad (CrowdStrike 2018: 8). A further function of these networks is said to be the sharing of knowledge as to how best to direct defrauded funds, so as to avoid recovery or detection by the authorities.

The wider scammer sub-culture also produces songs glorifying the criminals or mocking the victims who are known as the "maga" or "mugu", such as in the song title *Maga Don Pay* by Kelly Hansome (Askew 2012). The existence of such groups and subculture is evidence of a larger network through which the dissemination of letter styles and similar techniques may be transmitted, partially explaining the vast amount, yet oft repeated themes. Though West Africa and Nigeria remain prominent locations, there are a number of hotspots for the scam; for instance, Jamaica has increased as a centre for attempting to defraud elderly or vulnerable Americans through lottery scams. (Jackman 2019).<sup>11</sup> Similar lines of transmission for

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11. This report principally deals with a scammer picking on the wrong victim; William H Webster. Though 90 years old when the scammer targeted him, Mr. Webster was no dupe. As a former judge—and the only person to have been director of both the CIA and FBI—he sought assistance from the FBI and they turned the repeated calls into a sting operation, leading to the arrest of the fraudster.

criminal occupational techniques will be found in other locations with a proliferation of scammers.

*Transmission between potential victims*

As for folklore generated by the experience or concerns of victims or potential victims, what was noteworthy in my research was a lack of rumours or legends circulating about the core risk of AFF. Though warning e-mails circulate widely about other scams or alleged scams, I have, however, never collected (or seen reported) an emic warning about AFF fraud. I posit three possible explanations. First, that the vast variety of risks, from African princes, to fake barristers, to lottery wins, and lonely refugees and soldiers looking for romance place AFF apart from other scams where the warning e-mails tell a story of a specific risk that is about to happen or that happened to a friend of a friend. This specificity is crucial in forming the “hysterical contagion... in which the public accepts the reality of a public danger and then acts to avoid it,” such as with “Lights Out!” or other crime warnings (Fine 1992: 26). Second, AFF is a genuine risk for which multiple official police warnings are easily found on the Internet—and frequently reported in the press—so any well-meaning individual could cut, paste and e-mail their entire address book (yet no one seems to do so). The third possible explanation comes from a comparison with the one type of AFF crime warnings that does circulate (in similar form between victims, their advisers, and law enforcement): warnings about extreme outcomes for victims. During a seminar on money laundering and fraud, another lawyer in Glasgow, UK told the group of a client who claimed to have been a victim of an AFF scam which ended with him sitting in a public toilet in London, UK, holding a case of blank paper and a single US\$100 bill realizing he has lost a significant amount of money. The client told his lawyer that he went to the Metropolitan Police to report the crime and was told that he was lucky, as the police had heard of someone who has been enticed to Amsterdam in a similar fraud, and the victim was then kidnapped and held for ransom (Collected by writer at an internal training seminar, Glasgow – early 2000s).

In his book *Yes Man*, comedy writer Danny Wallace records a friend's warning against a potential AFF scam (which scam Wallace engages with regardless) by showing him warning tales about the scams on various websites and narrating:

These show you the stories behind the scams. People fall for them every day. Some of them are lucky and just lose a few grand... Others are



unluckier. Some of them end up heading off to Holland where they're... fleeced for all their money, and in some cases beaten to a pulp. (Wallace 2006: 107)

Warnings of physical attack (being kidnap and violence) in foreign cities carry a strong analogue with “organ theft” legend warnings (see, for example, Bennett and Smith 2007: 133-135). As with stories of “organ theft”, few confirmed reports about AFF reach the press attesting to individuals’ being kidnapped and ransomed, or severely beaten, by fraudsters in Amsterdam or elsewhere. Where there are media or official reports of kidnappings (and even murders) of western visitors to West Africa, lured by 419 scammers, these reports fall into two categories of vagueness: the completely unspecific, or reports of specific kidnappings where the victim was only allegedly lured by 419 fraudsters. An example of both can be found in a 1997 warning from the US Department of State:

Over the past 3 years, 15 foreign businessmen (one American) have been murdered in Nigeria in AFF scams.

