



Crime and the fear of crime have permeated the fabric of American life.

—Warren E. Burger, Chief Justice, U.S. Supreme Court¹

We don't seem to be able to check crime, so why not legalize it and then tax it out of business?

—Will Rogers²

Crime and Criminology

chapter



Objectives

- Define criminology and understand how this field of study relates to other social science disciplines.
- Understand the meaning of scientific theory and its relationship to research and policy.
- Recognize a “good” theory of crime, based on criteria such as empirical support, scope, and parsimony.
- Know the criteria for establishing causation and identify the attributes of good research.
- Understand the politics of criminology and the importance of social context.
- Define criminal law and understand the conflict and consensus perspectives on the law.
- Describe the various schools of criminological theory and the explanations that they provide.

Features

Theory in Action: Criminology as Peacemaking—Sister Helen Prejean, *Dead Man Walking*

Wrap up

Chapter Spotlight

Putting It All Together

Key Terms

Notes

introduction

Crime is a social phenomenon that commands the attention and energy of the American public. When crime statistics are announced or a particular crime makes national headlines, the public demands that “something be done.” American citizens are concerned about their own safety and that of their families and their possessions. In 2007, for example, 48% of the public “avoided going into certain places or neighborhoods.”³ Because of the public’s concern about the safety of their communities, crime is a perennial political issue that candidates for political office are compelled to address.

Dealing with crime commands a substantial portion of the country’s tax dollars. In fiscal year 2006, the criminal justice system cost taxpayers over \$214 billion. Between 1982 and 2006, these costs rose by over 498%.⁴ Much of this cost is due to the rise in the prison population that resulted from the “get-tough” strategies popular in the 1980s and 1990s (e.g., mandatory minimum sentences, the “war” on drugs, three-strikes legislation). At the end of 2008, the number of sentenced prisoners under the jurisdiction of state and federal correctional authorities stood at 1.6 million—about 1 in every 198 persons in the United States. However, in recent years, the incarceration trend has slowed down. From 2000 to 2008, the prison population increased an average of 1.8% annually, less than a third of the average annual rate during the 1990s (6.5%).⁵ This decline is due in part to the fact that governments and citizens have become more sensitive to the great cost of incarceration. In



Deviance is behavior that violates social norms. Would you consider this person “deviant”?

2006, Federal, state, and local governments spent a total of about \$68 billion on corrections.⁶

As these statistics indicate, crime is an important social issue. Further, *how* policymakers deal with crime (via crime policy) can have enormous social and financial implications. A basic tenant of this text is that a combination of theory and research can help provide direction to crime policy. The chapters in this book attempt to organize ideas in order to explain criminal behavior. This includes the factors that contribute to crime and the social reactions (including proposed and actual policies) to crime. In short, this book explores the discipline of criminology.

Defining criminology

Simply put, criminology is the scientific study of crime. More broadly, Edwin Sutherland identified criminology as the study of lawmaking, lawbreaking, and the response to lawbreaking.⁷ Some scholars further distinguish criminal justice from criminology. Here, Sutherland’s definition is subdivided into two related fields, where criminology focuses on lawbreaking (i.e., the nature, extent, and causes of crime), and criminal justice focuses on the response (i.e., policing, courts, and corrections) to criminal behavior. Scholars interested in criminal justice, for example, may study the causes and consequences of prison crowding or the effectiveness of different policing models. Of course, there is a relationship between criminology and criminal justice. The response to crime depends largely on one’s view of the causes of crime. For this reason, many criminologists work in both of these areas.

Another discipline related to criminology is the study of *deviance*. A “deviant” is anyone who violates social norms. *Norms* are guidelines that define for members of a society the types of behaviors that are appropriate or inappropriate in certain situations. Norms are classified as folkways, mores, and laws, based largely on the response to their violation.⁸ Folkways are norms against actions that may evoke a snicker or some teasing as a response (e.g., nose picking). Violations of a society’s *mores* evoke a more serious response from others (e.g., teen pregnancy). *Laws* are norms that have been codified, and the response to violations comes from formal government agencies. Therefore, although some deviant behavior is criminal, deviance can also include acts (e.g., cross-dressing, membership

in a motorcycle gang) that are not defined as crimes. Deviance scholars are often interested in how deviant behaviors come to be criminalized; that is, they focus on the “lawmaking” aspect of Sutherland’s definition.

Criminology and Academics

Until recently, people with an academic interest in criminal behavior sought degrees in social science disciplines such as anthropology, psychology, economics, law, political science, ethics, and sociology; thus, a student might earn a degree in sociology with an emphasis on deviance and crime. Although some people still study crime through other disciplines, most universities now offer degrees in criminology or criminal justice. Moreover, many universities have separate criminology departments, divisions, or schools. In that sense, criminology has recently emerged as a distinct social science discipline.

This emergence has been partial, however, and a bit awkward. In part, this is because unlike other social science disciplines, criminology is organized around a class of behaviors (crime) rather than a particular way of understanding these behaviors. Social science disciplines tend to be organized around common assumptions, guiding insights, and specific research methodologies.⁹ For example, psychologists generally seek to understand the mental processes that explain human behavior, while sociologists emphasize the role of social institutions and processes. Within any social science discipline, “crime” is only one type of human behavior that attracts interest. A psychologist might also be interested in intelligence, a political scientist in voting behavior, and a sociologist in explaining social movements. One might expect, therefore, that criminology would be multidisciplinary in nature. This is indeed the case—many disciplines have made contributions to the scientific study of crime. Some of the earliest scientific theories of crime came from biologists and psychologists. Few would dispute the fact, though, that sociology has had the largest impact on the study of crime.

Throughout most of the 20th century, sociologists were prominent in social scientific discourse about criminal behavior. The roots of this contribution can be traced to members of the sociology department at the University of Chicago. Ernest W. Burgess, W. I. Thomas, and a host of other sociologists created a body of research methodology,

research findings, and theory related to crime that came to be called simply the “Chicago School of Crime.”¹⁰ During the 1930s, Edwin Sutherland, a student of the Chicago School sociologists, became the dominant advocate of criminology with his theories of differential association and white-collar crime. At about the same time, Robert K. Merton, a Columbia University sociologist, developed the sociological theory of *anomie* to explain crime. This theory has been utilized to study different forms of crime from street crime to organized crime.

