

# CRIMINOLOGY



AN INTEGRATIVE INTRODUCTION

eighth edition

FRANK SCHMALLEGER

Eighth Edition

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# Criminology TODAY

AN INTEGRATIVE INTRODUCTION

**Frank Schmalleger, Ph.D.**

Distinguished Professor Emeritus, The University of North Carolina at Pembroke

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**Cover Image:** Samxmeg/Getty Images, 2/Flying Colours Ltd/Ocean/Corbis, Jose Saavedra/Shutterstock, 145/Don Farrall/Ocean/Corbis, Daniel Grill/Tetra Images/Corbis, and Fasphotographic/Shutterstock  
**Full-Service Project Management:** Abinaya Rajendran, Integra Software Services Private, Ltd.  
**Composition:** Integra Software Services Private, Ltd.  
**Text Printer/Bindery:** Courier  
**Cover Printer:** Lehigh-Phoenix Color/Hagerstown  
**Text Font:** Bembo, 10/13

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## Library of Congress Cataloging-in-Publication Data

Schmallegger, Frank, author.

Criminology today: an integrative introduction / Frank Schmallegger, Ph.D.. Distinguished Professor Emeritus, The University of North Carolina at Pembroke.—Eight edition.

pages cm

ISBN 978-0-13-414638-6 (alk. paper) — ISBN 0-13-414638-7 (alk. paper)

1. Criminology. 2. Criminology--United States. I. Title.

HV6025.S346 2017

364--dc23

2015036927

10 9 8 7 6 5 4 3 2 1

**PEARSON**

Perfect bound ISBN-13: 978-0-13-414638-6  
ISBN-10: 0-13-414638-7  
Loose leaf ISBN-13: 978-0-13-441711-0  
ISBN-10: 0-13-441711-9

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# Major Theoretical Developments

## Classical School

### Classical Criminology

- 1764 Cesare Beccaria** Deterrence through punishment, free will, social contract
- 1789 Jeremy Bentham** Hedonistic calculus, utilitarianism

### Neoclassical Criminology

- 1974 Robert Martinson** Nothing-works doctrine
- 1975 James Q. Wilson** Thinking about crime
- 1986 Clarke & Cornish** Rational choice
- 1988 Jack Katz** Seductions of crime, emotions and crime
- 1992 Clarke & Cornish** Situational choice, situational crime prevention

## Biological and Biosocial Theories

### Early Positivism

- 1810 Franz Joseph Gall** Phrenology, scientific understanding of crime
- 1830s Johann Gaspar Spurzheim** Brought phrenology to America

### Criminal Anthropology

- 1863 Cesare Lombroso** Atavism, born criminals, criminaloids, Italian School
- 1913 Charles Buckman Goring** Challenged Lombroso's theory
- 1939 Earnest Hooton** Environment + low-grade human = crime

### Criminal Families

- 1877 Richard Dugdale** The Juke family
- 1912 Henry Goddard** The Kallikak family
- 1915 Arthur Estabrook**

### Constitutional Theories

- 1925 Ernst Kretschmer** Somatotyping
- 1949 William Sheldon** Body types, behavioral genetics/twins, heritability, human genome

### Twin studies

- 1968 Karl Christiansen and Sarnoff Mednick** Genetic determinism

### Sociobiology

- 1975 Edward O. Wilson** Altruism, territoriality, tribalism, survival of gene pool

### Biosocial Criminology

- 1980 Darrell J. Steffensmeier**
- 1997 Anthony Walsh** Environmental mediation of genetic influences
- 1990s Adrian Raine** Brain dysfunction
- 2003 Kevin M. Beaver and Anthony Walsh** Biosocial criminology
- 2010 Thomas Bernard** Gender-ratio problem
- 2010 Kevin M. Beaver, John P. Wright, and Anthony Walsh** Evolutionary theory

## Psychological/ Psychiatric Theories

### Modeling Theory

- 1890 Gabriel Tarde** Imitation
- 1973 Albert Bandura** Aggression is learned, aggression is rewarded, disengagement, social cognition theory, modeling

### Psychoanalytic Criminology

- 1920s– Sigmund Freud** Psychoanalysis,
- 1930s** Id, ego, superego, sublimation
- 1930s August Aichorn** Damaged egos

### Personality Theory

- 1941 Hervey Cleckley** Psychopathology, psychopath, sociopath
- 1964 Hans Eysenck** Traits, supertraits
- 1968 DSM-II** Antisocial personality disorder

### Behavior Theory

- 1950s B. F. Skinner** Operant
- 1970s** Conditioning, operant behavior, rewards/punishments, stimulus-response

### Frustration–Aggression Theory

- 1939 J. Dollard** Displacement, catharsis

### Cognitive Theory

- 1955 Jean Piaget** Stages of human intellectual development
- 1969 Lawrence Kohlberg** Stages of moral development
- 1970 Stanton Samenow and Samuel Yochelson** The criminal mindset
- 1979 Roger Shank and Robert Abelson** Script theory

### Crime as Adaptation

- 1950s John Bowlby** Secure attachment, anxious resistant attachment, anxious avoidance attachment
- 1971 S. M. Halleck** Alloplastic adaptation, autoplasmic adaptation
- 1995 Linksy, Bachman, Straus** Societal stress, aggression
- 1998 Donald Andrews and James Bonta** Criminogenic needs, criminogenic domains

# In Criminology

## Social Structure Approaches

### Social Disorganization

- 1920** **Thomas & Znaniecki** Displaced immigrants
- 1920s** **Park & Burgess** Social ecology
- 1930s** Social pathology, concentric zones (Chicago School)
- 1929** **Shaw & McKay** Cultural transmission (Chicago School)
- 1973** **Oscar Newman** Defensible space
- 1982** **James Q. Wilson & George L. Kelling** Broken windows, criminology of place
- 1987** **Rodney Stark** Theory of deviant neighborhoods

### Culture Conflict

- 1927** **Frederic Thrasher** Gangs and gang typologies
- 1938** **Thorsten Sellin** Conduct norms, primary conflict, secondary conflict
- 1943** **William F. Whyte** Subcultures
- 1955** **Albert Cohen** Gangs, reaction formation
- 1957** **Sykes & Matza** Techniques of neutralization
- 1958** **Walter B. Miller** Focal concerns
- 1960s** **Cloward & Ohlin** Illegitimate opportunity structure, delinquent subcultures
- 1967** **Ferracuti & Wolfgang** Violent subcultures

### Strain Theory

- 1938** **Robert Merton** Anomie, conformity, innovation, ritualism, retreatism, rebellion
- 1982** **Blau & Blau** Relative deprivation, frustration, distributive justice
- 1992** **Robert Agnew** General strain theory
- 1994** **Messner & Rosenfeld** American Dream

## Social Process & Social Development Theories

### Social Learning Theory

- 1939** **Edwin Sutherland** Differential association
- 1960** **Daniel Glaser** Differential identification theory
- 1966** **Burgess & Akers** Differential association-reinforcement

### Social Control Theory

- 1950s** **Walter Reckless** Containment theory, inner and outer containment
- 1969** **Travis Hirschi** Social bond and self-control: attachment, commitment, belief, involvement
- 1970s** **Howard Kaplan** Self-degradation
- 1990** **Hirschi & Gottfredson** Social bonds and self-control, general theory of crime
- 1995** **Charles Tittle** Control-balance, control surplus, control deficit
- 1995** **Per-Olof H. Wikström** Situational action theory

### Labeling Theory

- 1938** **Frank Tannenbaum** Tagging, dramatization of evil
- 1951** **Edwin Lemert** Primary deviance, secondary deviance
- 1963** **Howard Becker** Outsiders, moral enterprise
- 1997** **John Braithwaite** Reintegrative shaming, stigmatic shaming

### Dramaturgy

- 1960s** **Erving Goffman** Dramaturgy, impression management, discrediting information, total institutions, disculturation

### Social Development

- 1920s** **Sheldon & Eleanor Glueck** Family dynamics and delinquent careers
- 1960s** **Marvin Wolfgang** Chronic offending
- 1980s** **David P. Farrington** Delinquent development theory
- 1987** **Terrence Thornberry** Intereactional theory
- 1988** **Lawrence E. Cohen and Richard Machalek** Evolutionary ecology
- 1993** **Robert J. Sampson and John H. Laub** Life course criminology
- 1993** **Terrie Moffitt** Life course persisters, adolescence-limited offenders

## Social Conflict Theories

### Conflict Theories

- 1848** **Karl Marx** *The Communist Manifesto*
- 1916** **Willem Bonger** Class struggle
- 1938** **Thorsten Sellin** Culture conflict

### Radical Criminology

- 1958** **George Vold** Political conflict between groups, conflict is normal
- 1959** **Ralf Dahrendorf** Conflict is normal, destructive change
- 1969** **Austin Turk** Social order = pattern of conflict, laws serve to control
- 1970s** **William Chambliss** Power gaps, crime reduces surplus labor
- 1974** **Richard Quinney** Contradictions of capitalism, socialist principles

### Left-realist Criminology

- 1991** **Jock Young & Walter DeKeseredy** The new criminology

### Feminist Criminology

- 1975** **Adler & Simon** Gender socialization
- 1977** **Carol Smart** Gender bias in criminology
- 1988** **Daly & Chesney-Lind** Androcentricity, crime may not be normal
- 1989** **John Hagan** Power-control theory

### Peacemaking Criminology

- 1986** **Pepinsky & Quinney** Restorative justice, participatory justice
- 1989** **Lozoff & Braswell** New Age principles

### Convict Criminology

- 2001** **John Irwin, Ian Ross, K. C. Carceral, Thomas J. Bernard, Stephen Richards** Insights from convicted offenders

## Theories of Victimology

### Victim Precipitation Theory

- 1947** **Benjamin Mendelssohn** Coined the term "victimology"
- 1948** **Hans von Hentig** The criminal and his victim
- 1958** **Marvin Wolfgang** Some victims are positive precipitators in crime
- 1968** **Stephen Schafer** The victim and his criminal
- 1970** **Menachem Amir** Victim contribution to victimization

### Lifestyle Theory

- 1970** **Michael J. Hindelang & Michael R. Gottfredson James Garofalo** Demographic variables influence lifestyles and determine victimization risk

### Routine Activities Theory (RAT)

- 1970** **Lawrence Cohen and Marcus Felson** Motivated offenders combine with suitable targets in the absence of a capable guardian

### Deviant Places Theory

- 1980s** **Rodney Stark** Stigmatized neighborhoods produce crime

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# New to This Edition

The eighth edition of *Criminology Today: An Integrative Introduction* continues to offer students a clear, contemporary, and comprehensive introduction to criminology that encourages critical thinking about the causes of crime and crime-prevention strategies. The text's hallmark thematic approach of social problems versus social responsibility (Is crime a matter of individual responsibility or a symptom of a dysfunctional society?) prompts students to think critically about the causes of crime and helps them see the link between crime theories and crime policies.

