Criminal Justice Study Guide: Criminal Justice Theories and Typologies 1978

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CJ 601 CRIMINAL JUSTICE THEORIES AND TYPOLOGIES (3 credits)

Course Description

This course is addressed to the examination and analysis of causal and noncausal models of criminal, delinquent, and deviant behavior. Its principal focus is upon the construction of criminological theories and typologies in the context of contemporary criminal justice problems and issues. Historical considerations are introduced, however, when they have relevance and importance to current approaches to criminological theory and typology.

Purpose

The major purpose of this course is to provide a framework within which students will be better enabled to evaluate the contributions of theorists and theoretical interpretations of criminality toward the understanding of the etiology of nonconformity and the formulation of strategies of treatment and control.

Objectives

At the conclusion of this course, students will be familiar with:

1. theory and typology construction in criminal justice and criminology;
2. the classical, neoclassical, and positivistic approaches to crime causation;
3. biological, psychiatric, psychological, sociological, sociopsychological, and economic interpretations of crime and delinquency causation;
4. ideological influences upon criminological theorizing and policy issues in criminal justice;
5. the development of etiological and treatment typologies in crime and delinquency.
NOVA UNIVERSITY

CRIMINAL JUSTICE PROGRAM

Course: CJ 601 Criminal Justice Theories and Typologies

UNIT SEQUENCE

Unit 1  Theories in Criminal Justice and Criminology
Unit 2  Historical Background of Criminological Theory
Unit 3  Economic Conditions and Criminality
Unit 4  Sociological and Sociopsychological Theories of Criminality
Unit 5  Psychiatric and Psychological Theories of Criminality
Unit 6  Biological Theories of Criminality
Unit 7  Ideology and Criminological Theory
Unit 8  Criminal Justice Typologies

REQUIRED TEXTBOOKS:


CJ 601 Criminological Theories

SYLLABUS

UNIT #1. Theories in Criminal Justice and Criminology


1. The Meaning of Theory: A General Introduction
   - Theory and law
   - Theory and hypothesis

2. The Nature and Functions of Theory
   - An organized set of constructs
   - Mediator of predictions
   - Description of empirical observation
   - Explanation of empirical observation
   - Theory and parsimony
   - Theory and optimon

3. Research and Theory: An Integral, Dynamic and Functional Inter-relationship

4. Components of a Theory
   - Primitive terms/data language
   - Theoretical constructs
   - Operational definitions
   - Propositions:
     - hypotheses
     - postulates
   - Relational Rules:
     - syntax
     - semantics

5. The Evaluation and Comparison of Theories
   - Questions to be asked when evaluating any theory
   - Useful criteria to use when evaluating any theory

UNIT #2. Historical Background of Criminological Theory

UNIT #3.

1. General Introduction: Background and Perspective

2. The Classical School of Criminology
   - Baccaria
   - Positivism
   - Lombroso

3. Crime and Mental Illness
   - The battle to distinguish crime from mental illness
   - The growing acceptance of the mental illness model
   - Changes in the inhumane circumstances of penal incarceration
     - Monomania
     - Mania without delirium
     - Bio-determinism
       - physiognomy
       - phrenology

4. Thermal Theory
   - Correlating climate/temperature with crime
   - Development of a focal concern with "rates" of crime

5. Sociological Criminology
   - Ferri and crime causality theses integrated with the making of social policy
   - Tarde and crime as imitative behavior

6. Psychogenic Criminology
   - Principles
   - Freud and the origins of psychogenic theories
   - Assets and limitations of the psychogenic school of criminology

UNIT #3. Economic Conditions and Criminality


1. Background and Perspective
   - Marx and Engles
   - Class struggle, surplus value and economic determinism
   - The nature and origin of social inequities
   - Bonger: crime and demoralization due to capitalist domination
   - McCaghy on Bonger

2. The Conflict Perspective
   - Factors limiting the influence of the Marxist Philosophy in the U.S.

3. Professional Crime

4. Economics and Sexual, political, and Vengeful Crimes
5. Crime in Relation to Poverty and the Business Cycle
6. Crime as a Product of Affluence
7. Crime as a Product of Poverty

UNIT #4. Sociological and Socio-Psychological Theories of Criminality


1. The Structural Approach
   - Emile Durkheim and "Anomie"
   - Robert K. Merton and "Anomie"
   - Robert K. Merton and "Modes of Adaptation"

2. The Subcultural Approach
   - A subculture defined
   - Culture conflict
   - Miller's "Focal Concerns"
   - Cohen and the Delinquent Subculture

3. Symbolic Interactionism: Labeling Theory
   - The labeling theorists: principles
   - Primary and secondary deviance
   - Status degradation ceremonies
   - Criticisms: Assets and limitations of the approach

4. Containment Theory: Walter C. Reckless
   - Inner and outer containment
   - Criticisms: Assets and limitations of the theory

UNIT #5. Psychiatric and Physiological Theories of Criminality


1. Intrapsychic Perspectives on Criminal Behavior
   - The principle of "motivational functionalism" for understanding criminal behavior
   - 5 variants in the specific factors disposing an individual toward criminality as per the "psychic balance formula"
2. Reality Therapy
   -Glasser: "Crime behavior as irresponsibility"
   -Relating therapy as reaction to psychoanalysis

3. The Criminal Personality
   -Yochelson and Samenow: The findings and an assessment
   -A challenge to traditional criminology

4. Social Learning Theory and Criminality
   -Sutherland's "Differential Association Theory"
   -B.F. Skinner's Operant Conditioning and Reinforcement Theory
   -C. Ray Jeffery on Reinforcement Theory
   -Criticisms: Assets and limitations of social learning interpretations
   -Burgess and Akers' reformulation of Sutherland's "Differential Association"

UNIT #6. Biological Theories of Criminality


1. The Anthropological/Morphological Approach
   -Lombroso and "Atavism"
   -Sheldon and "Somatotypes"
   -Gluecks and "Assessing Sheldon"
   -Hardman criticizes anthro/morphological approach

2. The Genetic Approach
   -XYY Anomaly
     The concept and explanatory statement
     The traits correlated with XYY
     Distribution in the total population/prison population
   -Potentialities and Limitations

3. The Physiological Approach
   -The antisocial personality as a clinical description
   -Research findings on the antisocial personality
     Cardiac lability
     The simple psychopath

UNIT #7. Ideology and Criminological Theory


1. The Meaning of Ideology
2. Conservative Criminology
- Major tenets and assumptions
- Contributions to conservative criminology
- Conservative criminology and neo-conservative criminology

3. Liberal-Cynical (Mainstream) Criminology
- The search for etiology of crime in the existing institutional arrangement of society
- Sykes, Gibbons, and Blake: 3 perspectives in liberal sociological theorizing about crime
- The cynical posture of the liberal criminology and its etiology

4. Radical Criminology
- Basic tenets and origins of Marxism
- Quinney's 6 Propositions
- Alternative conceptions of individual guilt and responsibility
- Assault and property crime as seen through radical criminology
- Criticisms: Assets and limitations

5. Humanism vs. Science and Technology
- The perceptions distinguished
- Polemics
- A focus upon behavior control and behavior modification as a controversial issue

UNIT #8. Criminal Justice Typologies: Overview and Theoretical Dimensions


1. Typology
- Defined
- Distinguished from taxonomy
- Distinguished from a system of classification

2. Conceptual and Methodological Considerations in Typologies
- Empirical typologies
- Theoretical typologies
- Myriad purposes and uses and shapes of typologies
- Characteristics of a good typology

3. Varieties of Typologies
- Typologies of offenses
- Typologies of offenders
- Legal typologies
- Typologies based on issues of frequency and duration of criminal activity
- Assorted illustrations of typologies - how they work and what they show
Introduction

The term theory, as the following quotation from Webster (1957) indicates, is rich with a variety of connotations:

1. originally, a mental viewing; contemplation. 2. an idea or mental plan of the way to do something; hence, 3. a systematic statement of principles involved: as, the theory of equations in mathematics. 4. a formulation of apparent relationships or underlying principles of certain observed phenomena which has been verified to some degree: distinguished from hypothesis. 5. that branch of an art or science consisting in a knowledge of its principles and methods rather than in its practice; pure, as opposed to applied, science, etc. 6. popularly, a mere hypothesis, conjecture, or guess: as, my theory is that he's lying. (p. 1511)

Webster goes on to distinguish a theory, which implies considerable evidence in support of a formulated general principle explaining the operation of certain phenomena (e.g., the theory of evolution) from a law, which "implies an exact formulation of the principle operating in a sequence of events in nature observed to occur with unvarying uniformity under the same conditions," or an hypothesis, which "implies an inadequacy of evidence in support of an explanation that is tentatively inferred, often as a basis for further experimentation" (p. 1511).

Given this broad range of connotative meanings, it would be well-nigh impossible to conduct any kind of meaningful examination of the nature and functions of theory in criminal justice and criminology. An attorney's "mental viewing" of the evidence against his client; a correctional administrator's "idea or mental plan" for the operation of a community-based facility;
a police officer's "mere hypothesis, conjecture, or guess" about the reliability of information received from a "snitch"—all of these would fit one or another of the definitions supplied above and would render the term theory too diffuse to be of any analytical value.

We are rescued from this semantic ambiguity, however, by the fact that the term theory in criminal justice and criminology has tended to be used in the more restricted sense of the meanings conveyed in items 3 and 4 of the above definition:

3. a systematic statement of principles involved... 4. a formulation of apparent relationships or underlying principles of certain observed phenomena which has been verified to some degree... (p. 1511).

To be even more specific, much of the theorizing in criminal justice and criminology—past as well as contemporary—has been directed toward efforts to understand the determinants (or causes) of criminality. We shall employ this meaning in the following discussion of theories in criminal justice and criminology.

Theories of criminality have a twofold purpose: they help to organize existing information about criminal behavior into a coherent, systematic framework, and they serve to point the directions for further research by indicating potentially fruitful leads to be explored. For example, a theory which sought to account for criminality as a biological phenomenon would attempt to integrate the available knowledge about crime and delinquency in a way that fits the findings of biological research and direct the continuing quest for explanations of criminality toward structures and processes within the human organism. Similarly, a theory which sought to account for criminality as a sociological phenomenon would attempt to interpret the available information on criminal and delinquent behavior to square with the results of sociological research and
orient the search for causes of criminality toward social organizations, groups, and institutions to which the individual belongs. In addition, theories of criminality may aim at establishing some rational basis for programs designed to control, reduce, eliminate, or prevent crime and delinquency.

The formulation of comprehensive theories of the origins and determinants of criminality is fraught with difficulties, not the least of which is the problem of accurately defining criminality. As Shore (1971) has observed:

> Antisocial behavior is not a diagnostic category or unitary symptom, but a socially defined phenomenon closely tied to cultural values and often dependent upon the interpretation given a behavior pattern by those agencies responsible for the regulation of social interaction. In certain communities, for example, the tolerance for deviance is lower and certain behavior may be labeled antisocial which, in another context, would not be considered deviant at all (p. 456).

Nevertheless, Shore points out, there are some people who engage in violent, aggressive behavior despite the advantage of the best social opportunities, while others who have been subjected to extremely poor social conditions do not exhibit criminal or delinquent behavior. Thus, Shore concludes, "aside from the need to understand and explain the social and cultural forces that foster criminal behavior, there is need for a theory of individual behavior that can account for individual differences and the ways in which individuals interpret and respond to social forces" (p. 456) /italics added/.

Research on the causes of criminal behavior has generally been directed toward four broad areas of inquiry:

1. biological factors and genetic predispositions
2. societal influences
3. individual differences in the organization and functioning of hypothesized intrapsychic structures such as "personality," "attitudes," "self-concept," "motivation," etc.
4. behavior differences which reflect the learning experience and reinforcement history of the individual.

The biologist has sought explanations for criminality in the constitutional makeup of the individual; the sociologist has sought explanations for criminality in the processes which affect the behavior and experiences of people living in societal groups; the intrapsychically-oriented psychiatrist and psychologist have sought explanations for criminality in the presumed personality configuration of the individual; and the behaviorally-oriented investigator has sought explanations for criminality in the variables that affect the learning experiences of the individual. It must also be noted that neat categorizations of this kind do less than justice to criminological theorizing, because many theorists have not hesitated to make use of concepts and methods from a variety of disciplines and approaches. Nor does this list provide room for theorists who have tried to fashion an integrative or eclectic approach to the understanding of criminality.

At the present time, there is no "grand theory" of criminality which encompasses all approaches to crime and organizes the empirical findings of many disciplines into some coherent, well-integrated schema. For the time being, at least, we must be content with either theories of the "middle range," i.e., those which account for only a limited number of facts about crime and criminals, or with "microtheories" that are even more restricted in their range of content and generality. Some of the biological, psychological, and psychiatric theories we shall shortly examine fall at the extremes of grand theory and microtheory, but most of the sociological theories are theories of the middle range.

Objectives

Before directing our attention to specific theories in criminal justice and
criminology, it is essential to examine in some detail the nature and functions of theory. To the student of criminology, it may often appear that there are as many approaches to criminological theory as there are theorists who write on the subject. If it can be shown that, on closer inspection these different approaches seem to be saying much the same sorts of things, then a major obstacle to understanding the collective contributions of criminological theory will have been removed. This is one of the major objectives of the present unit.

**Background and Perspectives**

Biacnhi (1956) regards theories as "intellectual tools for grasping the essential meaning concealed in a mass of unrelated details, which enables us to move from sheer speculation to progressive discovery of more profound meanings of criminal behavior" (p. 167).

According to Kerlinger (1964), a theory is a "set of interrelated constructs (concepts), definitions, and propositions that presents a systematic view of phenomena by specifying relations among variables, with the purpose of explaining and predicting the phenomena" (pp. 10-11). This definition contains three elements:

1. A theory is a set of propositions consisting of defined and interrelated constructs;
2. Theory presents a systematic view of phenomena by setting out the interrelations of a set of variables;
3. A theory explains phenomena.

When the relationship of variables to one another is described, the theorist can predict from certain variables to other variables.

We see, then, that a theory is an organized set of constructs or postulates
designed to mediate prediction and explanation in a particular area of empirical observation. The fact that, as the definition states, the theory simultaneously serves the functions of organization and mediating theory simultaneously serves the functions of both explaining the interaction among variables and mediating prediction is the basis for the usefulness and, indeed, the indispensability of theory in systematic inquiry.

Clarence Schrag (1971) has identified the following objectives of criminological theory construction:

1. It tries to provide a conceptual framework to assist in the accurate observation and reliable description of crime and the reaction to crime.

2. It attempts to formulate a system of basic postulates by which crime and societal reaction can be explained.

3. It strives to establish a foundation of knowledge and method that under certain conditions may make it possible for us to control or to regulate criminal behavior and societal reaction.

4. It aims to develop a workable conception of criminal justice (pp. 32-33).

Research and Theory

The relationship between theory and research is exemplified in two types of research. The first, which may be called theory-based research, involves studies which are conducted to carry out a test of specific hypotheses derived from a formal theory. This type of research ordinarily involves operations for testing hypotheses concerning a given construct (or its component constructs) as stated and defined by a particular theory. The second type of research, empirically-based research, is a more exploratory type of research in which no formal theory provides the hypotheses to be tested. Exploratory research is often done when no extant theory deals adequately with the particular variables of interest to the investigator. It thus does not require that the investigator
have a formal definition of the phenomenon under investigation. The definition that he holds need only be implicit and of the most general type. Both types of research have advantages and disadvantages. Theory-based research has the advantage of being generated within a logically consistent framework. This means that a program of related empirical investigations can systematically expand the knowledge of the science while, at the same time, determining the validity of hypotheses and thus of the theory. Empirically-based studies, on the other hand, can be of great value. They may provide the data base upon which a formal theory can be built. The possible contribution of such exploratory research to the science is, however, often diminished by the relative lack of organization and integration of the field of study.

Functions of a Theory

We can view a theory as having two major functions with respect to empirical observation. The theory provides a logical framework for the incorporation and integration of empirical observations previously seen as disparate. As noted above, the scientist often carries out investigations designed not to test a specific hypothesis derived from a theory but rather to "find out" on, a purely empirical level, how the variables of interest operate. This type of investigation is often done because there is no theory which can adequately explain or predict the phenomena of interest. A number of scientists working independently may carry out any number of studies within a general area, each investigation contributing certain specific knowledge. The theorist recognizes that certain general principles appear to underlie the otherwise disparate findings and may, at this point, construct or begin to construct a theory integrating the available empirical observations. The more precisely and comprehensively the theory is able to integrate available relevant empirical observations, the more useful is the theory. While the theorist must, to provide a useful theory, incorporate
as much research evidence as possible, he is also constrained to conform to the principle of parsimony.

This venerable principle of theory construction states that the theory should explain the phenomena of interest in the simplest possible fashion. Complexities should not be introduced unnecessarily, and, in fact, a concerted effort should be made to avoid unnecessary complexity. We should hasten to point out, however, that in evaluating a theory, adherence to the parsimony principle must be pitted against the adequacy with which the theory explains and predicts the phenomena of interest. The application of the principle of parsimony can be carried too far, to a point where the theory will be simple but relatively useless. Thus, highly complex variables and variable interactions may require a highly complex theory. In the evaluation and comparison of theories, the balancing off of parsimony against adequacy of explanation leads us, then, to a principle of optimony by which the theory which achieves the best balance is seen as the best theory. If two theories explain the same empirical observation with equal adequacy, the more parsimonious is selected. If two theories are considered to be equally parsimonious, the more adequate is chosen. Judgments of this sort are, of course, often difficult to make, and scientists may differ as to which of several theories is most optimonious.

The theory provides and generates, within a locally consistent framework, new hypotheses which can lead to systematic empirical research. It is in this second function that the theory makes its greatest contribution to science; it is here that the organizational and mediational functions reach full fruition. The optimonious integration of known empirical data is, of course, important, but a science advances primarily through a process of constantly adding and integrating new observations. The theory provides a logical structure within which scientific knowledge can be expanded systematically. The mechanism for
such systematic expansion is the derivation from the general theory of testable hypotheses which lead the scientist to carry out research. The resulting empirical observations may then be incorporated into the theory and may, in fact, lead to its modification. At the same time, the knowledge of the science concerning relationships among the variables investigated has been increased. The hypotheses generated by the theory are not, of course, limited to those stated by the theorist in his original formulation. Either the theorist himself or other interested scientists may derive new hypotheses not initially considered. These new formulations may be based logically in either the original version of the theory or in any subsequent modification of aspects of the theory resulting from the incorporation of new empirical findings.

Components of the Theory

Having noted the functions which a theory may serve for science, we must now consider how a theory may be constructed to carry out these functions. What follows is a brief consideration of the terms of a theory and the ways in which they operate to produce a systematic integration and expansion of scientific knowledge.

Primitive Terms: The Data Language

A formal theory contains a number of terms which are defined by reference to other, more basic terms within that theory. At the most basic level, however, the theory must have some terms which are not defined by reference to other terms within the theory. These latter terms, which form the empirical foundation of the theory, are called primitive terms, collectively termed the data language of the theory. A given primitive term may be defined by the theorist in terms of mathematical symbols, verbal descriptions, observable operations, or it may be left undefined. In the latter case, the theorist is
usually relying on current usage of the primitive term in the science to provide an implicit definition.

An important characteristic of the data language is that it is relatively neutral with respect to the theory. It does not reflect the biases of the theorist but rather consists of terms, the definitions of which are generally agreed upon by scientists in the field. The data language is only relatively neutral, however, since the particular primitive terms selected by the theorist and the specific ways in which the terms are used are often influenced by the theory. At the same time, the primitive terms are certainly more neutral than the constructs and postulates of the specific theory.

The principal function of the data language is to avoid the ultimate circularity which inheres in any purely formal theoretical system. Some mathematical systems, such as projective geometry, are totally circular; all terms are defined by reference to other terms within the system. The theory, as a result, has no empirical foundation and is thus not testable in the usual sense. While such formal systems are useful to mathematicians, they are of little help to the scientist who wishes to predict and study empirical phenomena. Thus, the more adequate is that theory for predicting the phenomena of interest.

Theoretical Constructs

A construct is an explanatory concept which is not immediately and directly observable. It is usually a label for hypothesized relationships between objects and events. A theoretical construct is used by the theorist, then, as a logical inference to fill in the gaps in the explanation and prediction of empirical data. It should be pointed out that a construct is not the only type of concept. In common usage, the latter refers to a class of objects or events which have common properties. By this definition we have concepts such as "tree," "dog," and "building." Common constructs include such relative abstractions as "democracy," "love," and "patriotism." Theoretical constructs in criminology
are exemplified by "self-concept," "prisonization," and "responsibility." It is noteworthy that constructs are more complex if they specify relationships rather than mere descriptions.

To be maximally useful in a theoretical system, a construct must be stated unanimously and employed in such a way that it is possible to define it in terms of observable events. That is, the theorist should provide or readily permit an operational definition of each construct in the theory. When a construct is stated in terms of an operational definition, it is measurable, and, to the extent that its constructs are measurable, a theory is testable. Unfortunately, constructs in criminology have not been unambiguously, let alone operationally, defined. We will discuss the problem of operational definition in some detail below.

Propositions and Predictions

It will be recalled that one function of a theory is to predict certain phenomena. We may identify two types of propositions which are utilized to implement the predictive function. The first is the hypothesis, which is a relatively specific prediction about some empirical relationship. In its most common form, it is the hypothesis which forms the direct propositional link between theory and data. The second type of proposition, the postulate, is a more general statement concerning relationships with which the theory is concerned. There are usually relatively few postulates in a given theory, and it is often possible to derive a number of specific hypotheses from single postulates or combinations of postulates.

We have differentiated between hypotheses and postulates on the basis of relative generality and consequent testability of the two types of proposition. In practice, however, there is a continuum of generality, and whether a given
theoretical statement is called a hypothesis or a postulate, often becomes a matter of individual definition or simply the personal preference of the theorist or another scientist interpreting the theory.

The propositions of the theory may be seen as performing three important functions. First, they state, within a logically consistent framework, the functional relationships among variables. Second, it is only through hypotheses that a theory can be tested experimentally. If only very general, non-testable postulates are possible, the theory must exist in scientific limbo; it is not possible to determine whether its postulates are empirically tenable. In general, the more capable a theory is of generating testable hypotheses, the more readily it can be evaluated and, if necessary, modified or extended. A final function of propositions is in mediating the observation of previously unobserved empirical relationships. By functioning in this way, the hypothesis allows the theory to carry out its function in the expansion of scientific knowledge.

Relational Rules

We have thus far viewed a theory as comprising a formal structure and empirical base. The formal structure consists of a number of constructs and propositions, while the empirical base includes the primitive terms of the theory, as well as relevant empirical evidence. To complete the theory, we need two sets of relational rules: one to interrelate the various aspects of the formal theory; the other to relate the theory to its empirical base. The former is called the syntax of the theory, the latter the semantics.

The syntactical rules formulated by the theorist state how the various constructs and propositions of the theory are related to each other. Together such rules give structure to the theory, where otherwise there would be only a disjointed array of terms. There is wide variation among theories; most
criminological theories state relational rules in rather vague, ambiguous terms or even fail to state adequate syntax at all. Others, such as Jeffery (1965), have attempted to provide rigorous and precise statements.

The syntactical interrelationship of theoretical terms is not sufficient. The terms must also be anchored to the empirical data through a separate set of rules, the semantics of the theory. The relationship between theory and data is most importantly expressed in the form of operational definitions of the constructs of the theory. Operational definition refers primarily to the specification of measurement operations which will define a given construct. Where operations for the measurement of the construct are clearly specified, the meaning of the construct is relatively unambiguous. More importantly, it is only through the specification of operational definitions that a theory can be subjected to empirical test.

As an example of operational definition, let us consider the theoretical construct, "self-concept" which appears as a major concept in a number of criminological theories (e.g. Reckless, Sykes and Matza). A given theorist may define self-concept verbally as "an organized group of processes which govern behavior and adjustment." But although this definition tells us something about how the theorist views self-concept, it does not permit us to test his hypotheses about self-concept without first tying down the term empirically. If we decide to define self-concept operationally as a specific range of scores on particular subscales of the Minnesota Multiphasic Personality Inventory, we will have provided a definition of the construct in terms of an observable measurement operation, and we can now test the theorist's hypotheses about "self-concept."

A chronic problem incurred in the practical application of operationism is that not all scientists will necessarily agree on a particular operational
definition of a given construct. In the example above, the theorist or another scientist may prefer to operationally define self-concept not in terms of the MMPI scores but by reference to the score on a different personality inventory, the behavioral ratings of a clinical psychologist, or a particular set of physiological indicants. The results of tests of self-concept hypotheses might vary considerably as a function of the particularly measurement operation employed. One partial solution to this problem has been to specify that a given operational definition, e.g. of self-concept as MMPI scores, is a provisional definition, used on an exploratory basis. The use of a provisional definition recognizes that if the hypotheses are not supported, the fault may lie not in the hypothesis or theory but in the definition employed. A body of research built around a particular construct may lead to fairly general agreement on a specific operational definition of the construct or at least to a better empirical understanding of the construct.

The Theory

With the components of a theory at hand, we can now, by way of summary, describe the theory as a whole. The theory is formally composed of a number of relatively general postulates, each of which is a statement of the functional relationships of certain variables and each of which involves one or more of the constructs of the theory. Each construct, as well as each other major term of the theory, is defined by reference to other terms within the theory. Exceptions are the primitive terms, which are defined, if at all, by reference to terms or observations external to the theory.

The various constructs, terms, and propositions within the formal theory are interrelated by the syntax of the theory. Through the application of syntactical rules, hypotheses concerning relatively specific empirical relationships
are deduced from the postulates of the theory. If hypotheses are anchored semantically to the data language, and constructs are operationally defined, various provisional definitions may be provided for use on an exploratory basis. Depending upon results of empirical investigations, the theory may be extended through the formulation of new postulates and/or the deduction of new hypotheses, or the existing postulates, hypotheses, or syntax of the theory may be modified to incorporate the new empirical observations within a logically consistent framework. Through the deduction and testing of hypotheses, the theory may lead to new empirical observations and thus aid in the expansion of scientific knowledge.

Unfortunately, many theories do not conform closely to the structure outlined above. Constructs are often not defined or even readily definable in operational terms. Verbal definitions of constructs and other terms in the theory may be ambiguous, inconsistent, or even nonexistent. Relational rules may be unspecified, weak, or too general to be useful. And the theory as a whole may not, even in its original formulation, be capable of consistently explaining and predicting existing, relevant empirical relationships. We will discuss the evaluation of theories later in this chapter.

What a Theory is Not

A Phenomenon of Nature

We must note that a theory is not a given or natural phenomenon. It is not a discovery but rather a creation of the theorist. It is developed out of his interpretations of empirical results and is subject to the biases of both the theorist and any scientist who later interprets the theory. Theorist biases, sources of which we will consider later, are based, in general, on the personal and professional experience of the theorist. The prejudices influence
the theory in every aspect and at every point in its development. They determine, in part, the area of endeavor in which the theorist chooses to work, his approach to theory construction, the postulates and constructs which he employs, and even, to some extent, the primitive terms which constitute the data language of the theory. Even the theorist's interpretation of empirical results relevant to the theory is influenced by his biases. In addition, the scientist- interpreter, who may wish to apply the theory to an experimental situation to determine its empirical consequences, will be biased in his interpretation and treatment of the theory as a function of his own background and interests.

The Theory as a Law

Theories, or their postulates, may or may not become laws, depending upon the definition of law. If law is defined as a final and irrevocable empirical relationship, a theory can never become a law. If, however, as is more common in science, law is defined as a well-established empirical relationship which has been repeatedly observed, a theory or postulate can become a law. In this latter sense, a law is simply a theoretical proposition which has received widespread experimental support. There is no implication that the relationship is absolute or irrefutable, and there is the continuing recognition that the law originated as a theoretical proposition or perhaps simply as an empirical observation. Even when law is used in the second, more conservative sense, there is a danger that some will view a particular law as an established, irrefutable absolute and hence perhaps stifle the pursuit of hypotheses or research not consonant with that law. A classic example of this situation occurred in physics, where some postulates of Newtonian mechanics were quite widely accepted as laws in the absolute sense until the advent of Einstein's
relativity theory. Probably as a function of the complexity of the subject matter and the relative youth of the discipline, there are very few laws, in the conservative sense, in psychology and virtually none in criminology.

The Evaluation and Comparison of Theories

Having discussed some of the characteristics and functions of theories, we are now in a position to evaluate and compare a number of criminological theories. Any given theory may be assessed in terms of its formal or structural properties and its empirical properties. Any two or more theories may be compared and contrasted according to these two sets of properties and, in addition, in terms of a number of specific issues, concerned primarily with the postulated attributes of the criminal offender.

Structural Properties

In our discussion of theory construction, the emphasis was placed on the description of the properties of an ideal theory. Since obviously not all theories will attain this ideal, it is useful to consider some specific questions that might be asked when evaluating the formal attributes of a given theory.

1. The Data Language
   a. Does the theory have a data language? That is, are an adequate number of primitive terms specified?
   b. Is the data language neutral, not unduly influenced by the biases of the theorist?
   c. Are the primitive terms clearly and explicitly defined by reference to terms outside the theory?

2. Theoretical Constructs
   a. Are constructs stated and defined unambiguously?
b. Are definitions operational or merely verbal?
c. If operational definitions are not supplied, are classes of operations stated or implied in order to make operational definitions readily derivable?

3. Propositions
   a. Are postulates clearly and explicitly stated, or must they be deduced from the general writings of the theorist?
   b. Are hypotheses specifically stated, or must they be derived?
   c. Do the stated postulates and hypotheses provide adequate specification of functional relationships among variables which constitute the theory?
   d. Are hypotheses readily amenable to empirical test?

4. Relational Rules
   a. Is an adequate set of syntactical rules clearly specified?
   b. Are the interrelationships of major theoretical variables made adequately explicitly through the application of syntax?
   c. Do the semantics of the theory clearly relate the theoretical variables to empirical data?

While the above outline should suffice for the formal evaluation and comparison of theories, the reader is cautioned that not all writers present precisely the same points for consideration.
Empirical Properties

Far more important than the adequacy of its formal properties is the empirical value of the theory. A theory which closely approximates the structural ideal and contributes little to the expansion of scientific knowledge is of far less value than the poorly constructed theory which nevertheless pushes the frontiers of science a few steps forward.

In evaluating the empirical contribution of a theory, we must consider both the adequacy with which the theory integrates existing empirical evidence and the ability of the theory to generate further research. The scientist who sets out to construct a formal theory ordinarily has available to him a reasonably large body of empirical data. In evaluating a theory, it is essential to determine the extent to which the theory is able to explain or "postdict" existing data. If the theory does not handle available evidence with reasonable adequacy, its value for making further predictions is open to some doubt.

Assuming that available evidence is adequately integrated, the most important single attribute of a theory is its ability to generalize scientific research and hence potentially to expand scientific knowledge. The stimulation of research may be accomplished in two ways. First, the theory may generate research formally through the statement of postulates and hypotheses. If the hypotheses which are stated or can be readily derived are not testable, the theory will not, of course, generate research. If the hypotheses are amenable to empirical test, the amount of research stimulated will depend largely on the importance placed upon the theory by the scientific community. Thus, if the phenomena with which the theory deals are considered by other scientists to be relatively unimportant or uninteresting, the theory may, despite the testability of its hypotheses, receive little empirical attention.
Aside from its formal hypotheses, a theory may stimulate research quite indirectly. This heuristic value of the theory may take any of several forms. The theory may suggest to other scientists particular directions or ideas for research, providing not specific hypotheses but merely an impetus. Secondly, the theory may open a general area of scientific inquiry that has received little previous attention. In this way, the theory may stimulate not only a variety of research efforts, but, eventually, even the development of other theories (for example, the influence of Sutherland’s differential association theory on the development of Cloward and Ohlin’s theory of differential opportunity). Finally, a theory may generate research, in the process of which new scientific leads concerning phenomena only indirectly relevant to the theory may be obtained.
Reading Assignment


Questions for Discussion and Review

1. Distinguish between a law, hypothesis, and theory. What meaning does the term theory bear in criminal justice and criminology?

2. What are the two main purposes or functions of criminological theory?

3. Briefly identify the 4 broad areas of inquiry to which crime causation research has been addressed.

4. How does theory-based research differ from empirically-based research?

5. What is the principle of parsimony? Of optimony?

6. What is meant by the primitive terms or data language of a theory?

7. Define a theoretical construct and give some examples of the sort of theoretical constructs one might expect to find in criminology.

8. How does an hypothesis differ from a postulate?

9. What is meant by the syntax, as compared with the semantics, of a theory?

10. Identify two ways in which a theory may stimulate research in a given area of inquiry.

Written Projects

1. Select a particular criminological theory and outline its primitive terms, major theoretical constructs, postulates, etc. When finished, evaluate the theory in terms of how explicit these features have been made by the theorist in the formulation of the particular theoretical approach.
2. Construct a table showing the primitive terms, theoretical constructs, postulates, etc., for several theories that involve the same major area of inquiry (i.e., sociological, psychological, psychiatric, biological). At the completion of this table, summarize the strengths and weaknesses of each theory as revealed by your analysis of the formal properties of the respective theories.
Selected Readings


Frazier, C. *Theoretical Approaches to Deviance*. Columbus, Ohio: Charles E. Merrill, 1976.


Introduction

Prior to the 18th century, criminal behavior was simply treated as moral degeneracy or "badness," without much consideration of the reason or reasons for its occurrence. Medieval interpretations attributed a wide range of aberrant behavior to demoniacal possession—an "explanation" which could be extended to include at least some forms of criminal deviance.

The 18th century, the Age of Enlightenment, marked the emergence of what has been identified as the Classical School of criminology. Basic to this approach was an underlying belief in the rational nature of man, which supported the notion that the individual possesses innate powers to order his conduct in accordance with free choice between right and wrong alternatives. The Classical School also endorsed the concept of hedonism, i.e., that behavior is guided basically by tendencies to seek pleasure and avoid pain.

Contemporary concepts of criminal jurisprudence retain the basic assumption that man is a rational creature, is responsible for his actions, and is able to choose between right and wrong (free will). This is apparent in laws governing behavior that make allowance for diminished or partial responsibility: the insane person, who was incapable of making a meaningful and behaviorally relevant distinction between right and wrong at the time the crime was committed, is exempted from criminal sanctions.

Hedonism perseveres in the more contemporary guise of the pleasure principle in psychoanalysis and in reinforcement theory, where pleasure and pain are dealt with in terms of positive and negative reinforcing stimuli.

The emergence of the Positivist School of criminology, as Schafer (1969)
notes, "symbolized clearly that the era of faith was over and the scientific age had begun" (p. 123). The Positivist School is dominated by the so-called "holy three" of criminology: Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo. The "enthusiastic physician" (Lombroso), the "extremist sociologist" (Ferri), and the "sober anthropologist" (Garofalo) were "all in agreement that the problem was scientific treatment of the offender rather than a discussion of penalties" (Barnes and Teeters, 1957, p. 163). The ideas and approaches of the Positivist School constitute the bridge or transition from historical to contemporary theories of criminality. As the various disciplines of anthropology, sociology, psychiatry, and psychology began to develop, explanations of criminal behavior were sought in the psychological makeup of the individual as well as in the physical and social environment. Rationally-ordered choice was increasingly rejected as a "cause" for behavior, normal as well as deviant behavior.

Objectives

The goal of this unit is to briefly sketch the historical precursors of contemporary criminology theory. Discussion is devoted to the broad currents of humanitarian reform that were initiated during the latter part of the 18th century and resulted in improved treatment of both mentally ill and criminals. The emergence of the Positivist School of criminology toward the end of the 19th century and the contributions of its principal contributors are examined and summarized in this unit.

Background and Perspective

The Classical School of criminology is closely identified with the writings of Cesare Bonesana, Marchese de Beccaria (1738-1794). In his famous Essay on Crimes and Punishments published anonymously in 1764, Beccaria proposed a
series of far-reaching reforms in criminal law that were intended to move it toward humanitarian goals. He opposed the use of torture and the death penalty; he criticized laws that were written so opaquely that they required extensive interpretation; he argued for the minimal punishments necessary to protect society; he was a spokesman for the defense of the accused against the capricious and arbitrary administration of justice.

Beccaria's influence was considerable: his work was translated into many languages, his views received the respectful attention of leading social philosophers and critics like Voltaire in France, and his ideas led to legal reforms in a number of countries. In England, Jeremy Bentham, Samuel Romilly, and William Blackstone built upon the beginnings supplied by Beccaria. The views associated with the Classical School have been summarized by Vernon B. Fox (1976):

... the Classical School of criminology rejected the previously prevailing concepts of supernatural powers and the "will of God" as the primary forces in human behavior, including criminal behavior, and substituted the free will of man and his intent. The consequent systematization of the discipline was built on the concept of free will; it eliminated human motives of revenge and substituted rational punishments that fit the seriousness of the crimes by causing rules to be determined and written into the law (p. 38).

Attempts to identify the causes of crime in forces beyond human control—external as well as internal—which undermine his capacity to choose between right and wrong characterize the Positivist approach to criminology. Positivism endorses the viewpoint that environmental and psychological factors dominate man's behavior and that an understanding of these factors will provide an understanding of all human behavior, criminal and noncriminal. August Comte, who devised the term positivism, sought to provide a systematic survey of all knowledge. In order to achieve this monumental undertaking, he had to limit himself to facts whose validity was established by the recognized methods of
Contemporary behaviorists share Comte's orientation, at least to the extent that they maintain the position that all behavior is amenable to scientific explanation by reference to empirical events.

In the latter part of the 19th century, an Italian Army physician named Cesare Lombroso was credited with founding a school of criminology which produced a significant impact on the scientific world of the time. Darwin's concepts and painstaking field investigations had raised the doctrine of organic evolution to the forefront of scientific and intellectual consciousness and the fledgling science or discipline of anthropology was beginning to embark on the systematic study of primitive peoples in an effort to uncover the basic principles of social evolution. Lombroso proposed that the serious criminal, especially the murderer, was a born criminal. He contended that the physical and mental characteristics of the criminal represented a "throwback" to a more primitive state of human evolution.

Lombroso's views were challenged in a study done on English prisoners by Charles Goring, who demonstrated by anthropometric measurements of the physical traits of 3,000 prisoners that the cranial and skeletal characteristics observed by Lombroso did not apply to his sample. Goring did find some relationship between physique and type of crime, largely on the basis of the selective factors which support the prevalence of a particular body build in particular patterns of activity. Although Goring's work was considered exemplary in its refutation of Lombroso's criminal anthropological notions, it also contained statements concerning the influence of "weak mindedness" and its influence on criminality which were of highly questionable validity.

Lombroso's theory and Goring's work, however, prompt consideration of the XYY chromosome theory of recent years and the manner in which studies investigating that concept were carried out. It is relatively easy to formulate a theory and conduct studies which find support for that theory. It is
not nearly as easy to conduct investigations with proper controls which offer unqualified support for one hypothesis to the exclusion of support for alternative hypotheses.

Lombroso went on to further studies that exhibited an increasingly sociological orientation toward crime. In his last major work, he called attention to a variety of adverse social conditions which might be involved in crime causation.

Crime and Mental Illness

"Ignorance, superstition, and demonology, in alliance with the cruelty of man," said criminologist Stephen Schafer (1969), "identified mental illness with crime. Only a few ventured the risk of fighting against this darkness" (p. 115). Prominent among those who ventured this risk were Philippe Pinel (1745-1826), who unchained the inmates at La Bicetre; William Tuke (1732-1822), the English Quaker who founded York Retreat for the care of mental patients; Benjamin Rush (1745-1813), who introduced humane treatment for the mentally ill in the United States; and Dorothea Lynde Dix (1802-1887), the American social reformer whose untiring efforts delivered many mental patients from incarceration in prisons. Despite the work of these and other humanitarians, well into the 19th century the treatment of criminals and the mentally disturbed were nearly indistinguishable.

Growing acceptance of the mental illness model of psychological disturbance had important consequences for societal reactions to criminality. Amelioration of the conditions under which the mentally ill were held in confinement inevitably had an impact on the harsh and inhumane circumstances of penal incarceration. Reforms which led to the establishment of "lunatic asylums" that bore a greater resemblance to hospitals than to prisons could scarcely fail to lead to attempts to improve the brutalizing lot of imprisoned criminal offenders.
Recognition of valid grounds for distinguishing between mental illness and criminality faced 19th century medical thought with the problem of relating crime and insanity. Attempts to formulate rules for specifying the conditions under which the courts could assign diminished responsibility for criminal conduct were heavily weighted on the side of rationality. Madness was only considered in mitigation of guilt if it appeared to totally engulf one's capacity for judgment and reasoning, i.e., the "wild beast" doctrine.