Sociological theories have provided one basis for the discipline of criminology. However, criminology is now recognized as interdisciplinary. Scholars from many disciplines, such as political science, psychology, social work, public policy, and law, and those with advanced degrees in criminal justice and criminology all contribute to criminology.

a brief history of the criminal law

The criminal law has a long history, dating back over 3500 years. The first acknowledged set of laws (dated 1792 BC), the Code of Hammurabi, established the precept that the punishment should fit the crime. This code was adopted from Babylonian and Hebrew laws that existed as early as 2000 BC. The Mosaic Code of the Israelites (1200 BC) developed the laws of the Old Testament, which include the Ten Commandments.¹¹

The root of American law is English common law. Common law developed from English “circuit” courts, where judges traveled from community to community hearing cases. Judges kept written records of their court decisions and initially decided cases based on prevailing community standards. Over time, these judges began to unify and standardize the legal code across different communities. To accomplish this, they used past decisions as precedents (regardless of community) for new legal disputes. Eventually, this web of legal decisions evolved into a national unified set of codes or common law.¹²

The English colonies followed common law, and after the revolution, the new federal and state governments of the United States adopted many of these laws by passing specific legislation called statutes. For this reason, most of the U.S. criminal code is considered **statutory law**. Even here, judges

must interpret laws and apply them to specific circumstances; this creates **case law**. Also, where laws do not cover a particular circumstance, U.S. courts still rely on common law. Finally, the federal government and each state have separate, written constitutions that define the general organization and the powers (or limits of power) of the government. **Constitutional law** is expressed within these documents and is the supreme law of the land—the U.S. Constitution for the country and state constitutions for their respective state.¹³

Defining the Criminal Law

The substantive criminal law consists of prohibited behaviors and the possible sanctions for these behaviors. As noted previously, each state has its own criminal code, as does the federal government. Federal and state codes (as well as constitutions) are accessible on the Internet. The Legal Information Institute at Cornell Law School maintains a site that features links to all federal and state statutes.¹⁴

Crimes are defined by two components: the specific act (*actus reas*) and the criminal intent (*mens rea*). *Actus reas* includes the act and the circumstances under which the act occurs (e.g., the common law crime of burglary includes the breaking and entering of another's dwelling, at night, without consent). Although most crimes require the commission of some act, in some cases involving special relationships (e.g., parent and child or lifeguard and swimmers), crime can be defined by the failure to act. *Mens rea* refers to a person's mental state. There are different levels of criminal intent, defined by the elements of purpose, knowledge, negligence, and recklessness¹⁵:

- A person purposely commits a criminal act when they desire to engage in criminal conduct to cause a particular criminal result.
- To knowingly commit a criminal act, a person must know, believe, or suspect that an action is criminal.
- Criminal negligence occurs when a person grossly deviates from a standard that a reasonable person would use under the same circumstances—the person is accused of taking a substantial and foreseeable risk that resulted in harm.
- Criminal recklessness is the conscious disregard of a substantial risk—a person accused of recklessness is viewed as more blameworthy than someone accused of negligence.

Some offenses (e.g., traffic offenses) do not require criminal intent. These are considered strict liability offenses. Criminal behavior carries a variety of formal punishments, including imprisonment, death, fine, or probation.

There are various ways to classify crimes within the criminal law. Among the oldest is the distinction between crimes that are *mala in se* and *mala prohibita*. **Mala in se** crimes, considered “evil in themselves,” encompass the core of the criminal code, including acts such as homicide and robbery. **Mala prohibita** crimes are “wrong because they are prohibited.” These crimes represent a particular society's attempt to regulate behavior, such as drug abuse, gambling, and prostitution, that offends their moral senses. *Mala prohibita* offenses are likely to vary over time and across jurisdictions. For example, casino gambling is legal in several states, and many states have state-sanctioned lotteries. Similarly, the use of alcohol has shifted from legal to illegal and back to legal over time in the United States.

Another common way to classify crimes is according to the seriousness of the offense. On a general level, jurisdictions distinguish between felonies (serious crime) and misdemeanors (petty crimes). Criminal codes further categorize felonies according to degree (e.g., first-, second-, or third-degree felony offenses).

In addition to the substantive criminal law, **procedural law** dictates what actions actors within the criminal justice system may legally take. Procedural law dictates, for example, how police may interact with citizens (e.g., search-and-seizure law) and how criminal trials proceed (e.g., the admissibility of evidence).

The criminal law can also be distinguished from civil law. Civil law includes (among other things) contract law, property law, and tort law.¹⁶ Among the various forms of civil law, tort law bears the strongest resemblance to the criminal law. In a tort case, an individual or group seeks compensation to redress some wrongdoing or harm. Violations of the criminal law can result in both a criminal and tort trial. For example, a person can be tried in criminal court for homicide and also in civil court for wrongful death, regardless of how the criminal trial turns out.¹⁷

Laws are dynamic and greatly influenced by current events, politics, economics, and numerous other external factors. Criminal law continues to change, as judges have to interpret situations with

the emergence of new technology (e.g., computers) and new threats (e.g., terrorism). For example, the September 11, 2001, terrorist attack in the United States had a substantial impact on the law. The USA Patriot Act was passed on October 24, 2001, just six weeks after the events of 9/11. Although the Patriot Act amended numerous laws, the primary intent of the act was to relax the procedural laws that restrict law enforcement investigation and surveillance powers.