## New Features in the Eighth Edition

There are many important new features in this eighth edition:

- Visual appeal has been enhanced through the use of new photos and figures.
- The text now includes *two* chapters on biological theories, in recognition of the increasing importance of biosocial perspectives, especially biosocial theories.
- The chapter on psychological theories of crime has been completely revised and expanded.
- A completely new chapter, Chapter 10 (“Criminal Victimization”), has been added to the text. The new chapter discusses victimization dynamics, victim restitution, the rights of crime victims, and the socioeconomic correlates of criminal victimization.
- Most boxed items, including Crime in the News boxes, have been shortened to 600 words or less in order to enhance their focus and promote reader comprehension. Crime in the News boxes are now author written and derived from multiple sources.
- Professor Speaks boxes have been removed from the book.

## New Chapter Content in the Eighth Edition

### Chapter 1: What Is Criminology?

A revised chapter-opening story and a new chapter-opening photo have been added to this chapter. A table has been added to visually explain the various possible definitions of the term “crime.” Statistics on crime and crime rates have been updated. A new Crime in the News box on “What Should be Criminal?” has also been added. The box includes a discussion of marijuana legalization and a map showing the legal status of the drug in various states. The theme of the text has been clarified.

### Chapter 2: Where Do Theories Come From?

The chapter now includes additional discussion of the American Society of Criminology and its role in supporting experimental criminology. The Theory versus Reality box describing the

Stockholm Prize in Criminology has been updated to describe the 2015 recipients of the award.

### Chapter 3: Classical and Neoclassical Thought

The discussion of three-strikes laws in California has been substantially updated. Also, the discussion of routine activities theory (RAT) has been deleted from the chapter and moved to a completely new chapter (Chapter 10, “Criminal Victimization”). Similarly, the Crime in the News box on post-conviction DNA exonerations has been substantially updated and expanded. Statistics and crime/imprisonment data have been updated throughout the chapter.

### Chapter 4: Early Biological Perspectives on Criminal Behavior

The presentation of sociobiological principles has been clarified. Additional information is now provided about Sarnoff Mednick and twin studies. A new meta-analysis of twin studies is described. End-of-chapter questions for reflection have been expanded.

### Chapter 5: Biosocial and Other Contemporary Perspectives

A new concept, GxE, is discussed, which is a simple formula intended to highlight the fact that neither genes nor the environment is sufficient by themselves to explain antisocial behavior but that it is the interaction between the two that determines what happens in most circumstances. The concept of DNA methylation has also been introduced. “Neurocriminology” and “prefrontal cortex dysfunction” have been added as new key terms. A new Crime in the News Box has been included; it highlights the question “Is there a crime gene?” Similarly, the “Crime in the News” box dealing with exposure to lead and criminality has been enhanced and contains a new image. Global data on homicides have been used to replace U.S. data on male/female perpetrators of homicides. Finally, discussions of heart rate and crime, galvanic skin response (GSR), and psychobiotics have been added to the chapter.

### Chapter 6: Psychological and Psychiatric Foundations of Criminal Behavior

The chapter-opening story has been modified and updated. The terms “psychopath” and “sociopath” have been further distinguished. The discussion of antisocial personality disorder has been substantially expanded. A discussion of the Psychological Inventory of Criminal Thinking Scales (PICTS) is now included in the chapter. The “Theory in Perspective” box has been entirely restructured. The critique of psychological and psychiatric theories of crime has been expanded. The term “psychological autopsy” is also introduced and explained.

## **Chapter 7: Social Structure Theories**

Figure 7-2 has been updated. Two new key terms—collective efficacy and social cohesion—have been introduced and defined.

## **Chapter 8: Theories of Social Process and Social Development**

The discussion of external containment has been refined. The “Crime in the News” box has been removed from this chapter and placed in Chapter 5. Individual’s anticipation of “early death” and the potential that such a perception has for antisocial behavior are now discussed. A 2014 study of the role of evolving identity in the desistance process is discussed. The study used data derived from the Rutgers Health and Human Development Project (HHDP). The key term “turning point” is now defined, and the “principle of life-long learning development” has been added to the discussion of important life course principles. The significance of employment and desistance from crime is now discussed.

## **Chapter 9: Social Conflict Theories**

John Irwin’s work is now discussed. A new section, “New Issues in Radical/Critical Thought,” has been added to the chapter.

## **Chapter 10: Criminal Victimization**

This is a completely new chapter and includes discussion of such things as the nature and extent of criminal victimization, demographic correlates of victimization, the socio-emotional impact of victimization, victim compensation, theories of victimization, and the development of victims’ rights in the United States.

## **Chapter 11: Crimes Against Persons**

A completely new story opens the chapter. The terms “rape” and “forcible rape” have been redefined in keeping with the FBI’s new definition of rape. Statistics and data on personal crimes have been updated throughout the chapter. “Victim precipitation” has been removed from this chapter and is now described in the new victims chapter (Chapter 10: “Criminal Victimization”). The chapter now benefits from two new headings, “Serial Killers” and “Mass Murder,” and a new photo of a contemporary serial killer replaces the older one of Gary L. Ridgway. A completely new discussion of the sexual victimization of men has been added to the chapter. The discussion of stalking has been updated.

## **Chapter 12: Crimes Against Property**

Data from a new federal study on the costs of household burglary is now included. Statistics on property crime have been

thoroughly updated throughout the chapter. Similarly, the discussion of identity theft has been substantially redone to include new graphic images. A new heading, “Professional Car Theft,” has been added to the chapter.

## **Chapter 13: White-Collar and Organized Crime**

The table containing terminology describing white-collar crime has been modified and new terms added. A discussion of welfare fraud has been added to the chapter and it is now a key term. The discussion of the crimes of corporations has been replaced with a new story.

## **Chapter 14: Drug and Sex Crimes**

Virtually all of the data, statistics, and charts and graphs depicting drug use and abuse in the United States have been replaced and/or updated. New laws regulating the recreational and medical use of marijuana are now included.

## **Chapter 15: Technology and Crime**

A new chapter-opening story, about dark market Web sites, now begins the chapter. Data from a 2014 report on the costs of cybercrime have been included in the chapter, and older materials have been replaced. The list of most-damaging computer viruses has been updated, as has the list of new federal research reports on cybercrime. The profile of cybercriminals has been completely reworked. A new figure on Botnet architecture has been added. A photograph of a RapidHit DNA scanner has been introduced into the discussion of field testing of DNA. The final section of the chapter, about personal freedoms impacted by the need for advanced security, has been removed.

## **Chapter 16: Globalization and Terrorism**

Data on global crimes have been updated, and the newest United Nations survey on crime trends is introduced and discussed. Similarly, United Nations offense definitions have been updated in the “Theory versus Reality” box in the chapter. A new map depicting worldwide human trafficking has replaced an older one, and the profile of worldwide trafficking victims has been updated. The discussion of terrorist groups has been updated, and ISIS, Boko Haram, and other groups have been added to the discussion. Finally, the list of designated foreign terrorist organizations has been updated.

# Preface

The opening decade of the twenty-first century was filled with momentous events in the United States, including the destruction of the World Trade Center and an attack on the Pentagon by Islamic terrorists, a fearsome recession, and corporate scandals that cost Americans billions of dollars in lost investments. The second decade saw the advent of a relatively large number of homegrown terrorist efforts to attack American population centers and landmarks, but only the Boston Marathon bombings of 2013 were carried out successfully. The crimes committed by terrorists set a tone for the start of the new century unlike any in living memory. Homeland security became an important buzzword at all levels of American government, while pundits questioned just how much freedom people would be willing to sacrifice to enhance security. Americans felt both physically and economically threatened as stock market losses were traced to the unethical actions of a surprising cadre of corporate executives who had previously been held in high regard in the business world and in the communities where they lived. Soon the media were busily showing a parade of business leaders being led away in handcuffs to face trial on charges of crooked accounting.

Added to the mix by the beginning of 2016 were shocking acts of criminality that emanated from all corners of the world, including mass shootings in the United States; terror attacks in Paris, France; depravities of sex tourism involving human trafficking; sex acts with minors streaming across the Internet in real time; Web sites like Silk Road selling drugs, hits for hire, sexual services, weapons, and just about anything else; massive copyright-infringement activities like those of New Zealand-based Megaupload; and the theft of hundreds of thousands of personal identities. This last issue constitutes a very intimate crime that can literally cause a person to face the loss of his or her social self in a complex culture that increasingly defines someone's essence in terms of an economic, educational, online, and ever-more-complex social nexus.

Criminologists found themselves wondering what new laws might be enacted to add additional control to handgun sales and ownership; and they also focused on the potential misuse of technology by Internet and energy companies, along with emerging computer capabilities and biotechnologies that, while seeming to hold amazing promise to cure disease and reshape humanity's future, threaten the social fabric in a way not seen since the birth of the atomic bomb or the harnessing of electricity. Similarly, climate changes, violent storms such as Superstorm Sandy, Hurricane Katrina, the Gulf oil spill, our nation's desperate need for alternative and additional energy sources, and the instability in the Middle East contribute to a growing awareness that the

challenges facing criminologists in the twenty-first century are unlike any they have previously faced.