Two significant contributions to the clarification of the relationship between crime and insanity were made by Esquirol (1772-1840), a student of Pinel. The first of these was the concept of monomania, a state of mind characterized by the predominance of an "insane" idea while the rest of the mind remains normal (Zilboorg and Henry, 1941, p. 417). Monomania accommodated the idea of a persistent, fixed delusional belief or belief system (e.g., of a persecutory or megalomaniacal character) which, as in the case of Daniel M'Naghten, might express itself in the commission of criminal behavior.

The second contribution was the notion of mania without delirium, the idea that one could be insane without necessarily exhibiting an accompanying confusion of mind. Although this concept was resisted by many of Esquirol's medical contemporaries, it found support among physicians who had devoted considerable time to the study of criminal behavior. At any rate, these and similar considerations directed attention to the search for the causes or determinants of criminality and insanity.

Schafer (1969) observed that "In the 19th century the face, the skull, and the mind were the main targets of search for the causes of crime" (p. 118). That is to say, physiognomy and phrenology both enjoyed a vogue as precursors to the systematic study of psychological factors in the determinants of criminal behavior and mental illness.

Physiognomy, the study of facial characteristics and their possible
relationship to personality, attained the status of a "discipline" with the publication in 1775 of Johan Caspar Lavater's four-volume work entitled *Physiognomical Fragments*. The "fragments" referred to in the title represented the nose, chin, lips, eyes, and other features; and Lavater's conclusions about the significance of physical appearance in judging personality appear to have enjoyed a good deal of popularity.

Two centuries earlier, J. Baptiste della Porte (1535-1615) studied the cadavers of criminals in an effort to explore the relationship between body type and variety of crime. Said Schafer:

... he recognized a thief by his small ears, bushy eyebrows, small nose, mobile eyes, sharp vision, open and large lips, and long and slender fingers. He did not hope to improve an evil man by moral suasion because he believed in the deterministic nature of man's biological makeup. In this thinking the constitution of man is responsible for leading him against the command of law (p. 113).

Physiognomy never proved capable of fulfilling the expectations of its proponents to establish an empirical classification of personality on the basis of facial expressions. Its epitaph was written by criminological theorist George Vold (1958), who stated that "The principal significance of physiognomy lies in the impetus it gave to the better organized and logically more impressive view that has come to be known as phrenology" (p. 45).

Phrenology was instituted by the Austrian anatomist and physiologist, Franz Jozef Gall (1758-1828). Gall's system postulated that localized physiological functions of the brain were responsible for the psychological strengths and weaknesses of the individual. These functions affected the growth of the skull and could be determined from a careful inventory of the shape of the skull. Gall visited prisons and asylums to pursue his "cranioscopical" studies of the skull configurations of criminals and lunatics.

Contemporary with Gall, Cabanis was conducting anatomical studies in France to foster the notion of the brain as the organ of thought, from a
materialist viewpoint. Although not materialistic in a strict sense, phrenology obviously had a similar thrust, deriving individual psychology from primarily physiological factors. What had formerly been a metaphysical category (i.e., faculty) was now an area of the brain.

Phrenology was carried on after Gall's death by his former student and colleague, Johann G. Spurzheim (1776-1853). Schafer (1969) suggests that much of the credit for the receptivity of American and English medical circles to phrenological doctrines is due to Spurzheim's effectiveness as a writer and lecturer. Where Gall was contentious and constantly embroiled with his critics, Spurzheim was persuasive and conciliatory.

The central propositions on which phrenology was based were as follows: (1) "the exterior of the skull conforms to the shape of the brain;" (2) "the so-called mind (or brain) consists of several faculties or functions;" and (3) "these faculties are related specific areas of the brain and skull and therefore bumps on the skull are indicators of the 'organs' of special faculties" (Schafer, 1969, p. 114). Gall identified 27 faculties or functions of the brain, and this number was increased to 35 by Spurzheim. These faculties bore such descriptive labels as "amativeness," "acquisitiveness," "secretiveness," and "combativeness."

Charles Caldwell (1772-1853) was the leading American proponent of phrenology and the first author of an American textbook on this subject. Phrenology was supported in England by the brothers Combe. During the latter half of the 19th century, the doctrines of phrenology were accorded respectful attention by medical authorities in a number of countries, and phrenological profiles were drawn of inmates in prisons and asylums as a matter of routine.

Morel (1809-1873) appears to have anticipated Lombroso in his emphasis on degeneracy as the cause of crime. In his Treatise on Physical, Intellectual, and Moral Degeneration of the Human Species (1857), he identified crime and
mental illness as the result of hereditary weakness. Degeneracy was seen, as Schafer (1969) notes, as a kind of "retrograde natural selection," and Morel developed methods for discovering the "stigmata of degeneration" among criminals and the mentally ill. These stigmata were primarily physical malformations, but they also included a variety of moral and intellectual deviations from the normal. Both in his concern for "stigmata of degeneration" and in the concept of degeneracy as a biological throwback (or "atavism" in Lombrosian terms), Morel clearly adumbrated doctrines that are generally associated with the name of Cesare Lombroso.

The extreme of biological determinism is represented in the writings of Francis Galton. Galton's views on criminals and the insane are presented in his major work entitled Inquiries Into Human Faculty (1908). The criminal type, according to Galton, is something of a primitive, "exceedingly ill suited to play a respectable part in our modern civilization, though it is well suited to flourish under half-savage conditions" (p. 43). Criminals are also presumed by Galton to include "a considerable portion of epileptics and other persons of instable, emotional temperament" and these factors are attributable to faulty heredity.

**Thermal Theory**

One of the ideas that found favor with some theorists in the early 19th century was the notion that crime was linked with climate. This led to the thermal theory, according to which crimes against person were presumed to be induced by hotter climates and crimes against property by colder climates. Unfortunately, with the development of statistical reporting of crimes, it became obvious that both types of offenses were committed in all areas without any close correlation with temperature or climate. However, one positive result that emerged from the increased statistical reporting of crimes was that
a number of theorists became impressed with the variation in crime rates reported by different sections or provinces within several European nations. These variations directed attention to differences in socioeconomic conditions which seemed to bear a high correlation to crime incidence. Later studies during the 19th century purported to show that yearly fluctuations in the price of grain. When prices were high, there was a rise in the incidence of crime, and vice versa when the price of grain was low. It is likely that one could use any number of factors to demonstrate similar results today. When viewed in a general manner, however, economic fluctuations must be considered as part of a more complex pattern, not as a specific stimulus to criminality in the majority of instances.

Sociological Criminology

The school of criminal sociology numbered among its founding fathers the Italian social reformer and critic, Enrico Ferri. He conceived of criminal sociology as being concerned not only with the social conditions which produce or help produce crime, but also with social policies toward crime control and prevention. He emphasized "penal substitutes" as the way to combat and prevent crime, since he believed that incarceration had practically no effect on reducing crime. Although Ferri's theories were advanced in the late 1800s, much of what he advocated was rediscovered half a century later.

A French contemporary of Ferri, Gabriel Tarde, developed a theoretical approach with an entirely different orientation from that which focused on the adverse conditions of the social environment. Tarde believed that patterns of criminal and delinquent behavior are learned and adopted much in the same manner as fashions or fads. The learning takes place either by conscious imitation or unconscious suggestion. Tarde felt that patterns of crime may be transmitted from generation to generation, and that they spread from the center of introduction.
Psychogenic Theories of Criminality

The psychogenic school of criminology was the last of the theoretical approaches to emerge. The figure who provided the major impetus to this interpretation was the founder of psychoanalysis, Sigmund Freud. Psychoanalytic doctrines and other intrapsychic approaches to personality which came later and were heavily influenced by psychoanalysis tended to view deviant behavior as the result of interaction between a set of inborn psychological events that begin to operate shortly after birth and a set of events which occur in early childhood. The principal determinants of behavior, according to this view, are unconscious wishes, ideas, desires, impulses, etc., which conflict with those areas of personality that represent society's prohibitions and taboos—with the result that the individual is thrown into intense inner conflict. His deviant behavior, therefore, is a compromise between these opposing forces. It is a compromise, unfortunately, which does not resolve his conflicts, but merely intensifies them.

Although the precedent-setting work of Freud and his followers was valuable to the extent that it stimulated research into the determinants of deviant behavior, it has been vigorously criticized and rejected in large part by the scientific community because its assumptions cannot be tested, its predictions are vague and self-fulfilling, and its methods are autocratic and non-objective.

Conclusion

A full, comprehensive theoretical account of criminality must accomplish two objectives: (1) provide an explanation for how deviant or norm-violating behavior arises; and (2) help explain the nature and intensity of societal reactions to that deviant behavior which tend to amplify the deviance and also lead to adverse effects in terms of the deviant individual's self perceptions. As judged by the above criteria, it seems doubtful that any comprehensive
theory of criminal deviance which emphasizes one set of determinants (e.g., sociological) while minimizing or ignoring altogether other sets of determinants (e.g., psychological and biological) can ever meet these objectives. The implications of this situation are explored in detail in the following units of this course.
HISTORICAL BACKGROUND OF CRIMINOLOGICAL THEORY

Reading Assignment

Questions for Discussion and Review
1. Who was Cesare Beccaria and what was his connection with the Classical School of criminology?
2. How did the Classical School conceptualize the causes of crime?
3. Distinguish between the approach of the Classical School and the Positivist School of criminology in terms of their respective approaches to the understanding of criminal behavior.
4. Who are the "holy three" of criminology?
5. Discuss Lombroso's concept of atavism as an interpretation of criminality.
6. What was the contribution of Charles Goring to the Lombrosian theory of criminality?
7. Discuss the relationship of crime to mental illness in the 19th century.
8. What was phrenology and how did it contribute to criminological theories?
9. What is thermal theory?
10. Who is considered the "founding father" of sociological criminology and why does he have that distinction?
11. Who is regarded as the founder of a psychogenic approach to criminological theory?

Written Projects
1. Assume that you are the host of a TV talk show and your guests are Beccaria, Garofalo, Ferri, and Lombroso. Sketch the kind of script and dialogue you might expect to hear as these four early criminologists
compare notes on some contemporary problem or issue in criminal justice (e.g., capital punishment, consensual crimes, flat time sentencing, etc.).

2. Design a correctional program or facility using the services and views of one of the early criminologists mentioned above as your principal consultant.
Selected Readings


THE HISTORICAL DEVELOPMENT OF CRIMINOLOGY

Introduction

This paper is a summary statement of the contributions made by the pioneers in criminology. Sociologists in general and criminologists in particular have been negligent in their treatment of the historical development of ideas and theories. The Pioneer Series has performed a much-needed service for criminology by reminding us of that history. Criminologists can benefit from a re-evaluation of the major contributions made to criminology and the issues which result therefrom. The Pioneer Series emphasised something that is too often ignored in textbooks; namely, the variety of disciplines which have contributed to the development of criminology: law, medicine, sociology, psychology, psychiatry, chemistry, physics, architecture, history, theology and social work. Many of the issues in criminology are a result of differences in training and orientation in various disciplines.

If we understand the pioneers, then we can better understand the current issues in criminology. Tracing the major strands of thought running throughout the Pioneer Series in terms of theoretical issues, we find at the same time indications of the ways in which these issues have influenced the modern criminologist. Twentieth-century criminology is a product of the theories of the eighteenth and nineteenth centuries. An historical evaluation of criminology is of no value unless we relate it to the things which criminologists are doing today. It is the major thesis of this paper that criminologists today are interested in certain problems because they are involved in the theoretical issues developed by the pioneers. What these issues are and the ways in which they influenced modern criminology are the objectives of this paper.

Criminology involves three different types of problems:

1. The problem of detecting the law-breaker, which is the work of the detective, the police officer, the medical specialist, the chemist; in other words, the field of criminalistics. The Pioneer Series article on Hans Gross discusses the pioneering work of this man in the field of criminalistics.

2. The problem of the custody and treatment of the offender once he is detected and legally judged to be guilty, which is the work of the penologist. Social workers, psychiatrists, sociologists, psychologists, juvenile court judges, probation and parole officers and others are engaged in correction work in connection with the prevention and control of delinquency and crime. Pioneer Series articles on Haviland, Maconochie, Doe, Aschaffenburg, Ray and Maudsley deal with one or more aspects of correctional work.

3. The problem of explaining crime and criminal behaviour, which is the problem of scientifically accounting for the presence of crime and criminals in a society. The legal aspect of crime is of interest to the lawyer and to the sociologist who is studying the sociology of criminal law. The explanation of criminal behaviour is of interest to the sociologist, the psychologist, the psychiatrist, the anthropologist and the biologist. Pioneer Series articles on Bentham, Beccaria, Garofalo, Lombroso, Ferri, Goring, Tarde, Durkheim and Bonger deal with crime and criminals from several different points of view. The problems associated with the detection, treatment and explanation of crime and criminals are mutually interrelated, and there is a great deal of overlapping of fields.

Any attempt to classify the men dealt with in the Pioneer Series would be arbitrary since each pioneer wrote about a number of issues from a number of viewpoints. A classification of the following type is suggested:

<table>
<thead>
<tr>
<th>Classical School</th>
<th>Positive School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bentham</td>
<td>Garofalo</td>
</tr>
<tr>
<td>Beccaria</td>
<td>Lombroso</td>
</tr>
<tr>
<td>Garofalo</td>
<td>Ferri</td>
</tr>
<tr>
<td>Lombroso</td>
<td>Goring</td>
</tr>
<tr>
<td>Doe</td>
<td>Montero</td>
</tr>
<tr>
<td>Aschaffenburg</td>
<td>Maudsley</td>
</tr>
</tbody>
</table>

Sociological Aspects

of Crime

Tarde

Durkheim

Bonger

Prison Reform

Maconochie

Prison Architecture

Haviland

Criminalistics

Gross

Another type of classification, based on whether the pioneer in question was primarily interested in crime or in the individual offender, can be made in this way:

<table>
<thead>
<tr>
<th>Crime</th>
<th>Individual Offender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bentham</td>
<td>Lombroso</td>
</tr>
<tr>
<td>Beccaria</td>
<td>Maudsley</td>
</tr>
<tr>
<td>Montero</td>
<td>Garofalo</td>
</tr>
<tr>
<td>Durkheim</td>
<td>Maconochie</td>
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<tr>
<td>Bonger</td>
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<td>Aschaffenburg</td>
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<td></td>
<td>Ray</td>
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<td></td>
<td>Haviland</td>
</tr>
</tbody>
</table>

In any historical survey of criminology we must deal with a dilemma. This dilemma is found in the Classical School, founded by Bentham and Beccaria, and the Positive School, founded by Lombroso, Garofalo and Ferri. The Classical School developed in the eighteenth century in an attempt to reform the legal system and to protect the accused against harsh and arbitrary action on the part of the state. The Positive School developed in the nineteenth century as an attempt to apply scientific methods to the study of the criminal.

The Classical School defined crime in legal terms; the Positive School rejected the legal definition of crime. The Classical School focused attention on crime as a legal entity; the Positive School focused attention on the act as a psychological entity. The Classical School emphasised free will; the Positive School emphasised determinism. The Classical School theorised that punishment had a deterrent effect; the Positive School said that punishment should be replaced by a scientific treatment of criminals calculated to protect society.

The Positive School has dominated American criminological thinking. This school finds supporters in biology, psychiatry, psychology, social work, sociology and anthropology, each of whom applies the concepts of his science to the study of the criminal. As a result of this orientation, criminology has been dominated by an interest in the individual offender: his personality, body build, intelligence, family background, the neighbourhood from which he comes, or the groups to which he belongs. The basic assumption since Lombroso's time is that an explanation of human behaviour is an explanation of crime. The criminologist looks for the aetiology of crime in behaviour systems rather than in legal systems.

Definition of crime

The Classical School defined crime within the strict limits of criminal law. Bentham placed emphasis on the crime, not on the criminal. Bentham was much more concerned with the consequences of the act than with the motivation for the act. Beccaria was opposed to the barbaric and arbitrary practices associated with the court system in England during his time. He believed in the social contract theory of government, that is, that sovereignty resided in the people and the law applied equally to all members of society. The Classical School believed in the doctrine of nullum crimen sine lege, no crime without a law.

The Positive School attacked the legal definition of crime, and in its place substituted a concept of natural crime. The positivist rejected the juridical concept of crime in favour of the sociological notion of crime. Garofalo notes that the concept of a "criminal" presupposes the concept of "crime." He observed that "although the naturalists speak of the criminal, they have omitted to tell us what they understand by the word crime." The positivist's rejection of the legal definition was based on the idea that for scientific purposes the concept of crime cannot be accepted as a legal category, since the factors which produce the legal definition are contingent and capricious. Garofalo then defined natural crime as an act that offends the moral sentiments of pity and probity in the community.

Allen and Hall have pointed out the fact that the positivistic notion of crime is susceptible to corruption in the hands of corrupt political officials. The fact that Ferri became a member of the Fascist movement in Italy is of concern to those who regard civil liberties as a
fundamental aspect of criminal law. Whereas for Beccaria individual rights are supreme, there are no safeguards against abuse of state power in the work of Garofalo and Ferri.

As a result of the rejection of legal categories by the Positive School there is no agreement in criminology today as to "what is crime?" Sutherland, Reckless, Sellin, Clinard and others have either rejected the legal definition of crime or have stated that criminological research should not be limited by such legal definitions. The most common definition of crime by the sociological school is the definition of crime as "anti-social" behaviour. Sellin states that criminologists should study violations of conduct norms rather than legal norms. The eminent British criminologist, Professor Hermann Mannheim, is in agreement with Sellin's position. Mannheim asks the question, "Is criminology concerned exclusively with criminal behaviour in the legal sense or rather with the much wider conception of anti-social behaviour?" He answers the question by noting that criminology tends to become the science of undesirable social behaviour. "It is the object of Criminology to study criminal behaviour and the physical, psychological, and socio-economic factors behind it; how and why people commit crimes. . ." Mannheim focuses on criminal behaviour while at the same time removing the study of law from the field of criminology. "While it is no doubt one of the functions of the Sociology of the Criminal Law to examine the conditions under which criminal laws develop, such an examination cannot be regarded as coming under the scope of Criminology."

Opposition to the definition of crime as anti-social behaviour or undesirable behaviour has come from Jerome Hall, Francis A. Allen, Paul Tappan, George B. Vold, Robert G. Caldwell and the writer. Hall writes, "Criminology is synonymous with Sociology of Criminal Law. . . The above theory suggests the general boundaries of criminology. It must be concerned, first, with the meaning of the rules of criminal law . . . and this requires investigation of their origins, the legislative history, . . . and accompanying social problems." Hall traced the development of the law of theft from the Carrier's Case to the present in order to show how the criminal law has developed in response to social and economic changes brought about by the Industrial Revolution. The interrelations of law and economy in the solution of social problems are highlighted in his book, Theft, Law and Society. Francis A. Allen states, "It may be doubted that so complete an elimination of the legal content of the concept has well served the development of criminological theory." The view that crime is undesirable social behaviour is especially apparent in the field of juvenile delinquency. The broad legal definition of delinquency makes it possible to equate "delinquency" with "problem behaviour." Paul Tappan refers to this situation as "legal nihilism." He notes that a juridical approach to delinquency is uncommon, and in its place we find a casework approach that is non-legal or anti-legal in orientation. Roscoe Pound observed that the discretionary power of the Star Chamber was a trifle compared to that of the juvenile court. A juvenile court hearing is not regarded as a criminal trial; therefore, the usual constitutional guarantees as to life and liberty do not apply. The juvenile is often deprived of legal rights which are available to the adult.

Because there is no standard from which delinquent behaviour can be measured, a subjective evaluation of the behaviour by a judge or caseworker must be relied upon. What constitutes "vulgar language," "idleness," "immorality" or "habitually" is a major problem in the administration of any juvenile court code. The jurisdiction of the juvenile court is often based on the fact that the child has an emotional problem rather than on any act of delinquency. There is some question as to whether the juvenile court should function as a welfare agency. "It is even more pathetic that the very social instrument that was once hailed as a great reform.

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8 See above, pp. 376-377; also Hall, op. cit. p. 346 et seq.
9 See above, Chaps. 16 and 17.
12 Ibid. p. 262.
13 Ibid. p. 261.
14 Ibid. p. 260.
18 See above, p. 259.
21 Ibid. p. 305 et seq.
22 Ibid. p. 313.
23 Ibid. p. 322.
measure now stands as a barrier to progress in meeting their basic needs.”

The confusion of crime and criminals is commonplace in criminology. The criminologist seeks the answer to crime in the behaviour of the offender rather than in the criminal law. Ferri stated that “crime must be studied in the offender.” The question “why and how people commit crimes” is an important one; however, a theory of behaviour is not a theory of crime. Behaviour is criminal only when judged by some standard of conduct. The term “crime” refers to the act of judging or labelling the behaviour, rather than to the behaviour itself. Why people behave as they do and why the behaviour is regarded as criminal are two separate problems requiring different types of explanation. If we wish to include all anti-social behaviour within the scope of criminology, we must either state that all deviant behaviour is criminal or that criminology is concerned with non-criminal as well as criminal behaviour. What we are concerned with in either case is the sociology of deviant behaviour, not the sociology of crime. Only in the criminal law do we find the distinction between criminal and non-criminal behaviour. People are executed or sent to prison for violating a law; they are not executed or sent to prison for “anti-social” behaviour in general. Sellin points out that man belongs to many different social groups, each with its own system of conduct norms. However, when he states that the criminologist ought to study all norms violations he ignores the fundamental and important differences between state norms, familial norms, religious norms, educational norms, economic norms or voluntary association norms. By placing all conduct norms in a single category he is overlooking certain important characteristics of the norms.

The removal of crime from the realm of legal fact has blurred the distinction between criminal and non-criminal behaviour. In textbooks it is common to observe that 99 per cent. of the population commit acts for which they could be charged with a crime. Less than 4 per cent. of the crimes known to the police result in a prison sentence. These observations place the criminologist in a cul-de-sac. If he is to ignore the legal status of crime, he then must study all deviant behaviour. This is an acceptable procedure if one is interested in explaining behaviour; it is not too helpful if we wish to understand why individual A is in prison and individual B is not. From these statistical observations of non-criminal populations we must conclude that they differ from criminal populations, not in terms of sociological and psychological variables related to the life experiences of the individual offender, but in terms of the process of legal adjudication. The criminal has been caught and convicted in a court of law. The problem shifts from “why and how individuals commit anti-social acts” to “why and how criminal law is administered.”

The problem of the “non-adjudicated” criminal concerned Sutherland a great deal, and his research in connection with white-collar crime was an attempt to bring within the scope of criminology the criminal who was not in prison. He defined white-collar crime as “socially injurious acts” whether conviction occurred or not, a concept that has been criticised by Tappan and Caldwell. Sutherland made a valuable contribution to the sociology of law by pointing out the differential treatment of white-collar criminals by our judicial system. However, he did not focus attention on the interaction of economic and legal institutions in the same way that Jerome Hall did, for example, in his study of theft. Sutherland shifted his attention to the question “why do certain individuals commit white-collar crimes?” He entered into a discussion of a shoe salesman who became a white-collar criminal through differential association. The problem of what social changes in the nineteenth century produced government regulation of business is ignored in Sutherland’s work. The legal dimension of white-collar crime is slighted in favour of a study of the offender. In Sutherland’s work we have a beautiful example of the shift in emphasis from the crime to the criminal. White-collar crime did not exist before certain legal changes occurred. Why these changes occurred can be determined only by a study of law and society, not by a study of the criminal. The progress and development of criminal law has been due to social and economic historical forces. No evaluation of the personality of the individual criminal is going to substitute for a sociological analysis of law.
The acceptance by many criminologists of the Positive School's position in respect of the definition of crime and the emphasis placed on the study of the individual offender is not surprising if one considers the history of American sociology. The original problem which occupied the attention of sociologists during the period from 1910 to 1939 was the problem of socialisation and personality development. The work of W. I. Thomas, G. H. Mead, John Dewey and C. H. Cooley was in the area of socialisation. These men were interested in the question of how a person comes to be a member of a group. It mattered little whether the social norms involved were legal or non-legal in nature. It was not until the late 1930s that there occurred in American sociology a revival of interest in European sociologists such as Weber, Durkheim, Maine, Jhering, Ehrlich, Gurvitch, Sorokin and Timasheff. The problem of social structure and social institutions now assumed a more important place in sociological discussions. The sociology of law is a European import, based on the work of such European writers as Weber, Durkheim, Maine, Jhering, Ehrlich, Gurvitch, Sorokin and Timasheff. It is of interest to speculate as to why sociologists in the United States did not develop an interest in the study of law until recently.

One additional observation concerning the definition of crime is in order. If we define crime as the violation of a law, we must then state what we mean by law. This would require us to investigate such topics as the sociology of law and sociological jurisprudence. If we equate law and custom, as some writers do, then the legal definition of crime and the social definition of crime are synonymous. It is beyond the scope of this paper to pursue further the various meanings of the term "law" except to note that the definition of crime, be it legal or sociological, must be based on a study of law and society rather than on a study of the individual offender.

Is criminology a science?

According to George B. Vold, "the essential point in positivism is the application of a deterministic and scientific method to the study of crime." This writer would disagree with Vold's observation to this extent: the main characteristic of positivism is its attempt to answer the riddle of criminality by means of scientific studies of the individual offender. The use of scientific method is one of the major characteristics of positivism; however, scientific studies can be made of crime and criminal law as well as of the criminal. Because of his orientation, the criminologist has not concerned himself with these other theoretical issues.

The reason the criminologist is not interested in studying law and society is his reform orientation. There is no way in which knowledge of law and society can be used to reform the criminal. The criminologist assumes that he must reform the criminal if the science of criminology is to be a success. When this writer recently advocated that greater attention be paid to the study of criminal law he was told by several probation officers, "But this does not help us to deal with the individual offender." Criminology has developed to a great extent as a branch of the penal reform movement in the United States. The major problems in criminology have been derived from the needs of parole boards and prison administrators for tools with which to reform or manage criminals. The interest shown in parole prediction tables and prison research is illustrative of this reform orientation. The development of criminology is limited by this interest in penal reform and prison problems.

Auguste Comte is the father of positivism in sociology. He envisioned a society in which all social problems are solved by scientists using positivistic methods of research. When society reaches the positive stage of development morals and politics will become positivistic sciences. Positivism subordinates questions about what ought to be or what must be to questions of what in fact is. "Positivistic thinkers have wished to see intelligence applied to the alleviation of all pressing human ills." Auguste Comte was first and foremost a social reformer, and he was interested in science because he thought of it as an instrument for the reorganisation of human life." America has developed a philosophy, which, like Comte's, takes its point of departure from the disparity between the state of natural sciences and the state of social affairs, and which proposes to eliminate this disparity by extending the scientific outlook to all domains of human behaviour.

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10 Becker and Boskoff, op. cit. p. 79 et seq.
14 Ibid. p. 337.
The positivistic view of Comte was offset by the development of a German school of sociology. The German school made a distinction between the Sein and the Sollen, the is and the ought. Max Weber regarded sociology as value-free. Sociology is concerned with what is; it does not attempt to determine ethical and moral issues. Weber recognised that values are facts which can be scientifically analysed. He also recognised the fact that sociology does not furnish answers to questions concerning how people ought to behave. Weber made a distinction between natural and social science, a distinction which the positive school has denied. Most American sociologists follow the value-free approach. Robert Bierstedt writes: "Sociology is a categorical, not a normative discipline, that is, it confines itself to statements about what is, not what ought to be." Kingsley Davis writes: "The normative approach (in the sense of analysing norms and institutions, not in the sense of laying down moral imperatives) is used."

Talcott Parsons states: "Existence and values are intimately related and interdependent, and yet ... conceptually distinct."

The positivistic position established by Comte is found today in such works as George Lundberg's *Can Science Save Us?* In his writings Lundberg argues that, by emulating the physical sciences and by using statistical and quantitative techniques of analysis, sociology can be used as a tool for obtaining social objectives. Lundberg, following John Dewey and the pragmatists, regards science as an instrument of human adjustment and human progress. The final objective of science is the prediction and control of events which is possible when one uses mathematical models. Lundberg agrees with Weber that sociology must be free of values and value-judgments. He feels that science can furnish us with the means to reach the goals or ends which are existent in society. The major tenets of positivism are quantitativism, behaviourism and pragmatism.

According to Weber the purpose of sociology is to understand social events; according to Comte and Lundberg the purpose of sociology is to aid in the scientific solution of social problems. Criminologists in general have followed the Positive School. Criminologists are very anxious that criminology be recognised as a science. They believe that the crime problem can be solved if criminology is scientific. That is why the criminologist has been willing to reject the legal definition of crime in favour of "universal categories of behaviour" which he feels is necessary for scientific analysis. The Michael-Adler report concluded that criminology is not a science due to the unscientific nature of sociology and psychology.

Whether or not we regard criminology as a science depends upon the use to which we want to put our knowledge. Scientific studies can be made of crime, criminal law, criminals, prisons and other such topics. In this sense a science of criminology is possible. If we believe, however, that science can determine the policy to be pursued in the treatment of criminals then we are no longer within the realm of science. Punishment and reform are not a means to an end; they represent goals or values. Science cannot determine the ultimate values of society. Even an extreme positivist such as Lundberg feels obliged to make a distinction between science and policy. The advocates of the "New Penology" ignore this issue. Studies of criminals and prisons will never tell us how we ought to treat the criminal any more than studies of the atom will tell us how we ought to use the atomic bomb. In the next several sections of the paper free will, determinism and punishment will be discussed in terms of this distinction between the is and the ought.

The criminal

Lombroso is generally credited with shifting the criminologist's attention from the crime to the criminal. Since his time the major issue has been "how and why do people commit crimes?" Attention has been focused on the individual offender. The history of criminology is the history of theories of personality development. Whenever a new theory of personality appears, it is immediately applied to the criminal. Textbooks in criminology tell us a great
deal about the physical, mental, emotional and social characteristics of the criminal.

The biological school was developed by Lombroso, Garofalo, Ferri and Goring. Lombroso started with the concept of the born criminal, but in his later writings recognised other factors as being important. Ferri emphasised the importance of anthropological and social as well as physical factors. Ferri classified criminals as born, insane, habitual, occasional and passionate. Goring discovered through his measurements of English convicts that the criminal was physically and mentally inferior to the non-criminal. It is of interest to note that Tarde, not Goring, is responsible for the refutation of Lombroso. Edwin Driver in his article points out that the American criminologist has credited Goring with the refutation of Lombroso while ignoring the biological orientation of his work. The interest in heredity and constitutional types is still seen in the writings of Hooton, Sheldon and the Gluecks.

The mental testers attempted to locate the cause of criminal behaviour in mental defectiveness. Henry Goddard is representative of this stage of criminological thinking.

Tarde located the cause of criminal behaviour in imitation, and it is a short step from Tarde to Sutherland. Guerry and Quetelet emphasised the importance of criminal statistics in relation to ecological processes, age, sex, climate and other variables. Park, Burgess, Shaw and McKay developed the ecological school in the United States, work which was basic to the formulation of Sutherland's theory. Bonger emphasised poverty and economic conditions as a factor in criminality, and many studies have been made in an attempt to relate crime rates to economic conditions.

The Freudian theory of personality development has been used by psychiatrists as a basis for explaining criminal behaviour. The psychiatric approach is both individualistic and social psychological depending upon the school of psychiatry to which one belongs. Both the sociological and psychiatric schools emphasise the importance of the family in relation to crime. The sociologist emphasises the environmental and associational aspects of family living; the psychiatrist emphasises the emotional aspect of family living. The two major explanations of behaviour today are the sociological, symbolised by Sutherland, and the psychiatric, symbolised by Freud.

The shift from the biological orientation of Lombroso to the social and psychological orientation of the modern criminologist has misled some as to the true influence of the Positive School on modern criminology. If the term "positivist" is applied to Sutherland, for example, someone will object because Sutherland's theory of behaviour is not the same as Lombroso's. The importance of the Positive School is that it focused attention on motivation and on the individual criminal. It sought an explanation of crime in the criminal, not in the criminal law. This is true of every theory of criminal behaviour which is discussed in the textbooks today, even though the explanation is in terms of social and group factors rather than in terms of biological factors. The shift in criminological thinking has been from a biological to a sociological and psychological explanation of behaviour, not in terms of a shift in interest from the criminal to crime. The emphasis is still upon the individual offender, not crime.

When the definition of crime was discussed above, it was noted that the reason the criminologist feels the need to reject legal definitions of crime is that he is seeking a universal category of behaviour that can be explained in terms of a theory of behaviour. If one is attempting to explain motivation and behaviour, one cannot rely upon legal categories for the obvious reason that the same behaviour pattern will be both legal and illegal at different times and in different places. Regardless of whether we accept Lombroso's theory of behaviour, or Sheldon's theory, or Sutherland's theory, or Glueck's theory, we are still dealing with the criminal, not crime. Sutherland's theory of differential association is a theory of behaviour, based on a study of criminals. The only reason the issue of a definition of crime is raised in modern criminology is that the criminologist has to have some device by which to place behaviour in that category before it is studied as such. However, the criminologist is in a real dilemma in this respect, since as soon as he has derived his universal category of behaviour he has lost the very thing he started out to study, namely, crime.

Two major difficulties confront us today in respect to the problem of understanding the criminal. (1) A theory of criminal

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43 Caldwell, op. cit. p. 181 et seq.
44 Jeffery, op. cit. p. 671 et seq.
behaviour is not a theory of crime. It does not explain why the behaviour is criminal or non-criminal. (2) There is no theory of criminal behaviour available which explains all criminal behaviour. The psychiatric theory is inadequate because not all criminals are emotionally disturbed, and few emotionally disturbed individuals are criminals. The sociological explanation is inadequate because not all criminals have a history of prior associations with other criminals, and not all individuals who associate with criminals become criminals. A theory which integrates the legal, sociological and psychological aspects of crime and criminal behaviour is needed.44

In his study of the individual criminal the criminologist has confused two distinct and separate sociological processes: institutionalisation and socialisation.

The individual learns group-defined ways of acting and feeling, and he learns many of them so fundamentally that they become a part of his personality. The process of building group values into the individual is called socialisation.45

Socialisation is the sociologist's inclusive term for the various processes through which the original nature becomes fashioned into the social being. ... A major part of a socialisation process consists, of course, of learning.46

By institutionalisation we mean the development of orderly, stable, socially integrating forms and structures cut out of unstable, loosely patterned, or merely technical types of action.47

Sociologists have coined the term institutionalisation to describe the process of formalisation interaction in groups. There is a tendency for participation in most groups to become habituated and formalised into increasingly rigid roles. Each person's behaviour becomes laid out for him in specific ways, and elaborate rules and regulations exist prescribing the proper procedure.48

The process of learning behaviour expected of a person in the group is socialisation. Sutherland's theory of differential association is a theory of socialisation. Non-sociological theories of behaviour place little or no emphasis on socialisation processes. On the other hand, the way in which law develops in response to social problems and social change is institutionalisation. Jerome Hall's study of Theft, Law and Society or the writer's study of crime and social change in England are examples of studies of institutionalisation.49 Crime is a product of institutionalisation; behaviour is a product of socialisation. The confusion of crime and behaviour is the confusion of institutionalisation and socialisation.

Free will v. determinism

Whereas the Classical School accepted the doctrine of free will, the Positive School based the study of criminal behaviour on scientific determinism. Every act had a cause. The Pavlovian theory of conditioned response patterns strengthened the deterministic approach to behaviour. John B. Watson made determinism popular in the United States at about the same time that Freud introduced the theory of psychic determinism.

The major argument today concerning determinism occurs in the criminal law. The law assumes the responsibility of the individual for his voluntary conduct. The Neo-Classical School recognised that infants, lunatics and others were not legally responsible for their actions. The legal position has been under attack by psychiatrists for many years.50 The Pioneer Series articles on Isaac Ray, Charles Doe and Henry Maudsley deal with this issue of legal versus psychological responsibility. The legal test of insanity, the right and wrong test as stated in the M'Naghten case, has been criticised by psychiatrists. Ray and Doe were influential in setting aside the M'Naghten rule in the state of New Hampshire. The New Hampshire rule was applied in the case of United States v. Durham. In the Durham case the court said: "The accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect."

Psychiatrists in general are in favour of the Durham rule. Nearly 90 per cent. of the psychiatrists interviewed concerning the test of criminal responsibility indicated that they favoured the Durham

46 Cuber, op. cit. p. 180.
48 Cuber, op. cit. p. 319.
test.\textsuperscript{41} The Royal Commission on Capital Punishment recommended abrogating the M'Naghten test and leaving it to the jury "to determine whether at the time of the act the accused was suffering from disease of the mind to such a degree that he ought not to be held responsible." \textsuperscript{52} The acceptance of the psychiatric position by lawyers and courts is a current trend. The late George Dessen stated in 1938 that "the infiltration of psychiatry into the administration of criminal law will one day be recognised as overshadowing all other contemporary phenomena in its influence on the evolution of criminal justice." \textsuperscript{53} Fredric Wertham, a psychiatrist, regards this as a dangerous trend in the administration of justice.\textsuperscript{66}

In the issue of criminal responsibility we again witness clearly the influence of the Positive School. The criminal rather than the crime is the issue at hand. Scientific determinism replaces volitional conduct. The inner motivation of the act replaces the overt harm or consequence of the act. The innermost aspect of the psyche is explored in an effort to answer the question "how and why do people commit crimes?" The evaluation of behaviour is placed in the hands of experts. Fredric Wertham feels that the M'Naghten rule should be retained, and he refers to the psychiatric position as "psychoauthoritarianism." \textsuperscript{44} Robert G. Caldwell refers to the general movement away from judicial procedures as "the tyranny of the expert." \textsuperscript{66}

The argument that scientific determinism ought to replace free will is always framed in terms of psychic determinism. When the psychiatrist offers testimony he is doing so in terms of certain concepts he has concerning determinism. An issue which seems to have been systematically ignored is that there are also sociological determinants of behaviour. Why do we allow a defendant the defence that certain psychic factors determined his behaviour, if we do not allow the same defence to the man who has lived in a criminalistic sub-culture and whose behaviour is therefore determined by his environment? Why not have sociologists testifying as to the environmental determinants of the behaviour of a Negro male living in Harlem? Certainly this individual did not will to be born a Negro or to live in Harlem. The writer is not suggesting this as a policy, but is asking the question "why has the discussion of determinism been concerned solely with psychic determinism?"