The U.S. Department of Justice hails the Patriot Act as an effective tool for counterterrorism efforts.¹⁸ Critics contend that the law grants sweeping search and surveillance powers to domestic law enforcement without proper judicial oversight.¹⁹ One of the most controversial provisions of the law is a “sneak-and-peek” search warrant, which authorizes law enforcement officers to enter private premises without the occupant’s permission or knowledge and without informing the occupant that such a search was conducted.²⁰ The act also expanded the government’s ability to view records on an individual’s activities that are held by third parties (e.g., libraries, doctors, Internet service providers). Key provisions of the Patriot Act were set to expire on December 31, 2009. Amid debate about whether the act sacrifices too many civil liberties, President Barack Obama approved a one-year extension of the act on March 1, 2010, without any alterations in its provisions.²¹

Perspectives on the Criminal Law

Criminal law serves several functions in society. First, criminal law discourages revenge because the government, rather than the victim, is responsible for punishing law violators. Second, the law serves to express public opinion and morality; this is especially apparent for *mala prohibita* offenses. Third, the punishment meted out according to criminal law also serves as a warning to other citizens who may be thinking of committing the same crime.²²

Typically, criminal law also attempts to make the punishment fit the crime. The aim is to match the punishment to the severity of the offense and the harm that it creates; thus, the punishment balances the damage caused by the crime. However, the punishment does not always fit the harm of the crime. For example, white-collar offenses often involve large sums of money and affect great numbers of people but typically result in shorter (if any) prison sentences than robbery or burglary. Another area to consider is illicit drugs relative to alcohol.

By most measures, alcohol is more dangerous or harmful than marijuana. Despite this fact, marijuana is illegal while alcohol is legal. If criminal laws and the punishments for law violators do not directly reflect the harm caused to society, then what determines how a crime is punished? How do some acts come to be criminalized while others do not? Criminologists approach such questions within the framework of two general perspectives.

The **consensus perspective** illustrates the belief that laws are set in place to keep people from engaging in behaviors that the majority of society believes to be harmful to others and society as a whole. Consensus is defined as a general agreement, and thus, this perspective sees society as having classified specific behaviors as wrong or immoral. This consensus comes from a society’s culture, which includes its beliefs, values, attitudes, and behaviors. From this perspective, criminologists would argue that laws are in place to be fair to all members of society.

In contrast to the consensus view, the **conflict perspective** portrays the law as the result of a continuous competition or “conflict” among members of society. Here, the law reflects the interests, values, and beliefs of whatever group has power. Power can come from a variety of sources, such as group size or wealth. For example, Karl Marx portrayed capitalist societies as riddled with constant competition that breeds continued conflict among its members. In Marx’s analysis, conflict stems from a system of inequality that allows the wealthy elite to rule or control all other members of society. On a smaller scale, the conflict perspective sheds light on how political interest groups try to shape laws (e.g., gun control, abortion) in a way that is consistent with their beliefs and values. The preceding discussion of the controversy surrounding the USA Patriot Act also illustrates the conflict perspective in action.

These general perspectives on the law influence the research questions that criminologists ask and also help determine how they go about answering such questions. Following the consensus model generally leads criminologists to ask, “Why do some in society violate laws that exist to benefit all members of society?” The conflict perspective generally leads to questions regarding the content and enforcement of the law, such as, “Why is marijuana illegal, and how did it come to be criminalized?” Each of these perspectives appears to have some credence within a specific realm of

behavior. Laws against *mala in se* offenses, such as homicide and robbery, are backed by widespread consensus. *Mala prohibita* offenses, such as gambling, prostitution, and illicit drug use, are more relevant to the conflict perspective.

theories of crime

Theory represents the foundation on which all discussion of crime is built. Unfortunately, students of criminology often struggle to understand the various theories of crime or simply find them to be boring, useless, and confusing. The premise of this section is that when properly understood, theory can be exciting, thought provoking, and useful. This section covers basic information on theory that will allow students to understand and evaluate the discussions on crime that follow in later chapters.

Defining a scientific theory

There is no shortage of opinions regarding the roots of criminal behavior; news articles, movie dialogue, politicians, relatives, and friends all offer opinions on the causes of crime. Often these sources point to a single factor: drugs, violent movies, poor parenting, or bad companions. Such theories are often based on speculation or hunches. Scientific theories of crime include many of these common-sense explanations, yet unlike a “hunch,” a theory of crime must explain in a logical and clear manner how such factors relate to crime.

A theory is nothing more than a set of principles or statements that attempts to explain how concepts are related. In the case of crime theory, these statements typically explain how one or more factors lead to criminal behavior. A scientific theory must also be testable, meaning that it must be stated in such a way that other scientists can go out into the real world, collect information, and test the theory’s validity. If a theory is too vague or if the central concepts cannot be measured, it is essentially useless to science.

Consider, for example, the following statement: “Little green creatures that live inside peoples’ brains cause them to engage in crime.” Furthermore, suppose that one argues that science is unable to detect little green creatures through brain scans or other technology and that people are generally unaware of their existence. How could

one test this theory? Of course, the little green creature theory is rather absurd. However, what if the words “little green creatures” were changed to “a lack of conscience,” and the theory becomes that a lack of conscience causes crime? Unless researchers devise a way to measure conscience, this is still a theory with no scientific value, even though it may sound more credible.

A theory may also be impossible to test if it is based on circular reasoning. Scientists refer to this kind of reasoning as tautological. Literally, a tautological theory of crime would argue that “crime causes crime.” Of course, tautological statements are usually not as obvious as that and can therefore be more difficult to detect. Let us stick with the example of “a lack of conscience” as the cause of crime and think about how one might test that theory. One could argue that people who do bad things must not have a conscience. In doing so, however, one is engaging in circular reasoning: People who do “bad things” engage in criminal behavior (bad things), which is like arguing that crime causes crime.

In order for a theory to be useful then, one must be able to subject it to empirical tests. Assuming that a theory meets this minimal standard (and most do), what next? What makes one scientific theory better than others?

evaluating theory

A number of useful criteria are presented here for evaluating theory. An important fact to keep in mind, however, is that not all criteria are equally important. **Figure 1-1** illustrates how different criteria relate to one another. Testability has already been covered; the remaining criteria include empirical support, scope, and parsimony.

Empirical Evidence

After a theory is determined to be testable, the next step in the evaluation process is establishing whether those tests support the theory. In other words, when this theory is applied to the real world, does it work? Does the research support this theory? The importance of this criterion cannot be overstated; if tests fail to support a theory, that theory is incorrect. It makes little sense to look at other aspects of the theory if it fails to work in the real world.