Since September 1995, at least eight Americans have been held against their will by these criminals in Lagos that have come to the attention of the U.S. Embassy. In 1996 the U.S. Embassy helped repatriate ten Americans who came to Lagos looking for their “pot of gold.”

More recently, on July 2, 1996, a Swedish businessman was kidnapped from his hotel in Lome, Togo. Kidnappers, reportedly Nigerian criminals, demanded \$500,000 ransom. It is believed that the businessman was a victim of an AFF scam that deteriorated into a kidnapping. After lengthy negotiations between the kidnappers and Swedish police, the victim was released unharmed on July 12, 1996.<sup>12</sup> (US Department of State 1997: 8)

Thus only the most shocking (alleged) element of Advance Fee Fraud generates crime warnings and Law Enforcement assists in circulating these, thus adding credence to the larger narrative cycle. Given the performance expectation that a crime victim narrative and/or contemporary legend will be extraordinary, and thus entertaining, a straightforward crime warning about the general risk of AFF may not seem interesting enough to be shared by members of the public between themselves (Wachs 1982; Frank 2017).

#### *Transmission from potential victims to perpetrators*

A very different folk practice arises amongst potential victims (that

12. In regards to the alleged 15 murders, only details of one—the American—are given in a footnote and his connection with AFF is stated no stronger than: “there are strong indications that [he] ... was lured to Nigeria by AFF criminals”.

being for this purpose anyone who has ever received a 419 letter or e-mail) through interaction with perpetrators. Called ‘scam baiting,’ it can be seen in various Internet groups such as 419 Eater, Scam-o-Rama, or Scambaiter Deutschland. These individuals, going under comic *noms de guerre* such as Shiver Mitimbers (a frequent contributor to *419 Eater*) or Arnold Wanker (active on *Scam-o-rama*), respond to the scammer’s e-mail with interest, so as to see how far they can push the scam artist. One example involved the baiter claiming to be “Father Hector Barnett”, minister in the “Church of the Red Breast” (Damon 2004). He obtains, over the course of the correspondence, a photograph of his scammer with his chest painted red (so as to join “Father Barnett’s” make-believe church) and US\$80 (which the baiter tells the scam artist he is required to pay for the release of money from his church’s funds).<sup>13</sup> The e-mail exchanges are frequently heavy on cultural references or thinly disguised obscenity, both to mock the scammer and for the baiter’s own amusement. Photographic trophies are sought, such as the scammer posing holding a message with a joke phrase or name (“Miass Izmy Gift” or “Reverend Mebalsa Ritchy”) or with a curious object (such as a loaf of bread on their head<sup>14</sup> or the red breast).

The event, as well as the carefully recorded, edited and broadcast ‘narrative’, involves journeys into the scam artist’s own ‘legend’ (as in the scammer’s claimed background), subverting and hijacking it as the baiter progresses and inviting the scam artist into the baiter’s own ‘legend’. These activities and the subsequent narrative potential only exist because of the direct interaction of two folk groups (the scammer and the intended victim). This—and the other folklore of crime generated through intergroup contact—demonstrates the continued relevance of William Hugh Jansen’s observations on the production of folklore through such relationships. Where Jansen considered aspects such as a folk group’s “isolation or lack of communication” with, or its “being held in peculiar respect” by, other folk groups, it is possible to add the degree to which the folk group is in conflict with, or held in opprobrium by, other folk groups (1965: 49-50). All of this is evidenced by what is produced out of the communications between scammer and baiter and the manner of production.

What is, however, the nature of the baiter’s act? Bill Ellis questioned, in his article on murders where the perpetrators had borrowed from

13. The full exchange can be viewed at [http://www.419eater.com/html/joe\\_eboh.htm](http://www.419eater.com/html/joe_eboh.htm). Accessed 26 March 2019.