The law is a measure of social, not individual, responsibility. The law assumes that individuals are responsible for their actions, for otherwise a state of social anarchy would exist. The deterministic argument assumes that responsibility and free will are synonymous, and that determinism precludes responsibility. It can be argued that unless a person is conditioned to expect certain consequences for his action he is not aware of the prohibitions and thus is not responsible. Determinism leads to responsibility. It is on the basis of these anticipated consequences of behaviour that society holds the individual responsible. The socialisation process is based on role-taking processes which allow one to anticipate the consequences of his behaviour and thus one orients his behaviour toward the significant other. The late Robert Lindner expressed it in these terms, "Because every act involves other persons, and most if not all actions at the time of their inception include some foreknowledge of their potential effects, a network of responsibility exists among all members of the species." \textsuperscript{58} Kenneth S. Carlston writes, "Responsibility on the part of the members for the effective performance of their roles in accordance with accepted norms is another distinguishing feature of the organisation (of society)." \textsuperscript{59} Not only is the concept of responsibility necessary for the function of society but for the understanding of the social psychology of personality development. Coutu has suggested the term "social accountability" in place of responsibility, and perhaps such a term would be preferred by those who think of responsibility in terms of free will. \textsuperscript{60} This is similar to the position taken by Enrico Ferri, namely, that a person is legally or socially responsible for his actions by the fact that he is a member of society, not because he is capable of willing an illegal act. Ferri applied the concept of responsibility to the insane, to juveniles and to others now regarded as being incapable of responsibility. \textsuperscript{61} Arnold Green has written:

"The first proposition—that the criminal is not responsible for his crimes—is inconsequential, at least from the point of view of

\textsuperscript{41} University of Chicago Law Review, Winter 1955, p. 327.
\textsuperscript{42} Ibid. p. 356.
\textsuperscript{43} Ibid. p. 363.
\textsuperscript{44} Ibid. p. 581.
\textsuperscript{45} Ibid. p. 336.
\textsuperscript{46} Caldwell, op. cit. p. 342.
maintaining society. Whether or not a man is responsible for what he does, he must be held personally accountable for what he does. Only on the basis of mutual accountability can mutual prediction of behaviour take place, without which all social relationships would be impossible. We know, for example, that an individual will act thus and so in a given situation because deviation from expected behaviour would be to his discredit or disadvantage. He would be punished, either by losing his reputation, ridicule, or in extreme cases, expulsion. Only by accepting responsibility (accountability) for his actions can an individual invoke upon his fellows their common system of moral norms. Only through a mutual assurance that future behaviour can be predicted on the basis of past and present actions can social relationships be preserved. But the person who denies the concept of responsibility (free will) often attempts to relieve the criminal of responsibility (accountability).**

The desire on the part of the psychiatrist to abolish certain basic concepts such as responsibility, guilt and punishment has brought the following reply from Fredric Wertham:

"The ultra-radical proposal has been made to turn most or all offenders over to psychiatry, and to abolish the very concepts of responsibility, crime, punishment and personal guilt. This is not only impracticable, but harmful, for it deflects our attention from the present-day abuses of psychiatric criminology and from the fight against them. Such an abolition of judicial categories would in practice infringe on the safety of society and on the rights of the individual."**

Instead of just delving into the minutiae "of doubtful dreams" he should develop a social orientation corresponding to the growing awareness of social responsibility in a changing world. Instead of the currently too-prevalent practice of giving for social ills individualistic and therefore evasive explanations, the psychiatrist should not shirk his duty to determine the point where individual guilt resolves itself into social responsibility.**

The association of the terms "conditioned response" and "involuntary action" is due to the fact that Pavlovian or classical conditioning is used as the example. B. F. Skinner and other psychologists interested in learning theory have introduced into psychological literature the term "operant" or "instrumental" conditioning, based on self-initiated or voluntary behaviour on the part of the subject. If modern psychologists, using the latest research techniques, can use such terms as "self-initiated" or "voluntary actions," certainly the lawyer is justified in talking about voluntary actions or intent.**

Law is both descriptive, the law as it is, and evaluative, the laying down of moral imperatives. The study of law can be descriptive, and thus a member of the social sciences, or it can be evaluative, and thus within the field of ethics and morals. The law regulating adultery exists as a fact, as a code of behaviour; it also represents a moral imperative, namely, people ought not to commit adultery. Confusion arises when law is treated exclusively either as a fact or as a moral imperative. Very often moral imperatives are confused with conventional behaviour. Social norms, legal and otherwise, tell us how people ought to behave, not how they do behave. Statistical norms are confused with norms that establish standards of behaviour. The ought can never be derived from the is. The distinction between the descriptive and prescriptive aspects of law goes to the very heart of jurisprudence.**

The descriptive is often confused with the prescriptive.**

The relationship between science and policy is demonstrated today in the physical sciences. Physicists were able to produce an atomic bomb, but the moral implications of the bomb have driven many scientists into other areas of research. The physicist does not determine how the bomb ought to be used. The programme to produce satellites also illustrates the difference between the scientific knowledge necessary to launch a satellite and the governmental policy which the United States has pursued in an effort to do so. These examples not only point out the gap between science and policy, but they also point out the fact that scientists do not determine policy. They work within the policy framework determined by the power structure of society.

67 William Steigle, Quest for Law, New York, 1941, Alfred A. Knopf, pp. 7-17. The school of philosophical jurisprudence emphasizes the ethical aspect of law. The analytical school emphasizes the descriptive aspect of law. Sociological and historical jurisprudence attempts to relate law to the social sciences. Jerome Hall has stated that it is a mistake to separate law as fact and law as value. He advocates integrative jurisprudence which combines the descriptive and evaluative aspects of law. See Interpretations of Modern Legal Philosophies, New York, 1947, Oxford University Press, p. 313 et seq.
If we make a distinction between what is and what ought to be, and if we assign to science questions of what is and to policy makers questions of what ought to be, then this conflict between law and psychiatry takes on a new meaning. Psychiatry is, or wants to be, a science. Law has a policy making function. The psychiatrist has attacked the M'Naghten rule principally on the grounds that it is not scientific. The M'Naghten rule is not a scientific statement; it states a matter of policy. When the psychiatrist argues that the M'Naghten rule is no longer acceptable, he is arguing as a policy maker, not a scientist. The sociologist has decided he could not act as both scientist and policy maker, and perhaps the psychiatrist will find it necessary to make a similar distinction between science and policy. It is no refutation of a legal doctrine to observe that it is not scientific. Law evaluates behaviour and establishes norms of conduct. The criminal is one who has been judged by the group to have violated a conduct code and is deserving of punishment and condemnation. Mental illness is not defined as the violation of a conduct code. There is no scientific approval or disapproval of mental illness, any more than one approves or disapproves of an infected appendix. A man may have syphilis and commit a crime at the same time. We do not ask a lawyer to treat syphilis, and the doctor is not supposed to make a moral issue of syphilis. The fact that doctors treated syphilis as a moral and not as a scientific issue for years illustrates the point. At the same time we do not ask the doctor what punishment ought to be assigned to the man who has contracted syphilis through an illegal act. In the case of crime, however, we assume that the presence of mental disease places in the hands of psychiatrists the moral evaluation of the behaviour. There is a right and wrong in law; there is no right and wrong in science, only what is. This observation does not preclude the possibility that policy decisions may be based on scientific evidence. Gregory Zilboorg, a psychiatrist, makes such a distinction between science and policy. "If we as scientific contemporaries are to pass judgment on every contemporary social crisis in terms of our civic reactions clothed in the cloak of our scientific training, much of that which is positive, creative and permanent in our science is bound to be tarnished, as so much of the human spirit was tarnished, whenever scientific knowledge was made to serve the immediate ends of social crises. This mistake is a dangerous error which little helps our civic performances and hurts a great deal our scientific performance and capacity. . . ."

"As scientists we cannot exist unless we stand au-dessus de la mêlée. If we find ourselves unable to stand above the battle, we must give up our scientific position. There is no choice. For there is no socialist physics, or capitalistic algebra, or Soviet astronomy, or Fascist biology; and there is no American psycho-analysis or British psychiatry. Science remains universal and cosmopolitan as it always has been, or it is not science."

Zilboorg goes on to state that criminals are neurotic individuals, and "Such individuals should be treated, of course, instead of punished." Zilboorg fails to realize that when he states we ought to substitute treatment for punishment he is contradicting what he said a few pages earlier about the separation of science and policy and the maintenance of scientific neutrality on social and political issues. He also states that as a psychiatrist he is identified with the person to be served and not with the disindividualised aggregate called society or history." Here he is stating that he is a positivist, that is, he is interested in the criminal and not in social meaning of crime, guilt and punishment.

The purpose of punishment

The Classical School advocated a definite penalty for each crime. The punishment must fit the crime, e.g., for armed robbery a man would receive five years in prison. The Classical School punished the man for the crime, for what he had done.

The Positive School rejected the doctrine of nulla poena sine lege—no punishment without a law. The Positive School emphasised individualised treatment and the protection of society against the criminal. The punishment must fit the criminal. A man was sentenced, not according to the seriousness of the offence, but according to the factor or factors which motivated him to commit a crime. It is foolish, reasoned the positivist, to sentence all men guilty of armed robbery to the same length of time, since the motivational pattern for each man would be different. One man might commit armed robbery because he does not have the vocational

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89 Ibid. p. 335.
70 Ibid. p. 337.
training necessary for him to get a job; another man might commit armed robbery because it served him as a psychological substitute for love which he did not receive from his parents. In the one case the criminal would receive vocational training; in the other case he would receive psychotherapy. Since it is not possible to know at the time of the trial how long a time will be necessary to rehabilitate the criminal, an indefinite sentence is needed, which could theoretically be from one year to life. Each criminal would receive individualised treatment according to his own psychological and sociological needs. The criminal, not the crime, governed the sentence or punishment given. The time a man spent in prison sociologically be from one year to the time needed to adjust and rehabilitate him. Whether or not a man was adjusted and ready to return to society would be determined by scientific penology.

Garofalo was sceptical about the possibility of reforming the criminal. He advocated the death penalty, overseas colonies and life imprisonment for those lacking all moral sense. For the young offender he recommended the indeterminate sentence, and for less serious violations he advocated reparations rather than punishment. Garofalo also recognised the value of the deterrence theory, though he also realised its limitations. He also observed that any system of enforced treatment is punitive in nature.

Ferri continued the Positive School’s emphasis on social welfare and social defence. The purpose of criminal justice was to afford maximum protection or defence of society against the criminal. The defence of society was placed above the rights of individuals. Ferri recommended penal colonies, indeterminate sentences, hospitals, scientifically trained judges and the abolition of juries. Although he recognised the value of individualised treatment, he also recognised its limitations. Individualised treatment was limited to the five classes of criminals which he developed.

The modern trend in penology has been in the direction of positivism, with such innovations as the indeterminate sentence, parole, probation, suspended sentences and good time laws. The reforms made in the criminal law in all civilised nations in the last half-century have resulted in the adoption of many of the proposals of the positivists.” For Bentham a harm or pain must result from the crime before it is punished. The positivist turned attention to motivation, and punishment was related to human motivation rather than to the overt act or consequence of the act. “Motivation rather than the objective nature of crime, is a basis for sanctions.” This attitude, again, is illustrative of the positivist’s interest in the criminal rather than crime. The social defence position has resulted in such legislation as sexual psychopathic laws and habitual offender laws.

Ferri delivered a lecture entitled, “New Horizons in Criminal Law,” which was later published as Criminal Sociology. Barnes and Teeters published New Horizons in Criminology in which they propose such reform measures as the elimination of prisons, the elimination of punishment, the elimination of the jury system, the elimination of the concept of free will, individualised treatment and the elimination of other aspects of the legal system. Scientists and mental hospitals would replace judges, juries and prisons.

The abandonment of the principle of legality often leaves the accused without the traditional safeguards found in the law. Jerome Hall has been an outspoken critic of this movement. Francis A. Allen asks the question, “What social interests are to be protected by the criminal law?” We must deal with the problem of the expansion of state power into more and more aspects of social life. The late George Dension emphasised the protection of individual rights as an important function of criminal law. Dension deplored the development of such legal proceedings as denaturalisation of naturalised citizens, deportation of aliens, loyalty hearings, anti-trust proceedings and sexual psychopathic laws which allow a man to be committed for an indefinite period even though he has committed no offence. These actions are always taken under the disguise of social welfare. “Should not the safeguards of criminal proceedings be applied in the above situations?”

11 See above, p. 382.
12 See above, p. 381.
13 See above, p. 334.
14 See above, p. 388 et seq.
15 Hall, Principles, op. cit. p. 50 et seq.
The positivist has ignored the fact that the criminal law is a double-edged sword. It protects society against the individual, and it protects the individual against the arbitrary actions of the state. The law prescribes the area in which the state can act.

Criminology textbooks pay a great deal of attention to the inhumanity of man to man: the inhumanity of punishment, the brutality of courts of law, the dishonesty of judges and police officials, the brutality of police methods, and the unsavoury conditions in all prisons. What is sometimes ignored is the fact that the Classical School developed as a reaction to harsh penal methods where people were executed for minor offences. The principle of legality was a political doctrine designed to protect the accused against such abuses. Bentham and Beccaria led a wave of legal reform in England. The Positive School places us in a major contradiction in this respect. In order to carry out the social defence philosophy it must sacrifice the individual offender. The Positive School is committed to the thesis that any measure necessary to protect society (the accused and, of course, the convicted person) are automatically excluded therefrom) is justifiable.

In the case of the adult offender, as in the case of the juvenile, the issue is sometimes whether the accused has a personality problem which needs treatment, rather than whether or not the defendant has committed an objective harm. The sexual psychopathic laws represent a movement in this direction. The sexual psychopathic laws have given birth to a bastard class—neither criminal nor insane—whose members are designated 'offenders' because of their offensive behaviour. These unhappy nonconformists may be punished or treated just as badly as the criminal and the insane, but obtain far less in the way of due process of law. Hermann Mannheim, E. H. Sutherland and Paul Tappan have criticised the sexual psychopathic laws in this country. Harsh penal methods are now appearing under the guise of "reform" and "science."

It is often stated that the purpose of criminal law ought to be treatment and reform. The observation has been made that there is always a punitive aspect to treatment. Whether or not punishment and treatment can be separated is a relevant question. Sheldon Glueck once commented, "A sick person has a right not to be treated; it is only when he becomes contagious that he may be quarantined."

The reform argument assumes that reform is possible, and that we have the knowledge necessary to reform the criminal. This argument assumes we know the cause of crime and therefore the cure. It overworks the analogy between crime and disease. It overlooks the fact that crime is a product of society. In his book, Must You Conform? the late Robert Lindner argues that when we classify homosexuality as a disease and not a crime we are not really helping the homosexual but are in fact creating new oppressive measures to use against him. It is control disguised as reform and treatment. The same thing can be true for regarding behaviour of other types as a disease rather than a crime. If crime is the product of society, do we reform the individual or must we reform the society?

The rehabilitative treatment of the offender is the objective most frequently discussed and applauded today. Criminological positivism, with its focus upon the individual offender, was introduced by Lombroso and his followers. An individualised and, more particularly, a therapeutic orientation has developed rather steadily in subsequent years under the impetus of the modern clinical movement. The focus upon mental pathology has resulted in a conception of criminals as "sick people."

The positivist emphasises parole and the indeterminate sentence, yet a determinate sentence has more value than does the indeterminate sentence as a factor in success or failure of parole. Sweating out a parole and observing the political manoeuvres of parole boards is very demoralising to an inmate. Many inmates feel that

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87 University of Chicago Law Review, p. 350 et seq.
a release on parole automatically lessens one's chances of reform after release from prison. "Society is not yet fulfilling its responsibility to the implications of parole." Today the Youth and Adult Authorities are held in high esteem by penologists. The American Law Institute was instrumental in the establishment of these agencies. The model Correction Act removed from the courts the power of probation and placed the offender in the hands of the Authority for an indeterminate period for which there is neither a minimum nor a maximum. \[\text{1}\] It seems to many that this feature of the model Act is extreme and even dangerous, in view of the possibility of miscarriages of justice, as well as mistakes in judgment.\[\text{2}\] The arguments against the indeterminate sentence are many and varied. Alexander Maconochie, the British reformer, emphasised the importance of the indeterminate sentence, but as John Barry noted in his article, "Maconochie would have been surprised at the arbitrary powers entrusted to tribunals such as the Adult and Youth Authorities and Parole Boards."\[\text{3}\] The emphasis has shifted from a rigid sentencing procedure which did not take into account individual factors, to an indeterminate sentence which does not take into account the rights of individuals. Perhaps we can find a compromise between such two extremes. At least it is difficult to justify the indeterminate sentence and parole as "reform measures."

The modern criminologist places little value on the deterrent theory of punishment, though both Lombroso and Garofalo realised the deterrent effect of criminal law. They placed more emphasis on overseas colonies and capital punishment than on reform.\[\text{4}\] As Morris R. Cohen points out, we cannot say that law does not deter because some individuals commit crimes.\[\text{5}\] The notion that law does not deter is fatalistic and this conflicts with the positivist's concept of determinism.\[\text{6}\]

The optimum result in treatment cannot be attained by mere reaffirmations of faith in "individualisation" and "therapy," or by the elaboration of case histories. It cannot be achieved, either, by a cavalier rejection of the incapacitative and deterrent objectives of correction in favour of an exclusively rehabilitative goal.\[\text{7}\]

In the case of punishment, as in the case of responsibility, there is a confusion of what is and what ought to be. The question of punishment is a moral issue. The sociologist and psychiatrist do not hesitate in suggesting what ought to be done with the offender. At its conception American sociology was dominated by a philosophy of social reform; however, this aspect of sociological thinking has been modified since that time. In criminology the reform issue still looms large, and the criminologist is more often than not more of a reformer than a scientist. Science can tell us that executing some criminals will not deter others; it cannot tell us that we ought not to execute them. One of the major difficulties encountered in criminology when we deal with ethical issues is that the sociological positivist and the legal positivist divorce fact and ethics.\[\text{5}\] This does not mean that the positivist does not make ethical judgments; it means that he makes ethical judgments without acknowledging that he is making them. Criminology is a science; law is a policy making procedure.

Perhaps the most glaring defect in the sociological analysis of punishment is that it views punishment always in the context of what it means to the individual offender, never in terms of what it means to society. Because the positivist is concerned with the individual offender, it should be expected that he would neglect the sociological meaning of punishment. The social purpose of punishment is to create social solidarity. Emile Durkheim viewed punishment as a reflection of group solidarity. Any act which violated the social code had to be punished in order to restore order and to reaffirm the violated code. In this way group solidarity was maintained.\[\text{6}\]

Since sanctions are not revealed by analysis of the act that they govern, it is apparent that I am not punished simply because I did this or that. It is not the intrinsic nature of my action that produces the sanction which follows, but the fact that the act violates the rule which forbids it. In fact, one and the same act, identically performed with the same material consequences, is blamed or not
blamed according to whether or not there is a rule forbidding it. The existence of the rule and the relation to it of the act determine the sanction. Thus homicide, committed in time of peace, is freed from blame in time of war. An act, intrinsically the same, which is blamed today among Europeans, was not blamed in ancient Greece, since there it violated no pre-established rule.

We have now reached a deeper conception of sanctions. A sanction is the consequence of an act that does not result from the content of the act, but from the violation by that act of a pre-established rule. It is because there is a pre-established rule, and the breach is a rebellion against this rule, that a sanction is entailed.

The purpose of punishment is social disapproval of the act through collective action on the part of the group. Durkheim’s analysis of punishment has the advantage of placing attention on the normative structure relating to acts and not on the act itself. The Positive School was opposed to the position taken by Durkheim, that is, it focused attention on the act and not on the meaning of a violation to the social group.

The use of punishment by society is not as important in terms of whether or not it reforms the individual as in terms of what it does for society. Punishment creates social solidarity and re-enforces the social norms.

Conclusions

In the Pioneers in Criminology we witness the development of the major issues underlying modern criminological thinking. Whereas the Classical School focused attention on the crime, the Positive School shifted the emphasis to the criminal. The major characteristic of criminological thinking since Lombroso’s time is the preoccupation of criminologists with the problem “why do individuals commit crimes?”

The Positive School gained its name from the positive philosophy of the nineteenth century which applied scientific method to social problems. This school maintained the position that criminology must become scientific, by which they meant that the explanation of criminal behaviour and the treatment of criminals must be accomplished by scientific means. Science is designed to explain why people behave the way they do; it does not tell us how people ought to behave. The reason we have crime, however, is not because individuals behave the way they do, but because others think they ought not to behave in that way and have it within their power to judge their behaviour. Crime involves an ethical issue.

The biological explanation of behaviour has been seriously challenged by sociologists and psychologists since Lombroso’s time. This tenet of positivism has been refuted. However, the criminologist has accepted a theory of behaviour as a theory of crime. Crime and criminal behaviour are confused. Even though in modern criminology the Lombrosian explanation of behaviour is rejected, the positivist’s interest in the criminal is maintained.

Because the positivist wanted to study the criminal rather than crime, he was obliged to reject the legal definition of crime. “Anti-social behaviour” is often used in place of a legal definition. There is no agreement among criminologists as to the meaning of the term “crime,” though this is presumably the starting-point for any research. Some use a social definition of behaviour; some use a legal definition of behaviour. Some regard the sociology of law as outside the scope of criminology; some regard it as basic to criminological theory.

The scientific approach substituted determinism for volition. The individual criminal is again the centre of attention, since the question is one of individual responsibility. Although Ferri used the concept of legal responsibility in place of moral responsibility, the individualistic approach is gaining headway in law as evidenced in the recent Durham decision.

The Positive School regarded the protection of society as the governing factor in punishment. Punishment was designed to fit the criminal, not the crime. Such reform measures as parole, probation and indeterminate sentences furthered the individualistic approach to criminology. The objection to the social defence school comes from those who do not want social welfare placed above individual welfare. Individualised treatment must of necessity place great discretionary power in the hands of the experts.

The Positive School advanced the field of criminology by placing the study of the criminal within a scientific framework. Today, as a result, we know a great deal more about the criminal than we have known heretofore. The criticisms made of the positivist are to be viewed as attempts to raise questions other than those raised by this school, and not as a blanket condemnation of a healthy
interest shown in the criminal. The criminologist’s attempt to separate criminology and criminal law, and his related attempt to derive criminality from the behaviour of the criminal offer a major obstacle to a theory of crime. More attention needs to be paid to the meaning of crime in terms of criminal law, social structure and social change. A re-evaluation of the theoretical structure of criminology is called for at this period in the development of criminological thinking.

**AMERICAN TRENDS IN CRIMINOLOGY 1960-1970**

The pioneers, positivism, and the 1960s

When I wrote my conclusion to *Pioneers in Criminology* in 1959, I claimed that the particular problems in which criminologists are interested today derive from the issues developed by the pioneers. The framework of modern criminology was built by the nineteenth-century positivists who rejected the classical position, and it is they who dominated criminology for most of this century. Some changes that have occurred in the past decade suggest that it may now be time to take another look at positivism, before seeing how these changes have affected the positivist framework.

The basic postulates of positivistic criminology are (1) a rejection of legal concepts of crime and criminal procedure, and their replacement with individualised justice based on a therapeutic model, (2) a rejection of punishment and its replacement with correctional treatment, (3) a rejection of free will and its replacement with scientific determinism, and (4) a rejection of the study of criminal law, and its replacement with a study of the individual offender and his medical, psychological, and social characteristics.

The pioneers added to the second edition of *Pioneers in Criminology* reinforce its coverage of the development of positivism in nineteenth-century criminology. With the exception of Wigmore, who advocated a close relationship between criminology and criminal law, these pioneers uniformly took a positivistic position. As individuals and collectively, Livingston, Morrison, Roeder, Lucas, and Bonneville delivered such advice as: study the causes of crime in the character of the offender; look for a lack of education and employment; abolish capital punishment in favor of imprisonment; resocialise the offender by “moving from the crime to the criminal”; make the “punishment fit the criminal and not the crime”; individualise treatment procedures; have reparation made to victims; put prisoners on indeterminate sentences, parole, probation, and work-release projects; and build separate institutional facilities for youths and women.

The chapter on Morrison reads like a present-day textbook in criminology, in the way it discusses the biological and social factors in crime, the use of individualised treatment procedures, and the impact of age, sex, social class, and climate on crime rates. It is fascinating to see how long ago Morrison and Lucas independently concluded, with considerable statistical sophistication, that poverty does not cause crime. This makes one wonder what we were doing in the 1960s in the U.S.A. when we undertook a mammoth “War on Poverty” program in an effort to reduce crime and delinquency. The failure of this program has been described by Daniel P. Moynihan as a “Maximum Feasible Misunderstanding.”¹ One of the useful purposes the Pioneer Series will serve is that of reminding us how often we have reinvented the wheel. One reflects, after reading of the accomplishments of the pioneers, how little progress has been made in the twentieth century in criminology.

Criminal law and positivism

The impact of positivism on American criminology caused the field of criminology to develop in sociology and psychology quite independent of the influence of criminal law. The criminologist studied the offender with little regard for the legal process by which crimes are created.² As a result, we saw the emergence of the juvenile court and a non-criminal definition of delinquency, the use of indeterminate sentences (transferring the power to hold a man in prison from the law to men in administrative posts), and the use of law to force men into treatment settings without the benefit of criminal procedures or safeguards. Potential dangerousness and per-

ECONOMIC CONDITIONS AND CRIMINALITY

Introduction

As far back as antiquity, economic influences have been cited among the chief causes of crime. Schafer (1969) is undoubtedly correct in identifying the belief in economic conditions as a generating milieu for criminality as one of the oldest beliefs concerning the cause of criminal lawbreaking: relating criminality to economics "has been an aspiration of almost all who wanted to solve the crime problem" (p. 256). A German contemporary of Beccaria, for example, expressed the conviction that threats of punishment were futile as a deterrent to crimes which originated in economic misery. Even Lombroso made room for the role of economic factors in his otherwise heavily biological orientation toward criminality.

The three hundred year span between the 16th and 19th centuries had witnessed the rise and development of capitalism throughout Europe—an economic system that had adapted itself to the varying circumstances of society, culture, and history in each of the European nations. It was no coincidence that capitalism flourished best in countries where the Protestant faith dominated. Protestantism, especially in the form of Calvinism, supplied a religious rationale and ideological underpinning that strongly supported the vigorous materialism and thrust toward economic exploitation of natural resources that embodied capitalist doctrine. Under Calvinism and its belief in predestination, wealth and the accumulation of capital were identified with virtue, while poverty was reckoned to be the consequence of sinfulness. Such notions found their highest expression in the virulent class consciousness of the Victorian period in which poverty was viewed as moral degeneracy by the wealthy class. As Schafer (1969) points out, "In a society that believed
that poverty resulted from the moral deficiency of the poor and that crime resulted from poverty, only a system of social congratulations for the given (the prosperous) could have developed" (p. 256). The internal sources of dissension within 19th century capitalist societies engaged the attention of three theorists whose views on economic conditions and criminality had a major impact on contemporary criminological theory: Willem Bonger, Friederich Engels, and Karl Marx. The following discussion is largely devoted to an exposition and discussion of the contributions of these three theorists.

Objectives

The principal objective of this unit is to provide a survey of interpretations which have attempted to relate criminality to economic conditions. The key figures in this account are Marx and Engels whose special significance rests upon their creation of a system of economic thought which assigned paramount importance to concepts of economic determinism and class struggle. But Bonger's ideas are second in importance only to those of Marx and Engels with respect to economics and criminality. A comprehensive analysis of this significant area of criminological theory requires that all three figures be placed in proper historical and systematic perspective.

Background and Perspective

Several social statisticians of the 19th century had investigated the relationship between economic conditions and criminality in studies which drew their data from a wide variety of official and unofficial sources. The Bavarian Georg von Mayr, who used police statistics instead of court and prison data, noted a correlation between fluctuations in commodity prices and the incidence of crimes against person and property. Starke, in Prussia,
found comparable relationships between food prices and crime rates. Perhaps the most thorough study of poverty and crime was conducted by the Italian di Verce, who analyzed the effect of economic influences on a wide variety of crimes, ranging from arson to horse stealing. Says Schafer (1969):

Agricultural vicissitudes, fluctuations in the price of food, industrial crises and strikes, and conditions of the working class are only examples of the several variables di Verce used in his numerous correlations. He expressed the degree of influence of economic conditions in general terms, such as "much," "moderate," "little," "only slightly," and "not at all." One of his many findings was that crime was higher in those regions where wealth was above average; his explanation was that where there is wealth there is also poverty, and poverty induces use of criminal opportunities (p. 262).

Other social statisticians like Guerry and Quetelet did not conclude from their studies that economic depression and poverty were decisive factors in criminality.

**Marx and Engels**

Class struggle, surplus value, and other ideas which have come to be recognized as central to Marxian ideology had been written about, discussed, and examined by many European intellectual figures before Marx and Engels united them into a single conceptual system. Like Sigmund Freud who followed him, Karl Marx was a great synthesizer: the essence of his original genius was his capacity to integrate ideas which had hitherto enjoyed an independent existence into a coherent, internally cohesive whole.

The central tenet of Marxian thought is the concept of economic determinism—the notion that all social, political, religious, cultural, and psychological phenomena are products of economic conditions. Marx (1859) describes this principle in the following passage from his book *Critique of Political Economy*:

The general conclusion at which I arrived and which, once reached, continued to serve as the leading thread in my studies, may be briefly summed up as follows: In the social production which men carry on they enter into definite relations that are indispensable and independent of their will; these relations of production correspond to
a definite stage of development of their material powers of production. The sum total of these relations of production constitutes the economic structure of society—the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness. The mode of production in material life determines the general character of the social, political, and spiritual processes of life. It is not the consciousness of men that determines their existence, but on the contrary, their social existence determines their consciousness (p. 11).

In a capitalist society, the means of production, distribution, and exchange of wealth are privately owned. The bourgeoisie, the class that owns and controls the means of production, exploits for profit and social advantage the working class or proletariat. The elements of competition or class struggle are therefore an inherent source of conflict that is built into the basic structure of capitalist society.

Social inequities and poverty are the inevitable result of private ownership of the means of production. Competition for markets among capitalists requires the payment of minimum wages. The rich get richer and the poor get poorer—and profits are acquired by the bourgeoisie at the expense of poverty and misery among the exploited members of the working class. The only solution to this intolerable situation is the overthrow of the ruling class in violent revolution.

McCaghy (1976) notes that although Marx never proposed a formal theory of deviance, his views have been of interest to students of deviance for at least two important reasons. First, Marx's concept of class struggle provides a basis for viewing deviance as the product of social conflict:

According to Marxian thought deviance cannot be eliminated by adjustments within capitalist societies; deviance is inherent in capitalism and only the total destruction of the economic substructure will provide a remedy. Marx saw capitalist society as comprised of a one-sided conflict between groups. From his perspective deviance was an expression of a struggle in which the economically powerless attempt to cope with the exploitation and poverty imposed upon them (p. 48).

This social conflict conception of society represents a significant contribution
Second, Marx notes the functional interrelationship of deviant and nondeviant elements of society:

With a touch of sarcasm he points out how deviance serves many purposes in support of the existing society. Without deviance police, judges, juries, and law professors would have no jobs; the mechanical inventions derived from innovations in torture would be undiscovered; and the areas of locksmithing, engraving of monetary instruments, and chemical methods to detect illegal adulterations of products would all remain unadvanced (pp. 48-49).

Engels showed greater direct interest than Marx in the crime problem. He described the effects of the "brutal and brutalizing treatment of the bourgeoisie" on the working man, who found himself blocked from achieving the fruits of material progress through legitimate means. For Engels the class conflict that was the inevitable consequence of capitalist industrialization produced demoralization in the working man—a destruction of human dignity and morality. Demoralization, in the opinion of Engels, produced crime "as certainly as water abandons the fluid for the vaporous state" at the boiling point on the thermometer.

Bonger

Willem Bonger (1876-1940) attempted to apply a number of formal Marxian concepts to the interpretation of crime and deviance. As Taylor and his associates (1973) have noted:

In at least two respects, Bonger's analysis of crime differs in substance from that of Marx. On the one hand, Bonger is clearly very much more seriously concerned than Marx with the causal chain linking crime with the precipitating economic and social conditions. On the other, he does not confine his explanation to working-class crime, extending his discussion to the criminal activity of the industrial bourgeoisie as defined by the criminal laws of his time (p. 222).

Nevertheless, Bonger is in accord with Marx in ascribing criminality to demoralization, the product of capitalist domination.

Central to the theories of Marx and Bonger is the proposition that economic conflict is the chief element in the process of criminogenesis. In
capitalistic societies (e.g., the U.S.), power resides in the class which owns and controls the means of production. Criminal laws are made and enforced by this class in order to preserve its interests against the attempts on the part of the proletariat to struggle against exploitation and oppression. Crime according to this view is the product of class conflict.

McCaghy (1976) has provided a convenient summary of Bonger's views in the following series of propositions:

1. Notions of what constitutes immoral behavior and crime change with changes in the social structure.

2. Behaviors prohibited by the criminal law are those harmful to the interests of the powerful. Although some laws may protect both the upper and lower classes, rarely will an act be punished if it does not injure the interests of the upper class.

3. The capitalist system is held together by force, not by the consensus of all groups. Thus relations are based on exploitation and force, not on cooperation and trust.

4. Humans are basically pleasure-seeking, but pleasures in capitalist societies require lots of money. Consequently egoism (selfishness) is stimulated. In their pursuit of pleasure both the bourgeoisie and the proletariat become prone to crime as they lose compassion and sense of responsibility toward others.

5. Poverty resulting from capitalism prompts crime to the extent that (a) it creates a desperate need for food and other life necessities, and (b) economic advantage is equated with a person's intrinsic superiority.

6. Crime also results when there is a perceived opportunity to gain an advantage through illegal means, and/or when opportunities to achieve pleasure are closed off by a biased legal system.

7. Capitalism is characterized by the conditions described above. Such conditions will ultimately be eliminated by socialism (p. 49).

These ideas are treated in expanded form in the reading selection which accompanies this unit (ECONOMIC CONDITIONS AND CRIMINALITY). They provide a guide to what McCaghy identifies as "a grand scale Marxian theory of crime."
The conflict perspective in Marxian theory had relatively little influence upon criminology in the United States during the first 60 years of this century. As McCaghy (1976) notes: "Although economic factors were considered important, they were seen merely as isolated problems in an otherwise healthy, congenial society. The poor were considered not victims of economic conflict, but of themselves or their station in society" (p. 50). In recent years, however, the conflict perspective has been revived in the views of the so-called "new conflict theorists" or "radical criminologists."

We shall attempt in a later section (Unit 7: IDEOLOGY AND CRIMINOLOGICAL THEORIES) to review, discuss, and evaluate the contributions of these latter-day theorists who are the contemporary inheritors of the intellectual tradition established by Marx, Engels, and Bonger.
ECONOMIC CONDITIONS AND CRIMINALITY

Reading Assignment


Questions for Discussion and Review

1. Why are Karl Marx and Frederick Engels considered the key figures in attempts to systematically link criminality to economic conditions in a society?

2. What is the concept of demoralization in Marxian thought? What is its importance for criminology?

3. How do the Marxist concepts of economic determinism and class struggle relate to criminogenesis?

4. Who was Willem Bonger? What are his contributions to a Marxian theory of criminality?

5. What are some of the factors that might account for the relative lack of influence of Marxian philosophy on the study of criminology in the United States?

6. To what might the recent upsurge of interest in Marxian theory among radical criminologists be attributed?

Written Projects

1. Secure the criminal codes of the USSR or the People's Democratic Republic of China and compare and contrast their treatment of crimes against property and crimes against person with those of this country.
CJ 601  
Unit 3  
ECONOMIC CONDITIONS AND CRIMINALITY  

Selected Readings  
Theories of criminality that view economic factors and influences as generating criminal behavior are probably among the oldest explanations with a social, as opposed to an individual, orientation. Schafer (1969) states that economic explanations of crime were offered by the early Greek philosophers Zenophon, Plato, and Aristotle, as well as the Roman literary figures Virgil and Horace. Additionally, many early criminologists, while often attributing primary causality to other factors, still recognized the role of economic conditions in crime causation. Beccaria maintained that theft arises out of desperation and economic misery. Even Cesare Lombroso, who placed primary emphasis upon the role of biological factors in criminality, held that poverty and misery were important agents in the causation of crime. Ferri, taking a multi-causal view of crime, included economic conditions as one of the social factors contributing to criminal behavior. The early statisticians, as a matter of course, examined the relationship between economic conditions and crime.

Three approaches emerge from an examination of the literature dealing with the relationship between economic conditions and crime. According to Radzinowicz (1977) changes in social beliefs and convictions have resulted in corresponding shifts in emphasis from one to another of these perspectives. The oldest of these approaches attempts to relate crime to absolute or relative poverty. The second emanating from the works of Marks and Engels views crime as a product of the social circumstances produced by capitalism. The third, and most common to modern industrial societies, links crime to affluence. Logic dictates that the second of these perspectives
be examined first because it is the most fundamental and uncompromising of the three.

Crime as a Product of Capitalism

This approach has its foundations in the work of Marx and Engels. Marx contended that all social phenomena—religious, political, ethical, psychic and material—are products of economic conditions. He assumed that a person's behavior is not guided by his conscience because he believed that a person's conscience and consequently his behavior are determined by his class position, e.g., the working class, middle class. Schafer (1976) suggests that this implies a denial of the role of free will in shaping behavior, since all aspects of social life are determined by a society's economic structure. Therefore, the capitalistic economic structure of society is viewed as being responsible for causing men to violate the law (Schafer, 1969).

Marx had little more than a passing interest in crime, but Engels devoted a good deal of attention to this issue (Taylor, Walton, and Young, 1973). Both viewed crime as resulting from the existence of inequitable economic conditions (i.e., poverty) within a society. However, the criminal was not seen as engaging in crime "as a means of redistributing the wealth." Instead the criminal offender was regarded as a person brutalized and demoralized by daily work experiences (and unemployment) under industrial capitalism but nevertheless still having sufficient motivation to be able to acquire the necessities of life through theft or graft.

Engels' work on crime further illuminates this perspective. In The Condition of the Working Class in England in 1844 he examined the relationship between increases in crime and the depression of 1844. He found that crime had increased sixfold between 1850 and 1842 and that agricultural areas showed a higher crime rate than
industrial areas. This, in effect, tied crime rates to fluctuations in the economy. That is, in times of relative prosperity crime would drop, while in times of depression crime would increase. Certainly as Schafer (1976) suggests, Engels' objective was to attack the class system and to deplore the exploitation of the working class.

Willem Adrian Bonger

While Marks and Engels had a passing interest in the connection between economic conditions and crime, the exploration of this relationship was the life work of Willem Adrian Bonger. As a first year law student at the University of Amsterdam, Bonger became associated with a group of students who were interested in socialism and social problems (van Bemmelen, 1972). However, the stimulus for his interest in criminology was provided by an academic competition. In 1899 the law faculty of the University of Amsterdam offered a prize for an essay on "A Systematic and Critical Outline of the Literature Relating to the Influence of Economic Conditions on Criminality." Only two students entered the contest: Joseph van Kahn, who received the gold medal, and Willem Bonger, who only received honorable mention. Following the contest, van Kahn turned his efforts to an examination of Roman law and history, while Bonger remained a sociologist and criminologist until his death by suicide on the eve of the invasion of the Netherlands by German troops in World War II (van Bemmelen, 1970).

Bonger (1916) defined crimes as:

...an act committed within a group of persons forming a social unit; that it prejudices the interests of all of those of the group who are powerful; that, for this reason, the author of the crime is punished by the group (or a part of the group) as such or by specially ordained instruments, and this by penalty more severe than moral disaprobation (p.381).
Bonger asserts that crime cannot have a biological basis because biologically almost all crimes are normal acts. For example, the processes that take place in the brain of a policeman killing a poacher are the same as those that take place in a soldier killing an enemy. Crime then is a matter of social definition. Crime also cannot be defined as an immoral act because emotions "rather than reason" determine which acts are considered immoral. Additionally, all acts that are considered immoral are not crimes and definitions of which acts are immoral are constantly changing. Thus, in order for an act to be a crime it must be harmful to those who are currently in power. Moreover, while laws are directed towards acts that are harmful to all classes, few acts are punished that do not injure the interests of the dominant class as well as the subordinate classes. When exceptions are noted they are explained by the fact that even under capitalism the lower classes are not totally without power (Bonger, 1916).

Bonger next addresses himself to the question: Why do individuals engage in antisocial acts which harm their society? For him this is a question of what makes a person act in a manner that totally disregards the interests of others. That is, what makes a person's act egoistic as opposed to altruistic. He argued that it was the social environment which determined which of these two capacities that man developed. In primitive societies in order to survive people had to cooperate and share with one another. There was neither wealth nor poverty because people only produced enough for their own consumption. Consequently, there was no possibility of a depression.

On the other hand, as soon as man begins to produce more than he can consume and if in a position to exchange this surplus for goods he cannot produce himself, at this point he becomes no longer willing
to share his surplus with his neighbors but instead keeps it for exchange only. Thus, Bonger traces the roots of man's "selfishness" to the exchange system. The process itself is viewed as egoistic in that each party involved tries to obtain as much profit for himself as possible and consequently attempts to make the other party lose. For this reason lying and fraud tends to characterize these transactions. Finding that they can no longer produce sufficient surpluses through their own labor next forced labor ranging from slavery to wage labor becomes institutionalized in order to further increase production. Servitude causes masters to see their slaves as instruments of production rather than as thinking and feeling human beings. In self-defense the slave must change his view of both himself and his master. A further consequence of this schism was the development of feelings of pride and domination on the part of the rich and envy and hatred on the part of the poor.

Given that capitalism is based upon the exchange system it could not fail but produce individuals who were more concerned with themselves than others. The entrepreneur must be egoistic in order to maintain a competitive advantage under this system. Workers, on the other hand, lacking the ability to compete effectively may "resort to means which they would otherwise scorn" (Bonger, 1916, p. 407). Hence, under capitalism man becomes more self-centered and capable of crime.

Bonger's analysis of crime also includes an examination of the motives associated with different categories of criminal behavior. He recognized that there were differences between a professional thief and a man who is guilty of committing an assault while in a state of intoxication. He divided crimes into the following four categories which are descriptive of the motives that led offenders
to commit them: economic, sexual, political, and vengeful. Although space does not permit a complete discussion of each of these categories of crimes, some examples of his conclusions will help to clarify his discussion.