Unfortunately, most theories of crime are never completely supported or refuted. Some empirical

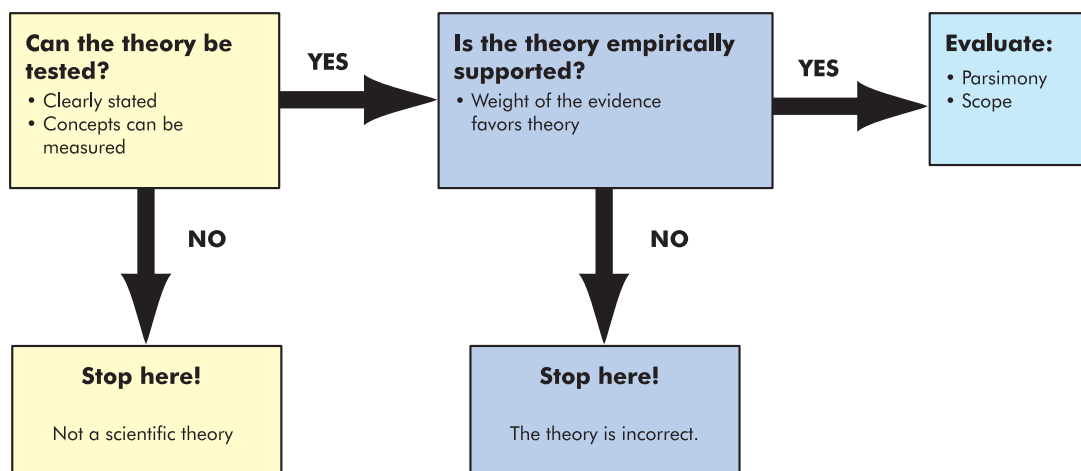


Figure 1-1 Evaluating theories.

tests may support the theory; others might offer partial support; and still others may refute the theory. It may also be necessary to compare different theories against each other and consider²³:

- The amount of empirical support (confirming evidence).
- The scope of coverage (breadth of explanation offered).
- The weight of statistical evidence.

The final question suggests that not all empirical tests are the same. How much weight to put on an individual study depends on how confident the researcher is in the research design. Some research designs are better than others at demonstrating cause-and-effect relationships.

Demonstrating Cause and Effect

A number of ways are available to test theories of crime. Because most theories predict cause-and-effect relationships (e.g., poverty causes crime), a good empirical test tries to establish that certain factors have a causal relationship with crime. To clarify this point, an example may be useful. Start with a simple theory: Hanging around with criminal friends causes criminal behavior. To establish causation, a test needs to demonstrate three things:

1. Having criminal friends is related to criminal behavior.
2. Having criminal friends happens before engaging in criminal behavior.
3. The relationship between criminal friends and criminal behavior is not spurious.

The first point would be rather easy to demonstrate. Ask a group of people to report how many of their closest friends have been arrested for a crime. Also ask them to report their own criminal behavior. If those with criminal friends are more likely to engage in crime themselves, a relationship was established (mathematically, this is called a correlation). The second point, called time ordering, is a little more difficult to verify. The researcher must demonstrate that these individuals had criminal friends before they engaged in crime (i.e., the factor that does the causing must happen before the effect). Demonstrating this is important because the relationship between criminal friends and criminal behavior might be the result of criminals wanting to hang out together. In other words, engaging in criminal behavior might cause people to seek out other criminals. One way to demonstrate time ordering is to conduct a longitudinal study. The researcher could measure criminal friends at one point in time and then measure criminal behavior six months later and then further on in time. Assuming that the researcher can establish time ordering, they can move to the third point.

A relationship is considered spurious when, even though two things are related, one does not cause the other. For example, suppose that a survey of residents in a city revealed that “time spent in the past week riding a bicycle” was correlated (related) to engaging in vandalism. People who reported riding a bicycle were more likely to have also engaged in vandalism. Does this mean that the act of riding a bicycle caused people to vandalize property? A more plausible explanation is that

younger people were more likely to ride bikes (because they do not yet have a driver's license) and vandalize property. Isolating causes of crime (and excluding spuriousness) is the most difficult challenge of doing research in criminology. How spuriousness is dealt with depends largely on research methods.

Experimental Designs

Experimental research designs are the most efficient way to establish cause-and-effect relationships and exclude spuriousness. Although there are many variations, the basic experimental design is illustrated in **Figure 1-2**. The key to the experimental method is the random assignment of subjects to control and experimental groups. If the sample is large enough, random assignment leads to groups that are equivalent on all factors, measured or not. For example, one would expect roughly the same number of males, overweight individuals, people with high IQs, and so forth in each group. The experimental group receives some form of treatment, whereas the other group, known as the control, does not.

In drug studies, participants in the control group are often given a placebo (typically a sugar pill) to exclude the possibility that subjects would report improvement simply because they received some treatment. The power of the experimental design is that the only thing that could cause

differences between the two groups is the experimental treatment. Thus, if a pill designed to reduce headaches does so in the experimental group, and there's no improvement in the control group, this is very persuasive evidence that the pill works. Unfortunately, many of the factors of interest to criminologists cannot be assessed through experiments. A criminologist cannot, for example, randomly assign children to "poverty" and "no-poverty" conditions and assess their criminality.

Nevertheless, some criminologists do use experimental methods to study crime. One way to test a theory is to follow its policy implications and see whether the policy that was developed reduces crime. For example, many sociological and psychological theories of crime identify "targets" (e.g., procriminal attitudes, delinquent friends) for rehabilitation programs. If changing these targets reduces crime, the theory behind the target is supported. Researchers can randomly assign offenders to either a rehabilitation program or a control group and see whether the rehabilitation program reduces future criminal behavior or **recidivism**. Criminologists have also manipulated policing practices, using random assignment to dictate how police respond to a domestic violence dispute or how they patrol cities. Finally, researchers sometimes capitalize on natural experiments, where conditions in the environment naturally allow comparisons between two similar groups.