It was against this backdrop that the need for a comprehensive revision of *Criminology Today* emerged. This new edition addresses the poignant question of how security and freedom interface in an age of increasing globalism. Chapter 16, in particular, provides substantially enlarged coverage of terrorism and cyberterrorism, including an overview of many types of terrorist groups, such as nationalist, religious, state-sponsored, left-wing, right-wing, and anarchist groups. The findings and recommendations of special committees and government bodies that have focused on terrorism in recent years are also discussed, and online links to the full text of their reports are provided.

The eighth edition, which is now available in a variety of print and electronic formats, presents historical and modern criminological approaches with the aid of real-life stories, up-to-date examples and issues, and interactive media. Key features include:

**WHO'S TO BLAME—The Individual or Society?**  
**He Stood His Ground**

In mid 2015, Walter Thornton of Misobella, Idaho, was approached by two strangers as he pumped gas into his pickup truck only a mile from his home. The men began a conversation with Thornton, but it quickly became clear that they wanted money. Thornton told them that he didn't have anything to give them. The men became more aggressive and started to shove Thornton, pushing him up against his truck. "Who do you think you are, man?" they said. "Do you think you're better than us?" The shoving quickly turned into a scuffle when one of the men reached for Thornton's wallet. Thornton, feeling afraid that the men might hurt him, and not wanting to lose his wallet, reached into his right front pants pocket for a snub-nosed .38-caliber revolver that he always carried. As Thornton reached into his pocket, one of the men—the rougher looking of the two—reached into his own pocket. Thornton didn't know what the man was reaching for, but thought that if it must have been a gun or a knife, before the man could remove it, however, Thornton fired a shot scaring out of his chest. He fell to the ground with blood spurting out of his chest. Seeing what happened, the other would-be robber ran away.

The entire incident was captured on gas station security cameras, although they recorded only video and not sound. The gas station attendant called police and Thornton re-

murder." He went on to say, "Our courts operate under a long-established castle doctrine, in which a person can use reasonable force to protect themselves, their friends and family, and their property, when someone attacks them when they are in their home or at their place of residence. Unlike some other states," he continued, "Idaho does not have what is commonly referred to as a 'stand-your-ground' law. In Idaho, if you feel you are in danger, you have a duty to retreat—to move away from the threat or from those who are threatening and only then are you permitted under our law to use deadly force to protect yourself. If Thornton had a duty under law to retreat, but he did not retreat, he shot—and killed a man who would likely still be alive today if he had."

**Think about it**

1. Who was the victim in this scenario? Thornton or the man whom he shot?
2. Should Thornton have tried to move away and put distance between himself and the men? Would doing so have been reasonable under the circumstances? Would it have increased the danger he was in?

**Who's to Blame** boxes in each chapter highlight the book's ever-evolving theme of social problems versus social responsibility, a hallmark feature of this text. In each chapter, Who's to Blame boxes build on this theme by illustrating some of the issues that challenge criminologists and policy makers today. Each box includes a case study followed by critical thinking questions that ask readers to ponder to what extent the individual or society is responsible for a given crime.

## THEORY | versus REALITY

### Ethnographic Research on Active Burglars

Ethnographic research involving active burglars attempts to understand a burglar's way of life and hence offers a depth of insight rarely achieved in survey research or research using official data. However, ethnographic research is often dangerous, costly, and time-consuming. The true benefit that comes from studying active burglars is related to an essential methodological issue common to all research endeavors: being studied. In the case of studying burglars who are active versus those who are incarcerated, Richard T. Wright and Scott H. Decker note that individuals behave differently "in the wild" than in the jailhouse. The researchers point to statements made by two pioneers in criminology, Edwin Sutherland and Donald Cressey, more than 30 years ago: "Those who have had intimate contacts with criminals in the open know that criminals are not 'natural' or 'born' criminals, but are in institutions if they are to be understood."<sup>1</sup> It is this concern for getting as close as possible to the social world one is studying that marks the tradition of ethnography.

Residential burglars by other offenders so identified. Research subjects were identified by the field workers whom Wright and Decker employed, most of whom were co-offenders. The interviews with the subjects were all conducted in the field. Building on previous research on active offenders not currently incarcerated, Wright and Decker provide insight into various facets of the offending of burglars, including an examination of their motivations, target selection, entry method, search for valuable goods, and disposal of goods. In addition to answering questions, the offenders were asked to reconstruct their most recent residential burglary offense.

Defining the eligibility of subjects for research and using field workers are common practices in ethnographic research. Similar strategies were followed in other ethnographic research projects discussed in this setting by Paul F. Cromwell and his colleagues<sup>2</sup> and research on the professional fence by Daniel J. Stoffenmeier.<sup>3</sup> As you read through ethnographic research in this chapter, keep in mind the strengths of ethnographic research and the insights to be gained by studying criminals and offenders within their native social and cultural contexts.

#### Discussion Questions

1. What is ethnographic research? How does it differ from other types of research in the field of criminology?
2. Can criminologists learn anything special about burglary by focusing on active burglars who are not currently incarcerated—rather than on burglars who are imprisoned?

<sup>1</sup> Edwin Sutherland and Donald Cressey, *Criminology*, 8th ed. (Philadelphia: Lippincott, 1970), p. 68, cited in Richard T. Wright and Scott H. Decker, *Burglars on the Job* (St. Louis, Missouri: Elsevier, 2004), p. 10. <sup>2</sup> Paul F. Cromwell, James N. Olson, and D'Annunzio, *Breaking and Entering: An Ethnographic Analysis of Burglary* (Newbury Park, CA: Sage, 1991). <sup>3</sup> Daniel J. Stoffenmeier, *The Fence: In the Shadow of Two Worlds* (Gavage, MD: Rowman and Littlefield, 1986).

## CRIMINAL | PROFILES

### Adam Lanza and the Sandy Hook School Shootings



Adam Lanza, the Sandy Hook Elementary School shooter. Why do random mass shootings occur so frequently in the United States today?

On December 14, 2012, 20-year-old Adam Lanza, a socially awkward young man, went on a shooting rampage at Sandy Hook Elementary School in Newtown, Connecticut, in a matter of minutes. Lanza fired 195 bullets and shot to death 20 kindergarten students, four teachers, and the school's principal. The shooting spree ended when Lanza turned one of his three guns on himself. Before the massacre, Lanza killed the mother of the boy he shared only minutes before with an intense national debate about gun control.

Although the Newtown shooting incident was especially horrific because it ended so many innocent young lives, it is but one of a number of random mass shootings in the United States in recent years. In 2012 alone, there were 12 other random mass killings—including a July attack by a lone gunman in an Aurora, Colorado, movie theater where 12 people were killed and another 58 injured during a screening of the movie *The Dark Knight Rises*.<sup>1</sup> In that case, the alleged shooter, 24-year-old James Earl Holmes, who stood up at the Joker is reference character from the film during the shooting spree, was arrested inside the theater. He was found guilty of multiple counts of first-degree murder in 2015.

Experts note that the number of random mass shootings is on the increase. According to the FBI's *Journal of Crime Statistics*, there were 18 random mass shootings in the 1980s, 34 in the 1990s, and 77 in the 2000s.<sup>2</sup> The FBI's emphasis was on random shootings, and it noted that other mass killings—in which victims were in some way known to the shooter—had not significantly increased or decreased in number.

For a question to ask would be "Why are the number of such personal characteristics increasing?" Some answers might be found in the number of things to common. Both were middle-class white males in their early 20s who were regarded by their peers as unassuming students. Holmes had been a former neuroscience graduate student once a prominent member of his high school's technology club and an honor student, who said to have been exceptionally bright by former teachers. Neither shooter had a previous criminal record.

What may have contributed to both incidents, however, was one additional factor: the two men shared an "obsessed" personality.<sup>3</sup> According to the American Psychiatric Association, most mentally ill people do not turn to violence, although a small fraction of mental illness have been associated with aggression and criminal activity, especially when combined with drug usage.<sup>4</sup>

Questions about Lanza's mental health were quickly raised following the Sandy Hook shooting by former friends and family members. Lanza, described by personal acquaintances as "very bright" but socially withdrawn and was said to be impulsive to physical pain. He had been on numerous medications intended to lower the anxiety that he experienced in everyday social situations, and prior to the Newtown shooting, his mother had reportedly helped him in controlling his increasingly unresponsive and emotionally withdrawn son. Months after the shooting, a detailed review including a number of mass shootings across the nation and may have wanted to achieve a "review" of some kind-by doctor, met with at least three mental health professionals prior to the movie theater shooting, and CBS news reports that the film "ask to

<sup>1</sup> *Mass Shootings in 2012*. "The Washington Post," December 14, 2012. <http://www.washingtonpost.com/archive/local/localnews/2012/12/14/mass-shootings-in-2012/> <sup>2</sup> *Journal of Crime Statistics*, 1993-1998. <sup>3</sup> *Journal of Crime Statistics*, 1993-1998. <sup>4</sup> *Journal of Crime Statistics*, 1993-1998. <sup>5</sup> *Journal of Crime Statistics*, 1993-1998. <sup>6</sup> *Journal of Crime Statistics*, 1993-1998. <sup>7</sup> *Journal of Crime Statistics*, 1993-1998. <sup>8</sup> *Journal of Crime Statistics*, 1993-1998. <sup>9</sup> *Journal of Crime Statistics*, 1993-1998. <sup>10</sup> *Journal of Crime Statistics*, 1993-1998. <sup>11</sup> *Journal of Crime Statistics*, 1993-1998. <sup>12</sup> *Journal of Crime Statistics*, 1993-1998. <sup>13</sup> *Journal of Crime Statistics*, 1993-1998. <sup>14</sup> *Journal of Crime Statistics*, 1993-1998. <sup>15</sup> *Journal of Crime Statistics*, 1993-1998. <sup>16</sup> *Journal of Crime Statistics*, 1993-1998. <sup>17</sup> *Journal of Crime 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**Theory versus Reality** boxes throughout the text showcase selected issues and theories in the field of criminology and invite discussion through thought-provoking questions for consideration.

**Criminal Profiles** boxes throughout the text offer insights into the lives and criminal motivations of notorious offenders, such as Ted Kaczynski (the "Unabomber"), Jodi Arias, Colton Harris-Moore (the Barefoot Bandit), and Bernie Madoff.