**Economic Crimes**

Crimes of theft are discussed under the heading of economic offenses. These offenses are viewed as resulting from poverty, cupidity, and the acts of professional criminals. Bonger believed that people who are in need of the strict necessities of life feel obliged to steal in order not to succumb to poverty. He felt that his positions was supported by the fact that thefts increased during economic depression, were more common in the winter months, and were more prevalent among widows and divorcees than other women. Crimes of cupidity are identified with the occasional criminal. Although these offenders earn enough to satisfy their basic needs their desires for luxury motivate them to steal when the opportunity presents itself. This desire is greatly increased when there is a division between the rich and poor because it heightens the latter group's awareness of the existence of a variety of goods that are not normally available to them. Capitalism widens the gap further between the classes. It also forces advertising and a display of a large variety of goods in stores which further enhance a person's desire for luxuries. Shoplifting and embezzlement are used to illustrate offenses included within this category. He also provides some insights regarding why most men remain "honest." Bonger (1916) attributes this to: 1) socialization, i.e., they "have been accustomed to it from infancy" (p. 575); 2) "...lack...[of] courage, cleverness and other qualities necessary for being otherwise..." (p. 576-577); 3) mature reflection.
Professional Crime

While professional criminals are only responsible for a minority of crimes, burglary and similar crimes are viewed as their exclusive domain. Bonger finds one source of professional crime in the training that children receive from their parents. As a result of learning this at such a young age these offenders see it as a natural thing to do. A quote from Bonger illuminates the causes and career pattern of the remainder of the offenders in this category.

Except for a few subsidiary circumstances the life of the professional criminal may be summed up as follows. With rare exceptions he springs from a corrupt environment perhaps having lost his parents while still very young or having been abandoned by them. Being misled by bad company, he commits an "occasional" theft while still a child, for which he must pay the penalty of imprisonment; ...prison never improves him and generally makes him worse. If he is in contact with other prisoners among whom there are naturally a number of out and out criminals, he hears the recital of their adventurous life, learns their tricks and all that he still needs to know to be thoroughly informed as to "the profession." Nor will a separate cell be any more profitable to him, brutalized as he is already by his earlier environment. Then after a certain time he is set at liberty and returned to society. The partisans of free will say that he has expiated his faults and can now commence a new life.

That is easy to say, and certainly justice will not concern itself with him any further until he commits a new offense. But this is not the same as saying that society pardons him and aids him, in order that he may remain in the right path. On the contrary, forgetting that we must forgive those that have trespassed against us, society makes life hard to them. It is almost impossible for him to find work, the fact that he has been in prison is enough to insure his being refused everywhere. Why should anyone hire a prisoner when there are so many others who have never got into the courts? And then most prisoners have never learned a trade, and this is one reason more why they cannot easily find employment. The liberated convict becomes a nomad, begins by losing all contact with the normal world (supposing he ever had any) and feels himself a social pariah. On the other hand he has more relations and more frequent frequent with the "underworld," with those that recognize no duty toward a society which is not interested in their fate. His moral sense comes to be more and more blunted until he becomes a criminal by profession, having a feeling of neither shame nor repentance.
The prevalence of robbery and related offenses was viewed as declining and in effect being replaced by less serious crimes such as theft and fraud in modern industrial countries. Violent offenders are a product of an environment in which:

First, education often consists simply in the administration of a sound beating to the child, a fact which habituates him to the idea that violence is an ordinary act, especially as he sees members of the family often strike one another;

Second, the men ordinarily carry a knife and do not hesitate to threaten with it or even to use it in case of a dispute. It is evident that the influence of this upon character is great at the impressionable age of childhood. The tendency toward violence, combatted among the children of the well to do classes, is, on the contrary, often strengthened among the children of the poor. If later chance places in their way an opportunity to profit by violence they recoil from it less than others.

The authors of violent crimes spring nearly always from the lower classes of the population; ... (Bonger, 1916, pp. 596-597).

In effect Bonger seems to attribute the involvement of non-professional offenders in violent offenses to the influences of the subculture of violence although he does not specify it in these terms. The involvement of professional offenders in violent offenses is an inevitable result of their involvement in crime. In other words these offenders are more than likely at some point in their career to be placed in a position whereby they must use violence in order to obtain a criminal objective.

"The man who has formed the habit of breaking into houses and bursting open safes, is forcibly drawn sooner or later to rid himself of witnesses who surprises him at this work or of a victim who might recognize him." (Joly, 1888: cited in Bonger, 1916, p. 598).

Bonger's contention that the majority of violent economic crimes are committed by professionals would seem to follow from this analysis.

White Collar/Economic Crimes

Bonger (1916) also focused attention on a category of offenses that are labeled by modern criminologists as white collar/economic
offenses. Reference is made to offenses such as fraudulent bankruptcy, adulteration of food and related offenses. The middle class commit these offenses for the same motives - stupidity, professionalism, and poverty - as other forms of theft.

Business failure in the case of the middle class has the same effect as poverty for the lower classes. A man facing business failure will resort to crime not as a means of preventing absolute poverty but in order to maintain his current position and standard of living. Bonger contends that capitalism provides the impetus for this activity by emphasizing the principle of "every man for himself" as a means of achieving success. Thus, if a man is compelled to always pursue his own interests he can give very little thought to the interest of others. This enables a merchant to engage in fraudulent business practices in order to prevent the demise of his business with little concern of the impact of these practices on the consumers.

A second motivative factor in bourgeoisie economic crimes is the desire for more wealth and worldly possession than one's business can produce honestly. While the desire for wealth is strong among all classes it is especially so among the middle class as a consequence of their position in the economic structure. It appears that he is alluding to what has come to be known in contemporary society as "keeping up with and in some cases surpassing the Jones's."

Another motivating factor is the relatively low risk associated with the perpetration of these offenses. In this case he specifically uses as an illustration the inability of consumers to determine whether food is adulterated. Further he identifies other business practices which while not illegal at the time he wrote as morally reprehensible. Included are such practices as the adulteration of
other than food products, the use of tricks and dodges in the sale of merchandise, omissions regarding defects in merchandise and exaggerated merchandise claims, and unnecessary visits by doctors. Finally, he dwells upon the professionals within this category of criminals. Included here are criminals who:

...throw themselves into gigantic enterprises while knowing beforehand that these will certainly or probably fail, or those who make gigantic purchases of stock and afterward cause a rise in price through the dissemination of false news, etc. (Bonger, 1916 p. 605).

This type of crime is only possible in a capitalistic economic system with its unlimited thirst for wealth, unlimited opportunity to deceive the public, and greediness for great profits. These offenders are characterized as follows:

...they are not content with large incomes which they could obtain honestly; they wish to surpass others in wealth being ordinarily very vain.

...Plans like theirs could never have been conceived and still less executed by men of mediocre intelligence.

...What an ordinary criminal does in a small way they do on a gigantic scale; while the former injures a single person or only a few, the latter brings misfortune to great numbers. And they do it with indifference, for the disapproval of honest men does not touch them.

...It is evident that those who commit these crimes go farther than the morality of their world permits. But it takes ... [a keen sense of morality] to distinguish in this field the demarcations between what is permitted and what is not and its just this ... that some persons lack. This is why most criminals of this kind, when they are brought into court, say with sincere conviction that they are innocent, that they have done nothing that is incompatible with morality (Bonger, 1916, pp. 605-607).

He also notes that the penalties associated with these offenses are relatively light as compared with those for ordinary offenses like theft particularly relative to the greater harm from them. Further, he recognizes that only a limited number of these practices are punishable by law and argues for the formal sancitoning of more of these practices.
Sexual Crimes, Political Crimes, Crimes of Vengeance

These offenses are also attributed to economic conditions. Adultery is attributed to the present organization of society which makes divorce difficult if not impossible. Rape and related acts involving both adult and child victims are viewed as a consequence of living conditions in the lower strata of society which teach children to view sex from primarily an animal point of view. Other contributing factors included the economic condition which prevents some individuals from marrying at a natural age, alcoholism and the inferior social position of women.

Crimes of vengeance are attributed to circumstances surrounding our economic and sexual life. First, the desire for vengeance is generated by an economic system which is characterized by strife and competition, i.e., doing injury to other. Examples of this include retailers being put out of business by large department stores, striking workmen being replaced by strike breakers, and disputes over inheritance. Crimes of sexual vengeance are aroused by an economic climate in which women are viewed as property and men have great power over them. Alcoholism and poor early socialization are also mentioned as contributory factors. Political crime is directed toward injuring a ruling class in order to aid an oppressed class or to liberate a subjugated people from their oppressors.

Finally, Bonger even viewed economic and social conditions as important factors in the development of degeneracy which he in turn saw as a cause of criminality. Degenerates are individuals who suffered from mental diseases or diseases of the nervous system. Even in instances in which these conditions were regarded as due to heredity, he still contended that their basic cause could be traced to unfavorable environmental circumstances that have exerted their
influence from generation to generation and have thus resulted in an individual who is abnormal at birth. More specifically he attributes degeneracy among the poor to the following circumstances: poor nutrition; unsanitary dwellings and insufficient clothing; long and intense hours of work; working women - particularly those forced to work at trades for which they are unsuited and those required to work up until just before childbirth and to return to work shortly thereafter; pressures upon the poor that result from the uncertainty of their life; poor medical care; syphilis which is spread as a result of ignorance regarding the extent and danger of venereal disease; alcoholism. Degeneracy-mental illness-among the middle class is attributed to the pressures brought about by the desire to maintain and/or increase one's economic position.

CRIME IN RELATION TO POVERTY AND THE BUSINESS CYCLE

There is a major difference between attributing crime to our capitalistic economic system and examining the role played by specific factors in certain types of crime. The former approach makes certain assumptions which include: 1) crime with rare exceptions is caused by a capitalistic economic system; 2) crime with the exception of that resulting from abnormal offenders will vanish with the disappearance of capitalism and its replacement by a communistic economic system. In this new society there would be no social classes and all industries would be commonly owned; 3) crime would disappear because its major cause poverty which breeds demoralization, alcoholism, prostitution, bad housing, and chronic neglect would no longer exist. Likewise, intellectual and moral poverty would disappear and with it both sexual and non-sexual crimes against the person. Finally, with its goals accomplished, political crimes would also disappear. Thus, the Marxist economic
interpretation of crime represents both an explanation of what causes crime as well as providing a solution for the prevention of crime (Radzinowicz, 1977). On the other hand, non-Marxist economic explanations of crime are directed toward describing the extent to which economic factors along with other factors contribute to the development of specific patterns of criminal behavior. Furthermore, it is necessary to remember that one can recognize the role of economic factors in certain types of criminal behavior without subscribing to the beliefs in political ideology of Marxism. In other words, one does not have to be a socialist or a communist to recognize the significance of economic factors in the etiology of criminal behavior.

Indices of Crime and Economic Conditions

Examining the relationship between crime and economic factors is complicated by the lack of exact measures of either crime or economic conditions. Crime reported to the police is the major index of crime. However, as we indicated there is a vast disparity between the number of crimes that are reported and those that are committed. This raises the question of whether an actual increase in crime during an economic depression would be accurately reflected in a proportionate increase in the number of crimes reported. There are several reasons for believing that this would occur. First, an increase in crime may result in people becoming more accustomed to crime, more indifferent towards it which in turn may bring about greater public apathy and reluctance to report offenses to the police. Also, an increased awareness that adverse economic conditions and poverty are the cause of this increase in crime may result in greater public sympathy and tolerance. This may cause victims to be reluctant to report crime to the police. Moreover, police efficiency tends to
to decrease during periods of increasing criminal activity which fosters a feeling that little can be gained from reporting crime to the authorities particularly minor violations. These just illustrate some of the reasons why it is difficult if not impossible to ascertain the true impact of economic factors on crime.

Selecting an index to measure fluctuations in the economy which can be compared with an index of crime presents at least as many difficulties. While it is feasible to measure the economic situation of a relatively simple agricultural community, it is far more difficult to do so in a society with a complex economic structure. For example, in an agricultural community in which corn is the major farm product, one only has to examine fluctuations in the price of this product to ascertain the economic situation in this area. This is well illustrated by the work of Von Mayr. He found that between 1835 and 1861 when the price of corn went up by a few pence one additional theft per hundred thousand persons occurred in the Kingdom of Bavaria. On the other hand, a drop in the price of corn by a few resulted in one less theft occurring in the same number of inhabitants.

While one industry can serve as the economic barometer of simple society, measuring economic change in a complex society requires the use of multiple and diversified index that considers all our major industries. The development of a device of this kind is a task that continues to baffle even our most expert economists. Moreover, while this is a difficult problem, an even more formidable problem involves relating these indices of economic change to trends in crime (Radzinowicz, 1971).

Relationship Between Crime and Economic Conditions

A number of considerations arise in the interpretation of the relationship between crime and economic conditions. First, it is
necessary to recognize that there are time considerations in assessing the impact of economic conditions on crime. It is well to remember that economic changes may not have an immediate influence on the volume of crime, but instead it may take a year or more for the impact of these changes to noticeably effect the volume of crime. For example, if a recession sets in tomorrow, one would not expect that the volume of crime committed would be affected immediately because it would take some time for the effects of this economic decline to be felt. This fact can cause some faulty interpretations of the relationship between crime and economic conditions. In this regard, if crime drops at the beginning of a recession and rises just as we are recovering from it, one possible conclusion is that crime drops during periods of economic decline. However, keeping in mind that there may well be a lag between the effects of economic conditions on crime, a more accurate interpretation of this data may be that the dip in crime volume resulted from previous economic conditions and that the rise in crime toward the end of the recession is a direct result of this economic condition.

Secondly, it would be unrealistic to expect a direct linear relationship between crime and economic conditions. That is, it would be futile to expect that the crime curve and the economic curve would display the same intensity of change. In other words, a ten percent decline in the volume of crime. It is more likely that the economic curve and the crime curve will move in the same direction and are close together with regard to time (Radzinowicz, 1977).

Third, it would also be fallacious to assume that crimes committed during periods of economic decline are necessarily "crimes of want" (Radzinowicz, 1977). This is not to suggest that hunger and acute
deprivation are not factors in crime occurring during the times of economic, but what is suggested is that the connection between deteriorated economic conditions and rises in crime is much more complex. Thus, it may well be that there are a number of other factors that also contribute to crime during times of economic adversity including failure to adapt to changed conditions, rigid habits which have developed during better times, a latent disposition to crime which is awakened by economic pressure and weaker social ties. For example, an individual may turn to crime rather than accept a job that he believes to be below his capabilities and social position. Obviously, this raises issues related to the social and psychological changes that result from variations in economic conditions and how these changes in turn affect criminal behavior. At this point this question remains unanswered and the answer to it may not always be the same (Radzinowicz, 1977).

Fourth, it is naive to assume that changes in economic conditions will have a uniform effect upon all crime. In fact, we find that fluctuations in economic conditions may result in increases in some types of offenses while resulting in decreases in others (Radzinowicz, 1977).

Fifth, some crimes show increases in both periods of prosperity and depression. This does not imply that these offenses are not affected by economic conditions but instead it may mean that these crime increases have resulted from different factors. For example, fraud and embezzlement both increase under favorable and unfavorable conditions. During prosperity, increased economic activity results in greater opportunity for these offenses while an expanding level of income may also stimulate the desire to get rich quickly and easily. On the other hand, depression has the effect of reducing
opportunity which in turn drives some people who are engaged in commerce and banking to use fraud for purposes of maintaining their current standard of living and professional activity (Radzinowicz, 1977).

Finally, a point that sometimes is overlooked is that there may be considerable variations between countries with different economic conditions and levels of development. Thus, it may well be that economic factors have more of an impact on crime in poorer than in wealthier countries. In order to examine this question, the United Nations Secretariat on Social Defense has focused attention on the impact of poverty on crime in the economically underdeveloped countries of Africa and Asia (Mannhein, 1965). Mannhein (1965) indicates that this contrast may not be as sharp as we might anticipate. He suggests that a country's total wealth may have less of an influence on its crime rate than the manner in which the resources of the nation are distributed. Thus, where everyone is poor there is little motivation to steal whereas in countries in which there are sharp contrasts between the rich and the very poor there is an awareness among the latter of the availability of goods that are beyond the scope of their legitimate incomes. This may well explain the reluctance of recent Indian criminologists to consider the poverty of their country as a major factor in crime. Another variant of this situation is illustrated by conditions in contemporary Italy. Although this country is experiencing a period of growing prosperity, there is still a major contrast between the booming north and the impoverished provinces of the south and Sicily. These conditions are reflected in the types of crime that are characteristic of these areas. While the north is beginning to show some traces of adolescent delinquency which is typical of an affluent society, in the south
crime is still primarily determined by the impoverished conditions in this region. For example, on the Neopolitan coast smuggling is viewed as a necessary occupation without which a large segment of the population could not find enough to eat. This shows that in countries in which there are major distinctions between areas with regard to economic circumstances that poverty may be a major factor in explaining crime in one area without being of any significance in the other.

Recognizing the many limitations associated with the research relating crime and business conditions is important in interpreting the findings of these studies. This is not to suggest however, that this research is of little importance because it does provide a perspective on this question. Studies relating to crime and economic conditions both here and abroad date back as far as the turn of the century. Sutherland and Cressey (1978) provide a good summary of the conclusions derived from a major segment of the research in this area. The following are their conclusions:

1) during periods of economic depression the general crime rate does not increase significantly;

2) there appears to be a slight yet inconsistent tendency for serious crime to increase during periods of economic depression and to decline in periods of prosperity;

3) violent property crimes tend to increase during periods of depression however, non-violent property crimes such as larceny show an extremely slight but not consistent tendency to rise during periods of depression;

4) while some studies show that drunkenness increases during periods of prosperity others indicate that there is no significant change;

5) there is no consistent evidence that crimes against the person are affected by changes in the business cycle;

6) juvenile delinquency has a tendency to rise during periods of prosperity and to decline in periods of depression.
A recent study conducted by Brenner (1978) sheds some additional light on this question. Brenner studied the relationships between crime and economic conditions in four major political units - United States, Canada, England and Wales, and Scotland - from 1900 through 1970. This study is noteworthy because of its attempts to control for many of the factors that throw the results of previous research into question. For example, the reliability and validity of the crime data was increased by drawing this data from a variety of criminal justice sources including the police, criminal courts, and prisons. Crime statistics were not limited to crimes known to the police but also included arrests, crimes brought to trial, conviction, other dispositions, and imprisonment. In addition, the data were analyzed from a variety of different perspectives. In this regard, the data were transformed so as to examine the question of whether there is a relationship between crime and economic factors over varying periods of time. Changes were looked at in annual, three-year, five-year, and ten-year intervals. Distributed lag analysis was employed to determine the extent to which there was a lag between changes in economic conditions and crime. In addition, this study employed four national level economic indicators, i.e., employment, unemployment, per capita personal income, and inflation, to measure economic conditions. Finally, this study is of importance because the researcher had access to a computer which was not the case with a majority of the studies that formed the basis of the conclusions provided by Sutherland and Cressy. This enabled Brenner to perform a variety of data manipulations to assure the reliability and validity of his conclusions which are not feasible without the assistance of a computer.

Brenner (1978) found that there is a strong relationship between
increases in crime and declines in employment. Specifically, his results indicate that:

In general, the rate of unemployment (or declines in employment and personal income) show significant and strong relationships to increases in trends of criminal statistical data, for all major categories of crime and sources of criminal statistics (p. 562).

Brenner's (1978) research also showed that economic factors had an apparently greater influence on criminal statistics generally with the passage of time or specifically after World War II. However, this finding did not take into consideration the possibility that a drop in employment may not immediately affect crime statistics. When the lag effects of economic influences on crime statistics were considered, Brenner found that there were no major differences between pre and post World War II periods. What appears to have happened is that prior to World War II economic stress did not affect crime statistics immediately whereas during the post war period the effects of unemployment on crime statistics were more immediate. This pattern was observed to be particularly the case for Canada, England and Wales, and Scotland. Thus, during the last 30 years crime statistics appear to have been much more immediately effected by short term economic adversity which has been associated with accelerated rates of inflation and economic growth.

Focusing on violent crimes against property as compared with property crimes without violence, Brenner found that the reaction time between pre and post World War II periods was much more pronounced in the case of offenses involving physical violence. In other words, prior to World War II economic stress appeared to be affected in the same way by economic stress. Further, it is interesting to note that prior to World War II there was a much weaker relationship between crimes of violence and unemployment as
compared with offenses involving violence and economic gain or property crimes alone. Thus, what appears to have happened is that crimes of violence have come to represent the most important source of accelerated reaction to economic adversity and this is even the case when one includes property offenses involving violence.

Finally, Brenner (1978) found some differences in the effects of adverse economic fluctuations on crime statistics particularly with regard to comparisons between the United States and England and Wales, and Scotland. He observed that especially in the case of England and Wales and Scotland, there was an increase in the impact of economic conditions on crime. In contrast, while United States' crime statistics did show some increased sensitivity to economic fluctuations during the later years, there were also some rather major and rapid reactions particularly during the period 1921 to 1940 which included the "depression." For example, in the United States incarceration rates in state and federal institutions for all major offenses show relationships that are so strong that virtually no factors other than adverse national economic changes could explain these trends. Canadian criminal statistics appear to be affected by economic changes in such a way that places them between the extraordinary sensitivity of pre World War II United States' statistics and the more dispersed and delayed responses of English and Scotish criminal statistics. Data on Canada showed that the majority of separate crime categories did show a heightened sensitivity to adverse economic conditions since World War II although there were a large minority of major categories of crime that did not manifest this increased sensitivity.
CRIME AS A PRODUCT OF AFFLUENCE

In addition to relating crime to economic decline, it can also be related to economic growth. These explanations may focus on the role of the driving forces of prosperity, and its emphasis on competition in material achievement. Or they may focus on how economic growth effects various segments of the population. For example, during periods of intermediate range economic upswings or long-term economic growth, although there are increases in employment and income levels among our lowest socio-economic groups, these increases are simply not comparable to those for the general population. In other words, during these periods lower socio-economic groups actually experience a substantial comparative decline in socio-economic status (Brenner, 1978). Attention may also be focused on the effects of frustration experienced by those attempting to reach the top. Finally, they may consider the failures of affluent societies, including gaps in the welfare system, and untouched pockets of sheer poverty that remain in spite of general progress (Radzinowicz, 1977). Each of these factors will be given brief consideration.

Crime and Economic Growth

Crime in a growing society may simply be the result of its general economic activity. The volume of crime may be directly related to the amount of honest activity associated with the progress and expansion of a society. The theory that there is a direct relationship between the increase in crime and the progress of civilization is certainly not a new one. The renowned French penologist, Charles Lucas, who worked during the first half of the 19th Century had a keen awareness of this conception. For example, he suggested that offenses of the press were a natural outgrowth of
an expanding printing industry, and fraudulent bankruptcies and commercial forgeries were a result of the development of industry. He further contended that crimes involving material things should be expected to be more numerous in advanced and affluent countries than in poor and backward ones. This is not attributed to the fact that civilization produces crime but instead is related to the increased availability of material things which in turn provide increased opportunities for the commission of crimes. Taking this one step further, Lucas concluded that advancing civilization which primarily involved increasing freedom provided greater opportunities for both legitimate and illegitimate pursuits. Thus, in order to assess the moral climate of a particular country it is necessary to examine the comparative extent of the positive and negative uses of freedom therein (Radzinowicz, 1977).

Poletti offers a somewhat different interpretation of the relationship between economic and crime. He contended that crime should be viewed in relation to other social activities. Therefore, it was his position that the criminality of a country was decreasing if the volume of crime was increasing less than its productive and legitimate acts (Radzinowicz, 1977). For example, he examined crime and economic activity in France between 1800 and 1860 and found that while economic activity increased two times, criminal activity only increased one and a half times, which led him to conclude that there was less criminality than could be expected.

Initially, this position was not too well received because it was contrary to the popular belief that social and economic advances would result in drastic reductions in crime. However, this position has steadily gained acceptance as the years went by. In 1931 Ploscowe restated this thesis in light of conditions in America:
Where increased incentives and increased occasions for illegitimate activities result from an increased amount of legitimate activity, there is apt to be an increase in crime (as quoted by Vold, 1958, p. 176).

In a report presented to the National Commission on Law Observance and Law Enforcement, Ploscowe indicates that during the last 150 years crime has probably increased throughout much of the Western world despite the obvious substantial improvement in economic conditions. Thus, although economic and social progress has improved the economic position of the ordinary worker, it has also brought new pressures and demands that often result in criminality (Vold, 1958).

Crime As A Response to Relative Deprivation

Another method of explaining rising crime in an affluent society is to view it not as an objective consequence of economic need but instead as a result of subjective socio-economic deprivations and blunted aspirations. Thus, rather than seeking the sources of crime in absolute wealth or poverty or even welfare, this approach looks to relative feelings of discontent or content, satisfaction or dissatisfaction, over stimulation of aspirations, and the extension of artificial needs (Radzinowicz, 1977). Thus, the major focus of attention is on the social psychological implications of economic conditions. This conception is evident in the writing of a number of criminologists. For example, Vold (1958) noted that:

Poverty is always in part a subjective condition, relative to what others have, rather than any simple objective fact of the presence or absence of a certain amount of property or other measure of wealth. What one man considers poverty, another may view as a level of satisfactory comfort, if not abundance (p. 173-174).

Taft and England (1964) indicate that criminologists today are more likely to view the frustration resulting from a continued state of or change in relative deprivation as a causal factor in crime
rather than the effects of an immediate decline in the material well being.

Relative deprivation was also noted as a factor attributing to the civil disorders, assassinations, and violence of the 1960s (National Commission on the Causes and Prevention of Violence, 1970; National Advisory Commission on Civil Disorders, 1968). This finding is not unexpected in a culture that places emphasis on achievement and measures it largely in material terms. Our culture leads us to desire goods and services and to feel successful if we obtain them and unsuccessful if we do not. The awareness and desire for products and services are further heightened by our mass communication system. Television more than any other media graphically displays to ghetto dwellers a variety of products and services that are beyond their reach. Further, there is the constant reminder that happiness is obtaining and having things. Moreover, this situation is further aggravated by our continued belief in the Horatio Alger myth. That is, we continue to believe that all men have an equal chance of success and that anyone who fails only has himself to blame. While this may have been the case when Alger wrote back in the 1800s and may have still held true up until World War II, today the rules have changed and include among other things educational requirements which were not the case in the past. However, while the rules of success have changed, the myth of equal opportunity still exists. The result is that those who fail to succeed experience feelings of frustrations which are further aggravated by a rising level of expectations fueled by unprecedented prosperity, changes in the law, space spectaculars, wars on poverty, and a host of other features characteristic of contemporary life. There are a variety of ways of coping with
feelings of frustrations. Some people drop out entirely from the
care and seek escape through the use of drugs, alcohol, mental
ilness and even suicide. Others, particularly college students
whose parents have succeeded, drop out and experiment with alter-
native lifestyles including a variety of patterns which have come
to be known as the hippie phenomenon. In the intercity while some
employ escapist type solutions others may adopt illegal methods in
order to achieve their goals of obtaining more money and higher
status among their peers. As the National Advisory Commission on
the Causes and Prevention of Violence (1970) suggests:

To be a young, poor male; to be undereducated and
without means of escape from an oppressive environment;
to want what society claims is available (but mostly to
others); to see around oneself illegitimate and often
violent methods being used to achieve material success;
and to observe others using these means with impunity —
all this is to be burdened with an enormous set of
influences that pull many toward crime and delinquency.
To also be Negro, Mexican, or Puerto-Rican-American and
subject to discrimination and segregation adds consider-
ably to the pull of these other criminogenic forces
(p. 31).

Consequently, these young men feel they have no stake in the system
and feel they have little to gain by following society's rules and
little to lose by not. Further, they feel that the odds against
success by crime are much greater than their odds of achieving
success through legitimate means. Unfortunately, our crime statis-
tics bear out this assumption since their chances of getting caught
statistically speaking are rather remote. Thus, for the young
ghetto male, crime both violent and nonviolent serves as a means
of obtaining material objects and violence further serves as a means
of validating and maintaining one's masculinity. A more thorough
discussion of the subculture of violence is presented in the chapter
on violent crime.

Relative deprivation has also been viewed as a major factor in
our recent urban riots, and incidences of looting and property damage. Davis (1970) after examining rebellions and revolutions both here and abroad suggests that these insurrections are "most likely to take place when a prolonged period of rising expectations and rising gratifications is followed by a short period of sharp reversal, during which the gap between expectations and gratifications quickly widens and becomes intolerable" (p. 690). Focusing on the causes of the civil disorders of the mid 1960s, he used the income disparities between blacks and whites of similar educational levels as a measure of frustration. Beginning with 1940 he found that Blacks earned only 58% of the income of their white counterparts, this rose to 86% in 1952 but dropped after 1952 to a low of 74% in 1962. If income differentials were sufficient to produce the level of frustration necessary for civil disorders, these rebellions would have occurred in the mid 1950s. However, since these civil disorders did not occur until the mid 1960s, other conditions were necessary to raise frustration levels to the point of insurrection. Davis (1970) suggests that income differentials when combined with the incidents of violence on the part of police and white citizens raised frustration levels to a point of rebellion. Between 1964 and 1969 there were at least 325 major civil disturbances in our urban ghettos (Reckless, 1973).

Gurr (1970) has put these civil disorders in perspective by examining the conditions associated with strife in other nations. He found that civil strife in this country had the same characteristics as strife in other modern democratic and Western nations. His research demonstrated that civil strife in the United States as well as in other nations was a function of "intense, persistent discontents among groups and a tumultuous history that provides justification enough for violent and collective protests and violent defense"
(Graham and Gurr, 1970, p. 572). In this country persistent deprivation is a fact of life for most Black Americans. Thus, while there is a small but steadily increasing Black middleclass, the major proportion of the Black population still remains in the ghetto with little hope of escape. This has created a gap between Black haves and have-nots which has increased the feelings of deprivation experienced by the latter group. In this regard, the National Advisory Commission on Civil Disorders (1968) has indicated that the summer disorders of the 1960s were at least in part a response against being left out and left behind.

This analysis has some general implications for future civil disorders in the United States. Future strife in this country is likely as long as persistent deprivation characterizes a major segment of our population (Gurr, 1970). The New York blackout of 1977 provides a more recent example of a civil disorder that has been largely attributed to these conditions. It is interesting to note that during a similar blackout in New York in 1965 looting was a minor occurrence. Weather may be viewed as a precipitating factor in the 1977 blackout. Thus, while the power failure in 1965 occurred on a pleasant cool evening in November when most people were at home, in 1977 many ghetto residents were on the street seeking relief from the summer's heat wave. A number of other things had changed in the dozen years between the two blackouts. Unemployment among young ghetto Blacks was 20% in 1965 as compared with 40% in 1977. Further, more Blacks had managed to advance to the middle class which only increased the frustrations of those left behind. Thus, as Robert Bales suggests:

"When economic conditions get better, those who are left behind get angrier." Before their eyes dance television programs and commercials that show everybody enjoying a cornucopia of consumer goods—as if everybody should have them as a natural right. They feel no stake in a society that seems to deny them the opportunity to acquire those goods (p. 17).
Comments made by the looters mirrored these views (*Time*, 1977).

...Said one of two Black boys standing outside a stripped bicycle shop near Columbia University: "We're just out shopping with our parents. This is better than going to Macy's."...

A few boasted of their thefts. P.F., a 28 year old Hispanic in Harlem, sounded like a shipping clerk reading off an invoice list as he told *Time* writer B. J. Phillips: "Well, I got a stereo worth $400, a dining room set that said $600 in the window, and some bedroom furniture, but not a whole suite. I got some tennis shoes, and a few things from the jewelry store, but I got there too late for anything really good. I got it all done in half an hour, that's how quick I was working." He paused to add it all up. "I put the total somewhere between $3200 and $3500." Any remorse? "I've got three kids and I don't have a job. I had the opportunity to rob and I robbed. I'd do it again. I don't feel bad about it" (p. 18).

Moreover, it is important to recognize that what happened in New York is likely to happen, given some precipitating event, in any large American city with a substantial number of unemployed people.

There is also research to show that crime rates in general are tied to relative deprivation. Eberts and Schwirin (1970) indicate that the deprivation hypothesis suggests that when the upper income population exceeds the size of the lower income population, the lower income group sees itself being more relatively deprived of local economic rewards than in areas in which the populations are of relatively equal size. The resulting frustration is likely to manifest itself in aggressive behavior against other community members. These researchers tested and found empirical support for this assumption. Their data indicate that even when controls for basic structural variables are employed, that crime rates are highest when one population segment is relatively more economically or occupationally advantaged. Their research also showed that crime rates were at their highest when the low income population was a discernible local minority and where there was the greatest occupational gap between non-whites and whites.
The implications of this analysis for crime control are clear. That is, if we expect to achieve lower crime rates, increased consideration must be given to the social structural conditions that produce crime. Thus, crime control attempts which focus upon rehabilitation or constraint of individual criminals through institutionalization, and attempts at crime prevention through either strengthening local police forces and/or educating the population to reduce victimization are merely treating the symptoms of social conditions and are no way dealing with the underlying causes of anti-social and aggressive behavior.

CRIME AS A PRODUCT OF POVERTY

In an affluent society it is natural to accept the fact that relative rather than absolute poverty does not exist. However, there are certainly parts of the world such as areas in India and South and Central America where absolute poverty does exist and must be considered as an important variable in crime. Moreover, while the poorest in America and England are certainly better off economically than the majority of the population in under-developed countries, there is still evidence that both in England and America there are families that live in conditions that are very close to or at the poverty level. In these cases it is not just a matter of being materially less advantaged than others but of not being able to maintain normal health and development. Research both here and abroad has clearly demonstrated that criminal behavior is related to low economic status and poverty (Radzinowicz, 1977).

Poverty is also associated with certain social conditions that may be of greater significance for crime causation than economic need (Sutherland and Cressy, 1978). Poverty areas in our modern cities typically involve segregated low rent districts in which people are
invariably exposed to criminal behavior patterns. It also characteristically mean high unemployment with no future potential for work, and is associated with low social status, no respect and feelings of powerlessness and little to lose. Working parents in these areas are typically away from home most of the time when their children are awake and are irritable and fatigued when at home. It also must be noted that approximately 43% of our poor families are headed by women (Poplin, 1978). This particularly adversely affects the attitudes that male children have toward family responsibilities and work. Typically, a disproportionate number of children in these areas drop out of school at an early age because they see little value in an education. The jobs they obtain are generally low paying, unskilled, not interesting, and offer little chance for economic advancement. Thus, the people living in these areas as well as their children are likely to remain poor. However, since the vast majority of our conventional offenders are from poverty areas, it must be considered as a contributing cause to the crime problem.
Sociological theories of criminality are directed toward finding answers to questions dealing with collective rather than individual behavior. The questions are likely to be: Why does Social Group A have a higher rate of crime than Social Group B? What factors are responsible for the increase in crimes against person in the United States over the last 10 years? While sociological explanations do not deny the importance of motivation, they seek the locus for the determinants of motivation in societal arrangements that are external to the individual. Says Gwynn Nettler (1974):

A strictly sociological explanation is concerned with how the structure of a society or its institutional practices or its persisting cultural themes affect the conduct of its members. Individual differences are denied or ignored, and the explanation of collective behavior is sought in the patterning of social arrangements that is considered to be both "outside" the actor and "prior" to him. That is, the social patterns of power or of institutions which are held to be determinative of human action are also seen as having been in existence before any particular actor came on the scene. They are "external" to him in the sense that they will persist with or without him. In lay language, sociological explanations of crime place the blame on something social that is prior to, external to, and compelling of any particular person. (p. 138)

Nettler identifies two varieties of sociological explanations of criminality: the subcultural variety and the structural variety. Both varieties assume that culture conflict is the principal source of crime; they differ, as Nettler indicates, in their evaluation of the conflict and, therefore, in their prescribed societal responses to crime.

Sociopsychological interpretations of criminality, according to Nettler, incorporate one or the other of two broad concepts or approaches: symbolic
interactionism or control. The symbolic interactionist perspective "looks for the ways in which behavior is conditioned by the social environment" (p. 191) and assumes a reciprocal connection between an organism and its environment. Control theories start from the assumption that "higher organisms require training if they are to behave socially" (p. 216). This assumption is scarcely new: it is expressed in the ancient adage "as the twig is bent, so grows the branch." The criminal offender is considered a case of failure in the process of socialization to inculcate appropriate modes of prosocial behavior in the individual.

Symbolic interactionism is represented in this account by the labeling hypothesis or perspective; control theory is represented by the containment theory of Walter Reckless.

Objectives

The major goal of this unit is to present the varieties of theoretical approach to criminality subsumed under the sociological and sociopsychological perspectives. These approaches tend to seek the explanations for criminal behavior in the processes which affect people living in social groups. They emphasize either structural arrangements or cultural patterns (sociological theories), or they focus upon the interplay between the individual and his social environment (symbolic interactionism) and the acquisition of regulatory processes in behavior through socialization (control theory). The student should be strongly encouraged toward the view that there is nothing sacrosanct in this or any other taxonomy of theories. A taxonomy such as that which Nettler employs is at best a logical, convenient, or meaningful way of classifying or conceptually ordering theoretical approaches according to some rationale or schema. Others equally valid and useful could be found.
Background and Perspective

The Structural Approach

The French sociologist Emile Durkheim (1858-1917) was one of the first writers to point out the "normality" of crime. Human behavior is not intrinsically either "normal" or "pathological": certain forms of conduct simply become labelled so by society. Thus, in a society of saints, singing too loud in church might be punished as severely as robbery would be punished in a prison society of thieves. In Durkheim's view, a society exempt from crime is impossible.

One of Durkheim's major contributions to our understanding of deviant behavior derives from his attempts to show how suicide is related to an individual's integration, or lack of integration, into stable social groups. He proposed that many suicides are the result of anomie, a societal condition of "normlessness" or "relative rulelessness," to use Gwynn Nettler's (1957) definition, in which people experience a lack of meaningful rules and purpose in their lives.

The concept of anomie was extended by the American sociologist Robert K. Merton (1957) to the explanation of deviant behavior in modern Western societies. Merton is an analyst who considers socially deviant behavior just as much a product of the social structure as conformist behavior. He attempts to determine how the sociocultural structure exerts pressure toward deviation upon people variously located in that structure. He seeks an answer to the question: Why does the frequency of deviant behavior vary with social structure?

The structure of society is composed of a number of elements, but two are of essential importance to Merton's analysis: (1) culturally defined goals, those objectives defined as legitimate for all to strive toward, and (2) the
regulatory norms that define and control the means of achieving the goals. It is Merton's central hypothesis that deviant behavior may be regarded sociologically as a symptom of dissociation between culturally prescribed aspirations and socially structured avenues for realizing those aspirations.

In American society, wealth is a basic symbol of success. Money obtained illegally can be spent just as easily as "hard earned" money and be translated into the symbols of success. Merton sees American society as placing a heavy emphasis upon wealth without a corresponding emphasis on the use of legitimate means for reaching this goal. Individual modes of adaptation to this situation may take one or a combination of several forms: conformity, innovation, ritualism, retreatism, and rebellion.

Merton had pointed out that the greatest pressure toward deviant behavior is experienced by people occupying positions in the lower class. Cloward and Ohlin, in a work appropriately entitled Delinquency and Opportunity (1960), extended this formulation to the explanation of urban gang delinquency. Their basic hypothesis is expressed as follows:

The disparity between what lower-class youth are led to want and what is actually available to them is the source of a major problem of adjustment. Adolescents who form delinquent subcultures, we suggest, have internalized an emphasis upon conventional goals. Faced with limitations on legitimate avenues of access to these goals, and unable to revise their aspirations downward, they experience intense frustrations; the exploration of nonconformist alternatives may be the result. (p. 86)

Nettler (1974) observes that this type of explanation views delinquency as adaptive, i.e., instrumental in the attainment of goals which are generally shared, and also as partly reactive, i.e., prompted by resentment on the part of delinquents at being deprived of things they believe should be theirs.

The Subcultural Approach

Coffey, et.al. (1974) claim to have consulted 160 meanings of the term
culture in order to provide the following consensual definition:

Culture consists of patterns, explicit and implicit, by symbols constituting the distinctive achievement of human groups, including their embodiment and artifacts; the essential core of culture consists of traditional ideas and their attached values; culture systems may on the one hand be considered as products of action, on the other hand as conditioning elements of further action. (p. 136)

Some cultural prescriptions are common to all members of a society, but there are differences of greater or lesser magnitude from one group or class to another within the society. Subculture is a term devised by social scientists to refer conveniently to variations within a society on its cultural themes, patterns, artifacts, and traditional ideas, as these are incorporated and expressed within various groups. Subcultures are presumed to have some stability and endurance. In addition, subcultures can vary widely in the magnitude and direction of their deviation from the larger culture. Under conditions where the norms of the subculture impose different standards of conduct from those prescribed by the larger culture, the resulting normative conflict can become the source of criminal behavior.

A principal advocate of the "culture conflict" approach to delinquency is Walter B. Miller (1958). He does not go so far as to posit that the lower class in the United States is a criminal class, but he sees delinquency as the result of an "intensified response" of some boys to "focal areas of concern" found in the lower-class culture. Lower-class youth who conform to these values find themselves in inevitable conflict with the prevailing middle-class mores and the law.