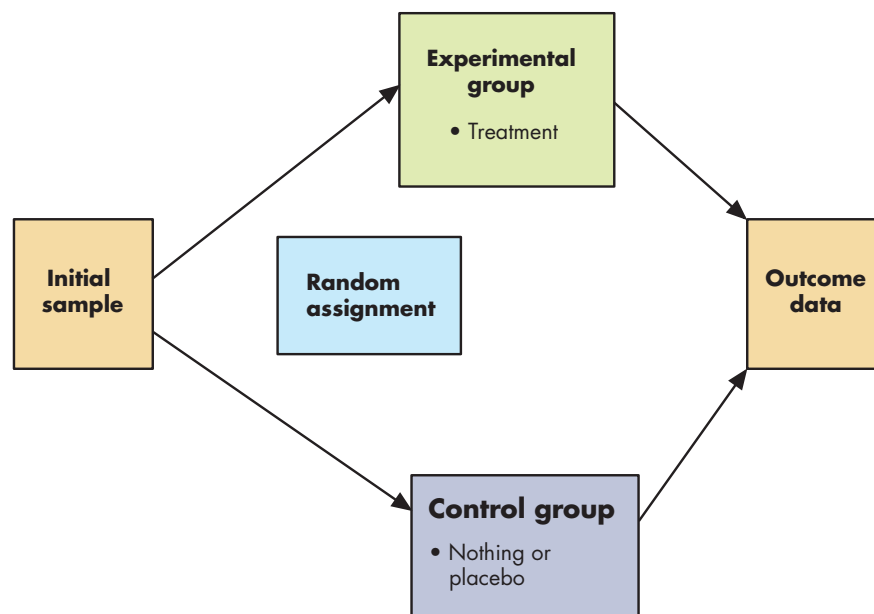


Figure 1-2 The experimental design.

Nonexperimental Designs

Despite the many examples of experimental research in criminology, most research on theories of crime continues to involve nonexperimental methods. Typically, a sample of individuals are surveyed and asked questions relevant to a particular theory. For example, they may be asked to report on their attitudes, behaviors (including criminal behavior), and/or social circumstances. Sometimes researchers also have people complete tasks to measure such constructs as “impulsivity” or IQ. Criminologists also use information collected by government agencies, such as arrest records or census data. Regardless of how the information is obtained, nonexperimental methods share a common problem: although they are useful in establishing whether two things are related (correlation), they are not very efficient at excluding spuriousness.

To demonstrate cause-and-effect relationships in a nonexperimental design, the researcher must (1) identify and measure those factors that might render a relationship spurious and then (2) control for those factors in a mathematical model. For example, recall the hypothetical relationship between bicycling and vandalism. A criminologist could statistically control the effects of age. If the relationship between vandalism and bicycling disappears after this control, the relationship is spurious. The major limitation of this approach is that the researcher must identify, measure, and control for many factors that might make a relationship spurious. This limitation often leaves an empirical study open for criticism because someone can point to an important factor that was not statistically controlled.

However, nonexperimental research is still worthy of consideration. Indeed, as pointed out earlier, many theoretical concepts cannot be studied experimentally. Furthermore, to the extent that many empirical studies (controlling each for different factors) find nonspurious relationships, one can gain confidence that the studies have identified a true cause-and-effect relationship.

Scope and Parsimony

Assuming that a theory has generated sufficient empirical support, other criteria can be applied to identify “good” theories. The related concepts of parsimony and scope are two such criteria.²⁴ A theory that uses only a few concepts to explain crime is better than a theory that uses many concepts. This is the principle of parsimony: a more concise

explanation is preferable. Scope refers to what a particular theory can explain. A theory that explains “criminal behavior” is better than a theory that explains only “burglary committed by youth gangs.” This is the principle of scope. **Grand theories** (wide scope) strive to explain all types of criminal behavior. For example, Gottfredson and Hirschi argue that their general theory of crime explains all forms of criminal behavior, in addition to similar behaviors (adultery, cigarette smoking) that are noncriminal. Combining scope and parsimony, a good theory is one that explains a lot (scope) with very few concepts (parsimony).

Organizing theories of crime

A student’s first exposure to scientific theories of crime is often less than pleasant. Some of this frustration stems from the sense that there is evidence both for and against most theories. As seen, however, not all research studies are equal. Throughout the theory chapters, those studies with strong research designs are highlighted to give a sense of where the “weight of the evidence” lies. Another maddening aspect of theory is the sheer number of theories and authors. To help students cope with this issue, the following sections outline several ways to classify theories into meaningful categories.

Theories of “Lawmaking, Lawbreaking, and Reaction to Lawbreaking”

As noted earlier, Edwin Sutherland identified criminology as the study of lawmaking, lawbreaking, and the response to lawbreaking.²⁵ This definition



Does having friends who are smokers cause youth to smoke or do youth who are smokers hang out together? What kind of study is necessary to answer such a question?

of criminology is also a useful way to categorize the theories covered in this text. Theories of “law-breaking” are the most common and obvious. These theories seek to answer questions such as, “Why do people commit crimes?” or “What makes some countries more prone to crime than others?” Theories of lawmaking attempt to explain why some acts are outlawed whereas others are not or why legal acts become illegal over time. Theories of the response to law violations concern the criminal justice system’s reaction to crime. Many “critical” theories focus on these latter two issues. Such theories might question why police arrest certain offenders and not others or why certain laws are enforced more stringently than others.

Macro- and Micro-Level Explanations

Theories can also be classified by their level of analysis. Some theories operate at the individual, or micro, level. A micro-level theory explains why some individuals engage in crime and others do not. In contrast, a macro-level theory attempts to explain differences in groups. For example, a macro-level theory might offer an explanation for why some neighborhoods have higher crime rates than others or why some countries have higher crime rates than others. A simple trick to identify whether a theory is macro or micro level is to look at what the theory predicts. If crime is expressed in “rates,” then it is a macro-level theory (only a group has a rate). Most theories of crime (especially those in biology and psychology) operate at the micro level, focusing on the individual offender.

Theoretical Traditions in Criminology

In some disciplines (particularly sociology), theories develop as a tradition. The basic thrust of the theory remains the same, but different authors update, revise, and change the particulars of a theory. For example, the work of Robert Merton spawned several related “strain” theories that revised or changed some of his original ideas but maintained the same core theme. These theoretical traditions are another important tool for organizing theories of crime—where relevant, how these traditions unfold is highlighted. Of course, the academic disciplines themselves offer a useful way to classify theories; for example, Chapters 4 and 5 in this text are organized around the specific disciplines of psychology and biology. On a much broader scale, students can locate theories of crime in two

historical theoretical traditions: the classical and positivist schools of crime.

the Origins of criminological theory

When did humans first begin to devise theories to explain criminal behavior? The answer depends greatly on what qualifies as a “theory.” **table 1-1** illustrates the major schools of thought regarding the causes of crime. Throughout much of Western history, the “demonic perspective” dominated thinking about crime and punishment.²⁶ Although the specifics differed according to the particular society and time, the gist of this perspective is that supernatural forces cause criminal behavior. Quite literally, people believed that the devil (or other demons) made people commit crimes. In primitive societies, crimes were viewed as acts against the gods, aided and abetted by evil spirits.²⁷ In that context, punishment was often designed to placate the gods.