## CRIME | in the NEWS

### Why Mass Shootings Won't Go Away

James Holmes was a 24-year-old graduate student in neuroscience, medicine did not take him as a threat. But after getting a bad grade on a major exam, he dropped out of school, dyed his hair orange, and bought two Glock pistols, a shotgun, and an AR-15—a semiautomatic assault rifle that can fire up to 100 rounds of bullets before reloading. In Aurora, Colorado, in July 2012, Holmes went to a midnight screening of *The Dark Knight Rises*, the newest Batman movie. He got up on stage and started firing at the audience, killing 12 and injuring 58 more. When apprehended, he told authorities he had been portraying the Joker, Batman's sworn enemy.

A few months later, 20-year-old Adam Lanza, a mentally troubled young man, killed 25 people at an elementary school in Newtown, Connecticut—20 of them children.

Mass shootings show no signs of declining, despite an overall drop in the U.S. homicide rate. "The frequency of gun violence does not seem to be decreasing," said James Alan Fox, a criminology professor at Northern Illinois University. Looking back 35 years, Fox counted 19 such shootings in 1976 and 18 in 2010, with a range of 7 to 1985.

Past incidents reveal a portrait of the mass shooter. He tends to be a young man without friends and recently encountered some tragedy. He is sitting for a high body count. Sometimes he did. Although many mass shooters are depressed, they rarely suffer from psychosis, according to James L. Knoll, a psychiatrist at SUNY Upstate Medical Center.

Like in this portrait, however, can help predict future mass shootings. Mass shooters rarely talk about their exploits in advance. But many of them do undergo a personality change just before their crimes, professor at Bryn Mawr College in Pennsylvania, thinks people should notice these changes and report them to authorities.

Other ways to address mass shootings might be to ban assault rifles, which could reduce the carnage, and the imposition of stiffer background checks for gun purchases. But a mass shooter, like Holmes, without a criminal record might not be identified and prevented from buying weapons. Fox argues that preventing these calamities is pretty much impossible. "We're not going to turn our country into one big

fortress," he said. "People hate it when I say this, but it's true. This kind of tragedy is one of the unfortunate prices we pay for our freedom."

#### Discussion Questions

1. Why have random mass shootings become relatively commonplace in American society?
2. What can be done to prevent future incidents of random mass shootings?



The Aurora, Colorado, movie theater where James Holmes killed 12 people and injured 58 others in 2012. How can mass killings be prevented?

Sources: Seth Cina, "Are Mass Shootings a Fact of Life in America?" *US News & World Report*, August 28, 2012. <http://www.usnews.com/news/articles/2012/08/28/>

## THEORY | in PERSPECTIVE

### Types of Psychological and Psychiatric Theories

Psychological and psychiatric theories of criminology are derived from the behavioral sciences and focus on the individual as the unit of analysis. This chapter breaks their discussion down into a number of areas as shown in this box.

#### Personality Theory

This approach envisions a complex set of drives and motives operating from recesses deep within the personality to determine behavior.

**Period:** 1930s–present  
**Theorists:** Sigmund Freud, Carl Jung, Erik Erikson, others  
**Concepts:** Personality, psychosocial, sociopsych, antisocial personality, personality, traits, Five Factor Model

#### Frustration-Aggression Theory

Frustration is a natural consequence of living and a root cause of crime in this theory, where criminal behavior can be a form of adaptation by reducing life stresses and by producing environmental changes.

**Period:** 1940s–present  
**Theorists:** J. Dollard, Albert Bandura, Richard H. Walters  
**Concepts:** Frustration, aggression, displacement

#### Crime as Adaptation

Criminal activity facilitates individual adaptation to the environment by reducing life stresses and by producing environmental changes.

**Period:** 1970s–present  
**Theorists:** Seymour L. Halleck, Donald A. Andrews, James Murray A. Strass  
**Concepts:** Allopathic and antipathic adaptation, criminogenic needs, criminogenic domains, attachment theory

#### Behavior Theory

From a psychological perspective, behavior theory posits that individual behavior that is rewarded will increase in frequency and behavior that is punished will decrease in frequency.

#### Period: 1940s–present

**Theorists:** B. F. Skinner, others  
**Concepts:** Operant behavior, operant conditioning, classical conditioning, stimulus-response, reward, punishment

#### Modeling Theory

This theory states that people learn how to behave by modeling themselves after others whom they have the opportunity to observe.

**Period:** 1950s–present  
**Theorists:** Gabriel Tarde, Albert Bandura, others  
**Concepts:** Imitation, interpersonal aggression, social cognition theory, modeling, disengagement

#### Cognitive Theory

Cognitive theory, also known as moral development theory, holds that individuals become criminal when they have not successfully completed their intellectual development from child- to adulthood.

**Period:** 1930s–present  
**Theorists:** Jean Piaget, Lawrence Kohlberg, Roger C. Schick  
**Concepts:** Moral development, cognitive-information processing, scripts, criminal mind-set

#### Psychoanalytic Criminology

This psychiatric approach, developed by Austrian psychiatrist Sigmund Freud, emphasizes the role of personality in human behavior and sees tension to the social environment.

**Period:** 1920s–present  
**Theorists:** Sigmund Freud, August Aichorn, others  
**Concepts:** Psychiatric criminology, id, ego, superego, sublimation, psychoanalysis, psychopathology, neurosis, psychosis, sublimation, paranoid schizophrenia

**Crime in the News** boxes in each chapter present case examples and pose analytical discussion questions about connections between examples and the chapter topics.

**Theory in Perspective** summary boxes in Parts 2 and 3 outline the main points of various theories for easy reference and study.

In the past few years, crime and criminals have changed in ways that few people had previously imagined would occur, and these changes hold considerable significance for each one of us and for our nation as a whole. It is my hope that this new edition, which is available in a number of formats, will help today's students both to understand the nature of these changes and to find a meaningful place in the social world that is to come.

FRANK SCHMALLEGER, PH.D.  
 Distinguished Professor Emeritus  
 The University of North Carolina at Pembroke



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# Acknowledgments

A book like *Criminology Today* draws on the talents and resources of many people and is the end result of much previous effort. This text could not have been written without the groundwork laid by previous criminologists, academics, and researchers; hence, a hearty thank-you is due everyone who has contributed to the development of the field of criminology throughout the years, especially to those theorists, authors, and social commentators who are cited in this book. Without their work, the field would be that much poorer. I would like to thank, as well, all the adopters—professors and students alike—of my previous textbooks, for they have given me the encouragement and fostered the steadfastness required to write this new edition of *Criminology Today*.

The Pearson team members, many of whom I have come to know very well and all of whom have worked so professionally with me on this and other projects, deserve special thanks. The team includes, Gary Bauer, Lynda Cramer, Tara Horton, Susan Hannahs, Maura Barclay, and Thomas Hayward. My thanks to the photo researcher Amanda Larkin, whose efforts have helped make *Criminology Today* both attractive and visually appealing. Finally, my sincere thanks to production manager Abinaya Rajendran at Integra for her very capable handling of numerous details.

My friends and professional colleagues Ellen G. Cohn at Florida International University, Cassandra Renzi at Keiser University, and Karel Kurst-Swanger at Oswego State University helped in many ways. Dr. Cohn graciously used her deep personal creativity in enhancing the supplements package and creating quality products; she has the exceptional ability of building intuitively on concepts in the text. Thanks also to Bob Winslow at California State University—San Diego for insight and encouragement on a number of important issues and to Jack Humphrey at St. Anselm College and Stephen J. Schoenthaler for their valuable suggestions in the preparation of this new edition.

This book has benefited greatly from the quick availability of information and other resources through online services and in various locations on the Internet's World Wide Web. I am grateful to the many information providers who, although they are too numerous to list, have helped establish such useful resources.

I am thankful as well for the assistance of Prof. Bill Tafoya (retired FBI) and Nancy Carnes of the Federal Bureau of Investigation; E. Ann Carson at the Bureau of Justice Statistics; William Ballweber at the National Institute of Justice; David Beatty, director of public affairs with the National Victim Center; Kris Rose at the National Criminal Justice Reference Service; Marilyn Marbrook and Michael Rand at the Office of Justice Programs; Mark Reading at the Drug Enforcement Administration; and Barbara Maxwell at *USA Today*.

Many manuscript reviewers have contributed to the development of *Criminology Today*. I offer my thanks to the following reviewers for the eighth edition:

Kevin Beaver, Florida State University  
Keith Bell, Western Carolina University  
Chau-Pu Chiang California State University—Stanislaus  
Thomas Dreffein, Triton College  
Randolph Grinc, Caldwell College  
Charles Kochez, Cumberland County College  
Jacqueline Mullany, Triton College  
David Powell, Daymar College  
Christine Stymus, Bryant & Stratton College

I also thank the following reviewers for previous editions:

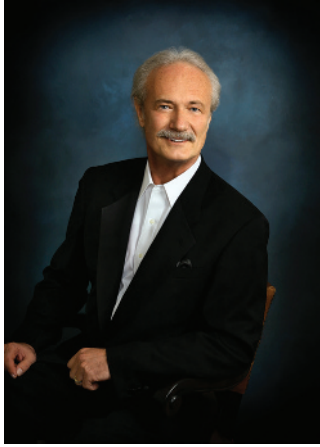
Reed Adams, East Carolina State University  
Michael P. Brown, Ball State University  
Gregg Buchholz, Keiser University  
Bryan D. Byers, Ball State University  
Dianne Carmody, Old Dominion University  
Steven M. Christiansen, Joliet Junior College  
Myrna Cintron, Texas A&M University  
Patrick G. Donnelly, University of Dayton  
Ronald D. Hunter, State University of West Georgia  
Steven Johnson, Eastern Arizona College  
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Jennifer L. Schulenberg, Sam Houston State University  
Louis Shepard, West Georgia Technical College  
John Siler, Georgia Perimeter College  
Tamson L. Six, Lock Haven University  
Dianne Williams, North Carolina A&T State University  
Jeffrey Zack, Fayetteville Technical Community College  
Anthony W. Zumpetta, West Chester University

Finally, but by no means least, I am indebted to a small but very special group of contemporary criminologists who have laid the foundation for our discipline's presence on the Internet. Among them are Cecil Greek at Florida State University, whose online lecture notes ([www.criminology.fsu.edu/](http://www.criminology.fsu.edu/))

**crimtheory**) are massively informative; Tom O'Connor of Austin Peay State University, whose Megalinks in Criminal Justice site (<http://www.drTomOConnor.com>) provides an amazingly comprehensive resource; Matthew Robinson at Appalachian State University, whose Crime Theory links ([www.appstate.edu/~robinsnmb/theorylinks.htm](http://www.appstate.edu/~robinsnmb/theorylinks.htm)) allow visitors to vote on what they think are the causes of

crime; and Bruce Hoffman, whose former Crime Theory site (<http://crimetheory.com>) at the University of Washington offers many great insights into the field. All of these excellent resources are referred to throughout this book—and it is to these modern-day visionaries that *Criminology Today* owes much of its technological depth.