Miller uses the concept "focal concern" in preference to the concept "value," reasoning that it is more readily derivable from field observation, is descriptively neutral, and facilitates analysis of subcultural differences since it reflects actual behavior uncolored by an official "ideal."
These six "focal areas of concern" are presented in order of the degree accorded each. Concern over "trouble" means avoiding entanglements with official authorities or agencies of middle-class society. "Toughness" (body tattooing, bravery, absence of sentimentality) is seen as related to being raised in a female-dominated (matriarchal) home. There is an almost obsessive concern with masculinity and antipathy toward homosexuality, which is expressed in baiting "queers." "Smartness" is defined as the ability to obtain the maximum amount of goods with a minimum of physical effort.

Traditionally, the deadening routine of lower-class life has led its members to seek relief in alcohol or evangelism; Miller's delinquents seek excitement in "booze, bands, and broads." Related to the belief among the lower-class members that goal-directed efforts are futile is their concept of "fate." Many lower-class persons view their lives as subject to a destiny over which they have no control. This attitude serves both as an inhibitor to initiative and as a compensation for failure. Miller sees the lower-class emphasis upon "autonomy" as expressing itself in an ambivalent attitude toward authority, i.e., a resentment of external controls while actively seeking out restrictive environments (e.g., military enlistments). Their life-style is summed up in the proverb: "Trouble is what life you gets you into."

Cohen (1955, 1966) has tried to furnish an explanation for the development of a delinquent subculture--an antisocial way of life that has somehow become traditional in a society. According to Cohen, a subculture develops when a number of people with a common problem of adjustment are in effective interaction. The chief common problem around which the delinquent subculture revolves appear to be status problems. Certain children, particularly lower-class children, are denied status in the middle-class society because they cannot meet these criteria. The delinquent subculture deals with these problems by providing
criteria of status which these children are able to meet. Specifically, the delinquent subculture functions simultaneously to combat internal forces in the individual as represented by a "gnawing sense of inadequacy and low self-esteem" and to deal with the "hated agents of the middle-class." It does so by erecting a counter-culture which offers an alternative set of status criteria. The alternative status criteria offered by the delinquent subculture are in direct opposition to those of the middle-class, to the point of rendering a "non-utilitarian, malicious, and negativistic" quality to the subculture.

Symbolic Interactionism: Labeling Theory

Proponents as well as critics of the labeling perspective agree that this approach does not constitute a fully developed theory--nor is it ever likely to become one. Instead, the labeling perspective brings together a number of ideas that emphasize the significance of societal reactions to deviant behavior. This approach depicts stable patterns of deviant behavior (those which are not casual, spontaneous, transitory, or isolated instances of deviance) as products or outcomes of the process of being apprehended in the commission of a deviant action and being publicly branded or stigmatized as a deviant person. The involvement of an individual in this process is seen as depending much less on what he is or what he does than upon what others do to him as a consequence of his actions. Labeling theory stresses the importance of the impact of societal reactions on the deviant person, rather than focusing on his psychological characteristics.

Labeling theorists (Becker, 1963; Erickson, 1964; Goffman, 1963; Lemert, 1967; Schur, 1971) assume that everyone engages in deviant behavior of some kind, at some time, under some circumstances or conditions, and that some of this deviant behavior violates basic social values. However, many if not most people who commit such acts of deviance are not officially censured for their normative
violations. It is this official response by formal agencies of society that affixes the deviant label and results in changes in the way in which individuals perceive themselves and are perceived by others in society.

Lemert (1967) has used the term primary deviance to refer to deviant behavior that has not materially affected an individual's self-concept and social status. Included in this category are: (1) those repeatedly arrested for drunkenness, but who are still accepted by their families and employers; (2) drug users who are able to conceal their drug use from those who might take action against them; (3) juveniles who engage in delinquency but have not been arrested and/or adjudicated for their aberrant acts; (4) individuals who temporarily manifest some symptoms associated with mental illness; (5) adults who engage in occasional criminal acts such as shoplifting. The common thread that runs through all of these behaviors is that they are normalized and dealt with as functions of a socially acceptable role by an individual's associates or the individual restricts his involvement to situations which will not result in the imposition of a deviant label. The latter circumstance is illustrated by individuals who engage in occasional impersonal homosexual relations in mensrooms and with male prostitutes.

Lemert (1967) used the term secondary deviance to refer to "the importance of societal reaction in the etiology of deviance, the forms it takes and its stabilization in deviant social roles or behavior systems" (p. 40). This concept distinguishes between those who are viewed as deviant and those whose deviance does not affect their social identities. The decision on the part of the community to take action against those who are deviant is not a simple act of censure. It is, as Erickson (1964) suggests:

...a sharp rite of transition at once moving him out of his normal position in society and transferring him into a distinct deviant role. The ceremonies which accomplish this change of status ordinarily have three related phases. They provide a
formal confrontation between the deviant suspect and representatives of his community (as in the criminal trial or psychiatric case conference): They announce some judgment about the nature of his deviancy (a verdict or diagnosis) and they perform an act of social placement assigning him to a special role (like that of prisoner or patient) which redefines his position in society (p. 16).

Following these "status degradation ceremonies," there is a shift from viewing the individual's acts as deviant to viewing the individual as a deviant character. Labeling an individual as generally deviant rather than his specific acts may produce a self-fulfilling prophecy. For example, once a youngster is labeled a delinquent, teachers, parents, store owners, etc., tend to expect that the youngster will engage in further delinquency. In fact, this youngster is generally the first to be accused when property is missing, damaged or destroyed. Furthermore, other parents are likely to forbid their children to pay with him for fear that he will influence them to engage in delinquency. Therefore, this youngster is likely to be excluded from his peer group and also from adult sponsored activities, such as church groups, scouts, etc. Moreover, his ability to obtain after school jobs is also likely to be restricted. Thus, denied participation in conventional groups and activities, this youngster is likely to graduate to delinquent groups and further delinquent activity. Movement into a juvenile gang can be viewed as the final step in the stabilization of the youngster's delinquency because it involves acceptance of a deviant identity. Gangs also provide members with a system of rationalization that serves to neutralize and justify their deviant identities and delinquent behavior. In addition, gang participation also results in the development of more skillful means of carrying on delinquent activities.

In short, the imposition of a deviant label is likely to result in an individual: (a) being regarded as a deviant, and expected to engage in subsequent deviant behavior; (b) being denied participation in conventional groups; (c) participating in deviant groups which provide rationale for neutralizing
deviant identities and behavior, and better techniques for carrying on deviant activities.

In criticism of the labeling perspective, Denisoff and McCaghy (1973) feel that the labeling school completely ignores some basic questions relating to a theory of deviant behavior. These questions are: "1) Why rates of particular acts vary from one population to another; 2) why certain person engage in these acts while others do not; and 3) why the act is considered deviant in some societies and not in others." (p. 51) The result of this, according to Denisoff and McCaghy (1973), is that the labeling approach is not concerned with the etiology of behavior that may or may not be termed deviant, but is restricted to evaluating that behavior.

Davis (1972) lists several 'built-in' problems of the labeling theory:

1. overconcern with deviant categories, with subsequent lack of attention to exchange processes of actors and groups leading to decisions to control;
2. a culturological and behavioral emphasis, which systematically neglects organization variables;
3. inadequate recognition of the functions of deviance for the actor, the small social system, or the larger society;
4. a seeming fixation of the actor as subject;
5. isolated concern with exotic materials;
6. a methodological inhibition serving to limit the field to an ethnographic, descriptive, overly restrictive sociology;
7. an inadequate development of the concept of hypotheses testing, due to the penchant of insightful, impressionistic observation (p. 460).

Davis (1972) also suggests that, with few exceptions, labeling theorists assert "that societal reaction in the form of labeling or official typing, and consequent stigmatization, leads to an altered identity in the actor, necessitating a reconstitution of the self." (p. 460) Yet, this premise has not been proven empirically. Davis observes that, unfortunately, much of the work that deals with the testing of labeling hypotheses has remained isolated and poorly integrated into a coherent theoretical framework.
Containment Theory

Containment theory (Reckless, 1962, 1967) is a sociopsychological theory that assigns a key role to the concept of self. Whether or not the individual (i.e., self) will engage in criminal conduct depends upon the interrelationship between an outer containment system (the ability of society, groups, organizations, and the community to hold the person within the bounds of accepted norms, rules, regulations, values, and expectations) and an inner containment system (the individual's ability to control and regulate his own behavior). Reckless hypothesizes that people with poor self-concepts engage in more criminal behavior than do persons with good self-concepts. Some of the research that has been conducted by Reckless and his associates provides limited empirical support for this contention. Critics of containment theory, however, have pointed out that it is nearly impossible to determine whether a poor self-concept emerges before or after delinquency until or unless someone conducts a massive longitudinal study addressed to answering this particular question. They also observe that by no means do all persons with a poor self-concept commit criminal acts. But the most crucial question that containment theory thus far has left unanswered is the most basic question of all: Why should a poor self-concept leave one vulnerable to delinquency or criminality?
Reading Assignment


Questions for Discussion and Review

1. What did Emile Durkheim mean by "the normality of crime"?

2. How does "normlessness" (anomie) help to create conditions which predispose people to act in criminal ways? Which theorist or theorists played the most important role in the development of this concept?

3. Explain the operation of legitimate goals and illegitimate means in crime and delinquency.

4. Define and give examples of the types of adaptation characterized by Merton as: (1) conformity, (2) innovation, (3) ritualism, (4) retreatism, and (5) rebellion.

5. What is meant by subculture? How does the concept relate to culture conflict as a causal factor in delinquency or crime?

6. Define and illustrate Miller's "focal areas of concern" in lower class gang youth.

7. How does primary deviance differ from secondary deviance, according to Lemert? What is their importance as concepts in the labeling and stigmatization process?

8. What are status degradation ceremonies? How do they fit in with the labeling perspective as a factor in deviance?
9. Describe some of the possible consequences for the individual of being labeled as a deviant.

10. Summarize the major criticisms that have been leveled against the labeling perspective.

11. What role is played by the self in the containment theory (Reckless)?

Written Projects

1. Select some relatively innocuous behavior (e.g., skateboarding, eating popcorn, etc.) and sketch a hypothetical but plausible series of events by which such behavior could become subjected to labeling and stigmatization as deviance.

2. Briefly design a research project to provide an empirical test of any of the theories of criminality covered in this unit.
Selected Readings


Thio, A. A critical look at Merton's anomie theory. Pacific Sociological Review, 1975, 18, 139-158.


Warren, Carol. The use of stigmatizing labels in conventionalizing deviant behavior. Sociology and Social Research, 1974, 58, 303-311.

Responsibility for the management of a broad range of deviant behavior—behavior which is perceived by others as bizarre, threatening, or merely inexplicable—has been invested in the professional practitioner or psychiatrist. Labeled "mental illness," such deviant behavior is ambiguously defined and may include anything from the "transient situational maladjustment" of an individual experiencing the pangs of bereavement to the strange grimaces and antic behavior of a person labeled "schizophrenic." The psychiatrist, as a member of the medical profession, employs a vocabulary and set of concepts which constitute a series of elaborate metaphors and analogies that bear a tenuous—and at times even tortuous—relationship to the physical disease models which they emulate. Thus, the deviant individual becomes a "patient," his deviant behavior is referred to as "symptoms," the determinants of his behavior become the "underlying pathology," and so forth.

Many critics of psychiatry and the "medical model" approach to deviance have sharply questioned the applicability of such an approach to any range of behavioral phenomena broad enough to include transient situational maladjustment and schizophrenia under the same rubric. Others, including psychiatrists like Thomas Szasz, have objected to the medical model on moral and ethical grounds, claiming that the kind of pathological determinism assumed by this approach deprives the individual of responsibility for his actions.

A further source of objections to this approach is the intrapsychic conceptual framework within which the traditional psychiatric approach has operated.
The theoretical underpinnings of American psychiatry have mainly been derived from psychoanalysis, the system of thought created by Sigmund Freud. Psychoanalytic theory is identified as psychodynamic or intrapsychic because its principal constructs are built around factors and forces within the individual's psyche that are largely hypothesized or inferred. Within this kind of conceptual system, behavior is "explained" by specifying the relationships that occur between or among these internal psychic structures.

Psychologists, who had not entered "applied areas" in any appreciable numbers prior to World War II, were mostly found in academic types of jobs. The demand for trained professionals in clinical work following the war gave enormous impetus to the field of clinical psychology. These psychologists received the bulk of their training from psychiatrists and moved into jobs in clinical and institutional settings that were under psychiatric direction. Consequently, there was little divergence in viewpoint between psychiatrists and clinical psychologists until the late 1950s or early 1960s. Following that period, psychologists began to move into clinical positions whose orientation and background differed considerably from those of their colleagues in clinical psychology and psychiatry. Trained in the tradition of experimental psychology, with its emphasis upon objectivity, quantification, systematic research, and empirical verification, these psychologists brought a point of view toward deviance that had been shaped by models developed in the laboratory rather than the clinic. When they turned their attention to criminal behavior, it was inevitable that they would attempt to recast or reformulate the problems involved in accounting for criminality within a conceptual framework that assigned prominence to the social learning processes in the acquisition and maintenance of criminal behavior.
Objectives

In the first part of this unit, we shall try to describe the features of the psychiatric approach to criminality which we identified above as intrapsychic. In addition to summarizing the main criticisms of this approach, we shall examine the views of a number of psychiatrists who, for various reasons, abandoned this orientation and formulated an alternative approach to criminal deviance. In the second part of the unit, our attention is directed toward psychological theories of criminality that possess the common feature of seeking to specify the variables which control the acquisition and maintenance of all learned behavior, nondeviant as well as deviant.

Background and Perspective

Intrapsychic Perspectives on Criminal Behavior

Behavior, as viewed within the psychoanalytic framework, is functional in a two-fold sense: (1) it operates to fulfill certain needs or drives, and (2) it has consequences for other aspects of behavior. But the importance that Freud attributed to unconscious factors adds a further complexity to the interpretation of behavior, for it requires acceptance of the proposition that much, if not most, of the behavior exhibited by an individual possesses meaning which lies outside the range of awareness. Thus, neurotic behavior—for example—is construed as the outward symbolic manifestation of dynamic dysfunction. Such behavior represents, for the psychoanalyst, the unsuccessful attempt on the part of one component of personality (the ego) to exercise executive control over another component (the id).

The immediate and direct implication of this principle of motivational functionalism for understanding criminal behavior is that a focus on the criminal action itself (manifest function) defeats any attempt to understand the causes

...like any other behavior, criminal behavior is a form of self-expression, and what is intended to be expressed in the act of crime is not only observable in the act itself, but also may even be beyond the awareness of the criminal actor himself. So for example, an overt criminal act of stealing may be undertaken for the attainment of purposes which are far removed from, and even contrary to, that of simple illegal aggrandizement; indeed, it may even be, as shall be seen in the sequel, that the criminal, in stealing, seeks not material gain but self-punishment. The etiological basis of a criminal act can, therefore, be understood only in terms of the functions, latent as well as manifest, which the act was intended to accomplish (p. 434).

Although the specific functions of a given criminal act must be sought in the life history of the individual offender, the general etiological formula for psychoanalytic criminology asserts that criminal behavior is an attempt at maintaining psychic balance or restoring psychic balance which has been disrupted.

Despite a consensus of professional opinion among psychoanalytic criminologists concerning the general etiological ("psychic balance") formula, considerably less unanimity is evident with respect to the specific factors in the sociolization of the individual which dispose him toward criminality in an effort toward maintaining psychic balance. Feldman (1969) identifies five variations on the basic formula:

1. criminality as neurosis
2. the antisocial individual as an instance of defective socialization
3. criminal behavior as compensation for frustration of conventional psychic needs
4. criminal behavior as a function of defective superego
5. criminal behavior as anomie

As Feldman notes, these variant interpretations range from a concentration on hypothesized internal factors to an emphasis upon external conditions which may exert a decisive influence on the individual.
The weakness of this etiological formula is readily apparent. In the case of the first interpretation, "criminality as neurosis," empirical data simply fail to support the contention that the criminal is typically a neurotic individual compulsively driven toward self-punishment. On the contrary, criminal offenders appear to put forth every effort and resource to elude capture. Moreover, the empirical evidence we have been able to gather suggests that "neurotic" personality characteristics are distributed within the criminal population in approximately the same proportion as that found in the noncriminal population.

Equally dubious is the view of the criminal as an antisocial character who seeks immediate gratification, lives entirely in the present, and is unable to withstand tedium and monotony. It is a criminological commonplace that many kinds of criminal behavior require extensive preparation by way of training in specific skills or in systematic planning. Indeed, as Feldman observes, the areas of professional, organized, and white-collar crime seem to exemplify the operation of Freud's "reality principle."

In failing to assign appropriate emphasis to the fact that patterned criminality is not the spontaneous creation of the individual offender, psychoanalytic criminology minimizes the crucial importance of social learning. According to Feldman (1969):

...this learning process requires the individual's participation in the formation and maintenance of relationships with other who dispose of the necessary knowledge and put it to use. It is in the context of these relationships that the individual learns his criminality and adopts for himself distinctive criminalistic attitudes and percepts. Presumably, the experiences of such a learning process must have an effect on the personality of the individual undergoing them. Yet, this reciprocating influence of criminal experience on the personality of the criminal appears to have no consideration in psychoanalytic criminology. Indeed, all of the interpretations of the basic etiology formula share this common implicit assumption that the personality differentials to which causal status is attributed are temporarily antecedent to the individual's participation in criminal activity. Nevertheless, it is at least a plausible alternative that such personality differentials are consequential precipitants of the individual's induction into criminality. And in failing to take this
possibility into account, the entire structure of psychoanalytic criminology becomes vulnerable to the charge that it merely begs the question from the outset (pp. 441-442).

Finally, in addition to these substantive criticisms, psychoanalytic criminology possesses some serious flaws when judged as a theory on formal grounds. Psychoanalytic constructs tend to be global and all-inclusive in nature and loaded with "surplus meaning"; rarely, if ever, are they anchored in explicit, observable events. Nevertheless, in time such constructs become the "facts" of psychoanalysis upon which even more speculatively elaborate concepts are based.

Most of the research generated by psychoanalytic theory does not seem to be directed toward the subsequent modification of the theory in the light of newly acquired information but rather to demonstrate the essential validity of the basic postulates and assumptions of the theory. Because of the ambiguity and lack of operational specificity of the constructs in the system, no hypothesis derived from psychoanalytic theory can be either clearly confirmed or clearly refuted. For these and other reasons, critics of psychoanalysis have charged that the theory and its proponents do not conform to the widely accepted canons of empirical verification and refutation implicit to the scientific method.

**Reality Therapy**

Glasser's (1965) "reality therapy" is a reaction to psychoanalysis and its emphasis upon unconscious motives and "psychic balance" in the genesis of criminality. Glasser sees criminal behavior as "irresponsibility." A youthful car thief, in his view, is not exhibiting "pathology" in traditional psychoanalytic terms; he is acting in an irresponsible manner---one which deprives others of the ability to fulfill their needs. Thus, the thief's desire to ride forces someone else to walk. Because it deals in the present and eschews the esoteric jargon of psychoanalysis, reality therapy has had a good deal of popular appeal among people who work in corrections, especially those who perceive the
vigorous application of the "Protestant ethic" as the eventual solution to the crime problem. As a scientific explanation of criminal behavior, Glasser's concepts are untested—and perhaps are untestable.

The Criminal Personality: Yochelson and Samenow

The latest defection from the intrapsychic camp occurred with the publication of the first volume of a trilogy by Samuel Yochelson, M.D., and Stanton E. Samenow, Ph.D., entitled The Criminal Personality (New York: Jason Aronson, 1977). This book reported the results of a 15-year project that was conducted under a Federal grant at St. Elizabeths Hospital in Washington, D.C., involving an intensive study of 255 criminals drawn from a wide variety of backgrounds: rich, poor, white, black, young, old, Christian, Moslem, and Jew. Somewhere between 150,000 and 200,000 contact hours were spent with the subjects and they were given everything from EEG and EKG examinations to finger dexterity tests. In terms of sheer magnitude, the study is probably without precedent in the history of criminological investigation.

Yochelson was a practicing psychoanalyst in Buffalo, New York, who gave up his private practice to pursue his interest in criminality and its determinants. He was joined later in the project by Samenow, a clinical psychologist. Yochelson died in the summer of 1977 about the time that the first volume of the projected three-volume series was in press, but Samenow has continued with the project.

During the first four years of the project, the data that emerged from the criminal subjects under scrutiny was everything that a psychiatrist with a psychoanalytic orientation could have wished: evidence of Oedipal conflicts, infantile strivings toward omnipotence, childhood traumas, unconscious drives, etc. Yochelson came to the conclusion, however, that he was being conned by his subjects, who were using their participation in the project as a cover for continued
burglaries, rapes, robberies, and other types of criminal enterprise under the protection afforded by the guarantee of privileged communication. The realization of what was going on led Yochelson to an agonizing reappraisal of his psychoanalytic orientation, with the result that he found himself compelled to abandon his career-long Freudian views and turned instead to a probe of thought and action patterns among his criminal subjects. He and his psychologist colleague, "reluctant converts" from psychoanalysis, identified 53 thinking and action patterns that they claim to have found in all of the 255 subjects in the study.

The authors of The Criminality Personality identify their findings under such titles as: Loner, Lying, Power Thrust, Anger, Pride, Failure to Assume Obligation, Lack of Time Perspective, and so forth. It is interesting to compare these categories with the list of characteristics identified by Hervey Cleckley more than 30 years ago as typical of the psychopath. Yochelson and Samenow present these conclusions in the manner of someone dispensing revelations of fundamental truth, whereas any criminal justice practitioner with a good deal of first-hand contact with criminal offenders is apt to find their "discoveries" something less than momentous.

There are several points that need to be made with regard to this extremely controversial project. There is something about it to dislike for nearly everyone. Traditional researchers with a behavioral science orientation will either dismiss it out of hand or will object to its methodological crudity: there are no control groups, little or no attempt at quantification, no pretense to having followed a research design that lends itself to tests of statistical significance, numerous contradictions in the descriptions, and a reliance throughout on subjectivity rather than objectivity in approach. Psychiatrists will be pained by the authors' account of the frustration and failures that led Yochelson and Samenow to dump the entire medical model on the grounds that it proved a hindrance
rather than a help. As the authors put it:

Once we discarded "mental illness" as a factor we began to understand more about a patient's reality. The concept of mental illness had been the greatest barrier to acquiring this knowledge.

Liberals will be distressed by the authors' summary rejection of environmentalism as a valid approach to understanding the criminal offender. In the words of Yochelson and Samenow:

...the criminal is not a victim of circumstances. He makes choices early in life, regardless of his socioeconomic status, race, or parents' child-rearing practices. A large segment of society has continued to believe that a person becomes a criminal because of environmental influences. Several factors account for the persistence of this conclusion. Parents who have criminal offspring deny that there is something inherent in the individual that surfaces as criminality. They desperately look for a cause and, in the effort to explain, they latch on to some event or series of events in a person's life for which he is not responsible. Many social scientists have promulgated a deterministic view of man and for years have been explaining criminality largely in terms of environmental influences. Government programs have operated on this basis. The media have espoused this attitude. In efforts to eradicate crime, society has tried to do something, rather than nothing. Attacking environmental sources has been considered one positive step. However, these efforts have met with failure for reasons that the reader will understand as he reads this volume. Changing the environment does not change the man. Finally, the criminal is ever ready to present himself as a victim once he is apprehended. He feeds society what he at best only half believes himself. Actually, he knows that circumstances have nothing to do with his violations, but he uses that rhetoric if he thinks it will lead others to view him more sympathetically."

No matter how irritating their judgments, the work of Yochelson and Samenow cannot be ignored. In challenging the traditional viewpoints of criminology, the authors have provided a stimulus to other investigators to refute or confirm their conclusions by means of more conventional avenues of research.

Social Learning Interpretations of Criminality

In 1937, in a work entitled The Professional Thief, the criminologist Edwin H. Sutherland provided what has come to be regarded as the classic statement of a theory concerning the genesis of criminal behavior called differential association. What Sutherland attempted to do was account for the etiology of
criminal behavior in the group-based learning experiences of the individual in terms of the following postulates:

1. Criminal behavior is learned.

2. Criminal behavior is learned in interaction with other persons in a process of communication.

3. The principal part of the learning of criminal behavior occurs within intimate personal groups.

4. When criminal behavior is learned, the learning includes: (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple, and (b) the specific direction of motives, drives, rationalizations, and attitudes.

5. The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.

6. A person becomes delinquent because of an excess of definitions favorable to violation of the law over definitions unfavorable to violation of the law.

7. Differential associations may vary in frequency, duration, priority, and intensity.

8. The process of learning criminal behavior by association with criminal and anticriminal patterns involves all of the mechanisms that are involved in any other learning.

9. While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values since noncriminal behavior is an expression of the same needs and values.

In the form stated above, differential association remained untested, primarily as a consequence of difficulties involved in operationalizing the fundamental concepts on which the theory rested. Criminological investigators were unable to resolve the difficulties posed by mentalistic constructs such as "attitudes" and "motives." Since Sutherland's time, considerable progress has been made in the understanding of the complex factors involved in learning. In particular, the work of B. F. Skinner and his followers in operant conditioning has enlarged our comprehension of the importance of reinforcement in the acquisition and maintenance of behavior. Given these advances, several theorists have felt that differential association needed revision in order to update it in the light of
contemporary knowledge of the learning process.

C. R. Jeffery (1965), a sociologist who studied under Sutherland, first attempted to modernize the theory of differential association by translating its language and concepts into those of operant conditioning. Jeffery stated that criminal or delinquent behavior is acquired through a process of \textit{differential reinforcement}. Simply stated, a person is more likely to repeat behavior which results in positive consequences (reward or removal of an aversive stimulus) than behavior culminating in negative conditioners (punishment or removal of a positive stimulus) or ending in neutral consequences. Criminal behavior, like any other behavior, is maintained by its consequences. Thus, theft may result in the positive reinforcement elicited by the stolen item; murder and assault can produce positive reinforcement through biochemical change or, in the case of addiction, remove the aversive conditions of withdrawal.

According to Jeffery, differential reinforcement theory makes several important assumptions:

1. The reinforcing quality of differential stimuli differs for different actors depending on the past conditioning history of each;
2. Some individuals have been reinforced for criminal behavior whereas other individuals have not been;
3. Some individuals have been punished for criminal behavior whereas other individuals have not been;
4. An individual will be intermittently reinforced and/or punished for criminal behavior, that is, he will not be reinforced every time he commits a criminal act (1965, pp. 295-296).

In other words, no two people are identical; everyone has a different history of conditioning. In a given situation involving individuals with identical families, backgrounds, and association where only one steals is explained by the fact that behavior is dependent upon:

1. the reinforcing quality of the stolen item;
2. past stealing responses which have been reinforced;
3. past stealing responses which have been punished. These three characteristics will differ between any pair of individuals despite any similarities in backgrounds or associations. Hence, Jeffery involves the term differential reinforcement as different conditioning histories exist for different individuals. Differential association theory cannot account for this phenomenon. Thus, through Jeffery's application of reinforcement contingencies, a serious weakness of Sutherland's original theory is eliminated.

Of primary importance in Sutherland's theory is the proposition that social reinforcement is the mainstay of criminal behavior. More simply, other people serve as reinforcement either through verbal adulation or active confederation in the behavior. People also serve as discriminative stimuli which provide valuable information to the individual on the potential for reward or punishment. For example, it is highly unlikely that delinquent behavior will occur in the presence of a uniformed police officer. The officer indicates that the potential for reward is highly limited and that criminal behavior will, in all likelihood, result in punishment.

Conversely, a juvenile in the presence of his peers is more likely to misbehave, as the potential for the rewards of social acceptance and praise is quite high. The behavior patterns of the typical juvenile gang demonstrate this phenomenon.

People also can act as aversive stimuli through reprimanding, arresting, or even shooting the offender. All of these behaviors represent Sutherland's concept of "attitudes" favorable or unfavorable to the criminal behavior.

Jeffery questions the sole importance of social reinforcement pointing out that some criminal behavior is reinforcing in itself. For example, stolen goods serve as positive reinforcement whether or not anyone other than the thief is aware of them. Thus, Jeffery demonstrates a model of criminal behavior without social reinforcement. This concept threatens the very foundation of differential
association and current sociological ideas, all of which have emphasized the primary importance of social forces in the determination of behavior. This question of reinforcement contingencies must be empirically resolved and theory restructured to account for results.

Robert Burgess and Ronald Akers (1966) presented a complete reformulation of Sutherland's differential association theory. They applied the principles of operant learning as outlined by Jeffery and verified their propriety through the presentation of experimental evidence. They reformed Sutherland's original nine proposals into a seven statement presentation, incorporating modern learning theory into the original concepts. In 1973, Reed Adams in an article entitled "Differential Association and Learning Principles Revisited," critically evaluated the Burgess and Akers propositions and reworked them into a cohesive, up-to-date theoretical presentation. In a later study, Adams (1974) contrasted the effects of social and non-social determinants of behavior. Results demonstrated that non-social factors did play a major role in the determination of misbehavior. Adams concludes that once acquired, criminal behavior is maintained by non-social reinforcers with social factors only involved to a small extent. Thus, Adams has demonstrated the absolute necessity for the modernization of Sutherland's theory to include this concept.

The work of Jeffery, Burgess and Akers, and Adams has moved differential association from a vague series of general statements to one that can be experimentally tested and supported. Through the absorption of relevant principles formulated since the theory was originally proposed, differential association has been revived in modern guise. This revision is a sharp contrast to the persistence of obsolescent theories with little or no attempt at modernization, one of the principal shortcomings of social science.
PSYCHIATRIC AND PSYCHOLOGICAL THEORIES OF CRIMINALITY

Reading Assignment

Chapter 6 (Psychiatric and Psychological Theories of Criminality) in

Questions for Discussion and Review

1. What is meant by the term intrapsychic?

2. Why is the principle of motivational functionalism so important for the psychoanalyst in attempting to account for criminal actions? What is the significance of symbolic manifestation of dynamic dysfunction?

3. Review some of the main criticisms that have been directed against the psychoanalytic theory of criminality.

4. Discuss Halleck's view of "crime as adaptation." How do criminality and mental illness differ according to this interpretation?

5. Compare and contrast Reality Therapy (Glasser) and psychoanalysis as approaches to the interpretation of criminal behavior.

6. Who are Yochelson and Samenow? What are some of their conclusions about The Criminal Personality based on a 15-year study of criminal offenders? Are these conclusions in basic agreement with those that have been reached by other psychiatrists regarding the origins and determinants of criminal behavior?

7. What is reinforcement theory? Who is the psychologist with whom reinforcement theory is most closely identified?

8. What are some of the weaknesses or defects of the Sutherland theory of differential association which the Burgess and Akers reformulation in "differential reinforcement" terms sought to correct?
9. What is the relationship between introversion/extroversion and differential conditionability?

10. How does Eysenck attempt to account for criminal behavior on the basis of differential conditionability?

Written Projects

1. Construct a chronological table showing the milestones in the development of the concept of the antisocial (psychopathic, sociopathic) personality, from the introduction of the term manie sans délire (mania without insanity) by Phillippe Pinel in the early 19th century to the present.

2. Compare and contrast some of the major psychiatric, psychoanalytic, and psychological viewpoints toward the origins and determinants of human aggression and violence.

3. Review and assess the current status of research on the role of social versus nonsocial (material) reinforcers in the acquisition, maintenance, and modification of criminal behavior.
PSYCHIATRIC AND PSYCHOLOGICAL THEORIES OF CRIMINALITY

Selected Readings


Introduction

American criminology, until quite recently, has been notoriously refractory to the idea that biology could have anything to do with crime and criminal behavior. Jeffery (1977) attributes the extreme environmentalism of both psychology and criminology to "the political dogma of the day which denies individual differences in organisms" (p. 263). Such dogmas, it would seem, find it necessary to ignore the obvious fact that human organisms differ from one another in some extremely important ways in order to assert the belief in the political equality of man. Allen (1970) states that "the extravagant claims, meager empirical evidence, naivete, gross inadequacy, and stated or implied concepts of racial and ethnic inferiority" (p. 2) in the work of earlier theorists constitute a "disreputable history" which thoroughly discredited the few important empirical findings of biological investigations of criminal behavior.

The past few years have witnessed the beginnings of a new interest in the biological foundations of behavior that may have important implications for criminology. The rapidly developing field of sociobiology has received an impetus from the publication of a number of books (Barash, 1977; Mazur and Robertson, 1972; Van den Berghe, 1975; Wilson, 1975). Studies of the role of physiological processes in aggression and violence have reported interesting and provocative findings. Research on electrocortical functions, arousal processes, and cardiovascular anomalies in the psychopathic offender have been reviewed and assessed in a number of publications (Barchas, 1977; Shah and Roth, 1974; Vetter and Wright, 1974). While it is too premature to speak of a renascence of biological criminology, it is certainly not too early to take note of the growing importance of biological research and investigation for criminological theory.
Objectives

Most biological theorizing, past and present, about the causes of criminal behavior has followed three broad, and not necessarily exclusive, lines of inquiry: (1) the anthropological or morphological approach; (2) the genetic approach; and (3) the physiological approach. It is our main objective in this unit to provide a brief sketch of the major contributions to current biological interpretations of criminality. But the account will also include some mention of the forerunners to contemporary biological research and theory with regard to criminal behavior determinants.

Background and Perspective

The Anthropological/Morphological Approach

The foremost exponent of the anthropological approach in an earlier era was Cesare Lombroso, an Italian army physician who sought to establish a relationship between certain physical characteristics and criminal behavior. Like many intellectuals during the latter half of the 19th century, Lombroso was heavily influenced by Darwin's writings on organic evolution. In Lombroso's view, the criminal offender could best be understood as a case of atavism—a throwback to some earlier, more primitive prototype of contemporary man. And the proof for this contention? Lombroso believed that those who were prone toward criminality could be identified by certain "stigmata of degeneracy," such as lantern jaws, pointed ears, sloping forehead, receding chin, and other anomalies or asymmetry of the body.

Since they were based largely on intuition and speculation, Lombroso's hypotheses failed to meet the test of empirical verification. Charles Goring, an English physician, obtained comparative anthropometric measurements on a large sample of British criminals and noncriminals. Goring (1913) concluded:

We have exhaustively compared... different kinds of criminals
with each other, and criminals as a class with the law-abiding public. From these comparisons no evidence has emerged confirming the existence of a physical criminal type such as Lombroso and his disciples have described... Our results nowhere confirm evidence nor justify the allegations of criminal anthropologists. They challenge their evidence at almost every point. In fact, both with regard to measurement and physical anomalies in criminals, our statistics present a startling conformity with similar statistics of the law-abiding classes. The final conclusion we are bound to accept... must be that there is no such thing as a physical criminal type (quoted by Hardman, 1964, p. 202).

But Lombroso's theory was later given new life by Ernest Hooton, an anthropologist. Hooton attempted to account for the failure to verify a relationship between physical features and criminality on the grounds that Lombroso had neglected to categorize criminals according to the type of offense they had committed. Said Hooton (1939):

It is a remarkable fact that tall, thin men tend to murder and to rob, tall heavy men to kill and to commit forgery and fraud, undersized thin men to steal and to burglarize, short heavy men to assault, to rape, and to commit other sex crimes, whereas men of mediocre body build tend to break the law without obvious discrimination or preference (p. 376).

If Lombroso had incorporated these considerations, Hooton believed, his theory might have found conformation. Unfortunately for Hooton, the critics failed to agree. They found nearly as much to object to in Hooton's own work as they had found in Lombroso's writings, and they took Hooton to task for a variety of methodological flaws, ranging from ambiguous definitions of key concepts to systematic bias in his sampling procedures.

A more elaborate—and in some respects more sophisticated—effort was made by William Sheldon to relate delinquent behavior to physique or somatotype. Sheldon (1949) postulated three basic somatotypes (or body types): (1) the endomorph (rotund, with a predominance of visceral and fatty tissue); (2) the mesomorph (robust, with a predominance of muscle and bone tissue); and (3) the ectomorph (lean, with a predominance of skin and nervous tissue). Sheldon further postulated that each of these somatotypes is characterized by certain
features of temperament and personality. Endomorphs are presumed to be affectionate, gregarious, fond of companionship and the creature comforts. By contrast, the ectomorph is seen as shy, retiring, and of a nervous disposition. The mesomorph is seen as delinquency prone, as a consequence of his excessive energy, strength, agility of body, and predilection toward physical activity as a release for his tensions. In an examination of delinquent boys in the city of Boston, Sheldon (1949) claimed to have found support for these contentions. He reported that delinquent boys tended to be stocky of build and physically strong, i.e., mesomorphs.

But, like his morphological predecessors, Sheldon was sharply criticized for numerous methodological shortcomings in his work. His critics pointed out that somatotypes are far from constant, as Sheldon had maintained, but are susceptible to variation with age and diet; that the statistical treatment of his data was riddled with errors; and that his system of somatotyping was contaminated, in that the same person who performed the classification of body types also carried out the personality typing. When objective tests were substituted for interviews, the correlations between personality and somatotype tended to disappear (Peterson, 1930).

The Gluecks (1950) conducted a large scale investigation which incorporated, among other variables, an assessment of Sheldon's somatotyping. They found support for Sheldon's hypothesis that delinquent boys would show a statistical preponderance of mesomorphy. Hardman (1964) has this to say about their results:

When we find a correlation between two variables, we are never justified in assuming that a cause-and-effect relationship exists—in this case, assuming that delinquency is causally related to body type. For instance, most crimes against persons—assault, bullying, strong-arm robbery, and rape—require better-than-average physique. The stringbean ectomorph and the roly-poly endomorph are not physically qualified for these offenses or for skylight burglary, which may require shinnying down a rope and up again, or for robbing boxcars on a moving train, or for removing a 500 pound safe. Further, social factors operate in selection of offenders. Recall your own childhood when you were choosing up sides for a game. Who was
chosen first: the string-beans, the roly-polies, or the muscle-and-blood boys? Since a sizable portion of our delinquency is gang delinquency, members may well be selected much the same way as play-group members. Social psychologists have demonstrated that strong, athletically inclined boys are given preferential group status and are selected as leaders. And finally we must take into account the cultural stereotypes that roly-poly people are jovial and jolly and big, burly, and bruisers go together like damn and Yankee. In short, because we expect people to behave in this manner... they tend to fulfill our expectations...

If we could accurately measure the effect of these three factors—the physical requirements of certain offenses, group selection of the more athletic, and our cultural expectations—I believe we could account for all of Glueck's correlations without assuming a direct causal relationship between body and behavior (p. 205).

The Genetic Approach

The term "theory" is not an accurate designation for the collection of research reports and speculative articles that deal with genetics and criminal behavior. There are no detailed, specific principles or predictive capabilities inherent in the literature on chromosomes and crime. Neither is there a single theorist responsible for formulating a broad-gauged explanation of certain types of criminal behavior as a function of the genetic makeup of the offender. Instead there are a series of screenings, samples, and head counts, along with an occasional case study, which point toward a potentially significant relationship among certain populations between chromosome structure and predispositions toward aggressive behavior. While aggressive behavior in and of itself does not constitute criminality, it increases the likelihood that an individual predisposed toward aggression and violence would experience difficulty in normal socialization, thereby reinforcing the developing of antisocial or criminal behavior patterns as a means of adaptation.

Genetic studies that relate to aggressive male behavior have focused on the condition known as the XYY syndrome. Public interest in this genetic anomaly was aroused in 1968 when a Frenchman named Daniel Hugon was brought to trial in Paris on the charge of murdering a prostitute. Later Hugon attempted suicide and was given a thorough physical examination. A sample of his blood revealed that he
was an XYY male, i.e., one of those presumably rare individuals born with an extra Y (male) chromosome instead of the normal complement of only one X (female) and one Y (male) chromosomes. Hugon was given a reduced sentence as a consequence of this disclosure.

Since Hugon's trial, evidence of an XYY anomaly, coupled with mental retardation and neurological disorder, provided grounds for a plea of not guilty by reason of insanity to a man named Edward Hannell accused of murder in Australia. This defense has since been presented in several cases in the United States. The most notorious of these cases was that of Richard Speck, convicted in the brutal slaying of eight student nurses in Chicago in 1966. Speck was found to be without the XYY chromosomal abnormality.

One of the most important and best handled studies of this condition also happened to be the first and most impressive in relating the XYY chromosome condition to criminality. Patricia Jacobs (1965) and her colleagues at a prison hospital in Edinburgh, Scotland studied 197 inmates, all with "violent or criminal tendencies." Among this population, 7 were found to be XYY, one XXYY, and another XY/XXY mosaic. (In a mosaic individual, different numbers of sex chromosomes exist in different combinations throughout the different parts of the body.) The frequency of the XYY anomaly in this particular population was 3.5%. Estimates at the time of the study for frequency of XYY males in the general population ranged from .05 to 3.5 per 1000, or .35%! In other words, XYY individuals among the sample population occurred 10 times more frequently, a highly significant experimental result. Jacobs also found the XYY cases to be exceptionally tall, with an average height of 6'1.1", whereas the average height of the entire population of males in the institution was 5'7". Other characteristics which have come to be associated with the XYY syndrome, though less through actual research methods than through observation, are the appearance of acne during adolescence, and various disorders of the teeth such as discoloration of the
enamel and abscesses.