14. Pictures of the loaf and the two joke phrases can be seen in 419 Eater’s Trophy Room. Available: [http://www.419eater.com/html/trophy\\_room.htm](http://www.419eater.com/html/trophy_room.htm). Accessed 26 March 2019.

contemporary legend, whether the violence was a “form of pseudo-ostension ... the crime came first, folklore second” (Ellis 1989: 213). Further noting that: “traditional narratives exist not simply as verbal texts to be collected, transcribed, and archived. They are also maps for action, often violent acts” 218), we are left with a difficulty in defining 419 scam baiting. The baiter’s exchange with the scammer operates as a form of storytelling and performance, perhaps even as sedentary legend tripping. If the scammer, using his traditional texts and common folkloric motifs as “maps for action”, is engaged in pseudo-ostension (the scam comes first, folklore second) then is the activity of the baiter also pseudo-ostension, is it switched back to an act of ostension, or is it something that requires a further term?

## Conclusions

*What is different? What is the same? What is missing? What is ignored?*

Seen together, my review of a body of diverse folklore of different folk groups which form a single type of crime suggests that:

- Consideration of folklore within a single folk group across a broad range of crime or criminal behaviour may produce variations in the types of folklore observed without clarity as to the reasons; and
- Conversely, study across all folk groups concerning a single form of crime or criminal behaviour may produce clarity as to the variations in types of folklore across those folk groups, but ignorance as to how that body of folklore differs from folklore regarding other forms of crime.

Acknowledging these limitations should inform the researcher when drawing their conclusions but, returning to Fine’s Folklore Diamond, I propose that concentrating on the nature of the Social Structures bears the most fruit when seeking to review a large body of folklore regarding crime. This is no criticism of Fine’s model as he sought to avoid “draw[ing] arrows running madly in all directions”, only “emphasiz[ing] the strongest connections” (Fine 1992: 5). Further, he follows his “simple model” and “framework” with detailed examination of the each of the nodes (7-32) and leaves it open to the future researcher to do the same (as I have done).

Yet the lacunae and questions remain in the above study of AFF folklore. While acknowledging the limits of my research (particularly the lack of field research beyond my own professional colleagues), the principal gap is the lack of crime warning e-mails, Facebook posts, etc. regarding the

risk of AFF. Also missing are stories by Law Enforcement about the AFF criminals themselves. That may be due to limitations in my study, given the countries in which the criminals reside and in which they are investigated. Folklore may be generated within, say, the Nigerian police about “dumb” or “smart scammers” that I have not been able to collect. Leading from this point, it is noteworthy that with other crimes, the lore of Law Enforcement is often markedly different from the lore of the general public or victims but with AFF that lore which is found (the threat of an extreme outcome) is similar. Despite these complications it remains that all three of these issues involve primarily the examination of the social structures in question and the interaction of different folk groups within those structures.

*Cross-disciplinary study of crime and folklore*

The second conclusion drawn from such study of the interaction of folk groups in AFF regards how the discipline of folklore may assist and enhance (and be assisted and enhanced by) cooperation with those active in criminology, law enforcement, or crime prevention. Turning to other criminalised activities, just as there is a value in compiling typographies of seemingly similar items of folkcraft (for instance, ‘witch stones’ collected in 1920s rural Sussex (Duffin 2011), artists have appreciated the beauty in collecting the designs on otherwise identical glassine bags used for supplying heroin (Macindoe 2014) or the imprints in MDMA pills (Post 2009). A folklorist approaching such a collection, if able to engage with the users themselves, may add much by asking: What did users understand from the different designs, or what lore developed over design X rather than design Y (such as its being stronger, or of better quality)? Further, just as there may be studies of how variations in a particular Appalachian folk melody develop and are communicated, a similar study could be made of the variations in producing Appalachian small batch methamphetamine (Cooper 2014). Such insights from the folklorist can only stand to inform other disciplines interested in addiction and drug culture.<sup>15</sup>