Throughout the Middle Ages (1200–1600) in Europe, people who engaged in deviant, sinful, or criminal behavior (especially if they were women) were labeled “witches” and burned at the stake.²⁸ Brutal methods were often used to determine guilt or innocence. Trial by ordeal involved subjecting the accused to some form of painful torture—only God’s intervention could demonstrate their innocence. For example, the suspected witch would be tied up and thrown into a body of water. If God allowed the individual to float, he or she was innocent; if not, the unfortunate person was presumed guilty and allowed to drown.²⁹

Corporal punishments (e.g., gibbeting, ear clipping, drawing and quartering, dismembering, blinding, burning, and branding) were frequently used in Europe and America as late as 1700. Powerless members of society (e.g., slaves, women, and children) were often the targets of corporal punishment.³⁰ Mutilation and branding identified offenders and sent a message to others. The punishments also were designed to purge the body of the offender of evil and restore the community to its proper relationship with God.³¹ Again, the idea here is that crime was caused largely by demonic influence. Although the “devil made me do it” is certainly an explanation of criminal behavior, it is not a scientific theory. Supernatural forces cannot be observed, and the demonic perspective (like our “little green creature” example) is therefore not testable. Toward

TABLE 1-1

major schools of thought in criminology

school of thought	cause of crime	implication for criminals
Demonic perspective	Demonic possession, God's will, or other supernatural forces cause crime.	Brutal corporal punishments designed to placate the gods, cleanse the community, and identify individuals as deviant.
Classical school	Crime is the result of a rational decision based on a calculation of costs and benefits.	Swift, certain, severe punishment within the framework of a rational legal system will deter criminal behavior. Punishment should fit the crime.
Positivist school	Criminal behavior is determined by biological, social, or psychological factors outside of a person's control.	Advocate a medical model (and reject the importance of punishment). Individuals are "treated" based on the set of factors that caused them to engage in crime. The punishment (rehabilitation) should fit the individual.

the end of the 1700s, the demonic perspective was challenged by a group of philosophers who came to be called classical school criminologists.

The Classical School of Crime

The Age of Enlightenment burned hot in Europe during much of the 18th century. Enlightenment thinkers such as John Locke and Jean-Jacques Rousseau challenged the prevailing belief that God (or demons) directly determined human behavior. Rather, they believed that God instilled in humans the capacity to exercise free will and the ability to choose a course of behavior through reason. Scholars such as Cesare Beccaria used this general platform to argue for legal reform. In doing so, these penal reformers also articulated a scientific theory of criminal behavior.³²

To appreciate the importance of the legal reforms advocated by Beccaria, one first needs to understand the state of the legal system at the time in which he wrote. Laws were vague, and judges often interpreted them to suit their own interests. Those accused of crimes had few legal protections. The state provided neither legal assistance nor access to family and friends and commonly used torture to obtain confessions. Witnesses testified against the accused in secret proceedings. Punishments for those found guilty included whipping, branding, mutilation, and death by various means.^{33, 34}

Rebelling against the brutal and arbitrary nature of the legal system, Beccaria argued that the function of law was to promote justice.³⁵ In his 1764 essay "On Crimes and Punishments," he formulated the following principles, which represented a dramatic departure from the way in which criminal law had previously been conceived:^{36, 37}

- Prevention of crime is more important than punishment for the crime committed. Punish-

ment is desirable only as it helps to prevent crime and does not conflict with the ends of justice.

- The purpose of punishment is to deter persons from the commission of crime, not to give society an opportunity for revenge.
- Desirable criminal procedure calls for the open publication of all laws, speedy trials, humane treatment of the accused, and the abolishment of secret accusations and torture. Moreover, the accused must have every right and facility to bring forward evidence.
- The criminal code should be written with all offenses and punishments defined in advance.
- The criminal law should be restricted in its scope because it can result in the curtailment of freedoms.
- The presumption of innocence should be the guiding principle at all stages of the justice process. Individual rights must be protected.

Beccaria deserves much credit for "pulling together many of the most powerful 18th century ideas of democratic liberalism" and connecting them to issues of criminal justice.³⁸ His ideas directly influenced the American Bill of Rights as well as the Declaration of the Rights of Man and Citizen, the precursor to the French constitution of 1791.³⁹ The linchpin that holds together all of Beccaria's legal reforms was the argument that a properly designed legal system had the potential to prevent or deter criminal behavior. Beccaria believed that because humans were rational, they would consider the consequences of their behavior before acting. Swift, certain, and sufficiently harsh punishment should therefore deter a rational actor from engaging in crime. Beccaria argued that punishment should only be severe enough to

deter crime and denounced the use of the death penalty.⁴⁰

Another influential scholar and reformer of the classical school of criminology was Jeremy Bentham, who embraced Beccaria's ideas and made contributions to his deterrence theory. Specifically, Bentham described human decision making as a **hedonistic calculus**. In other words, people will act in ways that maximize positive outcomes and minimize negative ones. Naturally, a person commits a crime because of the perception that the benefits of the act are greater than the costs of punishment. The corollary to this is that punishment should be painful enough to outweigh the pleasure of the criminal act.

Like Beccaria, Bentham believed that the purpose of punishment should be crime prevention and that punishment must be proportional to the severity of the crime to have a deterrent effect. Moreover, the severity of punishment should be directly proportionate to the number of persons injured by the crime. Although some of their ideas are taken for granted today, classical theorists were liberal reformers who sought to restate the definitions of crime and to reformulate punishments. Their proposed legal reforms were revolutionary—a complete break with customary practices. As a theory of crime, the classical school idea of deterrence is relatively simple: People will refrain from crime if punishment is swift, certain, and sufficiently severe. Because empirical tests of this proposition are possible, it represented a dramatic departure from the demonic perspective. Classical school theory dominated criminological thought into the late 1800s, until it was challenged by a new group of theorists.