**Tested characteristics of the XYY syndrome which appear to be significant** are the frequent abnormalities in EEG brain wave recordings and a higher-than-average occurrence of epileptic conditions among individuals possessing the chromosome anomaly, suggesting some tangible neurological disorders occur within the brain itself. Very often, individuals with the XYY chromosome structure possess a lower-than-average I.Q., placing them in the range normally considered "dull."

The addition of an extra Y chromosome seems to increase the potential that may, under certain conditions, facilitate the individual's development of aggressive behavior. But the genes are not directly responsible for the final effect on the individual. Their influence is felt only through a chain of metabolic processes and interaction with other genes, and most importantly, with the environment. Montague (1968) states, "Genes do not determine anything--they simply influence the morphological and physiological expression of traits. Heredity then, is the expression not of what is given in one's genes at conception, but of the reciprocal interaction between the inherited genes and the environment to which they have been exposed" (p. 46). The point is that one should not assume a certain chromosome structure or deviation amounts to a predestination or fate of any sort. As Montague (1968) again points out, "Unchangeability and immutability are not characteristics of the genetic system as a whole" (p. 46).

**The Physiological Approach**

Clinical descriptions of the antisocial personality--the individual designated as "psychopathic" or "sociopathic" in earlier systems of nomenclature--have emphasized the centrality of certain behavioral features (e.g., impulsivity, lack of tolerance for sameness) as primary and distinctive of this personality
configuration. As Quay (1965) has noted:

The psychopath is almost universally characterized as highly impulsive, relatively refractory to the effects of experience in modifying his socially troublesome behavior, and lacking in the ability to delay gratification. His penchant for creating excitement for the moment without regard for later consequences seems almost unlimited. He is unable to tolerate routine and boredom. While he may engage in antisocial, even vicious behavior his outbursts frequently appear to be motivated by little more than a need for thrills and excitement (p. 181).

In seeking to account for these behavioral characteristics, Quay hypothesizes that the psychopath's "primary abnormality lies in the realm of basic reactivity and/or adaptation to sensory inputs of all types" (p. 181). Thus, according to the Quay hypothesis, much of the behavior of the antisocial personality can be understood as an extreme of stimulation-seeking behavior.

Studies of sensory deprivation and perceptual isolation have been conducted in which subjects don blindfolds and padded clothing and lie on soft mattresses in a darkened, sound-reduced chamber. These studies have affirmed that such experiences are affectively unpleasant and potentially motivating to the extent that the person will behave in such a way as to increase the level of intensity and variability of available stimulation. If one theorizes that the psychopath requires sensory inputs of greater intensity and variety than those of the average person, then much of the psychopathic individual's otherwise inexplicable thrill-seeking behavior and impulsivity becomes understandable.

Quay observes that there are two possible lines of explanation for this condition: (1) lessened basal reactivity, and (2) increased adaptation rate. "The first is that basal reactivity to stimulation is lowered so that more sensory input is needed to produce efficient and subjectively pleasant cortical functioning. A second possibility is that there is a more rapid adaptation to stimulation which causes the need for stimulus variation to occur more rapidly and with greater intensity" (p. 181). Both of these hypotheses have received limited support from empirical investigations.
Autonomic and cardiovascular research. In general, increased activity in the sympathetic division of the autonomic nervous system appears to have an excitatory or facilitative effect upon cortical activity in the brain. Lacey (1959), however, has suggested that this apparently does not hold true for increases in heart rate and blood pressure. Evidence is available which indicates that increased heart rate and blood pressure may actually lead to an inhibition of cortical activity.

Changes in heart rate or blood pressure become stimuli to internal receptors, whose activation may lead reflexly to changes in the relationship of the organism to the environment, in terms of the accessibility of the organism to environmental stimulus inputs. An individual with cardiac lability (a consistently exaggerated or hyperactive cardiovascular response pattern) might be described as a person who requires a higher level of intensity and broader range of stimuli than the non-labile individual in order to reach some response threshold. It is as though he is "several stimulus degrees under par."

In a series of studies beginning with the work of Funkenstein, Greenblatt, and Solomon (1949) and culminating in the Ohio Penitentiary study of Lindner and his associates (1970), the presence of such cardiac lability has been confirmed in a population of psychiatrically identified antisocial offenders. This research is in basic agreement with Quay's (1965) proposal that the antisocial (psychopathic) individual is characterized by pathological stimulation-seeking and that it is possible "to view much of the impulsivity of the psychopath, his need to create excitement and adventure, his thrill-seeking behavior, and his inability to tolerate routine and boredom as a manifestation of an inordinate need for increases or changes in the pattern of stimulation" (p. 182).

Support for the conclusions reached in this line of research was reported by Goldman, Dinitz, Lindner, Foster, and Allen (1974) in an investigation of the
effects of various arousal drugs on the behavior of a small group of "simple" psychopaths. The study which was conducted over a two-year period at the Chillicothe Correctional Institution in Ohio, noted positive changes in the psychological status of the subjects. They reported themselves to be "more energetic, less anxious, having more restful sleep, better appetite, less impulsivity, decreased irritability and above all else, a markedly increased feeling of well-being" (p. 70). These results suggest the possibility that for the small number of individuals who exhibit the characteristics identified with the so-called "simple" psychopath, there may be considerable promise in a program which combines parole and closely supervised medication. The authors rightly emphasize the serious moral, ethical, and legal implications of such a decision and acknowledge that the criminal justice system "will have to surround the treatment of this severe behavioral disorder with every possible legal safeguard to prevent encroachment on the civil liberties of this population" (p. 72).
BIOLOGICAL THEORIES OF CRIMINALITY

Questions for Discussion and Review

1. What did the anthropological or morphological approach seek to establish as the principal basis for criminality?

2. What is meant by atavism? Who is identified with this term and the view of the criminal offender that it proposed?

3. Describe the approach of William Sheldon toward the investigation of relations between physique and criminality. What is a somatotype? How many kinds of body builds did Sheldon identify?

4. Summarize Hardman's criticisms of the anthropological/morphological approach in criminology.

5. What role is played by X and Y chromosomes in human genetics?

6. What is the XYY chromosomal anomaly and what is its significance for criminology?

7. How does Quay characterize the behavioral properties of the antisocial (psychopathic) personality. How does he seek to account for these behavioral characteristics in terms of underlying biological or physiological processes?

8. Review the research conducted by the Ohio State University investigators on physiological variables in the antisocial personality. What is cardiac lability and how does it relate to the criminal characteristics of the "simple" psychopath?
Written Projects

1. Let us assume that research which links genetic factors with propensities toward sexual assaultive behavior has reached the status of research linking cigarette-smoking and lung cancer. Outline and document some of the major moral, ethical, legal, philosophical, and social issues that these findings would compel contemporary U.S. society to address. What would your own policy recommendations include?

2. Compare and contrast U.S. and European criminology with respect to the importance accorded the study of biological or physiological factors in criminality. Explore the reasons why you feel that American criminology has been inhospitable to this type of theorizing and research.
BIOLOGICAL THEORIES OF CRIMINALITY

Selected Readings


Fenz, W.B. Heart rate responses to a stressor: a comparison between primary and secondary psychopaths and normal controls. *Journal of Experimental Research in Personality, 1971, 5, 7-11.*


Hare, R.D., and Quinn, M. Psychopathy and autonomic conditioning. *Journal of Abnormal Psychology, 1971, 77, 223-227.*


CJ 601

Unit 7

IDEOLOGY AND CRIMINOLOGICAL THEORY

Introduction

Criminological theories do not merely stand on either side of clear lines drawn by professional specialization. In recent years, it has become increasingly evident that the position a criminological theorist takes toward the origins of criminality and the policies he endorses with regard to the disposition of the criminal offender are much more than a mere expression of intellectual conviction; deeply involved are issues of value orientation and ideology.

Ideology, according to Walter B. Miller (1973), is the way a person believes that moral and political arrangements should be interpreted. Says Miller: "Ideological statements are unexamined presumptions taken loosely" (p. 20). Persons who hold these beliefs are strongly attached to them emotionally and are highly resistant to changes in those beliefs. Ideological positions represent graduations along a continuum from extreme left to extreme right. These positions are identified in terms of the general assumptions on which they are presumed to rest and the "crusading issues" that mobilize or "energize" beliefs in attack or defense of values.

In an article which appeared a short time after the publication of Miller's essay on ideology and criminal justice, Gibbons and Garabedian (1974) identified conservative, liberal-cynical, and radical viewpoints in criminological thought. Although their language and analyses differ in some important respects from those of Miller, these authors are obviously talking about the same or similar issues within the more restricted context of criminological theory. Their views on criminological theory are examined in the following
pages of this unit.

**Objectives**

It is the principal aim of this unit to examine the divergences in value orientation and ideology which underlie positions in criminological theory that have been characterized as conservative, liberal-cynical, and radical. The purpose of this examination is twofold. In the first place, ideological differences between theorists provide an important reason why criminology has been unable to formulate anything approximating a truly integrative theory of criminality. Fundamentally involved here are differences in philosophy and value orientation which lie outside limits of empirical verification: questions of free will versus determinism, of intuition versus scientific method, and so forth. Second, the presence of this ideological divergence in viewpoint among criminologists helps to explain some basic contradictions in approach toward the disposition of the offender within the criminal justice system.

**Background and Perspective**

Gwynn Nettler (1970) maintains that "the theme common to ideological explanation is the group-supported patterning of beliefs of inadequate empirical warrant, where such beliefs are energizing, in attack or defense of values, and comprehensive" (pp. 176-177). Thus, ideological orientations imply a dimension of dynamism or impetus toward action. Miller (1973) has summarized the ideological positions in criminal justice in the following schema:

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Polarization along this ideological spectrum whose extremities are marked as
reactionary and radical, respectively, leads to basic differences in the identification and definition of significant issues in the administration of justice. Thus, individuals and groups whose orientation is to the left of center (i.e., liberal to radical) identify the "crusading issues" as over-criminalization, labeling and stigmatization, overinstitutionalization, over-centralization, and pervasive discriminatory bias. Individuals and groups to the right of center (i.e., conservative to reactionary), on the other hand, identify the "crusading issues" as excessive leniency toward lawbreakers, favoring the rights of lawbreakers over the welfare and rights of victims and law-abiding citizens, erosion of discipline and respect for constituted authority, the cost of crime, and excessive permissiveness. These differences, in Miller's view, are all the more influential because they operate to a large extent outside of awareness: ideology, according to Miller, is the "hidden agenda of criminal justice" (p. 189).

**Conservative Criminology**

According to Gibbons and Blake (1975), conservative criminology was represented earlier in this century by the views of Philip Parsons, Maurice Parmelee, and John Gillin. As the authors see it, their views incorporated the following notions:

1. Criminal law is taken as given and is interpreted as the codification of prevailing moral percepts.
2. Criminals, in accordance with this position, are regarded as moral defectives.
3. The questions considered appropriate for criminologists to investigate include: How are morally defective persons produced? How can society better protect itself against criminals?
4. Etiological (causalional) hypotheses "pointed in the direction
of hereditary taint, aberrant family life, or other specific conditions involving personality, biological, or environmental factors.

5. The role of societal defects in contributing to criminality were either ignored altogether or minimized.

Later contributors to a conservative viewpoint in criminological theory included Harry Barnes and Negley Teeters whose text *New Horizons in Criminology* (1959) enjoyed a great deal of popularity. Barnes and Teeters are identified by name in the Gibbons and Blake account, but they are lumped together with an anonymous "host of other scholars" in the period up to the 1950s as conservatives in criminology. Their approach to criminological theory is characterized by Gibbons and Blake as one which exhibits a "relatively low level of conceptualization" (p. 7, italics by the authors) and the advocacy of a "good guy/bad guy" image of criminality. Also characteristic of "old-time criminology" (i.e., conservative criminology), according to Gibbons and Garabedian is "faith in the ultimate perfectability of the police and criminal justice machinery" (p. 52).

Although Gibbons and Blake cite Edward Banfield and James Q. Wilson as "neo-conservatives" in contemporary criminology, the label seems to be based largely on the fact that both Banfield and Wilson have espoused a position which advocates a return to deterrence policies, in recognition of the failure of the rehabilitative ideal in corrections. Apart from their stand on deterrence, however, Gibbons and Blake can find little difference between "neo-conservatism" and the positions they identify as liberal-cynical or mainstream criminology. In any event, the whole issue seems rather pointless, in that neither Wilson nor Banfield see themselves as criminologists and have not made any attempt to develop a comprehensive theory of crime causation in their numerous publications.
Liberal-Cynical (Mainstream) Criminology

Although early liberal criminology retained a conservative emphasis on criminals and their behavior, according to Gibbons and Blake (1975), by the 1930s they were beginning to ask "social questions" about the nature of crime. That is, their concerns shifted from the criminality of behavior to the behavior of criminals. Instead of assuming that criminals were ipso facto moral defectives, a more sophisticated, sociologically-oriented mode of criminological inquiry, exemplified by the work of people like E. H. Sutherland, was addressed to such questions as "How do people learn to be criminals? (differential association) or "Why do people engage in deviant acts?" (anomie).

The search for the etiology of crime in the existing institutional arrangements of society led criminologists of a liberal persuasion to detailed analyses of "criminogenic" conditions that were implicit in the structure of American society. Citing observations by Gresham Sykes, Gibbons and Blake discern three perspectives in liberal sociological theorizing about crime:

1. Lawbreaking is viewed as the result of ordinary learning processes within a criminogenic culture.
2. Criminality is assumed to "break out" when there is an attenuation in personal and social controls.
3. Criminality is seen as a "normal, innovative response to a situation of cultural discontinuity between ends and means."

To put it more clearly, crime may result when an individual who is blocked from the achievement of his goal through legitimate means seeks to fulfill his desires through illegitimate means.

Central to these perspectives is the notion that there is nothing intrinsically morally defective or bad about the majority of criminals, but rather that criminals are "just like the rest of us" in striving after goals such as wealth
and prestige. The major difference is not in the goals that are sought but in the means by which those goals are achieved through criminal means.

Barlow (1978) notes that liberal criminology has largely abandoned its earlier emphasis on crime as behavior and on the criminal offender and moved toward a consideration of crime as status and on the processes involved in the formulation and enforcement of criminal laws:

According to the new liberal criminology, society is characterized by conflict and criminality is the product of power differentials and the struggle to defend group and individual interests. Society's criminals are those who are lacking in power and unsuccessful in the struggle to defend their interests—lower-class people, blacks, the young, the poor, and other minorities. Criminal law and its enforcement are products of institutionalized power differentials and reflect the ability of some groups to criminalize those who deviate from the standards the powerful support (p. 27).

Nevertheless, as Gibbons and Blake point out, these views do not carry the liberal criminologist to what the authors seem to regard as the appropriately logical conclusion: namely, that no amount of liberal "tinkering" with the social structure can deal effectively with the adverse consequences of social and cultural conflicts that are implicit in the very structure and economic system of contemporary America. This is the conclusion, as we shall see a bit later, that is endorsed by the radical criminologists.

Gibbons and Blake suggest that the term "pessimistic" might be a more accurate designation for modern criminological thought than "cynical," for several reasons. Contemporary theorists are much more realistic about the extremely complex admixture of factors involved in crime causation to retain much optimism about being able to chart their nature and interrelationships within the foreseeable future. Hence, it is impossible to be sanguine about the prospects of producing any dramatic breakthroughs that will result in any marked amelioration of the crime problem.

The cynical posture of the liberal criminologist results from the fact that disillusionment is the inevitable result of growing familiarity with the
criminal justice system and process. As an "inside dopester," the criminologist knows exactly how "screwed up" the agencies are that are charged with the responsibility for the administration of justice. His knowledge leaves little room for faith in the perfectability of the criminal justice machinery.

Radical Criminology

A number of criminologists who are variously designated as "radical" or "new" criminologists endorse a viewpoint toward criminal behavior that is heavily influenced by Marxist theories. These writers see criminality as primarily an expression of class conflict. According to their interpretation, behavior designated as "criminal" by the ruling classes is the inevitable product of a fundamentally corrupt and unjust society; law enforcement agencies are the domestic military apparatus used by the ruling classes to maintain themselves in power; the causes of crime lie within society and its legal system, and therefore crime will persist until or unless both are made to change. The basic tenets of this position are outlined by Quinney (1974) in the following six propositions:

1. American society is based on an advanced capitalist economy.
2. The state is organized to serve the interests of the dominant economic class, the capitalist ruling class.
3. Criminal law is an instrument of the state and ruling class to maintain and perpetuate the existing social and economic order.
4. Crime control in capitalist society is accomplished through a variety of institutions and agencies established and administered by a government elite, representing ruling class interests, for the purpose of establishing domestic order.
5. The contradictions of advanced capitalism—the disjunction between existence and essence—require that the subordinate classes remain oppressed by whatever means necessary, especially through the coercion and violence of the legal system.
6. Only with the collapse of capitalist society and the creation of a new society, based on socialist principles, will there be a solution to the crime problem (p. 16).
Fundamental inequities of the American criminal justice system are divided into two principal categories: discriminatory treatment on the basis of class, and discriminatory treatment on the basis of race. While discrimination by race is fading to some degree in certain sectors of the system, it is still a clear and significant factor in the administration of justice. Discrimination by class is becoming more widespread than ever today, as the gap between classes widens with economic deterioration. Class and race are not, of course, mutually exclusive, as demonstrated in the position of poor blacks in relation to the process of justice.

Radical theoreticians reject the concept of individual guilt and responsibility for illegal acts committed by working class people against the persons and property of the bourgeoisie. They see these crimes as wholly justified acts of rebellion by slaves against masters. In their view, this makes the bulk of property crimes "political" crimes, morally acceptable, indeed almost mandatory in view of the criminal nature of society itself.

Assaults and property crimes by proletarian people against other proletarian people are not justified by radical theory, but are understood as inevitable social distortions produced by capitalist society which breeds racial distrust among the poor, protects the person and property of the bourgeoisie much more effectively than that of workers and produces poverty and alienation.

Critics of the radical interpretation of criminality question the explanatory adequacy of class conflict to account for a wide range of criminal behavior. McGaghy (1976) states:

The theory's application is actually limited to explaining legal reaction against behaviors threatening established economic interests. Thus there is no pretense at explaining such facets of the crime problem as a school janitor sexually molesting a ten-year-old student, parents brutally beating a baby because "it won't stop crying," or two friends trying to stab each other in a dispute over a fifty cent gambling debt (p. 96).

As McCaghy observes, the conflict perspective is not a statement of facts or of
empirically verified relationships— it is a perspective that directs attention
toward a possible interpretation of the facts.

Humanism vs. Science and Technology

Before concluding this brief discussion of value orientation and ideological
perspectives, it seems appropriate to identify one further area of divergence
among criminologists: the differences between humanistic and scientific/techno­
logical orientations.

The criminologist whose orientation might be called humanistic sees the
offender as a victim of unfair societal arrangements and conceives of rehabili­
tation as a process of resocialization in which an effort is made to inculcate
self-respect, dignity, and a sense of personal worth in the offender—qualities
of which he was deprived because of social injustice. At the risk of over­
simplification, we could say that society owes a debt to the criminal, not
that the criminal owes a debt to society, according to this orientation.

The criminologist with a scientific/technological orientation conceives of
change in the criminal offender as behavioral change, the accomplishment of
which is the end result of applying a behavioral technology based on principles
that have been discovered and validated in the experimental laboratory.

Humanists insist upon voluntarism and freedom; they charge the scientific/
technological group with exploiting conformity, determinism, and coercive
methodologies.

As Glock and Stark (1965) have observed, "the basic methodological assump­
tion which has come to inform the social sciences is that man's behavior is
determined in the same way that other natural phenomena are determined: that
potentially every human act can be understood as a result of antecedent factors
which operate to make the act inevitable" (p. 294). B. F. Skinner, in Beyond
Freedom and Dignity (1971) has drawn the behavioral conclusion from this
deterministic assumption that human beings are incapable of regulating their own behavior through the exercise of free will. Only by discarding completely our delusional belief in autonomous man, Skinner asserts, can we gain access to the true determinants of human behavior. "Skinnerian" has become a label for the group of scientific/technologists who advocate behavioral change methods.

This focus on behavioral science and the capacity for behavioral control that it has generated through technology leaves a bad taste in the mouth of the humanistically oriented criminologist. To him it implies the loss of freedom at the hands of a bureaucratic elite who possess the power to exercise such control. An entire issue of the American Criminal Law Bulletin, with a lead article by Representative Charles B. Rangel (1975), was devoted to an examination of the legal issues raised by the employment of behavior modification programs within prisons.

As we noted at the beginning of this unit, differences between theories and theorists of the kind we have attributed to ideology and value orientation are deeply rooted in philosophy and are not susceptible to facile change. There is a great deal to be said, however, for the frank and open discussion of these issues and their implications for the positions taken by criminological theorists on a variety of key problems. As long as a "hidden agenda" remains concealed, it is impossible to deal with it in any logical or constructive fashion.
Table 1

The substance of ideologically divergent positions with respect to selected issues of current concern (in criminal justice) will be presented in three ways. Positions will be formulated as "crusading" issues—shorthand catchwords or rallying cries; "general assumptions," representing a deeper and more abstract set of propositions as to desired states or outcomes; and differentiated positions on three major policy issues: (1) sources of crime; (2) modes of dealing with the offender; (3) policies with respect to CJ agencies.

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<td>1. Overcriminalization</td>
<td>1. Excessive leniency toward lawbreakers</td>
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<td>2. Labelling and Stigmatization</td>
<td>2. Favoring the rights of lawbreakers over the welfare and rights of their victims, of law enforcement officials and law abiding citizens.</td>
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<td>5. Discriminatory bias.</td>
<td>5. Excessive permissiveness.</td>
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General Assumptions:

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<td>1. Primary responsibility for criminal behavior lies in social order rather than character of offender.</td>
<td>1. Individual responsible for his own behavior.</td>
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<td>2. System of behavioral regulation in U.S. deficient in meeting needs of majority of citizens.</td>
<td>2. Central requirement of healthy society a strong moral order that is explicit and well-defined.</td>
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<td>3. Power and influence inequitably distributed in both society and the CJ system.</td>
<td>3. Safety from crime and violence are a fundamental personal and family right.</td>
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<td>4. Healthy societal adaptation requires minimal distinction between offenders (deviants) and ordinary citizens.</td>
<td>4. Conformity to legitimate authority fundamental to continued values; deviation should be dealt with decisively and unequivocally.</td>
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<td>5. Official agencies of social control (e.g., CJ system) help to create criminal deviance or to enhance it.</td>
<td>5. Social order is maintained by and facilitated by means of the distinctions among people in society.</td>
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<td>6. Total range of human behavior currently subject to criminal sanctions is too broad and should be removed from criminal sanctions (i.e., decriminalized).</td>
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Figure 1

Reactionary
Facism
KKK
John Birch Society

Conservative
Republicans
Police
Corrections

Moderate
Academic Criminologists
Judges
Democrats
Liberal

Liberal
SLA
SDS
Communism

Revolutionary
Reading Assignment


Questions for Discussion and Review

1. What is meant by the term ideology? What are the positions identified by Miller on a scale of ideological differences?
2. Why does Miller call ideology the "hidden agenda" of criminal justice?
3. Briefly characterize the views of the conservative, liberal-cynical, and radical criminologists as seen by Gibbons and Garabedian.
4. Why does Gibbons consider the term "pessimistic" to be more appropriate than "cynical" as a designation for the liberal criminologist's position?
5. Discuss the six propositions that define Quinney's stance as a radical criminologist.
6. Why are property crimes considered political crimes by the radical criminologist?
7. Summarize some of the major criticisms of the radical criminological position. What contributions have radical criminologists made to our understanding of crime in the United States?
8. How does the humanistic orientation differ from the scientific/technological orientation toward crime, criminal behavior, and criminals?

Written Projects

1. Using the materials covered by the Miller and the Gibbons and Garabedian articles, outline the conservative, liberal, and radical positions toward
the following issues which have been discussed at considerable length in the reports of the National Advisory Commission on Criminal Justice Standards and Goals: abolition of plea bargaining, handgun control laws, the death penalty, mandatory flat-time sentencing, the decriminalization of marijuana, policies which favor the hiring of minority group members and women in criminal justice, and a loosening of restrictions on the police by the Escobedo and Miranda decisions of the U.S. Supreme Court.
Selected Readings


Taylor, I., and Walton, P. "Radical deviancy theory and Marxism: a reply to Paul Q. Hirst's "Marx and Engels on crime, law, and morality."


held that racially segregated public education was per se discriminatory. While preceding the above-cited decisions by about a decade, Brown set a precedent for later court actions which provided support for the diminution of categorical segregation, as favored by the left, and reduced support for the maintenance of such separation, as espoused by the right.

10 It has been widely held that the Burger Court, reflecting the influence of right-oriented Nixon appointees such as Justices Rehnquist and Powell, would evince marked support for rightist ideological premises, stopping or reversing many of the initiatives of the Warren Court in areas such as equal protection and due process. This viewpoint is articulated by Fred P. Graham, who writes, "Mr. Nixon's two new justices are strikingly like his first two appointments in conservative judicial outlook, and . . . this cohesion is likely to produce a marked swing to the right—particularly on criminal law issues . . . " Graham, Profile of the "Nixon Court" Now Discernible, N.Y. Times, May 24, 1972, at 28, col. 3. See also Graham, Supreme Court, in Recent Term, Began Swing to Right That Was Sought by Nixon, N.Y. Times, July 2, 1972, at 18, col. 1; Nixon Appointees May Shift Court on Obscenity and Business, N.Y. Times, October 2, 1972, at 16, col. 4. However, Gerald Gunther, in a careful review of the 1971 term of the Burger court, characterizes the court essentially as holding the line rather than moving to reverse the directions of the Warren Court or moving in new directions of its own. Gunther writes "There was no drastic rush to the right. The changes were marginal . . . The new Court . . . has shown no inclination to overturn clear, carefully explained precedent." Gunther, The Supreme Court 1971 Term, Foreword: In Search of Evolving Doctrine on a Changing Court: A Model for Newer Equal Protection, 86 Harv. L. Rev. 1, 2-3 (1972). Cf. Goldberg, Supreme Court Review 1972, Foreword—The Burger Court 1971 Term: One Step Forward, Two Steps Backward?, 63 J. Crim. L.C. & P.S. 463 (1972). Although the court has shown an inclination to limit and specify some of the broader decisions of the Warren Court (e.g., limiting rights to counsel at line-ups as dealt with in Gilbert and Wade, see Graham, July 2, 1972, supra), there does not appear at the time of writing any pronounced tendency to reverse major thrusts of Warren Court decisions relevant to presently-considered ideological issues, but rather to curb or limit momentum in these directions.


12 The classic formulations of the distinction between "factual" and "evaluative" content of statements about human behavior are those of Max Weber. See, e.g., A. Henderson & T. Parsons, supra note 6, at 8 passim. See also G. Myrdal, supra note 3.

CONSERVATIVE, LIBERAL AND RADICAL CRIMINOLOGY: SOME TRENDS AND OBSERVATIONS

DON C. GIBBONS AND PETER GARABEDIAN

INTRODUCTION

There are a good many critical observations which could be made about the current state of criminology, some dealing with the lack of conceptual and logical rigor in this field, others centering about substantive theoretical shortcomings. Regarding the first point, Lachenmeyer's commentary about the language problems of sociology applies with equal force to criminological writing. We still have a long way to go before our conceptual language is precise enough that it can truly be said that we know exactly what we are talking about, both in sociology generally and in criminology specifically. Sociological writing continues to resemble evocative poetry at least as much as it parallels crisp, lucid scientific prose.

However, it seems safe to assume that criminologists share enough of a general perspective or point of view and a language of discourse that we can address substantive issues with some measure of common understanding. The task of this brief paper is to suggest that even as criminological analysis has changed over the decades from a conservative posture to a dominant liberal-cynical one, some further shifting in the direction of radical criminology is now discernible. Further, some of the implications of a radically oriented criminology are explored in this essay.

Let us point out that these labels, conservative, liberal-cynical, and radical, do not quite capture the essence of the theoretical postures we wish to describe, but we cannot think of terms that do a better job. More importantly, let us indicate that although our remarks imply that we are identifying distinct schools of thought, we actually wish to draw attention to some points along a continuum of theoretical orientations. Thus it should be noted that "liberal-cynical" is a summary term for a bunch of viewpoints that differ somewhat in specifics. We shall elaborate upon these differences in the remarks to follow. Finally, it is probably also the case that because of the requirement of brevity, we have exaggerated the nature of criminological viewpoints in the characterizations below.

CONSERVATIVE CRIMINOLOGY

By conservative criminology, we mean the kind of endeavor represented in the writings and activities of such persons as Fharis, Barnes and Teeters, and a host of other writers in the period up to the 1950s. That brand of criminology was characterized, first, by a relatively low level of conceptualization. A "good guy" and "bad guy" image of criminality was often put forward, in which offenders were viewed as persons who were "out of step" in a basically sound society. Take the contents of the widely-used text by Barnes and Teeters. These authors exhibited some degree of anger about organized crime and white-collar criminality, but the overall theme of this work was that criminal offenders are societal misfits produced by deleterious social conditions. A low level of conceptualization was also revealed in the fact that "multiple-factor" theory was often advocated, in which it was asserted that criminality was the result of some admixture of negative social factors.

Some sense of the theoretical posture of Barnes and Teeters can be gained from their comments about vagrants, in which they declare that: "Most vagrants are socially inadequate, whether the offense for which they are arrested is loitering, disorderly conduct, or drunkenness." Or, consider their observations about homosexuality. They tell us:

Certain homosexuals, through biological factors such as inborn glandular anomalies and defects, may be irresistibly impelled to behave as they do. Others are led into this behavior through mistakes and exaggerations in family relations, faulty sex education, accidenal sex experiences, the denial of normal sex experiences, and the like. There appears to be no physical foundation for their homosexual trends, but they cannot help being as they are. Homosexuals, then, have been conditioned by their physical make-up, or by peculiar types of environment or experiences.

Conservative criminology often involved some critical observations about the police for the use of the "third degree" and the like, along with some concern about prison conditions and the lack of resources for correctional treatment. However, there was no hint of the modern theme that the police are "pigs," that is, lackeys of an oppressive power structure, or even much recognition of the structural problems of modern police agencies. In general, old-time criminology tended toward a faith in the ultimate perfectibility of the police and criminal justice machinery. In this view, if we "throw out the rascals" who currently manage these operations and replace them with "professionals," high-caliber police work and effective correctional therapy would be within our grasp. Also, it is worth noting that a number of the representatives of conservative criminology could be found from time to time acting as consultants to the correctional bureaucracies, serving on parole boards, or participating in other ways in the operations of the criminal justice machinery.

LIBERAL-CYNICAL CRIMINOLOGY

Quite probably, many would agree that the movement toward a sociologically sophisticated brand of criminology became accelerated in the writings of Sutherland, particularly as summarized in his Principles of Criminology. We have termed this version of criminological thought "liberal-cynical criminology," for reasons elaborated below.

In most versions of modern criminological analysis, the social order or societal structure is still seen as relatively viable, with little in the way of any suggestion that American society is headed on any course toward total dissolution. However, liberal-cynical criminology acknowledges that the criminogenic influences which produce criminality are exceedingly pervasive and intimately bound up with the core institutions of modern society. In liberal criminology, the task of uncovering etiological influences in lawbreaking requires that we engage in a penetrating examination of many central features of American society. One must now be a first-rate sociologist if he is to be a competent criminologist. Indeed, the theoretical and empirical work that has been produced by criminologists such as Cloward and Ohlin, Cohen, Short, Schrag, Cressey, Hirschi, and a host of others in the past two decades represents modern sociological analysis at its best. The older notion of criminology as some kind of half-baked sociological stepchild has pretty well disappeared with the rise of this liberal brand of criminological inquiry.

Sykes has recently summarized the main directions of modern sociological theorizing about criminality. He claims that three perspectives stand out, including the view that lawbreaking is the result of ordinary learning processes occurring within a criminogenic culture. The paired formulations of Sutherland and Cressey about differential social organization and differential association are the most prominent examples of this argument. A second causal orientation is the social control one, holding that criminality breaks out when personal and social controls become attenuated. Hirschi's study serves as illustrative of this approach. The third argument is the anomic one, asserting that criminality is a "normal," innovative response to a situation of cultural discontinuity between ends and means. Sykes also observes:

When we look at the sociological theories of crime causation that are sketched-in so hurriedly above, they evidently share something of a common viewpoint. They all are inclined to assume that the criminal or the delinquent wants very much of the same thing that everyone wants, and what everyone wants is often said to be money, prestige, and personal aggrandizement, in a kind of bastardized version of the American Dream—for the delinquent, the goals are legitimate but the means used to reach them are deviant. When the criminal behavior is expressive rather than instrumental, as in the case of enraged assault, we are inclined to relegate the offender, as I pointed out before, to the analyst's couch or to the mental hospital.

Several variants of liberal-cynical thought are apparent in contemporary criminology. As one case in point, one of us has recently argued that situational elements need to be given more emphasis in formulations about crime causation, along with more attention to various kinds of relatively mundane "folk crime" in modern societies. This shift in orientation would reduce the emphasis now given to motivational factors thought to distinguish offenders from the rest of us. These notions are consistent with those of the "labeling" school of deviance analysis, in which it is argued that deviant behavior of various kinds arises out of value-pluralism in contemporary society, that initial acts of nonconformity rep-
resent cases of "risk-taking" behavior, and that societal responses to the deviant play a major role in determining the subsequent course pursued by him. It would be relatively easy to identify a good number of other recent criminological statements that run parallel to these views.

In a somewhat similar vein, Sykes has recently argued that new forms of criminality are coming to light in the United States and that some fundamental changes in American lawbreaking are now occurring. First, he suggests that crime and delinquency are beginning to emerge as a species of sport or play, in which these activities are engaged in for hedonistic rather than instrumental ends. Automobile theft-joyriding, vandalism, and students defrauding the telephone company by means of elaborate electronic gimmicks come to mind as examples of this kind of criminal mischief.

A second and more ominous form of "new crime," according to Sykes, consists of various kinds of political crime, including assassinations, destruction of draft records, dynamiting of transmission towers, and so forth. Sykes defines political crime as "illegal acts that have as their objective the destruction of the society's system of power, changes of policy by means of violence, or the forceful removal of those exercising power in the system." Crimes of this sort have occurred in the past in this country, of course, but Sykes maintains that crime as a form of political expression bids fair to become much more frequent in the decades ahead.

Rather closely allied to political crime is a third form of "new lawbreaking," revolving around alienation from societal values, in which "breaking the law" becomes an important symbolic gesture, not simply a rationally selected means or act of retaliation directed against a specific person, but a deliberate affront to society as a whole. Trashing, "ripping off" department stores, destruction of property, and other acts of this sort arise out of broad rejection of American values in their entirety, rather than constituting a more limited response to disillusionment with the conventional political processes.

A fourth form of new crime identified by Sykes centers about the violation of laws that most people do not regard as having moral force. Here he draws attention to behavior that is illegal but about which the person feels no sense of right or wrong, so that the decision to engage in it becomes a pragmatic one, that is, the risk of getting caught is the main contingency in the decision. Sykes offers the example of premarital sexual behavior, which is prohibited by law.

Impressionistic indications of political crime and lawbreaking arising out of alienation are around in some quantity. One bit of evidence is found in an essay by Kelly Hancock, dealing with bombing incidents in the United States over the past decade. His data indicate that bombing episodes have become quite common in the past ten years, but it also ought to be noted that his material shows that bombing activities arise out of myriad circumstances, so that only a portion of them can be said to be expressions of political discontent.

These are plausible hypotheses about trends in crime which Sykes offers. In our view, criminological analysis needs to shift attention to these facets of contemporary criminality, away from conventional criminological wisdom which holds that most offenders share common American values and are only engaging in innovative illegality as a means to these ends.

A more extreme departure from earlier liberal modes of criminological argument is represented by the work of Turk and Quinney, among others. These theorists would have us pay less attention to criminal persons and queries like "Why do they do it?" and more attention to criminality and criminal law-making processes. Scholars of this social conflict persuasion tell us that crime is a reflection of social power struggles. Some groups manage to get their norms and values embodied in criminal law, with deviations from these standards being defined as crimes. Persons who get labeled as criminals are drawn from the ranks of those who lack social power, such as blacks, lower-class individuals, transients, and youths.

Two things can be said about these newer social conflict formulations about criminality. First, these arguments are still not completely spelled out or conceptually mature. Take one of Quinney's propositions: "Definitions of crime are composed of behaviors that conflict with the interests of those segments of society that have the power to shape public policy." There is more than a kernel of truth to that claim, but are we to take it as applying to all criminal laws? If so, what special interest group is behind laws against homicide, forcible rape, arson, incest, or even many kinds of theft? Would it not be more accurate (although somewhat fuzzy) to claim that these laws arise out of the interests of the whole society? In short, the conflict views that have emerged to date are oversimplified.

The second observation about social conflict perspectives on criminality is that most of them are not, in any fundamental way, major departures from liberal criminology. Although these theories contend that lawbreaking is often the outcome of struggles between the powerful and the powerless, they do not offer any basic challenge to the assumption that American society and its institutions are in a relatively healthy state. Also, these views do not challenge the claim that persons who get labeled as criminals usually have engaged in lawbreaking behavior.

To this point, we have not explicitly indicated why we have adopted the label "cynical" to characterize modern criminological thought. Regarding theories of causation, perhaps "pessimistic" would be a more appropriate adjective, in that the growing awareness that crime causation is an exceedingly complex phenomenon tends to make the criminologist chary about his ability to completely account for it. Then too, contemporary criminologists who are armed with an appreciation of the complex interweaving of factors in law-breaking are not likely to be very sanguine about the prospects for amelioration of criminality.

The cynical posture of the modern criminologist emerges more strikingly in his observations about the criminal justice system and correctional organizations. The sociologist brings to the analysis of these structures the inside dope-ster's awareness that social organizations are often "screwed-up." That is, he knows about all kinds of complex organizations that operate in ways quite different from those sketched in organizational charts or manuals of procedure. This growing sophistication of criminological analysis has been paralleled by a marked decline in the criminologist's faith in the perfectibility of the legal-correctional machinery.

Take the burgeoning literature on the social organization of the police. Wilson has observed a number of police departments in detail, reporting that
these structures depart in many ways from the idealized version of professional police departments.20 Nowhere in his work does he suggest that the police can be changed simply by throwing the sadists and morons out of the department, replacing them with college graduates. Chevigny 21 and Albert Reiss, 22 among others, have provided a number of details regarding police abuse of citizens, all of which suggest that abuse of police power is a complex problem that is not amenable to simple solutions. Then too, there is a growing body of studies indicating that a great gulf exists between the justice system in theory and in actual operation. For example, Blumberg claims that the criminal court system, all proving abhorrent to the police. Instead, the police have managed to find ways to circumvent these strictures. 23

Along this same line, we have a growing body of studies of the court system, all indicating that a great gulf exists between the justice system in theory and in actual operation. For example, Blumberg claims that the criminal court organization of prosecutors, defense attorneys, judges, and kindred persons is a people-processing “con game,” in which the interests of the accused are given short shrift. 24

The criminological cynic also notes that correctional treatment is often nonexistent; that which does exist is usually little more than crude, intuitive tinkering with offenders. We have seen that nearly all those experimental attempts to remake prisons or training schools into social communities or therapeutic environments have foundered, because of bureaucratic demands for regularity, order, and conformity within correctional institutions and other factors as well. There are few contemporary criminologists who still retain much optimism about the prospects of doing correctional treatment, in institutions or on the outside. 25 Instead, observers such as Irwin have argued that the inadvertent by-product of the prison experience is often to drive the felon further into a career of deviance. 26

Contemporary criminologists who project a spirit of pessimism and cynicism tend to agree, first, that we ought to strive to reduce criminality by expunging many laws from the books, thereby “decriminalizing” the prohibited behavior. That argument is reflected in books such as those by Packer 27 and Schur. 28 Second, most would agree that Youth Service Bureaus and other devices should be developed in order that many offenders can be diverted away from the regular correctional apparatus. Then too, there is a growing consensus that prison populations should be drastically reduced, prison sentences should be shortened, and more concern for due process and the rights of prisoners ought to be stressed. Finally, most contemporary criminologists would be loath to suggest that “the crime problem” is going to be drastically altered by any of the correctional and preventive efforts now under way.