Law enforcement engages in similar collecting as the folklorist as part of their criminal intelligence work. Supply lines connected with the design and chemical content of drugs will be under consideration just as will

15. A simple example is presented by Howard Becker’s classic 1953 essay, *Becoming a Marihuana User*. Though the description of the reasons for use, process, and effects are clearly denoted, the paper (perhaps intentionally) is devoid of almost any reference to slang, and folk practice of consumption, and limited in telling the stories of the users. The approach from a folklorist would be quite different, and the approaches combined would be more significant.

similarities in the *modus operandi* of a crime (whether it be the technique of manufacture of a drug, or how entry is obtained to a locked building). There is a long history of studies of crime, criminal networks, and victims of crime in ethnography and anthropology (see, for example, those reviewed in Schneider and Schneider 2008), and that invites the question as to what effect a greater focus by folklorists would have in the area. Aside from study for its own sake, might crime prevention authorities be assisted by the study of crime warnings and transmission of such knowledge, in the same manner in which health authorities are informed by folklore studies into public perceptions of health, such as Victoria Newton's work on reproductive and sexual health (see, for example, Hoggart and Newton 2013) or Diane Goldstein's work on HIV/AIDS, *Once Upon A Virus*, particularly the benefits of collaborative working she reviews (Goldstein 2004: 55-76)<sup>16</sup>?

All of this is acknowledging the significant ethical issues of research in areas where concerns of confidentiality are paramount (and the folkloristics approach may create conflict with the approach from other disciplines). Leaving aside the potential issues of safety for the researcher in the field, Lubet's 2018 critical review of ethnographic methods examines the ethical issues in a number of studies of "unlawful behaviour" and the manner in which the ethnographer addressed (or ignored) their own potential participation in a criminal act and level of cooperation with authorities if serious matters were uncovered (2018: 109-126). His review identifies the risks that "the study of outlaws always requires a certain suspension of judgment" as they cannot be "expected to share their experiences with ethnographers who hectored or lectured them about lawbreaking" (115-116).<sup>17</sup> As for a structure to avoid such issues, he identifies more problems

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16. In reference to existing studies of drug lore and its sub-culture in regard to public health, Goldstein comments: "Ethnographers explored everything from the culture of intravenous drug use and 'shooting galleries', where knowledge of the culture could illuminate possible solutions to the development of safer injection practices" (2004: 58).

17. An additional issue for the folklorist collecting from communities where the issue of criminalization is a significant factor is identified by Wilkins in a recent blog (adapted from a panel paper from the 2019 American Folklore Society's Annual Meeting) (Wilkins 2019). He identifies education authorities excluding or punishing young Black men for perceived offences from the music they have produced (or offences said to be admitted or planned within the texts), and of law enforcement "monitoring aspiring rappers' music videos for evidence of illegal gang activity". From this, he concludes: "What I can really ask you to do as folklorists... is to be aware that Black men are very aware of their position in this society and act accordingly. Recognize that the Black male artist who won't give you his government name and is hard to reach may not be disrespecting you.

than solutions, concluding that it is necessary to “draw a line” but where “the boundary may be [is] imprecise” (116). He saves particular criticism for (and, indeed, attributes the original inspiration for the book to his concerns regarding) Alice Goffman’s book *On the Run* (Goffman 2014) regarding her six years in a poor Black urban community in Philadelphia. Within her book, Goffman details a “ride along” with one informant, collecting information as to the whereabouts of rivals as he is involved in planning a “gang war” against rivals. She also describes driving the car when members of the gang are searching (no doubt with an intent to kill) those who had killed her friend (reviewed in Lubet 2018: 116-117). Though no assault is committed while Goffman is in the car, Lubet holds her actions to be “profoundly immoral and unethical” (Lubet 2018: 117) being clearly on the wrong side of the invisible “boundary”. Would folklorists find themselves drawing close to a similar dividing line in the quest to study and collect? There is an undoubted risk of being far too proximate to criminality, perhaps suddenly and unexpectedly, and working in an interdisciplinary environment may assist the folklorist in navigating same.