# About the Author



Frank Schmalleger, Ph.D., is Professor Emeritus at The University of North Carolina at Pembroke, where he also was recognized as Distinguished Professor. Dr. Schmalleger holds degrees from the University of Notre Dame and The Ohio State University; he earned both a master's (1970) and a doctorate (1974) in sociology, with a special emphasis in criminology, from The Ohio State University. From 1976 to 1994, he taught criminology

and criminal justice courses at The University of North Carolina at Pembroke, and for the last 16 of those years, he chaired the university's Department of Sociology, Social Work, and Criminal Justice. As an adjunct professor with Webster University in St. Louis, Missouri, Schmalleger helped develop the university's graduate program in security administration and loss prevention and taught courses in that curriculum for more than a decade. Schmalleger has also taught in the New School for Social Research's online graduate program, helping build the world's first electronic classrooms in support of distance learning through computer telecommunications.

Schmalleger is the author of numerous articles as well as many books: *Criminal Justice Today: An Introductory Text for the 21st Century* (Pearson, 2016), now in its 14th edition; *Juvenile Delinquency*, 9th edition (with Clemmens Bartollas; Pearson, 2014); *Criminal Justice: A Brief Introduction*, 11th edition (Pearson, 2016); *Criminal Law Today*, 6th edition (Pearson, 2016); *Corrections in the Twenty-First Century* (with John Smykla; McGraw-Hill, 2015); *Crime and the Justice System in America: An Encyclopedia* (Greenwood Publishing Group, 1997); *Trial of the Century: People of the State of California vs. Orenthal James Simpson* (Prentice Hall, 1996); *Career Paths: A Guide to Jobs in Federal Law Enforcement* (Regents/Prentice Hall, 1994); *Computers in Criminal Justice* (Wyndham Hall Press, 1991); *Criminal Justice Ethics* (Greenwood Press, 1991); *Finding Criminal Justice in the Library* (Wyndham Hall Press, 1991); *Ethics in Criminal Justice* (Wyndham Hall Press, 1990); *A History of Corrections* (Foundations Press of Notre Dame, 1983); and *The Social Basis of Criminal Justice* (University Press of America, 1981). He is also the founding editor of the journal *Criminal Justice Studies* (formerly *The Justice Professional*).

Schmalleger's philosophy of both teaching and writing can be summed up in these words: "In order to communicate knowledge we must first catch, then hold, a person's interest—be it student, colleague, or policy maker. Our writing, our speaking, and our teaching must be relevant to the problems facing people today, and they must—in some way—help solve those problems."



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## CHAPTER 1

# WHAT IS CRIMINOLOGY?

### LEARNING OUTCOMES

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After reading this chapter, you should be able to answer the following questions:

- What is crime? What is the definition of crime that the author of this text has chosen to use?
- What is deviance? How are crime and deviance similar? How do they differ?
- Who decides what should be criminal? How are such decisions made?
- What is the theme of this text? Upon what two contrasting viewpoints does it build?
- What does it mean to say that "criminal activity is diversely created and variously interpreted"?

■ **crime** Human conduct in violation of the criminal laws of the federal government, a state, or a local jurisdiction that has the power to make such laws.

## Introduction

According to social commentators, people are simultaneously attracted to and repulsed by crime—especially gruesome crimes involving extreme personal violence. The popularity of today’s TV crime shows, Hollywood-produced crime movies, true-crime books and magazines, and Web sites devoted exclusively to the coverage of crime supports that observation. The CBS TV megahit *NCIS*, for example, was named the number one TV drama in 2014 and received an impressive three nominations for TV’s 2014 People’s Choice Award.<sup>1</sup> The show was also nominated as the “Favorite TV Crime Drama,” with individual episodes drawing more than 24 million viewers.<sup>2</sup> Earlier, *CSI: Miami*, which ran for ten seasons until going off the air in 2012, garnered 50 million regular viewers in more than 55 countries. By its eighth season it had become the most popular television show in the world.<sup>3</sup> Other widely followed TV crime series, both past and present, include shows such as *True Detective* (HBO), *American Crime* (ABC), *Fargo* (FX), *Bones* (Fox), *Grimm* (NBC), *Castle* (ABC), *Criminal Minds* (CBS), *Blue Bloods* (CBS), *Without a Trace* (CBS), *Magic City* (HBO), *The Unit* (CBS), *The Killing* (AMC), *White Collar* (USA), *The District* (CBS), *Boardwalk Empire* (HBO), *The Shield* (FX), *The Wire* (HBO), *Cold Case* (CBS), *NCIS* (CBS), and *Law and Order* (NBC)—along with the *Law and Order* spin-offs, *Law and Order: Criminal Intent* and *Law and Order: Special Victims Unit*. American TV viewers are hungry for crime-related entertainment and have a fascination with criminal motivation and detective work.

Some crimes cry out for explanation. Yet one of the things that fascinates people about crime—especially violent crime—is that it seems to be inexplicable. Some crimes are especially difficult to understand, but our natural tendency is to seek out some reason for the unreasonable. We search for explanations for the seemingly unexplainable. How, for example, can the behavior of child killers be understood, anticipated, and even prevented? Why don’t terrorists acknowledge the emotional and personal suffering they inflict? Why do some robbers or rapists kill and even torture, utterly disregarding human life and feelings?

People also wonder about “everyday” crimes such as burglary, robbery, assault, vandalism, and computer intrusion. Why, for example, do people fight? Does it matter to a robber that he may face prison time? How can people sacrifice love, money, careers, and even their lives for access to illegal drugs? What motivates terrorists to give up their own lives to take the lives of others? Why do gifted techno-savvy teens and preteens hack sites



AF Archive/Alamy

A photo from the highly popular CBS TV show *NCIS*. Shown from left to right are Sean Murray, Brian Dietzen, and Pauley Perrette. Why do many people like to watch TV crime shows like *NCIS*?

on the Internet thought to be secure? While this text may not answer each of these questions, it examines the causative factors in effect when a crime is committed and encourages an appreciation of the challenges of crafting effective crime-control policy.

## What Is Crime?

As the word implies, *criminology* is clearly concerned with *crime*. As we begin our discussion of criminology, let’s consider just what the term *crime* means. Like anything else, crime can be defined in several ways, and some scholars have suggested that at least four definitional perspectives can be found in contemporary criminology. These diverse perspectives see crime from (1) legalistic, (2) political, (3) sociological, and (4) psychological viewpoints. How we see any phenomenon is crucial because it determines the assumptions that we make about how that phenomenon should be studied. The perspective that we choose to employ when viewing crime determines the kinds of questions we ask, the nature of the research we conduct, and the type of answers that we expect to receive. Those answers, in turn, influence our conclusions about the kinds of crime-control policies that might be effective.

Seen from a legalistic perspective, **crime** is *human conduct in violation of the criminal laws of a state, the federal government, or*

Without a law that circumscribes a particular form of behavior, there can be no crime....

or socially repugnant the behavior in question may be.

The notion of crime as behavior<sup>4</sup> that violates the law derives from earlier work by criminologists like Paul W. Tappan, who defined crime as “an intentional act in violation of the criminal law committed without defense or excuse, and penalized by the state as a felony or misdemeanor.”<sup>5</sup> Edwin Sutherland, regarded by many as a founding figure in American criminology, said of crime that its “essential characteristic is that it is behavior which is prohibited by the State as an injury to the State and against which the State may react by punishment.”<sup>6</sup>

For purposes of this text, we will employ a legalistic approach because it allows for relative ease of measurement of crimes committed. Official statistics on crime, such as those shown in Figure 1–1, report crime in terms of legislatively

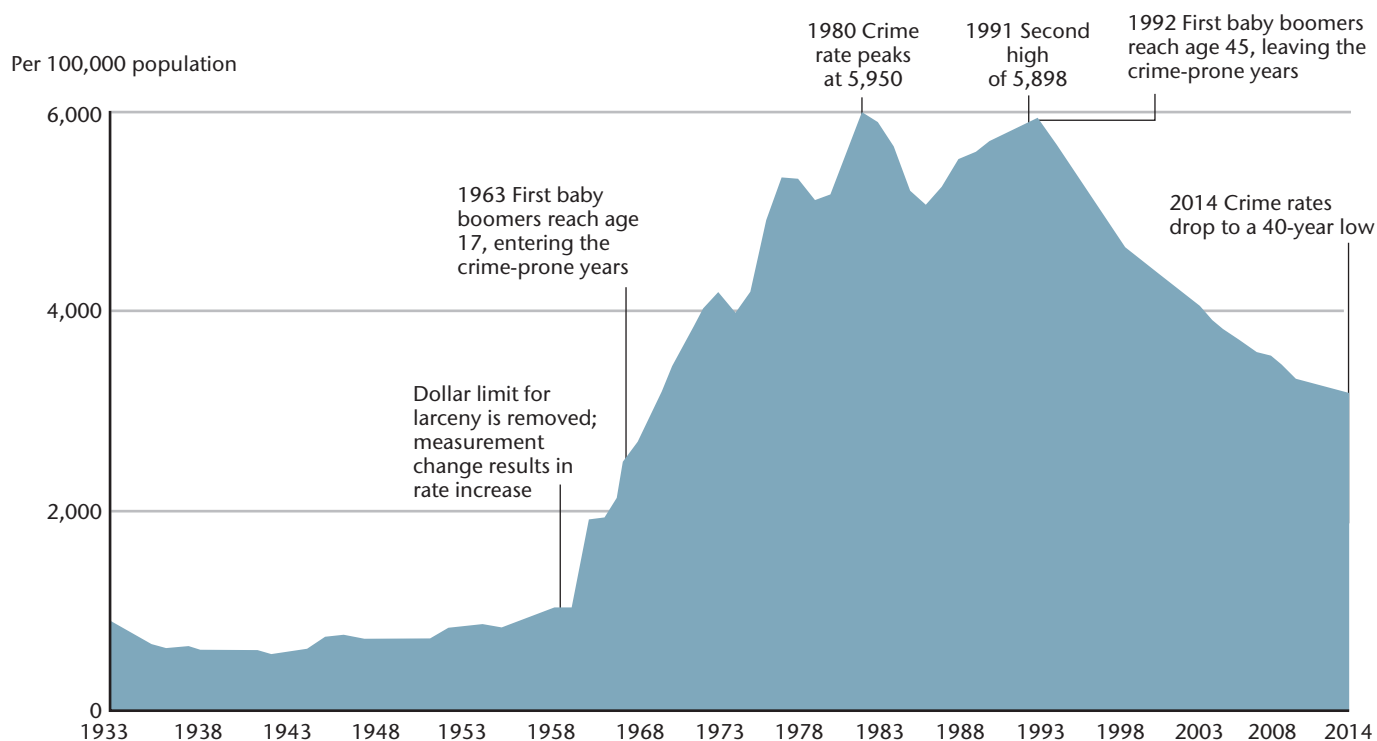
a local jurisdiction that has the power to make such laws. Without a law that circumscribes a particular form of behavior, there can be no crime, no matter how deviant