The thing that makes all of these arguments and analyses cases of liberal-cynical criminology is that they all tend to assume the continued viability of American society as we presently know it. Although it is acknowledged that crime will continue to plague us, it is assumed that criminality will continue pretty much in its present form. Also, it may be possible to make some dent in criminality if we manage to divert some of the money now spent on the Viet Nam war to a “war on crime.” Similarly, although there is a good deal of skepticism about the perfectibility of the criminal justice and correctional machinery, the liberal-cynical criminologist tends to assume that this apparatus will continue to creak along, doing at least a minimally acceptable job of containing criminality. If we patch up the system here and there, it will continue to function well enough.

RADICAL CLAIMS AND CONVENTIONAL CRIMINOLOGY

Let us concede that some of the criminological works cited above have a faintly radical tone to them, as when Quinney or Turk speak of interest groups imposing their standards upon the relatively powerless. Nonetheless, there is little similarity between that relatively feeble version of radical thought and the angry prose to be found in such places as the underground press. A body of forcefully stated radical criminological thought can be seen in the pages of the Berkeley Barb and other media sources of that kind which is quite unlike the writings of academicians.

The major premises of radical criminological thought are fairly apparent. First, it is alleged that a relatively small bunch of corporation officials, government leaders, and military men comprise a close-knit power structure bent upon exploiting “the people,” both in the United States and in formerly colonialized nations elsewhere. Laws have been created as devices for compelling the masses to remain docile. The police are “pigs” who are the mercenaries of oppression, serving as the hired lackeys of powerful interests. Exploitation is most severe in the case of blacks, Chicanos, and other ethnic minorities. Black convicts are political prisoners being held captive as innocent victims of a corrupt, capitalistic, exploitative society. Finally, the police are involved in deliberate policies of genocide, in which they have embarked upon systematic attempts to murder those Black Panthers and others who have dared to fight against the exploitative system.

These views represent a challenge to conventional criminology. At the very least, these divergent representations of reality demand adjudication through evidence.

What of the radical view that black and some other ethnic minority offenders are political prisoners, that is, the innocent victims of a corrupt society? Most contemporary versions of academic or liberal criminology tend to treat these claims as emotion-laden metaphors which represent a shorthand statement about the indirect effects of racial discrimination in producing law-breaking. Blacks are said to be disproportionately represented in the offender population because of economic stress, unstable or disorganized family life owing to ghetto conditions, and so forth. In short, there are more blacks in the official population of offenders because blacks are more frequently driven to crime than are other persons, so the argument goes. However, the radical contentions about political prisoners emphasize the argument that the police are engaged in differential law enforcement and repression of blacks, so that crime rates very frequently are indicators of direct discrimination too. By contrast, the liberal-cynical perspective on criminality tends to play down these direct manifestations of racial discrimination, as when Skolnick claims that the Oakland police do not usually put their racial prejudices into practice in law enforcement. 29 Similarly, although Reiss indicates that the police do engage in violence against citizens, he implies that this kind of conduct is not too common. 30

There is a fairly extensive literature involving studies of police handling of
juveniles showing that black youths are more often reported to the juvenile courts than are white youths. Most of those investigations suggest that black juveniles are disproportionately reported to court because they engage in more serious offenses, not because of racial discrimination. The major study of police handling of juveniles which suggests anything to the contrary is by Ferdinand and Luchterhand, in which these investigators reported that racial discrimination did enter into police decisions.

Our guess is that there is more discriminatory law enforcement and police illegality occurring in the United States than contemporary criminology acknowledges. In addition, even if one were to demonstrate that discriminatory law enforcement is not too widespread in routine police work, we still need to contend with a number of dramatic cases of police abuse of blacks on which much of the "political prisoner" theme is based. We refer here to a series of incidents several years ago in Los Angeles, Detroit, and elsewhere, in which law enforcement agents stormed Black Muslim mosques or other buildings and shot a number of blacks. More recently, there have been a number of cases, such as the killing of Fred Hampton by the Chicago police and other police raids of Black Panther headquarters on phony charges, lending considerable credence to Black Panther claims that the police are engaged in genocide. On the same point, anyone familiar with San Quentin prison and who reads the newspapers must have experienced a good deal of disquiet and disbelief in the case of the alleged prison break by George Jackson.

The radical press expressions of outrage regarding the "pigs" doubtless exaggerate these cases of blatant police discrimination while failing to acknowledge various necessary and positive social roles played by the police. But on the other hand, sociological criminology may be presenting a distorted picture too, in only acknowledging that the police sometimes behave rather badly during the course of bona fide law enforcement work, failing to give citizens proper Miranda warnings or subjecting them to various kinds of gratuitous abuse. We may be witnessing some new forms of police criminality, in which law enforcement agencies have begun to engage in proactive repression of some of their "enemies."

The same general observations could be made about criminological silence concerning the radical claims that the federal government and the courts are moving into political repression of citizens through wiretapping, preparation of dossiers on citizens, advocacy of preventive detention, and the like. In particular, we ought to have more to say about the trials of the Chicago Seven, the Seattle Seven, the Catonsville Nine, and the Harrisburg Seven. Is it possible that American society is beginning to show profound rents and tears, as many radicals allege? Is it possible that the police and the courts are beginning to move away from the processing of conventional offenders and into some forms of the "police state"? For example, perhaps the "hassling" of hippie hitchhikers represents a seemingly innocuous sign of more ominous developments in the future.

Take another point of contrast between the criminology in the pages of the radical press and that found in sociology textbooks—white-collar crime. Sutherland certainly did not characterize the 70 corporations that he studied as "exploiters of the people": instead, he stopped far short of that sort of condemnation. Also, Sutherland and other students of white-collar crime rarely argued that direct, sustained collusion between the government and corporate interests was the major explanation for corporate lawbreaking. Although regulatory agencies were seen as having relatively positive attitudes toward the corporations they are designed to police, there is not much hint of conspiratorial claims about capitalistic exploiters and governmental oppressors in the scholarly literature of criminology.

In this instance too, contemporary criminology may not be sufficient to the task at hand. The recent revelations about ITT, Dita Beard, involvement of the Boeing Company in the political campaign of Senator Jackson, and so on, along with a good many previous reports of close interconnections between American corporations, the federal government, the CIA, and the military, do lend some credence to the picture of the world appearing in the underground press.

**SOME SOCIOLOGICAL RESPONSES TO THE RADICAL CHALLENGE**

This paper has called for more attention to claims about criminality contained in the radical press, in other words, for a brand of criminology which would examine, sort out, and make sense of various radical claims that are currently given little attention in conventional criminological writings. Those contents that pass the test of evidence would then be incorporated into the body of contemporary criminological knowledge.

One recent example of sociological writing which shows a marked radical influence is Liazos's critique of contemporary theories of deviance. He argues quite convincingly that deviance analysis continues to center upon garden-variety deviants who are relatively powerless. He contends:

As a result of the fascination with "nuts, sluts, and preverts," and their identities and subcultures, little attention has been paid to the unethical, illegal, and destructive actions of powerful individuals, groups, and institutions in our society.

Along this same line, Liazos argues that sociological discussions of violence in American society are defective, for they portray violence as restricted to slum dwellers, certain minority groups, street gangs, and "motorcycle beasts." He maintains that the proper study of violence would focus upon covert institutional violence in the form of oppression, consumer exploitation through the sale of defective and dangerous products, mass destruction of people and the landscape in Vietnam, and various other kinds of violence and exploitation which are central to the political and social order. Liazos would have us banish the concept of "deviance" from the sociological lexicon in favor of the phenomena of oppression, persecution, and suffering. In his view, by failing to do so "we neglect conditions of inequality, powerlessness, institutional violence, and so on, which lie at the basis of our tortured society."

We have no quarrel with Liazos concerning his general thesis that sociological analysis has tended toward undue attention to "nuts, sluts, and preverts." But, the problem is that his presentation is relatively visceral and bombastic and...
lacking in clear implications for renovations in criminological thought. That is, after we have acknowledged the existence of “covert institutional violence,” where do we go from there? Certainly we need to do more than to enter into competition with Ralph Nader, Senator Magnuson or various peace groups opposed to the Viet Nam war by vying with them in condemnation of the ills of modern society. Should we redefine the substantive concerns of criminology, and if so, in what ways? It does not appear to us that oppression, conflict, persecution, and suffering will do as basic units for criminological study. What new investigations are called for? Answers to these questions are not clear in Liazos’s polemical statement.

A beginning version of radical criminology has recently been offered in the scholarly literature by Richard Quinney. In that essay, he rails against the criminal law in contemporary society, claiming that it is the instrument through which the dominant class maintains its power over the weak. Quinney would do away with monolithic criminal law as we presently know it, replacing it with decentralized law. This kind of law would be consistent with “natural law,” which endeavors to maximize the individual’s efforts to develop his own human potentialities. In the kind of society envisioned by Quinney, “communities would then be free to develop their own systems of regulation, if such systems are at all necessary.”

Quinney’s case against repressive modern criminal law is based on such evidence as the attacks upon Black Panthers. He notes:

Over 400 Panthers were arrested in the first year of Nixon’s administration. Since the Black Panther party was founded, nearly 30 members have been killed by the police. Offices of the party have been raided by the police in Chicago, Des Moines, Oakland, Los Angeles, and in several other cities. Most of the Panther leaders have been either killed, jailed, or forced into exile. The Panthers held in jails across America today are no different from prisoners held in Santo Domingo, Saigon, or any other center of the American empire.

And there are the continual political trials: Captain Levy, the Presidio mutiny case, the Oakland Seven, the Baltimore Four, the Boston Five, the Chicago Seven, and the Catonsville Nine to name only a few of the most publicized cases.

The kind of analysis found in Quinney’s essay will not do. Although his commentary is liberally sprinkled with quotes and comments from such authorities as Fuller, Pound, and Hart, his essay is bombastic and polemical in character. While we have argued above that criminologists and sociologists need to pay more attention to the cases of “repression” that Quinney enumerates in his essay, we do not agree that these stand as convincing proof that modern law in its entirety is a tool by which a handful of powerful persons manage to oppress the rest of us. Claims of that kind tossed off by Quinney slur over the existence of that portion of the criminal law which protects all of us from rapists, murderers, and various predators and which most of us support, the weak and the powerful alike. Then too, many would find unconvincing Quinney’s contention that bodies of general law are not really required in complex societies in order to maintain a degree of social order which at the same time promotes individual freedom. Instead, many would continue to agree with Roscoe Pound, who regarded law as a necessary form of social control which constrains persons to contribute to social order and the common good. Finally, Quinney’s alternative of decentralized law is poorly thought out. He fails to show that this is a viable alternative to the existing system of laws and legal machinery. Assuming that his proposal is practical or realistic, who is to say that there would be any less tyranny under a decentralized system of laws determined by “the people”?

In our view, Chambliss and Seidman have produced the best sociological statement to date on criminality, laws, and the legal machinery, reflecting some of the concerns of the radical left. They view lawmaking and the implementation of criminal laws by the criminal justice system as reflecting power struggles in modern society. Hence, they assert:

It is our contention that, far from being primarily a value-neutral framework within which conflict can be peacefully resolved, the power of the state is itself the principal prize in the perpetual conflict that is society. The legal order—the rules which the various lawmaking institutions in the bureaucracy that are the state lay down for the governance of officials and citizens, the tribunals, official and unofficial, and the bureaucratic agencies which enforce the law—is in fact a self-serving system to maintain power and privilege. In a society sharply divided into have and have nots, poor and rich, blacks and whites, powerful and weak, shot with a myriad of special interest groups, not only is the myth false because of imperfections in the normative system: It is inevitable that it be so.

The Chambliss and Seidman volume represents a beginning venture in the direction of a propositional inventory about power relations and their impact upon lawmaking and law-implementation in complex societies, reflecting the central theme highlighted in the passage above. The reader will find discussion in the pages of this book of at least some of the forms of “oppression” about which radical press is concerned. Thus Chambliss and Seidman take note of recent instances of police lawlessness and rioting, including attacks upon Black Panthers and the flagrant abuses of citizens’ rights by the police at the Democratic National Convention in 1968. On balance, they take a harsher view of the police than contained in most versions of liberal-cynical criminology which we examined earlier.

Mention also ought to be made of Chambliss’s report on vice in “Rainfall West,” which appears to be a thin disguise for Seattle. This study stands as an example of the sort of research endeavor that is implied by a power and conflict version of criminological analysis. In it, Chambliss reports that a “cabal” of politicians, businessmen, law enforcement agents, and organized criminals are joined together in the management of vice in “Rainfall West.” The characterization that emerges from his report is rather different from many contemporary portrayals of organized crime that put forth a portrait of the world as sharply divided into the “bad guys” from the Mafia or Cosa Nostra pitted against the “good guys.”

CONCLUDING REMARKS

It is not yet clear what the final form of the criminological response to radical allegations about oppression, repression, and the like will take. Our remarks have been designed to draw attention to the need for new directions in
criminological theory, without much effort to explicate the details of that sort of theory or to specify programmatic suggestions for new research. Clearly, those tasks are large ones which cannot be managed in a brief essay such as this one.

We identified the work of Chambliss and Seidman as an initial stab in the direction of a criminology which reflects some of the angry contentions of the radical left. If we begin to pursue the theoretical and research leads suggested by that volume, we are likely to find ourselves spending much more time on the activities of the rich and powerful in our society and less upon garden-variety criminals in prisons and other social warehouses. Then too, the perspective sketched out by Chambliss and Seidman would have us devote more attention than has been customary in the past to the workings of legislatures and the interest groups that endeavor to exert influence upon them, so that detailed study of lawmaking processes is in order.

We might conclude this essay by pointing out that although a conflict and social power perspective on criminality and lawmaking has begun to emerge as an alternative to liberal-cynical versions of criminological thought, the truly radical solutions to problems of crime which the former invites have yet to be more than hinted at in the criminological literature.

Who among modern criminologists has much faith in current responses to crime problems in American society? It is doubtful that many informed students of criminality can be found who are sanguine about contemporary approaches to curtailing lawbreaking. In particular, it appears that most of the expenditures of the federal government on a "War on Crime" through the Law Enforcement Assistance Administration (L.E.A.A.) have had no effect upon the crime problem. For one thing, much of that money has been spent by police agencies for tanks, large armaments, and other gadgetry of that kind. Police agencies are now equipped with the tools to annihilate criminals instead of to "cure" them. Then too, the money that has been pumped into correctional programs has been expended on the same tired old endeavors, which have not worked in the past. We might do as well or better to seek out the run-of-the-mill recidivist property offenders and other conventional criminals who now clog our jails and prisons and give them L.E.A.A. stipends as bribes to stay out of trouble, if we wish to combat crime. 48

Even more to the point, a radically oriented response to the crime problem would be one that concentrates very heavily upon curtailing the harmful machinations of the powerful who are now involved in the exploitation of the powerless. We do not believe that proposals such as those by Quinney, dealing with decentralized law, speak to the complexities of modern society. But, if those suggestions are not useful ones, the sociological imagination will need to produce viable alternatives to them. In summary, the radical challenge to criminology is one that cannot be ignored. This paper has attempted to identify some of the issues in this challenge and response. Let us hope that criminological answers will eventually be evolved for these difficult questions.

NOTES

These studies are summarized in Gibbons, _Society, Crime_, pp. 54-59.


30 Reiss, _Police and Public_.

31 These studies are reviewed in Gibbons, _Delinquent Behavior_, pp. 36-46.

32 Theodore N. Ferdinand and Eimer G. Luchterhand, "Inner-City Youth, the Police, the Juvenile Court, and Justice," _Social Problems_ 17 (Spring 1970): 510-27.


34 Indeed, much attention continues to focus upon those who commit crimes against large-scale organizations and corporations, rather than upon crimes perpetrated by these structures against common citizens. For example, see Erwin O. Smigel and H. Laurence Ross, eds., _Crimes Against Bureaucracy_ (New York: Van Nostrand-Reinhold, 1970).


36 Ibid., p. 111.

37 Ibid.

38 Ibid., p. 119.


41 Ibid., p. 26.

42 Ibid., pp. 29-30.

43 Chambliss and Seidman, _Law, Order_, pp. 2-74.

44 Ibid., p. 4.


Introduction

Typologies in criminal justice and criminology are closely associated with criminological theories. Indeed, Schafer (1969) has no hesitation in claiming that "criminal typology may be considered the oldest theoretical approach to the problem of crime" (p. 140). Typologies which attempt to classify criminal behavior of criminal offenders according to assumed or hypothesized causal factors represent a direct extension of theories of criminality. Other typologies, which are concerned with specific areas of application—such as correctional treatment or delinquency prevention—may be more closely tied to an empirical than to a theoretical base. But even these kinds of typologies may involve certain theoretical assumptions about the nature of the underlying determinants of the criminal behavior.

Still other typologies which find their origin and utility in the context of basic research may be said to possess heuristic value: that is, they see to advance our understanding of crime, criminals, and criminal behavior by aiding in the development of testable hypotheses concerning such phenomena.

A typology is a pattern or configuration that is imposed upon events, objects, or phenomena. Thus, it is artificial or manmade. While the underlying order or regularity which the typology presumes to reflect may be implicit in the phenomena that the typology attempts to classify, the typology itself is a cognitive creation by the typologist or theorist who formulates it. Regarding this process of formulation or creation, we shall have something to say later in our discussion in this unit.

Criminal justice researchers may expend considerable effort in the
development of typologies, but it should be recognized that much if not most of their data reach them in "prepackaged" form, as it were, after it has already been subjected to typological classification by the criminal law. Statutes which impose criminal sanctions for specified acts of commission or omission represent a system of categorization based primarily on the nature and seriousness of the offenses committed. Left out are the personality of the perpetrator, his motives and individual characteristics, his relationship with the victim, his background and personal history, etc. These factors are not overlooked or ignored by the law. On the contrary, they may weigh significantly in the determination of guilt or innocence and in the sentencing decision. But they are not built into the typological framework of the law itself. Such factors, however, may impress the criminologist as being equal in importance to the nature of the offense; and the criminological typologist may devote a great deal of attention to these considerations in his efforts at constructing a meaningful typology.

Objectives

The major objective of this unit is to acquaint the student with the concept of typology; to describe the kinds of intellectual activity involved in the formulation of typologies of various sorts; to indicate some of the methodological and conceptual problems inherent in the development of criminal justice typologies; and to provide a brief overview of some representative typologies currently encountered in criminal justice and criminology. An important additional objective is to examine some of the principal requirements that a typology must meet in order to be of scientific or pragmatic value.

Background and Perspective

Although typologies have a lengthy history in criminology, they have not
had the same meaning for everyone who has used them. Hood and Sparks (1970) note that some writers have distinguished between a system of classification and a typology. A classification system refers to "a method of grouping individuals into classes which are defined by one or more variables, and which may include all the actual or possible combinations of those variables" (pp. 114-115). The term typology is often taken to mean "any set of mutually exclusive types, each of which may be defined or identified by different kinds of criteria; in addition, it is sometimes specified that the variables defining the types are 'empirically connected'" (p. 115). Hood and Sparks do not agree with this distinction and settle for the following definition of a typology: "any system of classification which results in groups defined so as to be mutually exclusive" (p. 115, italics added).

The essential feature of the above definition is that it embodies the proposition that a type involves a reduction from the complex to the simple—or at least to the less complex. When applied to human typologizing, a type can be considered a group of persons sharing common traits or characteristics which distinguish them as an identifiable group or class. This meaning implies that the characteristics which allow the persons to be classified or sorted into types are relatively enduring, rather than casual or transitory.

Taxonomy, which deals with the principles by which objects, events, or phenomena to be classified, is an indispensable prerequisite to the activities of any systematic investigator, regardless of his field, discipline, or theoretical persuasion. The mere choice of subject matter to be studied requires a decision regarding classification, i.e., into what will be selected for study and what will be rejected.

Typologies: Conceptual and Methodological Considerations

Solomon (1977) has pointed out that there are two broadly different
approaches to the construction of typologies: **empirical** approaches and **theoretical** approaches. The first of these is essentially classificatory in its operations: it sorts or classifies phenomena according to their most obvious or salient characteristics—a kind of "look and see" approach. Thus, if a person were asked to sort the contents of a basket of fruit, he would probably end up with piles of apples, oranges, bananas, lemons, etc.

The theoretical approach involves the derivation of a typology more or less explicitly from some theoretical structure. Such a typology is built using deductive rather than inductive methods, as is the case with empirical typologies. As Ferdinand (1966) observes:

> ...the definition of the types is established in terms of theoretical speculations, and the trait-complexes that constitute each type are meaningfully—logically—interrelated. Hence the principal function served by ideal typologies is one of systematically drawing together the implications that a given theory contains for acting individuals (p. 47).

In actual practice, it is unlikely that one would find many examples of these respective approaches in a pure form. Most existing typologies in criminology, Solomon notes, are "the result of an uneasy compromise" between the two approaches. The reasons for this situation are not difficult to discern. Few theories in the behavioral sciences are well enough established to allow the criminologist to derive an adequate typology from the postulates and constructs available. Conversely, an investigator usually has some ideas, however vague and poorly articulated they may be, of what constitutes the most potentially meaningful or fruitful characteristics for analysis in an empirical study.

Typologies vary with the purposes of the typologist. In this regard, we could distinguish typologies which are primarily employed in research from those which are employed in some kind of application—treatment, for example. In the former case, the typologist may be interested in developing a classification system which aids in the discovery of causal factors by identifying
underlying patterns of regularity among his subjects. In the latter instance, the usual purpose of the typologist is to relate offense or offender types to available treatment techniques or strategies. This approach is based on the not unreasonable assumption that different types of offenders may require different modes of treatment or handling—and that the same treatment or handling technique that works well for one group may not work well or at all for some other group.

An example of a typology that is oriented toward treatment—a diagnostic typology as Gibbons (1975) calls it—is a classification system schema for treatment intervention with juveniles which makes use of so-called I-levels. That is, delinquents are presumed to differ from nondelinquents on a scale of interpersonal maturity: juvenile misbehavior is viewed as a consequence of deficiencies in socialization. Despite considerable evidence suggesting that delinquents are not appreciably different from nondelinquents in adjustment and interpersonal maturity, Gibbons is not prepared to abandon the proposition that typologies can be devised which have diagnostic utility in the correctional treatment process.

Hood and Sparks (1970) have specified a number of formal properties that a good typology ought to possess:

1. It should be as wide as possible in scope: all other things being equal, the best typology is the one that includes the greatest number of offenders.

2. As far as possible, its types should be mutually exclusive, typifying homogeneous offenders to the greatest possible degree.

3. Its types should be easily and reliably identified, preferably by an operational definition. Type criteria should be as unambiguous and objective as possible.
4. A typology should specify as many types as necessary in terms of its avowed purpose. Thus, a treatment typology should identify as many different types as there are kinds of treatment. These criteria apply regardless of whether the typology is derived theoretically or empirically.

Ideally, says Schafer (1969), a typology should be derived from "a single plausible hypothesis or general theory of crime (explainability)" and it should be pragmatic, "permitting its application to systematic grouping of types of crimes and criminals so that penological or correctional treatment can be adopted accordingly (instrumentality)" (p. 143). If a typology is not linked to a theoretical model and has no penal or correctional application, it remains—in Schafer's opinion—a meaningless speculation.

Varieties of Typology

Hood and Sparks (1970) divide typologies into those which seek to classify offenses and those which seek to classify offenders. Earlier we observed that data come to the criminologist "prepackaged" in terms of the imposition of legal categorization according to the nature of the crime with which the individual has been charged. Ever since criminal law has existed, crimes and criminals have been grouped into different classifications. Thus, offenses have been categorized into mala in se and mala prohibita; into misdemeanors and felonies; into crimes against person, crimes against property, public crimes, and political crimes. The Uniform Crime Reports lists 29 types of criminal offense, and distinguishes seven so-called Index offenses. Schafer (1969) observes that criminological ideas have affected the criminal law to the extent that special categories of offender have developed in the legal typologies: juvenile delinquent, persistent offender, habitual offender, sexual psychopath, etc.
Legal typologies, however, have no pretense of universal validity, nor are they regarded as such by the criminal justice system. As national or local classifications of crime, they represent technical divisions which possess administrative usefulness; they are not presented as explanations of criminal behavior.

In addition to legal typologies, the following groupings of typologies are identified by Schafer (1969):

- **Multiple-cause typologies**, which group criminals by several biological and social factors, and refer to criminals only.
- **Sociological typologies**, which classify criminals by societal factors and refer to criminals only.
- **Psychological typologies**, which suggest divisions of criminals along psychic or psychiatric lines and refer to criminals only.
- **Constitutional typologies**, which classify offenders by biopsychological functions and refer to criminals only.
- **Normative typologies**, which divide criminals according to their proclivities for a particular group of legally defined crimes and refer both to crimes and criminals.
- **Life-trend typologies**, which deal with the overall life styles of criminals and refer both to crimes and criminals (pp. 143-144).

Schafer emphasizes that these categories unavoidably involve considerable overlapping.

Solomon (1977) has divided typologies into: (1) the legalistic approach; (2) the physical-constitutional-hereditary approach; (3) the psychological-psychiatric approach; (4) the sociological approach; (5) the individualistic and environmental approach. The Solomon taxonomy of typologies is based on the principal variables that the theorist or researcher employed in the construction of his typology.

Specific categories of typology are explored in exhaustive detail in the Solomon (1977) account, and the interested student can be referred to this volume for a coverage of this material. More abbreviated reviews of typologies
can be found in Fox (1976) and Gibbons (1975). A thorough review and assessment of victim typologies is provided by Silverman (1974).

Before concluding this brief introduction to the topic of criminological typologies, it seems important to direct some attention to the issues of frequency and duration of criminal activity as potentially significant, even key variables. The recently released Rand report, based on a study of 49 career felons, noted that this relatively small sample of offenders had aggregated nearly 10,000 offenses over a period averaging 17 years. It is difficult to avoid the conclusion that these offenders represent a group with distinctive patterns of career commitment to crime. Involved here may be a process of socialization that Schafer (1969) has identified in his proposed typology based on lifetrend:

Occasional criminals, whose crime is referable to the trend of their life as an episode only. They commit crimes usually under the pressure of need, emotion, or desire.

Professional criminals, whose crime is referable to the trend of their life as a professional manifestation. Their leading motive is profit. They include:

1. Individual professional criminals, whose crime is carried out alone or, if in the company of others, in an unorganized manner.

2. Members of organized crime, whose crime is carried out in the organized company of others: gangsters, whose organized professional criminality is carried out with violence; racketeers, whose organized professional criminality is carried out by extortion or coercion; and syndicate members, whose organized professional criminality is carried out in a business-like intellectual manner.

3. White-collar criminals, whose crimes may be carried out in either individual or organized form, by using their financial or social power.

4. Sundry professional criminals, whose professional criminality can be carried out both in individual and organized form and whose crime is specialized enough to be outside other professional criminal types, such as the confidence game and marketeering.
Habitual criminals, whose crime is referable to the trend of their life as a habit, which develops in them the potentiality of crime. They include:

1. Alcoholics, whose crime potentiality is generated by their chronic intake of alcohol.
2. Drug addicts, whose crime potentiality is generated by their addiction.
3. Vagrants, beggars, and other wanderers, whose crime potentiality is generated by the lack of any constructive force in their life.
4. Prostitutes, whose crime potentiality is generated by their constant contact with immorality.

Abnormal criminals, whose crime is referable to mental disturbance or mental illness. They include:

1. Psychotics, whose abnormal criminal potential is generated by their mental illness.
2. Psychopaths, whose abnormal criminal potential is generated by their mental disturbance.

Convictional criminals, whose crime is referable to their conviction about a political, social, religious, or other altruistic communal idea.

All these types carry three subtypes: juvenile delinquents, aged criminals, and female offenders (pp. 176-177).

Within this framework, individual subtypes can be expanded to accommodate more detailed classification based on other variables. Thus, for example, white collar criminals can be identified according to whether they commit personal crimes, abuses of trust, business crimes, or con games: (Edelhertz, 1970). Such a typology is at least didactically useful, regardless of whether it has etiological or diagnostic application.
Selected Readings


CJ 601
Unit 8
CRIMINAL JUSTICE TYPOLOGIES

Reading Assignment

Questions for Discussion and Review
1. Define the term typology.
2. What is the distinction between a system of classification and a typology? Do Hood and Sparks recognize this as a valid distinction?
3. Distinguish between an empirically derived typology and one that is derived theoretically. Are there many pure types of each in criminology?
4. What is a diagnostic typology? What is it used for?
5. List and evaluate some of the major formal properties of a good typology.
6. What are some of the principal kinds of typologies found in contemporary criminal justice and criminology?
7. Why are frequency and duration of criminal behavior considered important dimensions of any criminal typology?
8. Discuss Schafer's proposed lifetrend typology. Is it sufficiently comprehensive to cover most varieties of criminal behavior? Does it omit coverage of any significant area of criminal activity?

Written Projects
1. Select any 2 (or more) typologies of criminal behavior that cover roughly the same or similar patterns of crime or offenders and compare them in terms of their formal properties.
2. Using Schafer's lifetrend typology, expand each of the major categories by the addition of as many dimensions as seem appropriate. For example, under habitual criminals, prostitutes could be characterized according to whether they are street hookers, expensive call girls, semi-pros, etc.
4 The classification of crimes and criminals

Criminologists have almost always agreed that there is no such thing as the cause of crime, but they have tended to use two very different arguments in support of this contention. The first of these is based on the fact that numerous comparisons of groups of criminals with groups of non-criminals have failed to produce any single characteristic or 'factor' (such as coming from a broken home, being illegitimate, or suffering from some psychological abnormality) which absolutely distinguishes the two groups. Some such factors may be associated with criminality, in the sense that they are more frequent among offenders than among non-offenders; but even these factors are invariably found to be absent in the case of some who have broken the law, and present in the case of some who have not. Thus - the argument runs - crime must have many 'causes'. The second argument is based on the observation that the concepts of crime, delinquency, deviant behaviour, etc., apply to a very wide range of different kinds of behaviour - burglary, tax fraud, truancy, incest, bootlegging, assassination - having in common only the fact that they have been declared to be contrary to legal or moral rules in various times and places. No single causal explanation, it is suggested, can possibly cover such heterogeneous phenomena; they must have different causes, just because they are so different.

Whatever the merits of these arguments, they are independent of one another: and some writers have vehemently asserted one while ignoring, or even appearing to deny, the other. For example, Professor Sheldon Glueck - one of the most ardent advocates of the 'multiple factor theory' of crime causation - has claimed to have shown, by the research that he and his wife have carried out, that delinquents are distinguished from non-delinquents by a wide range of biological, psychological and sociological factors, which combine in a number of different ways to produce delinquency. Yet this research (reported in the Gluecks' book Unraveling Juvenile Delinquency) was based on a sample of 500 boys who had committed a fairly wide variety of kinds of delinquent acts, probably under an even wider range of circumstances. Given the heterogeneity of their delinquent behaviour, it may be thought scarcely surprising that no single 'factor' distinguished these 500 boys from the 500 'truly non-delinquent' boys with whom they were compared.

There is a third argument to the effect that crime has many causes, which still crops up occasionally in criminological writings. This is the argument that every single crime is a product of an absolutely unique combination of individual and social factors - that every crime has its own 'causes', irreducibly different from those of every other crime. In one sense, this is perhaps true. What we identify as the 'cause' or 'causes' of an event depends in part on our purposes: and when we are ascribing responsibility to a man for a crime, for example, we may identify certain things which are unique to the particular case as 'things which made him do it'. But it is different when our purpose is scientific explanation, since for this purpose we are interested in generalisations - preferably ones as wide as possible - and we seek as causes things which apply to all instances of the thing or event we are trying to explain, and not just to one particular case. Now, there is no absurdity or inconsistency in searching for a single theoretical explanation of all criminal, delinquent or deviant behaviour. Such a theory - which would consist of a number of logically connected and empirically verified general statements specifying the conditions in which crime occurs - should aim to integrate all the different factors which are shown to distinguish offenders from non-offenders, and should aim to explain how these factors 'produce' delinquent behaviour. This is precisely what one of the best-known criminological theories - the differential association theory, propounded by Edwin Sutherland - sets out to do, and is what the usual form of 'multiple causation' approach utterly fails to do. But viable general theories of this kind, applicable to all crime or delinquency, seem to us to be a long way off; and there is unfortunately no guarantee that any such general theory will ever be shown empirically to be correct. The known facts about crime - which any such theory would have to fit - are complicated; and one important reason for this is that the concept of crime covers such a wide and heterogeneous range of behaviour.

To overcome this problem, many criminologists in recent years have concentrated on studying particular types of crime, in the hope of producing theories (so-called 'theories of the middle range') which, though applying to a restricted range of illegal behaviour, nonetheless go beyond the explanation of particular illegal acts. Sociological examples from the United States of this kind of theory and research on specific types of crime are Lemert's studies of
Figure 4:1 Possible relationships between different types of crime.

naive' and 'systematic' cheque forgery; Sutherland's studies of professional theft and 'white collar' crime; Cressey's research on the criminal violation of financial trust; Wattenberg's and Balistrieri's study of car theft, and Clinard's and Wade's study of vandalism. The studies of subcultural delinquency discussed in the last chapter are another example of this approach: they focus on a single kind of delinquent behaviour, and aim to produce valid theories which fully explain the origins, distribution and frequency of this kind of behaviour even if they do not apply to other types.

It is not necessary that the types of crime or delinquency isolated and explained in this way by different researchers be in any way comparable with each other; nor is there any reason to think that they would be comparable, since researchers should be free to choose to study whatever types of behaviour happen to interest them. Moreover, it would be perfectly possible for criminologists to develop a respectable body of empirically verified theories by formulating and testing explanations for different types of crime, on an ad hoc basis. The different types of crime which different theorists choose to study do not need to be mutually exclusive, nor even compatible; and the theories developed for these different types of crime need not be related logically – or even capable of being related – to each other.

Figure 4:1 shows one way in which three different types of crime, studied by three different researchers, might be related. In this case the first researcher might formulate and test a sociological theory of professional crime; the second might develop a psychological theory concerning theft; while the third might develop a social-psychological theory relating to the broader category of 'property offences'. It will be seen that all three of these type-categories overlap, and that 'professional theft' is a sub-type of all three. But provided they are logically compatible, all three of these researchers' theories may be equally valid for professional theft: that is, they may all three provide correct predictions and equally plausible explanations of the frequency, distribution, etc., of professional theft. (Of course, this is rather a long shot. More probably, if the three theories were all valid for a single type of crime, they would simply be concerned with different questions about it. Or they might just be alternative descriptions of exactly the same set of facts – as, for example, psychoanalytic theory and learning theory sometimes seem to be.)

In other words, an anarchic approach to the study of different types of crime – which is the one that criminologists have mainly followed so far – is not necessarily self-defeating. Nonetheless, many criminologists take the view that it is desirable to relate different types of crime or criminal systematically to one another: that is, to try to combine them, according to some consistent principle of classification, into a typology rather than settling for a collection of disparate types. There are some obvious advantages in doing this. For one thing, it makes the subject neater, and thus easier to study. At a descriptive level, a great deal of empirical information about crime and criminals has been amassed in the past 150 years or so; a systematic method of classification helps to put this information into usable order to show the relations within it, and makes it easier to see what further information is needed. For another thing, if the explanation of criminal behaviour is one's object, it is better if the types studied are mutually exclusive. The possibility just mentioned – that three different theories may each be valid for a particular type of crime, such as professional theft – is in fact remote: moreover, a researcher who is studying crime from a single theoretical point of view – say, a sociological one – will naturally wish to classify his subject into types which do not overlap.
In addition, it is often assumed that the development of a typology of offences or offenders will actually improve the chances of developing a general causal theory. Cloward and Quinney (whose recent typology of 'criminal behaviour systems' is discussed on pages 126-7) go so far as to assert that a system of classification 'is a necessary preliminary to the development of a general theory'. It is not clear, however, why this should be thought to be so; in fact, the matter is not as simple as this. A typology which accords with a general criminological theory can only be constructed if it is known which attributes of offenders (or their behaviour) are relevant to that theory. In other words, the typology presupposes the theory, for without the theory there is no way of knowing which types should be included in the typology. Typology construction thus goes hand-in-hand with the development of the theory, and is not a 'necessary preliminary' to it.

Nonetheless, typologies can have heuristic value in criminology. They can make it easier for the theorist to see analogies between different kinds of criminal behaviour, or similarities between different kinds of offender, and thus make it easier for him to trace the causal processes which apply to them. Systematic classification can help to reveal empirical relationships between different factors (for example, offenders' personality types, social backgrounds and offences), and may suggest hypotheses to account for these relationships. A great many typologies of offences and offenders have been devised by criminologists over the past hundred years for the purpose of aetiological research. We shall review briefly some empirical research relevant to one recent typology of 'criminal behaviour' devised by criminologists over the past hundred years for the purpose of aetiological research. We shall also outline the more important properties which, in our opinion, a criminological typology ought to have if it is to be useful for research purposes; and we shall review briefly some empirical research relevant to one particular group of offender typologies – namely, those based on the concept of a criminal career. In chapter 7 we shall consider the use of offender typologies in relation to the choice of treatment or punishment.

**Typologies and criminological theory**

The word 'typology' is used in a number of different ways – not all of them clear – by different writers on this subject. In particular, some writers distinguish between a system of classification and a typology. Usually the first of these expressions is taken to refer to a method of grouping individuals into classes which are defined by one or more variables, and which may include all the actual or possible combinations of those variables. The second is often used to refer to any set of mutually exclusive types, each of which may be defined or identified by different kinds of criteria; in addition, it is sometimes specified that the variables defining the types are 'empirically interconnected'. For reasons which will become clear below, we do not draw this distinction; and we use the term 'typology' to include any system of classification which results in groups defined so as to be mutually exclusive.

It is important to note, however, that these intermediate 'types' in thissense do not merely represent quantitative differences along a single dimension – like the divisions of intelligence levels according to IQ test scores. Many classifications of delinquents are in fact of this kind; a well-known example is the seven-fold classification according to interpersonal maturity ('I-level') propounded by Sullivan, Grant and Grant, discussed in chapter 7, pages 198-9. It seems misleading to call classifications of this kind 'typologies' at all – at least unless there is good reason to think that the cutting points defining each 'type' are not simply arbitrary.

What is meant by a 'type' of offender, or a 'type' of criminal behaviour? It seems that if we divide any set of things of the same kind – that is, things describable by the same general term, such as 'criminal' – into sub-sets, by reference to one or more of the attributes of those things, then each of the sub-sets exemplifies a 'type' of the thing in question. Of course, the attributes used to divide up the set must themselves be general, and not merely the identifying characteristics of particular individuals. For instance, if we took a group of 100 criminals and 'classified' them by their full names, places and dates of birth, we would probably divide the group into 100 sub-sets, each consisting of one criminal; but this would not mean we had identified 100 'types' of criminal. But subject to that reservation, it seems that pretty well any attribute, or set of attributes, will serve as a basis for type-classification of offenders or offences, though of course some will seem more useful than others, depending on the purpose of the classification. There is no 'natural' or uniquely correct classification of offenders or offenders.

Most of the typologies devised by criminologists have in fact been very simple ones, using only a few variables as type-criteria and containing only a few broad types. Classifications of criminals and delinquents have been based on such things as age, sex, current
offence (in legal terms), personality type, marital status, social class, and criminal record as type-criteria; classifications of offences have used such things as the motive of the offender, type of norm violated, circumstances of the act, relationship with the victim, and frequency with which the behaviour is performed.

The type-distinction which has probably been made most often by criminologists is that between individual criminals on the one hand, and social criminals on the other. This kind of classification was made, more or less clearly, by the Italian 'positivist' criminologists Lombroso and Ferri, in the late nineteenth century; and it has been restated by many other writers since then, notably by two American sociologists, Lindesmith and Dunham, in 1941. The distinction between 'individual' and 'social' criminals is usually treated as both a descriptive and an aetiological one. Thus, according to Lindesmith and Dunham, the crimes of the 'social criminal' are supported and prescribed by a culture, and the person committing such crimes achieves status and recognition within a certain minority group by skilfully and daringly carrying out the criminal activity which, in that group, is customary and definitely designated. This type of criminal acts in close collaboration with other persons without whose direct or indirect co-operation his career would be virtually impossible.

The crimes of the 'individualised criminal', by contrast are not prescribed forms of behaviour in his cultural milieu nor does he gain prestige or recognition in his social world by committing them. They are committed for diverse ends which are personal and private rather than common and socially accepted ... The 'individualised criminal' commits his crimes alone, and, ideally conceived, is a stranger to others who commit similar crimes.