Further, the folklorist may bring necessary skills in assisting other disciplines in assessing and utilising folk texts collected. Lubet notes that

every community [studied by an ethnographer] has its own set of beliefs—some of which are anchored in fact, some of which are folk tales—and it is the task of the researcher to discover and describe them. Careful ethnographers will make rigorous efforts to separate rumour from reality” as “it is not unheard of... for rumours to be presented as statements of fact, particularly when they tend to reinforce the [ethnographer’s]... theory (Lubet 2018: 75).

Again, Goffman’s work receives particular criticism for a section where he records her telling “us that many young male residents [of the studied community]... believe that it is risky to go to hospital, even when in dire need of medical care, lest they be arrested on outstanding warrants” from criminal charges (78). Lubet goes on to list times where Goffman’s book “repeatedly reassures her readers... [that] some measures are really necessary because hospitals are indeed perilous places for black men on the run” (79) for reasons which Lubet’s research strongly disputes (80-81). Goffman is far from being the only researcher to be criticised in Lubet’s review and he lists other examples of studies repeating easily dispelled rumours or contemporary legends (such as regarding the operation of birth control (77-

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He may not trust you nor the institution you’re representing for very legitimate reasons.”

78) or welfare benefit rules (81-85)). Lubet's position is double-sided and simple: "Common rumours can be useful to illustrate community attitudes so long as they are clearly identified" as they can "illustrate their subjects' attitudes or beliefs", but they should not be "used, probably unthinkingly, to advance an overall narrative" (76). As such, "ethnography... can benefit from the exploration of rumours and legends, but that should not relieve an author from the obligation of distinguishing between myth and reality" (90). All of this suggests working alongside the folklorist as a way for other disciplines to improve their collection and assessment.

Further, what Lubet identifies in the value of collecting rumours and legends to "illustrate community attitudes" can be seen as falling within the concept of the "right to be wrong" that Lindahl, as a folklorist, considers in his article on the *Surviving Katrina and Rita in Houston* project (Lindahl 2012). Working with those uprooted by disaster, the project and its volunteers encouraged "survivor-to-survivor storytelling", allowing those to express their views on what had occurred, the reasons, and the effect upon them without judgement, in an attempt to affect "healing". In considering this "right to be wrong", Lindahl compares the media approach of giving credence to crime and violent rumours circulating in the media about the aftermath of Hurricane Katrina (such as the claim that survivors were shooting at their rescuers). Though thoroughly debunked within weeks (see, for example, Dwyer and Drew 2005), they formed part of the enduring "negative fantasies... fed and supported by the news" and as a result, "by the time the news is history, the false accounts have been sifted out, but even as we cull, yesterday's news has created history" (Lindahl 148). In comparison, the views of the survivors regarding actions by the government and authorities to hamper the rescue, or positively exacerbate the flood (such as by dynamiting the levees) were treated from the outset as absurd and diminished and used as a way to diminish those survivors who gave them credence. Lindahl summarises this dichotomy as: "The mainstream and the powerful had the right to be wrong, but the victims did not. While media truth remained psychologically true long after its assertions had been discredited, the psychological truths of the victims were dismissed out of hand." (149) Though not seen in the AFF materials, similar processes may be seen at work elsewhere in the folklore of crime (such as the rumours that police arrest injured Black youth at hospital). Might the approach of allowing victims of crime, or those who are stuck within a cycle of criminalization, to tell their own stories provide a similar form of positive support along with new avenues for research, particularly if undertaken alongside other academic disciplines?

Should you agree with the above conclusions and wish to support such further study, I crave your gracious indulgence to send your name, bank account details, and an initial "Research Continuance Fee" of US\$1,000 to me through Western Union.



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