■ **criminalize** To make illegal.

established categories, and the number of offenses shown reflect statutory definitions of crime categories.

A serious shortcoming of the legalistic approach to crime, however, is that it yields the moral high ground to powerful individuals who are able to influence the making of laws and the imposition of criminal definitions on lawbreakers. By making their own laws, powerful but immoral individuals can escape the label “criminal.” While we have chosen to adopt the legalistic approach to crime in this text, it is important to realize that laws are social products, so crime is socially relative in the sense that it is created by legislative activity. Hence, sociologists are fond of saying that “crime is whatever a society says it is.” In Chapter 8, we will explore this issue further and will focus on the process of criminalization, which is the method used to **criminalize** some forms of behavior—or make them illegal—while other forms remain legitimate.

A second perspective on crime is the political one, where crime is the result of criteria that have been built into the law by powerful groups and are then used to label selected undesirable forms of behavior as illegal. Those who adhere to this point



**FIGURE 1-1** | Crime Rates in the United States, 1933–2014

Source: Schmalleger, Frank *Criminology*. Printed and Electronically reproduced by permission of Pearson Education, Inc., Upper Saddle River, New Jersey ISBN 0132966751.

of view say that crime is a definition of human conduct created by authorized agents in a politically organized society. Seen this way, laws serve the interests of the politically powerful, and crimes are merely forms of behavior that are perceived by those in power as direct or indirect threats to their interests. Thus, the political perspective defines crime in terms of the power structures that exist in society and asserts that criminal laws do not necessarily bear any inherent relationship to popular notions of right and wrong.

Even though political processes that create criminal definitions are sometimes easier to comprehend in totalitarian societies, the political perspective can also be meaningfully applied to American society. John F. Galliher, a contemporary criminologist, summarized the political perspective on crime when he wrote, “One can best understand crime in a class-structured society such as the United States as the end product of a chain of interactions involving powerful groups that use their power to establish criminal laws and sanctions against less powerful persons and groups that may pose

a threat to the group in power.”<sup>7</sup> Galliher points out that, because legal definitions of criminality are arrived at through a political process, the subject matter of criminality will be artificially limited if we insist on seeing crime solely as a violation of the criminal law.

Some criminologists insist that the field of criminology must include behaviors that go beyond those defined as crimes through the political process; not doing so, they say, restricts rather than encourages inquiry into relevant forms of human behavior.<sup>8</sup>

Adherents of the third perspective, the sociological (also called “sociolegal”) viewpoint, would likely agree with this statement, seeing crime as “an antisocial act of such a nature that its repression is necessary or is supposed to be necessary to the preservation of the existing system of society.”<sup>9</sup> Some criminologists have gone so far as to claim that any definition of crime must include all forms of antisocial behavior.<sup>10</sup> Ron Claassen, a modern-day champion of restorative justice (discussed in more detail in chapters 9 and 10), suggested, for example, that “crime is primarily an offense against human relationships, and secondarily a violation of a law—since laws are written to protect safety and fairness in human relationships.”<sup>11</sup>

A more comprehensive sociological definition of crime was offered by Herman Schwendinger and Julia Schwendinger in 1975: Crime encompasses “any harmful acts,” including violations of “the fundamental prerequisites for well-being, [such as] food, shelter, clothing, medical services, challenging work and recreational experiences, as well as security from predatory individuals or repressive and imperialistic elites.”<sup>12</sup> The Schwendingers challenged criminologists to be less constrained in what they see as the subject matter of their field, saying that violations of human rights may be more relevant to criminological inquiry than many acts that have been politically or legally defined as crime. “Isn’t it time to raise serious questions about the assumptions underlying the definitions of the field of criminology,” asked the Schwendingers, “when a man who steals a paltry sum can be called a criminal while agents of the State can, with impunity, legally

**TABLE 1-1 | What Is Crime?**

Depending on how we look at it, “crime” can be understood in various ways. The four major perspectives useful in defining crime are:

**The Legalistic**

*According to the legalistic perspective, crime is:* human conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction that has the power to make such laws. Seen this way, if there is no law against it, there can be no crime, no matter how deviant or socially repugnant the behavior in question may be.

**The Political**

*According to the political perspective, crime is:* the result of criteria that have been built into the law by powerful groups which are then used to label selected undesirable forms of behavior as illegal. Seen this way, laws serve the interests of the politically powerful, and crimes are merely forms of behavior that are perceived by those in power as direct or indirect threats to their interests.

**The Sociological (aka sociolegal)**

*According to the sociological (or sociolegal) perspective, crime is:* an antisocial act of such a nature that its repression is necessary for the preservation of the existing social order. From this viewpoint, crime is primarily an offense against human relationships, and secondarily a violation of the law.

**The Psychological**

*According to the psychological point of view, crime is:* a form of social maladjustment, especially one which is against the law, that can be seen as a difficulty that an individual has in remaining in harmony with his or her social environment. Seen this way, crime is problem behavior for both the individual and for society.

Source: Pearson Education, Inc.



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reward men who destroy food so that price levels can be maintained whilst a sizable portion of the population suffers from malnutrition?"<sup>13</sup>

Jeffrey H. Reiman, another contemporary criminologist, asked similar questions. "The fact is that the label 'crime' is not used in America to name all or the worst of the actions that cause misery and suffering to Americans," said Reiman. "It is primarily reserved for the dangerous actions of the poor."

**Criminal behavior is typically associated with personal features such as impulsivity, risky decision making, antisocial demeanor, and aggression, as well as biological and social risk factors that are mediated by genes and by the social and physical environments.**

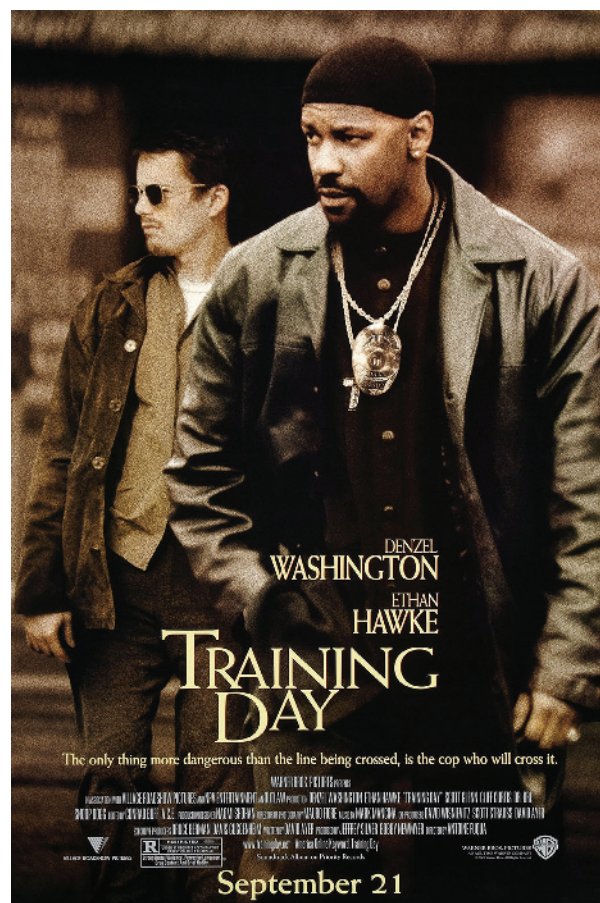
Writing about unhealthy and unsafe workplaces, Reiman asked, "Doesn't a crime by any other name still cause misery and suffering? What's in a name?"<sup>14</sup> While a sociolegal approach to understanding crime is attractive to many, others claim that it suffers from wanting to criminalize activities that cause only indirect harm; that is, it is easier for most people to appreciate the criminality involved in a holdup or a rape than in cost-cutting efforts made by a businessperson.

Finally, a psychological (or maladaptive) perspective says that "crime is a form of social maladjustment which can be designated as a more or less pronounced difficulty that the individual has in reacting to the stimuli of his environment in such a way as to remain in harmony with that environment."<sup>15</sup> Seen this way, crime is problem behavior, especially human activity that contravenes the criminal law and results in difficulties in living within a framework of generally acceptable social arrangements. According to criminologist Matthew B. Robinson, "[t]he maladaptive view of crime does not require any of the [traditional] elements in order for an act to be a crime: no actual harm to others; no prohibition by law before the act is committed; no arrest; and no conviction in a court of law. Any behavior which is maladaptive would be considered crime. If criminologists adopted this view of crime," said Robinson, "the scope of criminology would be greatly expanded beyond its current state. All actually or even potentially harmful behaviors could be examined, analyzed, and documented for the purpose of gaining knowledge about potentially harmful behaviors and developing strategies to protect people from all harmful acts, not just those that are called 'crime' today."<sup>16</sup>

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As this discussion shows, a unified or simple definition of crime is difficult to achieve. The four points of view that we have discussed here form a kind of continuum, bound on one end by strict, legalistic interpretations of crime and on the other by much more fluid, behavioral, and moralistic definitions.