The 'individual' and 'social' criminals are thus polar opposites, and are to some extent pure or 'ideal' types; it is possible to identify a number of less extreme variants of either, ranged on a continuum between these extremes. Lindesmith and Dunham, for example, regarded insane criminals as epitomising the 'individual' type, but also included under this heading 'situational' offenders — such as those committing crimes of passion, or offending because of dire economic need: they pointed out that 'although this behaviour is not definitely prescribed by the mores it may be and usually is encouraged or facilitated by prevailing ideas of conduct'. These further distinctions obviously make the 'individual' — 'social' distinction more useful.

Another factor frequently used in typologies of criminals is the frequency with which offences are committed: the main distinction here being between the 'occasional' or 'once-only' offender, and the persistent offender, 'habitual offender' or 'career criminal'. This distinction — first made, it seems, by the nineteenth-century writer Henry Mayhew has been regarded as fundamental by criminologists of almost all schools; we ourselves shall argue later that it is of primary importance in the classification of criminals for the purpose of aetiological research.

It is difficult to generalise about more detailed kinds of classification of crimes and criminals. But many — perhaps the majority — have been based in one way or another on the offender's motivation. An example is Rich's classification of juvenile theft, illustrated in figure 4.2.

There seem to be two broadly different approaches to the creation of typologies in this field, which are related to different ways of formulating criminological theories. Let us call these the 'empirical' and 'theoretical' approaches respectively. The first proceeds simply by grouping together individuals or patterns of behaviour according to their most obvious apparently relevant features, so that each group contains members which are as similar as possible to each other and as different as possible from all other groups. This classificatory procedure is rather like that used by a man sorting a basket of fruit, who puts the apples, oranges and lemons into different piles because they look different; we might call it the 'look and see' method of classification.

Of course, one usually has some vague a priori idea of which features are or might be relevant when using this method; e.g. when classifying offenders one will usually only consider features having some conceivable relation with criminal behaviour, and not such things as colour of eyes. It is often supposed that the types picked out by this empirical method must have different explanations. But the choice of type-criteria is not dictated (at least at a conscious level) by any particular theory of criminal behaviour, and in practice the primary basis of classification is usually some readily ascertifiable first-order facts about the offenders (such as their ages, or current offences, or whatever else happens to be contained in their records) rather than abstract theoretical variables. An example of this kind of classification of offenders is the criminal career typology devised by Roebuck (discussed on pages 129-31) which is based primarily on the type of offence most frequently committed by the offender.
Figure 4.2 A classification of juvenile theft according to motivation.

<table>
<thead>
<tr>
<th>type</th>
<th>motivation</th>
<th>description of offence</th>
</tr>
</thead>
<tbody>
<tr>
<td>proving</td>
<td>Attempts to prove own manhood or toughness. Self-reassurance, rather than attempts to achieve status with peers.</td>
<td>Theft or burglary carried out alone; taking motor car.</td>
</tr>
<tr>
<td>marauding</td>
<td>Excitement: the offence often involves considerable and deliberately chosen risk.</td>
<td>Unplanned or 'semi-planned' crimes, carried out in groups of three or more.</td>
</tr>
<tr>
<td>comforting</td>
<td>A substitute for affection of which the boy is deprived; or an aggressive act of resentment arising from such deprivation.</td>
<td>Stealing from parents; impulsive pilfering, either alone or with one other.</td>
</tr>
<tr>
<td>secondary</td>
<td>Rational</td>
<td>Planned theft of any sort, with a definite idea of what can be stolen and reasonable precautions against detection.</td>
</tr>
<tr>
<td>other</td>
<td>(Various)</td>
<td>Offences not classifiable under above headings: examples include stealing under instruction from parent, or stealing food after having run away from home.</td>
</tr>
</tbody>
</table>

It is basically this method of grouping which is reproduced by statistical methods of taxonomy such as 'association analysis', which was developed by Williams and Lambert for use in plant ecology, and which was first applied to offenders by Wilkins and MacNaughton-Smith. Statistical methods of this kind are intended to show which attributes of a group of individuals tend to be clustered together; any attributes can be used, provided they are logically independent. The advantage of these techniques is that they make possible much more complicated analyses than could be done by simple inspection of the data; and because they use a precise statistical definition of 'similarity' they are more objective than intuitive methods of classification. But they are still very much in the experimental stage, and their utility is uncertain even in the biological sciences; it has been shown, for example, by Lange et al. that association analysis will group data known to be random. This is an especially serious problem in the social sciences, where there are few hypotheses or theories which can indicate the significance of observed groupings. We refer to these techniques here, therefore, merely to illustrate in its most extreme form the 'empirical' approach to typology construction.

Goodman and Price have experimentally applied a variant of this technique ('dissimilarity analysis', invented by MacNaughton-Smith), to girls sent to borstal institutions. For a group of 129 girls, the presence or absence of 18 attributes was recorded. Each girl was compared with all of the others in respect of these 18 attributes and the one most unlike the rest identified; this girl was then paired with each of the 128 others, and the pair most unlike the remaining 127 identified; and so on, until a group was formed such that if any further girl was considered, she was less similar to this group (in terms of these 18 attributes) than to the remainder. This process was then repeated for each of the two groups thus formed, until no further sub-groups could be formed. Four groups - consisting of 46, 8, 37, and 38 girls respectively - were thus formed; the pattern of subdivision, and the significant features of each group, are shown in figure 4.3.

Another example of an empirically-derived typology is Hewitt's and Jenkins's classification of 'problem behaviour' syndromes among maladjusted children. In the records of a sample of 500 boys referred to a Michigan child guidance clinic, Hewitt and Jenkins found a total of 94 different kinds of 'problem behaviour' displayed by the boys. Three groups of these were found to be
intercorrelated (that is, displayed by more or less the same boys). These three 'behaviour syndromes' were called by Hewitt and Jenkins 'unsocialized aggressive behaviour', 'socialized delinquency' and 'overinhibited behaviour'; the items which comprised each are shown in figure 4.4.

This study also illustrates the way in which empirically-derived typologies may be related to criminological theories. After identifying the three 'behaviour syndromes', Hewitt and Jenkins examined the home backgrounds of the children in their sample, and found that certain kinds of early upbringing were correlated, to some extent, with each of the syndromes. For example, the 'unsocialized aggressive' children tended to have experienced parental rejection, whereas the 'overinhibited' children tended to come from homes described as 'repressive', or to suffer from physical defects. Psychological theory - of a rather eclectic kind - was then invoked by the authors to explain these correlations. Several replications of Hewitt's and Jenkins's study have been carried out, the most recent of these being done in England by Field,18 who used a group of boys admitted to approved schools. She found a number of boys displaying the 'unsocialized aggressive' and 'overinhibited' syndromes (but none displaying 'socialized delinquency'); however, she found no evidence of the correlations reported by Hewitt and Jenkins between these syndromes and any aspects of early upbringing or home background.

The second ('theoretical') approach, by contrast, starts off with a specific theory, from which a relatively specific basis for classification is deduced: descriptive criteria are then found for grouping individuals in accordance with this theoretical scheme. The best examples - and by far the commonest ones - of this approach to typology construction are those derived from psychiatric or psychological theory. For example, Freudian theory (in one of its many forms) states that the various experiences of early childhood lead the id, ego and superego to develop (or fail to develop) in certain ways; and that under certain conditions the resulting psychological states may precipitate abnormal behaviour, including illegal behaviour. Using this theoretical framework, Friedlander19 classifies delinquents according to whether they suffer from 'antisocial character formation', organic disturbances, or psychotic ego-disturbances; and she further sub-divides the first group according to whether environmental or emotional stress or neurotic conflicts are present, giving descriptive criteria (of a fairly vague kind) for identifying each type. A similar classification of delinquents has been suggested by Argyle,20 who derived his typology in a very different way. Instead of proceeding (as Friedlander did) on the basis of clinical impressions, Argyle reviewed the results of studies of personality tests, in order to discover the personality traits (or, more precisely, the tests which purported to measure the traits) which distinguished delinquents from non-delinquents. Having found a number which did this, Argyle estimated the extent to which these were intercorrelated, and could be grouped into 'types' exhibiting a number of traits. He identified four such delinquent types - those with 'inadequate super-ego', 'deviant identifications' (i.e. gang members), 'weak ego-control' and 'lack of sympathy'. The theoretical basis of this typology lies both in the tests which Argyle considered, and in the conceptual framework which he used to group them.

Each of these two methods of typology construction has its strengths as well as its weaknesses. The 'theoretical' approach is guaranteed to distinguish types of crime or criminal behaviour in a way which is theoretically relevant - provided that the theory in question is a coherent one. It may well be, however, that some of the types logically deducible from the theory simply do not exist in reality. For example, even if Freudian theory were shown to be correct, there still might not happen to be any 'criminals from a sense of guilt' of the kind which that theory describes. An empirical typology, on the other hand, must include a certain proportion of the crimes and/or criminals which actually exist. But it may be far from clear why those characteristics are grouped together; and the characteristics themselves may not be of any use in explaining why the behaviour in question occurs.

In practice, neither the 'theoretical' nor the 'empirical' approach, as we have described them, is often found in pure form in criminology. Most existing typologies of offences or offenders are the result of an uneasy compromise between the two. Since there are at present very few well-established theories in any of the behavioural sciences from which criminological typologies can be derived, the majority of typologies are predominantly 'empirical' in character; at the same time, most imply some sort of commitment to a particular psychological or sociological theory. Because these theories may be found, on further research, to be invalid, existing classifications of offences or offenders must be regarded as provisional. But the development and testing of new theories depends, to some extent, on
The attributes shown by each group tended to distinguish that group, either by their presence or their absence, to a statistically significant extent from the other three groups.

**Figure 4.3 (below)** Classification of borstal girls by means of MacNaughton-Smith's 'dissimilarity analysis'.

<table>
<thead>
<tr>
<th>Total Sample</th>
<th>N = 129</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>N = 46</td>
<td></td>
</tr>
<tr>
<td>Present: 12,5</td>
<td></td>
</tr>
<tr>
<td>Absent 1, 2, 9, 13, 17, 15</td>
<td></td>
</tr>
<tr>
<td>N = 8</td>
<td></td>
</tr>
<tr>
<td>Present: 4, 11, 12</td>
<td></td>
</tr>
<tr>
<td>Absent: —</td>
<td></td>
</tr>
<tr>
<td>N = 37</td>
<td></td>
</tr>
<tr>
<td>Present: 1, 3, 9, 13, 17</td>
<td></td>
</tr>
<tr>
<td>Absent: 4, 14</td>
<td></td>
</tr>
<tr>
<td>N = 38</td>
<td></td>
</tr>
<tr>
<td>Present: 13, 17</td>
<td></td>
</tr>
<tr>
<td>Absent: 4, 3</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 4.4 (right)** The three delinquent 'behaviour syndromes' identified by Hewitt and Jenkins. These three groups of traits (based on ratings and reports in case histories) were found to be intercorrelated among the cases in Hewitt and Jenkins' sample of 500 children seen in a child-guidance clinic. Numbers beside the trait names indicate the percentage of those displaying that trait who were in the 'syndrome' group characterised by that trait. Thus, for example, 70 per cent of all gang members in the sample of 500 were in the 'socialised delinquency' group.

**Unsocialised Aggressive Behaviour (52 Cases)**
- Assaultive tendencies
- 'Initiatory' fighting
- Cruelty
- Open defiance of authority
- Malicious mischief
- Inadequate guilt feelings

**Socialised Delinquency (70 Cases)**
- Association with undesirable companions
- Membership in delinquent gang
- Co-operative stealing
- Furtive stealing
- Habitual school truancy
- Running away from home
- Staying out late at nights

**Overinhibited Behaviour (73 Cases)**
- Seclusiveness
- Shyness
- Apathy
- Worrying
- Sensitiveness
- Submissiveness

Percentage of all cases with each trait found within the three 'behaviour syndromes'.
the systematic study of different types of crime and/or criminal, and the analysis of similarities between them. Some sort of typology must be chosen, therefore, to serve as a starting-point for future aetiological research and theory. What features should this typology ideally possess?

Requirements of a good typology
Classification always reflects some purpose, and one method of classification is ‘better’ than another only in respect of some particular purpose or purposes. Moreover, a typology which is good for one purpose is not necessarily good for another. Gibbons has suggested that a single offender typology might be developed which would be useful both in aetiological research and in the treatment of offenders; he remarks that:

It seems but a small jump from the view that the causes of illegal behaviour vary among types of delinquent or criminal careers, to the conclusion that efficacious therapy procedures similarly vary with the kind of behaviour to be treated or changed.

This seems to us, however, to be a fairly large jump, in the present state of criminology. It is by no means clear, at the present, that knowledge of the causes of an offender’s delinquency is of any use at all in getting him to stop breaking the law. Of course, one reason for speculating about the causes of crime is to try to find ways of controlling it; and aetiological research may in time suggest new and useful ways of dealing with delinquents. But – even if we ignore the fact that no criminological theory has yet been adequately tested and confirmed, for any type or types of crime – it simply does not follow that typologies which are useful in aetiological research will necessarily be of any value at all when it comes to the choice of treatment or punishment. What is wanted for that purpose (as we shall see in chapter 7) is a typology which separates offenders whose treatment needs are different; and such a typology may be utterly useless for explanatory purposes, just as an aetiological typology may turn out to be useless for treatment purposes.

What, then, are the requirements of a good typology for the purpose of aetiological research? The ultimate object, of course, is that it should separate offenders or kinds of behaviour into types which have different theoretical explanations appropriate to them. A typology which does this may be said to be valid; and it is this which one tries to establish by research. But there are some other properties – which may be called formal properties – which a good typology ought to have. First, it is generally agreed that the scope of the typology should be as wide as possible: all other things being equal, the best typology is the one which includes the greatest number of offenders. It is easy to make too much of this requirement; and it is surely unrealistic to expect that (as is sometimes suggested) a criminological typology should include all offences or offenders. But many of the typologies described in the literature are fairly limited in this respect. For example, Hewitt and Jenkins could manage to include within their three ‘behaviour syndromes’ only 39 per cent of their sample of 500 cases; Field, in her replication of their work, obtained exactly the same figure. In other words, three out of every five delinquents could not be fitted clearly into one of Hewitt’s and Jenkins’s three categories. Field’s replication illustrates a second requirement of a good typology: namely, its types should so far as possible be mutually exclusive. The Hewitt-Jenkins typology appears not to meet this requirement: Field (who used slightly different, though more precise, criteria than Hewitt and Jenkins) found that 51 per cent of her sample were ‘mixed’ cases falling under two or more types. The remaining 10 per cent could not be classified at all.

Thirdly, it is important that the types specified by a typology should be easily and reliably identified. If the type-definitions include theoretical variables (such as ‘weak super-ego’ or ‘anti-social reference group’), adequate operational definitions of these should be available; and type-criteria should be as unambiguous and objective as possible. Here, typologies which are based on such things as criminal career and work record should generally be superior to typologies based on psychiatric diagnosis or psychological assessments; but in practice, given the inadequacies of official records relating to offenders in most countries, there is probably not much difference. Finally, there is the question how many types the typology should contain. Clearly, a typology which is being used for treatment purposes should be as rich in types as possible, and should include at least as many types as there are possible kinds of treatment or punishment: any type which is shown by research to be unrelated to the outcome of treatment can then be discarded. But in the case of typologies for aetiological research, the position is rather different. An empirically-derived typology, which is not based on any particular theory, should probably also contain a
fairly large number of types: the trouble is that there is no real way of knowing how rich in types, or how detailed, it should be. The number of types in a typology which is derived from a theory, on the other hand, will obviously depend on the range of behaviour which the theory aims to explain.

**Types of offender versus types of offence**

A typology which is used for aetiological research in criminology may either be a classification of *offences* or a classification of *offenders*. Sociologically-orientated criminologists tend to concentrate on offences, whereas psychologists tend to focus on people who commit offences; but either kind of theory can be attached to either kind of typology. For example, as we have seen, Hewitt and Jenkins began by identifying three different patterns of behaviour; but they attempted to explain these by means of a psychological theory based on the characteristics of offenders.

A recent sociological example of a typology of offences is Clinard’s and Quinney’s analysis of ‘criminal behaviour systems’. Clinard and Quinney use as defining characteristics in this typology four variables – the criminal career of the offender, the extent to which the behaviour has group support, correspondence between criminal behaviour and legitimate behaviour patterns, and societal reaction. Each of these four variables is allowed to take three values (high, medium, or low). The authors then characterise eight different ‘criminal behaviour systems’ – violent personal crime, occasional property crime, occupational crime, political crime, order crime, conventional crime, organised crime, and professional crime – in terms of the four defining variables. (Two of these types are illustrated in figure 4:5.) It is not actually clear whether Clinard and Quinney regard the four variables as defining criteria of the eight types, or whether they regard them merely as features which just happen to distinguish between these eight ‘criminal behaviour systems’. Either way, the four variables would presumably figure in any theory which was valid for all eight ‘behaviour systems’. But four variables, each permitted to take three values, have 64 possible combinations, not just eight. Any theory about the causes and distribution of crime which was based on these four factors should also explain why only eight combinations of these factors actually occur—if indeed that is the case.

Historically, most of the typologies propounded by criminologists

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**Figure 4:5 Two of the eight 'criminal behaviour systems' of Clinard and Quinney.**

<table>
<thead>
<tr>
<th>Professional crime</th>
<th>Occasional property crime</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criminal career of offender</strong></td>
<td></td>
</tr>
<tr>
<td>HIGH</td>
<td>LOW</td>
</tr>
<tr>
<td>Crime pursued as a livelihood; criminal self-concept; status in the world of crime; commitment to world of professional criminals</td>
<td>Little or no criminal self-concept; does not identify with crime</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Group support of criminal behaviour</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>HIGH</td>
<td>LOW</td>
</tr>
<tr>
<td>Associations primarily with other offenders; status gained in criminal offences; behaviour prescribed by group norms</td>
<td>Little group support; individual offences</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Correspondence between criminal and legitimate behaviour</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MEDIUM</td>
<td>LOW</td>
</tr>
<tr>
<td>Engaged in an occupation; skill respected; survival because of co-operation from legitimate society; law-abiding persons often accomplices</td>
<td>Violation of value on private property</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Societal reaction</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MEDIUM</td>
<td>MEDIUM</td>
</tr>
<tr>
<td>Rarely strong societal reaction, most cases ‘fixed’</td>
<td>Arrest; jail; short imprisonment, probation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal categories of crime</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoplifting, pickpocketing, forgery, counterfeiting, fraud</td>
<td>Some auto theft, shoplifting, cheque forgery, vandalism</td>
</tr>
</tbody>
</table>
have been typologies of offenders. This is probably because of the clinical approach of psychiatrists and psychologists to criminology, and because criminologists' main concern with classification has been in relation to treatment and the control of crime. Now, there is nothing wrong with this general approach. But the majority of typologies of this kind have not been related to any kind of criminological theory. Moreover, on closer examination many of them are incomplete, because they are not really related to criminal or deviant behaviour. Instead, they are what might be called typologies of persons - they classify human beings according to attributes such as personality or character traits or social background, which apply to human beings generally and not just to offenders. Friedlander's typology, which we have already cited, is an example of this. 'Antisocial character formation', 'organic disturbances' and 'psychotic ego-disturbances' may all be displayed by persons who are not in the least criminal, delinquent, or deviant; and (as Friedlander herself admits) they are not displayed by all criminals.

Of course, in one sense typologies like Friedlander's are 'about' criminal behaviour, since they are derived from studies of groups of persons who have broken the law. But they take no account of different forms of criminal or deviant behaviour - as opposed to symptomatic or 'abnormal' behaviour - with the result that they cannot explain why certain personal characteristics lead to violent crime in some cases and purposeful theft in others. Yet in many cases this is plainly not just a matter of chance. Moreover, they cannot explain why those personal characteristics should lead to any kind of crime in some cases, but not in others. Why should some persons suffering from 'antisocial character formation' commit thefts, while others develop neurotic symptoms? It seems to us to be important that, as criminologists, we should seek to develop theories which completely explain criminal behaviour - not just 'aggressive' behaviour, or 'abnormal' behaviour, or behaviour in general. Crime is, after all, what criminology is supposed to be about. But it is just this which theories based on typologies like Friedlander's cannot possibly do, no matter how far they may be confirmed by empirical research. Of course, there may be room for disagreement about the definition of 'criminal behaviour', and about whether it should cover borderline cases such as 'white-collar crime'; many sociologists would prefer to study the broader phenomenon of 'deviant behaviour', of which crime (in the sense of acts contrary to the criminal law) is only one part. There is none-
Table 4:1 Frequencies of criminal career types in a sample of 400 adult prisoners.

<table>
<thead>
<tr>
<th>Single Pattern types</th>
<th>Number</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narcotic drug offences</td>
<td>50</td>
<td>12.5</td>
</tr>
<tr>
<td>Robbery</td>
<td>32</td>
<td>8.0</td>
</tr>
<tr>
<td>Gambling</td>
<td>16</td>
<td>4.0</td>
</tr>
<tr>
<td>Burglary</td>
<td>15</td>
<td>3.8</td>
</tr>
<tr>
<td>Sex offences</td>
<td>10</td>
<td>2.5</td>
</tr>
<tr>
<td>Fraud</td>
<td>8</td>
<td>2.0</td>
</tr>
<tr>
<td>Car theft</td>
<td>4</td>
<td>1.0</td>
</tr>
<tr>
<td>Forgery and counterfeiting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, single pattern types</td>
<td>150</td>
<td>37.5</td>
</tr>
</tbody>
</table>

| Double pattern types         |        |          |
| Larceny and burglary         | 64     | 16.0     |
| Drunkenness and assault      | 40     | 10.0     |
| Total, double pattern types  | 104    | 26.0     |

| Triple pattern type          |        |          |
| Drunkenness, assault and larceny | 43 | 10.8   |
| Mixed pattern ('Jack-of-all-Trades') | 71  | 17.8    |
| No pattern (less than three arrests) | 32  | 8.0     |
| Total                         | 400    | 100.0    |

To begin with, it has often been pointed out that legal definitions of crimes are often arbitrary, and do not indicate important behavioural differences; for example, until recently the distinction in English law between larceny by a trick and obtaining by false pretences was often a highly artificial one. But as Roebuck has argued, it is easy to make too much of this point; the major legal categories – burglary, assault, robbery, etc. – certainly do mark off significant behavioural differences. What is true is that legal categories by themselves are too crude for research purposes, and need to be further subdivided by taking into account individual or social factors relating to the offences. A domestic quarrel between husband and wife, a fight between two strangers in a public bar and an attempted armed robbery may all result in the offence of malicious wounding, but it is probably not useful, for criminological purposes, to classify these three acts as instances of the same offence. The extent to which legal categories should be subdivided or grouped together, and the factors used to do this, will of course depend on the researcher’s interests and point of view.

An interesting example of one such classification is that used by McClintock and Gibson, in their study²⁴ of robbery in London. This classification is based principally on the circumstances in which the victim was attacked, with each main type subdivided according to other situational factors such as the type of victim, method of attack, or relationship between attacker and victim. This classification cuts across a number of legal definitions, and groups together acts on the basis of behavioural similarities.

Such a classification overcomes another criticism of Roebuck’s method, which is that a homogeneous criminal record (in legal terms) does not necessarily indicate systematic criminal behaviour, though this is obviously an important distinction for theoretical purposes. An offender may have a dozen arrests or convictions, all for the same type of offence in legal terms, but his behaviour may still not be at all systematic in the sense of displaying specialised techniques, consistent relations with victims, etc. This is especially true in the case of offences of burglary and larceny. In any case, Roebuck’s rather arbitrary criteria of a ‘single pattern’ type are inadequate, since they take no account of the fact that offences against property – and in particular larceny – account for the great majority of arrests and convictions, in most jurisdictions. Thus a man whose criminal record included ten offences of which six were larceny could be a ‘single pattern’ type by Roebuck’s criteria, even though his criminal
career did not in fact show particular concentration on this type of offence: on the other hand, a man who had seven convictions of which three were for sexual offences would have a relatively 'specialised' career - with a greater-than-average number of sexual offences - even though he did not meet Roebuck's criteria.

A typology which goes some way to meeting these criticisms has been proposed by Gibbons. This typology, which makes use of the notion of a criminal 'role-career', is based on a number of assumptions and hypotheses of contemporary sociological theory, about the learning of different social roles (i.e. socially prescribed patterns of behaviour, which may or may not involve criminal or deviant behaviour). Gibbons argues that many offenders display stable patterns of delinquent or criminal 'role-playing', and he hypothesises that different role-careers are caused by different combinations of social and personal factors. From this perspective, Gibbons proceeds to develop a typology of juvenile delinquents, and one of adult criminals. The fifteen adult criminal types he uses are as follows:

1. Professional thief
2. Professional 'heavy' criminal
3. Semiprofessional property criminal
4. Property offender - 'one-time loser'
5. Automobile thief - 'joyrider'
6. Naive cheque forger
7. White-collar criminal
8. Professional 'fringe' violator
9. Embezzler
10. Personal offender - 'one-time loser'
11. 'Psychopathic' assassin
12. Violent sex offender
13. Non-violent sex offender - 'rape'
14. Non-violent sex offender - statutory rape
15. Narcotic addict - heroin.

These fifteen types are defined, or rather described, in terms of four variables which serve as type-criteria: offence behaviour, 'interactional setting', self-image, and attitudes. (Two of these 15 types are illustrated in table 4:2.) In addition, for each type Gibbons describes what he assumes to be a typical role-career or pattern of criminal behaviour over time; he then hypothesises that certain 'background dimensions' - such as social class, family background, peer group associations, and contact with law-enforcement agencies - are correlated with each type. For example, according to Gibbons

### Table 4:2 Two adult criminal 'role-careers'.

<table>
<thead>
<tr>
<th>Definition</th>
<th>Personal Offender 'one-time loser'</th>
<th>Professional 'heavy' criminal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Offence behaviour</strong></td>
<td>Usually a major crime of violence - murder, manslaughter or serious assault (not, however, a sexual crime).</td>
<td>Armed robbery, burglary, and other direct assaults on property. Crimes involve detailed planning and high degree of skill, with actual violence seldom used.</td>
</tr>
<tr>
<td><strong>Interactional setting</strong></td>
<td>Normally the victim is well known to the offender, e.g. killing of spouse or other family member. Crime may be outcome of a long history of wife-beating or other family violence.</td>
<td>Crimes usually carried out as team or 'mob' operations, with each member having a specialised role, e.g. driver of getaway car.</td>
</tr>
<tr>
<td><strong>Self-image</strong></td>
<td>Non-criminal self-image; often reports offence to police, and is contrite, guilty and repentant.</td>
<td>Defines himself as a criminal, exhibits pride in specialised skills and views crime as a lucrative and satisfying way of life. Draws a clear distinction between himself and other 'amateur' criminals.</td>
</tr>
<tr>
<td><strong>Attitudes</strong></td>
<td>Pro-social attitudes generally; has conventional occupation before arrest and plans to return to conventional work. Usually married and has conventional marital and family life.</td>
<td>Scorn for inept policemen, but respect for competent ones; no great hostility to police, who are regarded as necessary persons who have a job to do. Negative attitudes to conventional work roles.</td>
</tr>
<tr>
<td><strong>Role-career</strong></td>
<td>Usually no previous criminal record, except possibly drunkenness or wife-beating. Usually receives long prison sentence, and makes satisfactory parole adjustment.</td>
<td>Normally urban, lower-class background; begins career as predatory gang delinquent; tends to continue in crime until middle age, when may 'retire' into non-criminal occupation.</td>
</tr>
</tbody>
</table>
the 'role-career' of the professional 'heavy' criminal usually begins
with membership in a delinquent gang, is characterised by increasing
involvement with older professionals from whom necessary skills
are learned, and often terminates with 'retirement' into a non-
criminal occupation in middle age. The background dimensions of
this type, Gibbons suggests, generally include an urban, lower-class
background; neglectful upbringing and/or criminal siblings or
parents; differential association with delinquent or criminal peers;
and involvement with the police as a juvenile, though little contact
with them (because of his criminal skill) as an adult.

Gibbons admits that this typology is not intended to include all
forms of criminal behaviour; he describes it as 'a reasonable middle
ground between gross systems of differentiation among offenders,
such as 'property' and 'personal' criminals, and categorical systems
which employ an extremely large number of types, such as a scheme
based on specific offence labels'. While many of the descriptions
which Gibbons gives of his offender types are very similar to those
given by other writers, he himself points out that there has not yet
been much empirical research which could show the typology's
validity either for aetiological or treatment purposes. As we have
already indicated, we think it is unlikely that a single typology will be
adequate for both of these purposes. Nonetheless, Gibbons's work
is an extremely interesting example of offender type-classification
which, though basically empirically derived, is still guided by a
more or less systematic theoretical approach.

How common are homogeneous careers?

As we have seen, Gibbons's offender typology, like that of Roebuck
and a number of other writers, makes use of the notion of a criminal
career. It is true that some of Gibbons's types have 'careers' consist­
ing of only one offence; but others are described as persistent offen­
ders whose offence behaviour is more frequent, and relatively
homogeneous. But how common, in fact, are homogeneous careers
of this kind?

The available evidence suggests that unfortunately they are not in
fact very common. In any year, the majority of offenders convicted
and sentenced by most courts are first offenders, the majority of
whom are not subsequently reconvicted; of those who are recon­
victed, a substantial proportion have committed different types of
crime from that which led to their first appearance in court. The

matrix in table 4:3a was prepared by the Institute for Defence
Analyses for the President's Crime Commission.26 it shows the
probability of a man whose last arrest was for a crime of one type
being re-arrested for a crime of that type or a different one. The
figures on the principal diagonal of this matrix (printed in bold
face) show the probabilities of offenders' being re-arrested for the
same type of crime as that for which they were last arrested: and it
will be seen that the highest of these - for burglary - is .459. In other
words, the probability that a man arrested for burglary will have
his next arrest for this type of crime is less than one in two; and the
chances of 'repeating' in this way are even lower for the other types
of crime shown in this table. Moreover, what this matrix shows are
the probabilities that an offender, if re-arrested, will be re-arrested
for the seven types of offence. It must thus be multiplied by the
overall re-arrest rates for these types of offence, to take into account
the fact that some offenders are not re-arrested at all. Table 4:3b
shows the results of this analysis, using estimated overall re-arrest
rates based on a study of criminal careers carried out in the United
States by the Federal Bureau of Investigation.27

If we make the assumption (which may not, in fact, be correct)
that the matrix in table 4:3b is valid for all arrests in an offender's
career, it can be estimated that of all those arrested once for any of
the seven offences and subsequently re-arrested five or more times,
about 16 per cent will have half or more of their arrests for burglary.
On the same assumption, the chance of six or more arrests, at least
half of which are for larceny, is only about one in thirty. This finding
is of interest, since larceny accounts for about 45 per cent of all arrests
for Part I offences in the United States each year, whereas burglary
accounts for only about one-quarter. The probability of a homoge­
neous career involving other types of offence is even smaller; on
the same assumption as above, the probability of an offender
eventually having a career of five or more arrests with even one-
third of them being for aggravated assault is less than three per

cent.

The crime-switch matrix (table 4:3a) does suggest some degree of
homogeneity in the careers of persons committing serious offences
against property (robbery, burglary, and larceny of property worth
over $50). The probability that an offender, arrested for any one of
these three offences and subsequently re-arrested, will have his second
arrest for one of these types of crime is about 80 per cent; whereas the
probability of his second arrest being for a serious offence of per-
Table 4:3a The 'crime-switch' matrix.

<table>
<thead>
<tr>
<th>Last arrest for an Index crime</th>
<th>If arrested again for Index crime (see left).</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Murder, non-negligent manslaughter*</td>
<td>0.025 0.025 0.150 0.400 0.200 0.100 0.100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Forcible rape*</td>
<td>0.200 0.150 0.110 0.260 0.200 0.140 0.120</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Robbery</td>
<td>0.015 0.010 0.350 0.060 0.350 0.115 0.100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Aggravated assault*</td>
<td>0.025 0.040 0.150 0.300 0.085 0.200 0.200</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Burglary</td>
<td>0.010 0.020 0.135 0.063 0.459 0.282 0.031</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Larceny ($50 and over)</td>
<td>0.010 0.020 0.140 0.025 0.400 0.275 0.130</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Car theft</td>
<td>0.010 0.027 0.045 0.028 0.390 0.222 0.278</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Best estimates on inadequate data

Table 4:3b The 'crime-switch' matrix with non-re-arrest rates taken into account.

<table>
<thead>
<tr>
<th>Last arrest</th>
<th>Not re-arrested</th>
<th>Next arrest Re-arrested for crime of type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Murder, non-negligent manslaughter</td>
<td>0.600 0.010 0.010 0.060 0.160 0.080 0.040 0.040</td>
<td></td>
</tr>
<tr>
<td>2 Forcible rape</td>
<td>0.500 0.010 0.075 0.055 0.130 0.100 0.070 0.060</td>
<td></td>
</tr>
<tr>
<td>3 Robbery</td>
<td>0.400 0.009 0.006 0.210 0.036 0.210 0.069 0.060</td>
<td></td>
</tr>
<tr>
<td>4 Aggravated assault</td>
<td>0.260 0.019 0.029 0.112 0.222 0.063 0.148 0.148</td>
<td></td>
</tr>
<tr>
<td>5 Burglary</td>
<td>0.230 0.007 0.015 0.104 0.049 0.354 0.217 0.024</td>
<td></td>
</tr>
<tr>
<td>6 Larceny ($50 and over)</td>
<td>0.410 0.006 0.012 0.083 0.015 0.236 0.162 0.077</td>
<td></td>
</tr>
<tr>
<td>7 Car theft</td>
<td>0.200 0.008 0.022 0.036 0.022 0.312 0.178 0.222</td>
<td></td>
</tr>
</tbody>
</table>

The figures in the left-hand column of this matrix are estimates based on a study of criminal careers carried out by the US Federal Bureau of Investigation and published in the Uniform Crime Reports for 1968. The remaining seven columns of the matrix are the result of multiplying each row of the 'crime-switch' matrix (see table 4:3a) by the overall re-arrest rate for that type of crime (i.e. 1.0 minus the entry in the left-hand column). Thus, for example, of those arrested for burglary, an estimated 23 per cent are not re-arrested at all; but 35.4 per cent (0.77 x 0.459) are re-arrested for burglary.

However, 'violent crime' and 'non-violent property crime' are both very broad categories, and both include a number of different, more specific, patterns of criminal behaviour. It should also be noted that these studies, like Roebuck's (see page 129) are based on arrest records, rather than on convictions. Arrest records may give a more accurate estimate of the total amount of an offender's criminality, but they may exaggerate its homogeneity, since many police forces make a practice of arresting suspects on the basis of the nature of their previous arrests or modus operandi.

When more stringent criteria are used, the degree of homogeneity...
is reduced. Thus, Robin made a study of the delinquent and later criminal careers of members of 27 gangs in Philadelphia in 1962. He found that while there was a tendency for these offenders' crimes to get more serious as they got older, there was little evidence of stable patterns of a single type of offence. Only a fifth of the 395 gang members with at least five police contacts had as many as three-fourths of those contacts within any one of three broad offence categories (offences against the person, offences against property, or disorderly conduct).

Several English studies also support the general conclusion that homogeneous criminal careers are rare. In the Cambridge study of sexual offences, based on a sample of 1,985 men convicted in 1947, it was found that only 17 per cent had any previous convictions for sexual crimes of any kind, and that only two per cent had four or more convictions of the same kind (most of these being persons who committed homosexual offences or indecent exposure). Moreover, nearly half of those with more than one conviction for a sexual offence had also been convicted of three or more non-sexual offences. In his study of crimes of violence committed in London, McClintock found that only one-fifth of the offenders could be classified as 'violent recidivists' with one or more previous convictions for a violent offence; only about three to four per cent had previously been convicted three or more times for violent crimes, though about 15 per cent had three or more previous convictions for non-violent crimes. In another study, of robbers convicted in London in 1950–7, McClintock and Gibson found that while the majority had previous convictions, these were mostly for larceny and other non-violent property crimes; only 16 per cent could be classified as 'robbers' who concentrated mainly on this type of offence. Similarly, research by Hadden on offenders convicted of fraud, found only about one-sixth had specialised in fraud; another 12 per cent had begun their criminal careers by committing other offences (mostly larceny) and had tended in later years to specialise in frauds.

Conclusion

It seems clear, then, that homogeneous criminal careers are not common, and that offender typologies based on this notion will consequently be very limited in scope. A typology based on criminal careers may well be useful as a starting-point for aetiological research; but - if 'mixed' careers are excluded - it is bound to leave the great bulk of criminal behaviour unexplained.

It seems to us, therefore, that any offender typology which is intended to distinguish different causal processes should begin by explicitly distinguishing between 'occasional' or 'once-only' offenders on the one hand, and 'habitual' or persistent offenders on the other; and by further sub-dividing the latter group into those who display homogeneous criminal careers and those who do not. The distinction between 'occasional' and persistent offenders has been ignored by most contemporary criminologists - with the conspicuous exception of Gibbons, whose typology was discussed above. But Gibbons errs, in our view, in regarding the 'once-only' offender as having a 'role-career'. A man who commits only one isolated offence does not have any criminal career - even a very short one; and we suggest that the kind of explanation appropriate to his behaviour is likely to be very different from the kind of explanation applying to the man who persists in crime. The self-report studies described in chapter 2 of this book have shown that most persons commit some kind of offence at some time or another in their lives. In the absence of evidence to the contrary, it seems reasonable to regard these isolated acts as normal events, the occurrence and distribution of which - if it is not completely random - is best explained, at least in most cases, by relatively simple situational factors (such as opportunities to commit crime).

The crimes of persistent offenders are different; and a man who is repeatedly arrested for serious offences certainly cannot be regarded as completely normal, in the statistical sense. (We do not mean, of course, that he has to be thought of as ill.) Even a mild degree of persistence in crime suggests a degree of personal involvement - reflected, perhaps, in self-concept, attitudes and social relationships - which the 'once-only' offender is unlikely to possess: and the notion of a criminal career accordingly becomes more appropriate. In other words, it seems likely that the cause of the persistent offender's crimes is not just the more frequent occurrence of the same thing which causes the occasional offender's crime.

Of course, it is possible that a dichotomous classification of 'occasional' and 'persistent' offenders is far too crude, and that several degrees of involvement in crime need to be distinguished for explanatory purposes. For instance, it may be that, as Glaser has suggested, many offenders' careers take the form of a 'crime-noncrime' cycle, in which the offender alternates between periods of legitimate work and periods of criminal behaviour. Again, as
Polsky has recently pointed out, many kinds of property crime lend themselves admirably to 'moonlighting'—that is, they may be undertaken to provide a second source of income, either part-time or full-time, by one who continues to hold down a regular, legitimate job at the same time. The precise delineation of these 'intermediate career' groups must, in our opinion, be based on self-reported crime as well as arrests or convictions. Indeed, when the undetected offences of persistent offenders are considered, a somewhat greater degree of homogeneity of behaviour may be found than is suggested by official records.

The only firm conclusion that we can draw, then, is that frequency or intensity of criminal behaviour must be taken into account by any valid aetiological typology of offenders. In addition, such a typology should probably distinguish those offenders with relatively homogeneous criminal careers, even if they are not very numerous. We recognise that this does not take us very far, and it is a dispiriting result after so much effort has been put into this subject. It may well be that the empirical or descriptive approach to this problem, which has been the basis of most research so far, is fundamentally the wrong one and that more attention should be paid in future to the development of theories from which classifications can be deduced.

5 Understanding the sentencing process

Criminologists have paid scant attention to the sentencing process. Their major concern has been with the effects of sentences on offenders. The shortness of this chapter compared with the next two testifies to the relative amounts of empirical work in these two related areas. Yet research on the decision-making process involved in sentencing is essential; for it is, after all, mainly the decisions made by judges and magistrates that determine which types of offender undergo which various punishments and treatments.

Most studies of sentencing have been concerned with what appear to be inexplicable disparities between sentences passed on similar cases. Researchers have in general attempted to see whether these disparities can be explained by the peculiar nature of the cases coming before different judges or courts. The method has been to correlate various facts about the offence and the offender with the severity of the sentence imposed. This method has obviously produced useful information about what factors are given most weight in the sentencing process. At the same time it has drawn attention to the importance of information about the offence and the offender on sentencing and led to a critical analysis of the role of those who provide information, such as the prosecutor and probation officer. In addition to this empirical approach, studies have been made of judicial rules and conventions for sentencing, especially those embodied in judgments of the courts of appeal. In England, for example, D.A. Thomas has contributed much to the understanding of sentencing through a critical analysis of the principles and practical directions laid down for sentencing in the Court of Appeal, Criminal Division. But in this chapter we shall be concerned entirely with the contribution of empirical research to the understanding of the sentencing process.

Studies of sentencing disparities

In the studies so far reported of sentencing disparities, three different methods have been used. At the crudest level are comparisons between the proportions of offenders receiving various sentences in