The Positivist School of Crime

The influence of the classical school of criminology began to wane in the late 1800s. One reason for this decline was that changes in the legal system based on classical theory failed to reduce crime (i.e., crime rates continued to increase).⁴¹ More importantly, the underlying assumption of the classical school—that behavior was the result of rational calculation—was criticized for being too simplistic. Throughout the 1700s, scientists such as Galileo and Newton made great discoveries about the workings of the physical world. These demonstrations of cause-and-effect relationships were made through careful observation and analysis of natural events. It was not long before scholars applied this scientific method beyond the physical world to the social world. In criminology, the use

of the scientific method to study the causes of crime was known as positivism.⁴²

The history of scientific inquiry into criminal behavior is uneven—several pioneers in scientific criminology predate Auguste Comte's positivism. For example, Benjamin Rush (United States) and Philippe Pinel (France), writing in the late 1700s, argued that serious, repeat criminal behavior was caused by “moral insanity,” a mental disease.⁴³ Despite these early efforts to scientifically study crime, positivism did not gain wide acceptance until the mid 1800s. During this time, for example, Charles Darwin's *Origin of Species* (1859) outlined the theory of evolution.

Influenced by Darwin's theory of evolution, the first widely acknowledged positivist theories of crime focused on biology. For example, phrenologists like Franz Joseph Gall studied the pattern of bumps on the skull and attempted to correlate them to criminal behavior. Cesare Lombroso, building off Darwin's theory of evolution, argued that some criminals were evolutionary throwbacks to a more primitive species. Over time, biology gave way to a psychology/psychiatry focus on “feeble-mindedness” and mental disease. During the 20th century, sociological positivism dominated criminology and found causes of crime in social factors such as learning experience and poverty.

Regardless of the particular discipline or historical time frame, positivist theories share some commonality. Positivists are committed to the use of the scientific method to study the causes of crime. They emphasize methodological issues such as proper data collection, statistical sampling, and the validity and reliability of measurement.⁴⁴ Criminologist C. Ray Jeffery outlined several other precepts of positivist criminology and contrasted them with the classical school. According to Jeffery, the positivist school advocated the following:⁴⁵

- A rejection of punishment and its replacement with treatment based on the medical (rehabilitation) model.
- A rejection of free will and its replacement with scientific determinism.
- A rejection of the study of criminal law and its replacement with a study of the individual offender and his or her medical, psychological, and social characteristics.

The positivist school of crime, like the classical school, had a great deal of influence on the

operation of the criminal justice system. In the United States, rehabilitation (the medical model) emerged as a primary goal of the justice system during the early 1900s. The underlying assumption of the medical model is that the factors that make a criminal can be identified and treatment plans can be formulated and administered to rehabilitate them. In the medical model, the offender is viewed as a patient to be treated, not an evildoer to be punished. The “rehabilitative ideal” involved isolating and correcting, within each individual, the specific deficits that led to his or her criminal behavior. In that sense, the punishment must fit the offender, rather than the offense.⁴⁶

Although rehabilitation remained the dominant goal of corrections throughout much of the 1900s, the medical model was never fully realized. The seriousness of the crime (and not the nature of the criminal), for example, remained the primary determinant of the punishment. In other words, the punishment still tended to “fit the offense.” Still, the rise of rehabilitation produced a number of innovations that remain part of the current criminal justice system. For example, many states embraced indeterminate sentencing, where offenders were incarcerated without a firm release date (e.g., 20 years to life). Parole boards emerged as a way to judge when offenders, based on their treatment progress, should be released.

The Classical and Positivist Schools—Where Do We Stand Now?

The positivist school of criminology has dominated theorizing since it replaced the classical school. Classical school theorizing, however, made a comeback in the 1970s. A number of theories derived from the classical school (called neoclassical theories) now compete with positivist theories for acceptance.

crime policy

A tenet of this book is that theory and policy are intimately related. To be sure, criminology is an “applied” social science. In other words, criminologists investigate crime in order to generate practical solutions to the problem. Theory and research on the causes of crime and criminal behavior can provide information that can be used either to prevent crime from occurring or to lessen its impact on society.

The applied nature of criminology is illustrated by the research questions that are addressed in criminological research. Gibbs identified four major questions that criminologists traditionally attempt to answer⁴⁷:

1. Why does the crime rate vary?
2. Why do certain individuals and not others commit crimes?
3. Why is there variation in reactions to alleged criminality?
4. What are the possible means of controlling criminality?

The fourth question specifically deals with crime policy. Note, though, that the answer to the fourth question depends largely on responses to the first two questions. In other words, if one knows what causes crime, one is better able to develop effective policies.

Similarly, Canton and Yates contend that criminology can inform criminal justice policy and practice by answering three key questions⁴⁸:

1. What is to be done with offenders?
2. What is to be done about crime?
3. What is to be done for (or on behalf of) victims of crime?

Theory, coupled with sound research, should help guide policymaking throughout the criminal justice system. Empirically supported theory can provide clues for the passage of legislation and the sound operation of social programs. To proceed without theoretical guidance is to take a shot in the dark—there is no logical basis to assume that a particular program will work. Policy prescriptions based on theories that are not supported empirically are also unlikely to work. Unfortunately, crime policy often violates these principles; programs with little theoretical guidance emerge time and again. Thus, students need to be prepared with a firm grounding in theoretical criminology and an understanding of how these theories can be applied to policy and practice in criminal justice.⁴⁹

Policy Without Theory—The Case of Intensive Supervision

To illustrate the need to link theory with policy, consider the highly praised **intensive supervision** programs (ISPs). These programs reflect the belief that probation/parole officers can do a better job of

monitoring and supervising high-risk offenders if the officers' caseloads are smaller. ISPs emerged in the 1980s as a potential solution to the crowding problem in U.S. jails and prisons. One attractive feature of intensive supervision is that it pleases people with conflicting views. ISPs promise to increase surveillance (protect society), provide more treatment, and reduce the size of jail and prison populations—yet, the emergence of intensive supervision took place in “the absence of any true theory that more supervision will lead to lower recidivism rates.”⁵⁰