No matter which definition we choose, it is important to recognize that most criminal behavior is typically associated with personal features such as impulsivity, risky decision making, antisocial demeanor, and aggression, as well as biological and social risk factors that are mediated by genes and by the social and physical environments.<sup>17</sup> Hence, in seeking to understand crime and its causes, we must also examine the various kinds of behavior that are most likely to be associated with it. In other words, while aggression and risk taking are not necessarily against the law, they are also characteristic of many types of crime, and their understanding can provide insight into criminal motivation.



**A poster for the movie Training Day.** What is crime? What definition of crime does this text use? How might crimes vary between jurisdictions?

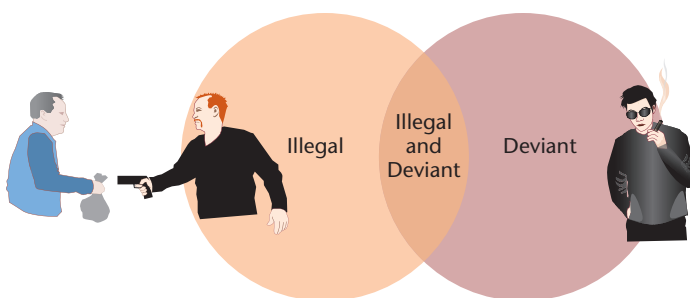
■ **deviant behavior** Human activity that violates social norms.

## Crime and Deviance

Sociologically speaking, many crimes can be regarded as deviant forms of behavior—that is, as behaviors that are in some way abnormal. Piers Beirne and James Messerschmidt, two contemporary criminologists, defined deviance as “any social behavior or social characteristic that departs from the conventional norms and standards of a community or society and for which the deviant is sanctioned.”<sup>18</sup> Their definition does not count as deviant, however, any sanctionable behavior that is not punished or punishable. Hence, we prefer another approach to defining deviance. The definition of **deviant behavior** that we will use in this text is as follows: *Deviant behavior is human activity that violates social norms.*

Abnormality, deviance, and crime are concepts that do not always easily mesh. Some forms of deviance are not violations of the criminal law, and the reverse is equally true (see Figure 1–2). Deviant styles of dress, for example, although perhaps outlandish to the majority, are generally not circumscribed by criminal law unless (perhaps) decency statutes are violated by a lack of clothing. Even in such cases, laws are subject to interpretation and may be modified as social norms change over time.

Some years ago, for example, a judge in Palm Beach County, Florida, held that a city ordinance barring the wearing of baggy pants was unconstitutional.<sup>19</sup> County Judge Laura Johnson ruled that no matter how “tacky or distasteful” baggy pants might be to others, they were merely a fashion statement and that wearing them, especially when no nudity is involved, is a freedom protected under the Fourteenth Amendment to the U.S. Constitution. The ordinance had been overwhelmingly approved by voters only two years earlier. More recently, San Francisco’s Board of Supervisors voted to ban total public nudity in their city.<sup>20</sup> The vote came in late 2012 after a series of complaints had been received about men and women strolling through the city’s Castro neighborhood without any



**FIGURE 1-2** | The Overlap between Deviance and Crime

Source: Schmallegger, Frank, *Criminology*. Printed and Electronically reproduced by permission of Pearson Education, Inc., Upper Saddle River, New Jersey ISBN 0132966751.



Jeff Chiu/Associated Press

**Taylor Whitfield holds up a sign protesting** the ban by San Francisco’s Board of Supervisors on public nudity that was passed in 2012. Who does public nudity hurt? Should it be criminalized?

clothes, and sipping drinks at the city’s coffee shops. The local legislation, however, exempted nudity at private beaches and within permitted special events.

Some types of behavior, although quite common, are still against the law, even though those who engage in them might not think of them as deviant. Speeding on interstate highways, for example, although probably something that most motorists engage in at least from time to time, is illegal; but most people who engage in such behavior probably don’t think of themselves as “deviant” or “criminal.” Complicating matters still further is the fact that certain behaviors are illegal in some jurisdictions but not in others. For example, commercialized gambling, especially gambling involving slot machines and games of chance, is against the law in many parts of the United States but has been legitimized in Nevada, on some Indian reservations, on cruise ships operating outside U.S. territorial waters, on some Mississippi riverboats, and in some state-sponsored locales. Even state governments, seeking to enhance revenues, have gotten into the gambling business through state lotteries, which now operate in 45 states,<sup>21</sup> and many states have laws specifically forbidding participation in online gambling, due largely to their interest in protecting their own lottery revenues. Similarly, prostitution, which is almost uniformly illegal in the United States, is an activity that is fully within the law in parts of Nevada as long as it occurs within licensed brothels and as long as those engaged in the activity meet state licensing requirements and abide by state laws that require condom use and weekly medical checkups. The criminal status of recreational marijuana use also varies between states—a situation discussed in more detail in a Crime in the News box in this chapter.

■ **delinquency** A term often used in conjunction with crime and deviance, it refers to violations of the criminal law and other misbehavior committed by young people.

■ **consensus perspective** A viewpoint that holds that laws should be enacted to criminalize given forms of behavior when members of society generally agree that such laws are necessary.

■ **pluralist perspective** A viewpoint that says that behaviors are typically criminalized through a political process only after debate over the appropriate course of action.

Finally, we should add that **delinquency**, a term often used in conjunction with crime and deviance, refers to violations of the criminal law and other misbehavior committed by young people. The laws of many states proclaim that “youth” ends at a person’s eighteenth birthday, although others specify the sixteenth or seventeenth birthday as meeting that requirement. All states, however, specify certain offenses, like running away from home, being ungovernable, and drinking alcohol, as illegal for children, but not for adults.

## What Should Be Criminal?

By now, you have probably realized that the question “What is crime?” differs from the question “What should be criminal?”

The consensus viewpoint holds that laws should be enacted to criminalize given forms of behavior when members of society generally agree that such laws are necessary.

Although most people agree that certain forms of behavior, such as murder, rape, burglary, and theft, should be against the law, there is far less agreement about the appropriate legal status of things like drug use, abortion (including the use of “abortion pills” like RU-486, or Mifeprex), gambling, “deviant” forms of consensual adult sexual behavior, psychic readings,

and even certain forms of attire. In 2014, for example, voters in Oregon, Alaska, and the District of Columbia legalized the recreational use of marijuana in their jurisdictions. In voting “yes to pot,” they joined Colorado and Washington state which had earlier allowed responsible private possession and recreational use of marijuana by people over 21.

While the question “What should be criminal?” can be answered in many different ways, the social and intellectual processes by which an answer is reached can be found in two

contrasting points of view: (1) the consensus perspective and (2) the pluralist perspective.

The **consensus perspective** holds that laws should be enacted to criminalize given forms of behavior when members of society generally agree that such laws are necessary. The consensus perspective (described in greater detail in Chapter 9) is most applicable to homogeneous societies, or those characterized by shared values, norms, and belief systems. In a multicultural and diverse society like the United States, however, a shared consensus may be difficult to achieve. In such a society, even relatively minor matters may lead to complex debates over the issues involved, and these debates show just how difficult it is to achieve a consensus over even relatively minor matters in a society as complex as our own.

Finally, the question of what should be criminal can be distinguished from issues arising from excessive enforcement of the law. In one surprising case of what many saw as an overreaction by law enforcement officers, a 12-year-old student, Alexa Gonzalez, was arrested in New York City in 2010 for doodling on her junior high school desk with a washable felt-tipped marker.<sup>22</sup> School safety officers took the girl into custody for defacing school property and for creating graffiti—both against the law in New York City. Upon being turned over to New York Police Department (NYPD) officers as required by school policy, Alexa was handcuffed and taken to a police station. After spending hours in confinement, the girl was released into the custody of her mother. Eventually, she was ordered to perform eight hours of community service and assigned to write an essay on what she had learned from the experience. The question in this case was not whether defacing public property is wrong and if there should be a law against it, but how the police should react to such situations.

The second perspective, the **pluralist perspective** of crime (also described in more detail in Chapter 9) recognizes the importance of diversity in societies like ours. It says that behaviors are typically criminalized through a political process only after debate over the appropriate course of action. The political process often takes the form of legislation and may involve appellate court action (by those who don’t agree with the legislation). After the horrific shootings that occurred at the Sandy Hook Elementary School in 2012, for example,



# CRIME | in the NEWS

## What Should Be Criminal?

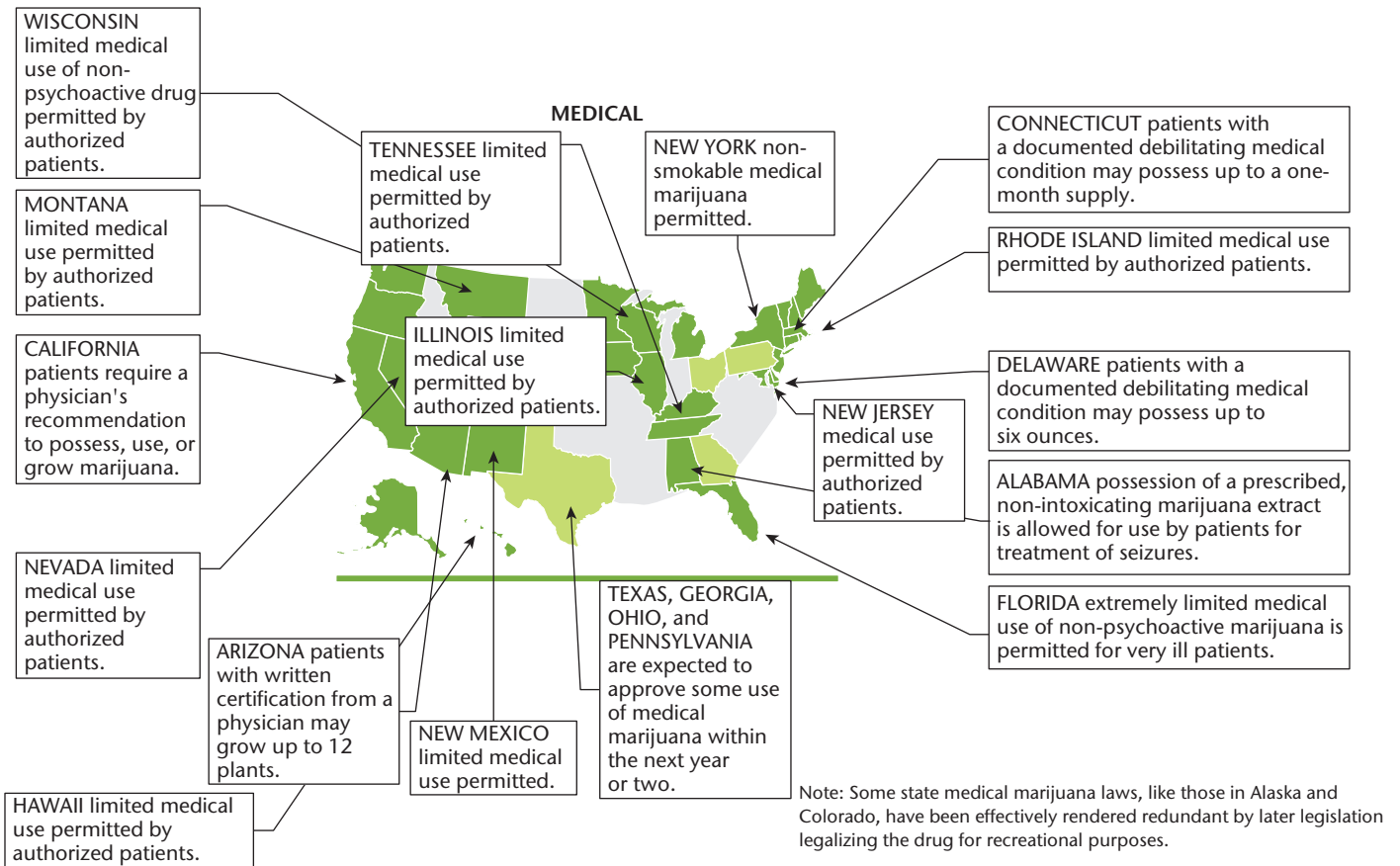
Although most people agree that certain forms of behavior, such as murder, rape, burglary, and theft, should be against the law, there is far less agreement about the appropriate legal status of things like abortion, gay marriage, gambling, gun ownership, drug use, and other controversial forms of behavior.

One issue that has been trending both in the political arena and on social media is the legalization of marijuana. While drug use and abuse will be discussed in greater detail in Chapter 14, the present wave of legislation to legalize marijuana for both medical and recreational purposes provides a good example of the difficulty in deciding what should or should not be considered criminal.

While existing federal law provides strict penalties for marijuana possession, production, sale, or use, a number of U.S. jurisdictions

have recently modified their laws to legalize the possession of small amounts of marijuana for personal use. Most of these new laws, while they permit either recreational or medical marijuana use, prohibit the substance from being consumed in public, and limit the amount (and sometimes the form) allowed. As with other substances that may affect reaction time and judgment, jurisdictions that have expanded the legal availability of marijuana prohibit operating a motor vehicle while under the influence, and do not permit marijuana intoxication to be used as a defense against criminal charges.

Although many observers expect marijuana legalization to soon expand to additional states, disparities between federal and state laws, and battles between opposing sides in state and federal

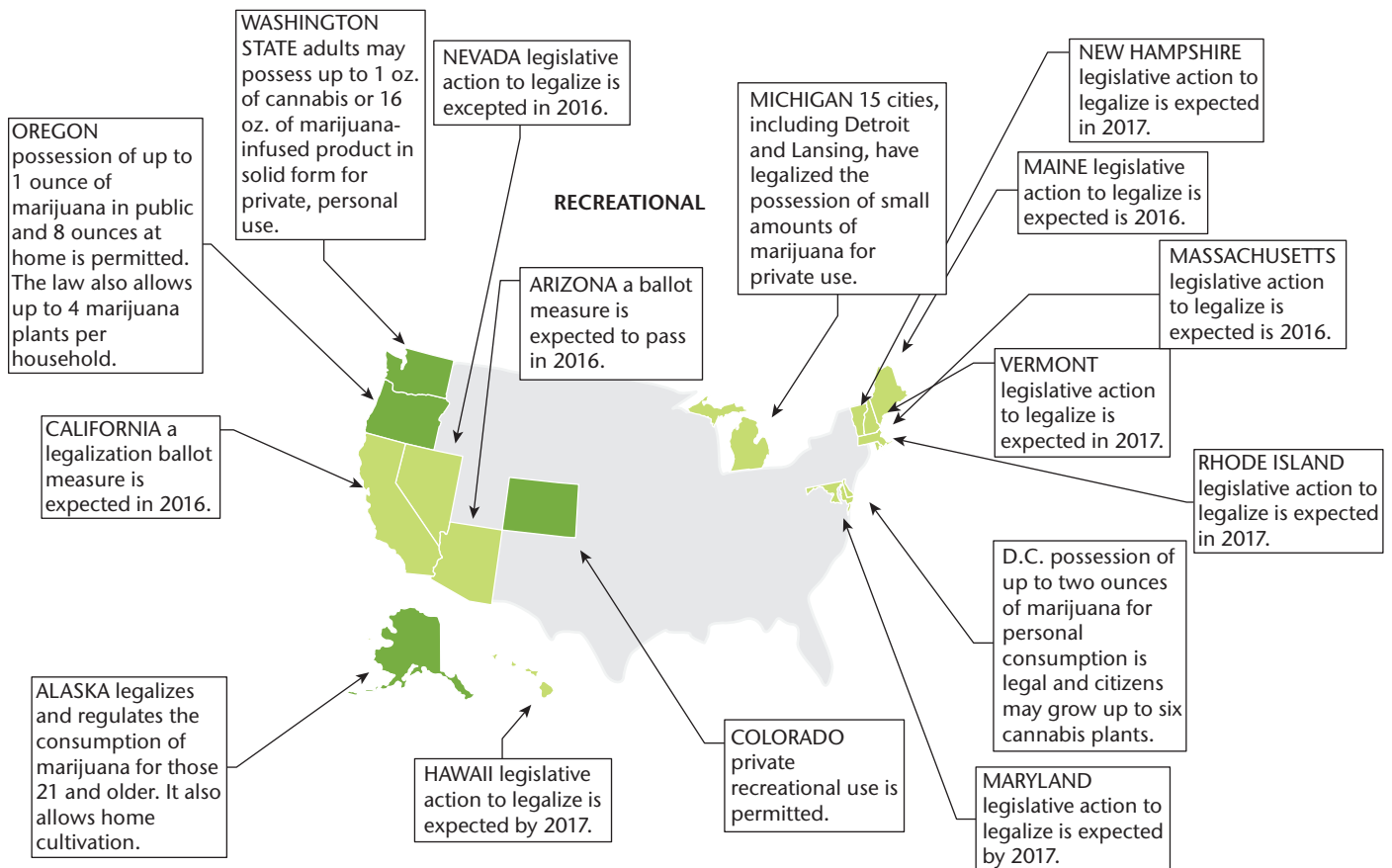


legislatures at both the state and federal levels began to reexamine gun laws to see if new laws were needed to keep guns out of the hands of potential mass killers. Given the diversity of perspectives that characterize our society, however, agreement was not easy to reach—and gun-control proponents vigorously debated those who sought to retain existing laws supporting gun ownership. Learn more about both sides of the gun-control debate via **Web Extras 1-1** and **1-2**.

## What Is Criminology?

The attempt to understand crime and deviance predates written history. Prehistoric evidence, including skeletal remains showing signs of primitive cranial surgery, seems to indicate that preliterate people explained deviant behavior by reference to spirit possession. Primitive surgery was an attempt to release unwanted spiritual influences. In the thousands of years

■ **social policy** A government initiative, program, or plan intended to address problems in society. The war on crime, for example, is a kind of generic (large-scale) social policy—one consisting of many smaller programs.



courts, may yet lead to a rolling back of the movement toward marijuana legalization. The figures in this box show the status of marijuana laws as of late 2015. Chapter 14 provides more detail on both the historical and current issues involved in marijuana legalization.

### Discussion Questions

1. How do you feel about the legalization of marijuana for personal recreational use?
2. Would you want to live in a state in which marijuana is legal? Why or why not?

Sources: Josh Harkinson, "Map: The United States of Legal Weed," *Mother Jones*, November 5, 2014; Patrick Whittle, "Pro-marijuana Groups Eye Northeastern States, Including Maine," *The Washington Post*, November 23, 2014; NORML, "Introduction," <http://norml.org/legal/item/introduction-6>; "Marijuana and Medical Marijuana," *The New York Times* (newsfeed), <http://topics.nytimes.com/top/reference/timestopics/subjects/m/marijuana/index.html>; Mike Adams, "The Big Debate Over Marijuana," November 24, 2014, <http://www.hightimes.com/read/big-debate-over-big-marijuana>; "Legal Marijuana Industry Outlook Positive as Advanced Technologies & Socially Acceptable Cannabis Products Lead to Increased Revenues," *CNN Money*, November 24, 2014, <http://money.cnn.com/news/newsfeeds/articles/pmnewswire/enUK201411241309.htm>.

since, many other theoretical perspectives on crime have been advanced. This text describes various criminological theories and covers some of the more popular ones in detail.

## Defining "Criminology"

Before beginning any earnest discussion, however, it is necessary to define the term *criminology*. As our earlier discussion of the nature of crime and deviance indicates, not only

must criminologists deal with a complex subject matter—consisting of a broad range of illegal behaviors committed by frequently unknown or uncooperative individuals—but they also must manage their work under changing conditions mandated by ongoing revisions of the law and fluctuating **social policy**. In addition, as we have already seen, a wide variety of perspectives on the nature of crime abound. All this leads to considerable difficulties in defining the subject matter under study.