Research on intensive supervision initially found that it led to higher rates of probation revocation and had little influence on recidivism (repeat offending).⁵¹ In fact, had ISP supporters reviewed research from the 1960s, they would have discovered that lowering probation caseloads did not reduce recidivism.⁵² Although research on ISPs was largely negative, it did provide information that suggested conditions under which these programs might be more successful. In particular, the rehabilitative aspects of the program (providing better services and referrals) have proven effective.⁵³ There is evidence that ISPs that implemented the suggested changes achieved reductions in recidivism rates.^{54, 55}

Theoretically Informed Policy— The Case of Multisystemic Therapy

In contrast to ISPs, multisystemic therapy (MST) is based explicitly on well-known and empirically supported theories of crime. Developed by psychologist Scott Henggeler and his associates, MST is a community-based treatment program that targets many known causes of delinquency and crime. The targets of MST are drawn from several empirically supported theories of crime, including social learning theory, social control theory, and cognitive theory. Examples of treatment targets include parental supervision and discipline, antisocial attitudes, association with delinquent peers, and the mix of rewards and punishments for antisocial behavior.⁵⁶ MST has accumulated a track record of success, reducing crime substantially among serious/chronic offenders, including inner-city juvenile delinquents, adolescent sex offenders, and abusive parents. This track record has led some scholars to conclude that MST is perhaps the best treatment option available to reduce recidivism.⁵⁷

How has MST achieved this success? Part of the answer lies in the structure of the program: MST

therapists receive extensive training and support and are held accountable for the progress (or lack thereof) of offenders. Also, treatment plans are individualized to the needs/problems of each offender, and each treatment has multiple targets for change. A central reason for success, however, is that MST identifies known (from theory and empirical research) causes of delinquency and targets these factors for change. For example, parental discipline is a key factor in several theories of crime, and empirical research consistently demonstrates that lax supervision and harsh/inconsistent punishment promote delinquency. Therefore, theory dictates that improving the disciplining skills of the parents of delinquents should lead to a reduction in recidivism.

Limitations of Criminological Research

One purpose of research is to validate or test the accuracy of theories, yet the most common conclusion of criminological research is that more information on a given subject is needed before any definite conclusions can be drawn. There are at least three reasons for this.

First, criminology is a part of the research tradition in sociology. One norm of sociological research, established primarily by German sociologist Max Weber (1864–1920) is that the research and its results should be **value free**. Weber contended that if researchers sought definite conclusions, their work could be biased by their desire to achieve certain results. The primary aim of sociological research was to generate accurate, unbiased, and objective data—not to draw conclusions. As a result, some criminological studies do not contain policy recommendations on crime.

Second, most criminological studies are based on limited data. Because all statistical analyses of a given sample reflect probabilities, a small sample increases the chance of drawing erroneous conclusions. The possibility always exists that the conclusions based on a single study are wrong and that the patterns found in the sample under study may not truly exist in the general population. The possibility of inaccurate findings causes criminologists to be cautious.

Third, criminological studies are not always methodologically sound. For example, Robert Martinson reviewed studies and research reports published between 1945 and 1967 on the

effectiveness of correctional treatment. He included only those studies that met the following methodologic criteria: “[They] had to employ an independent measure of the improvement secured by that method, and [they] had to use some control group, some untreated individuals with whom the treated ones could be compared.”⁵⁸ Reviewing over 20 years of research, Martinson found only 231 studies that met these basic standards of research. Based on this information, the “Martinson report” reached this now-famous conclusion: “With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect upon recidivism.”⁵⁹

A related research problem is **overgeneralization**, which relates to the scope of the applicability of the research findings.⁶⁰ Martinson’s own pessimistic conclusion on offender rehabilitation (“Nothing works!”) is an example of an overgeneralization—one that he later recanted.^{61–63} Reviews of rehabilitation programs have shown success in the treatment of offenders.^{64–66} Latessa asserts that correctional programs have become more evidence based and that correctional research can be used to implement change and improve programs while holding both offenders and administrators accountable for performance.⁶⁷ Unfortunately, overgeneralization is far from uncommon—two additional examples include research on felony probation and domestic violence.

Studies of Felony Probation

A classic example of overgeneralization is the study by Rand Corporation researchers of felony probation in California.⁶⁸ They reached the widely publicized conclusion that these offenders represented a threat to public safety. Rand reported that 65% of felony probationers (offenders placed on probation based on a felony-level offense) were rearrested within 2 years of their release. What the media neglected to report was that the sample under study was not representative of the California felony offender population. Moreover, the results could not reflect felony probation recidivism rates across the nation. Indeed, replications of this study reported much lower rearrest rates, ranging from 22% to 43%.^{69–74} Replication helps determine whether research findings and their policy implications are stable over time and place. Despite these replications, the Rand study was used to justify the creation of intensive supervision programs.

Experiments on the Impact of Mandatory Arrest in Domestic Violence Cases

A third example of overgeneralization occurred with domestic violence experiments. Lawrence Sherman has conducted several studies on the impact of arrest in domestic violence cases. In the first study, suspects in Minneapolis were randomly assigned to one of three potential responses by the police: (1) arrest, (2) threat of arrest (with the suspect leaving the home), and (3) a “talking to” by the police (with the suspect left at the scene).⁷⁵ The results supported the use of arrest in domestic violence cases as a way to protect the victim. The suspects who were arrested had the lowest rate of recidivism.^{76,77}

This study had a dramatic impact on policing in domestic violence cases. Although the authors were careful to recommend against the passage of mandatory arrest laws until further research was conducted, the results of the Minneapolis experiment contributed to the passage of such laws in 15 states by 1991.⁷⁸ The study was replicated (repeated with the same method in a different location) in Omaha,⁷⁹ Charlotte,⁸⁰ and Milwaukee^{81, 82} with dissimilar results. Arresting domestic violence suspects in both Omaha and Charlotte was no more effective than other methods of handling the case (e.g., citation or advisement).

In Milwaukee, Sherman and his colleagues specifically examined the impact of arrest on domestic violence cases in poverty-stricken inner-city areas. The authors concluded that short-term arrest might even cause harm by increasing anger at society without increasing the fear of rearrest.⁸³

Sherman and Berk have been severely criticized for the impact of their studies on public policy in domestic violence cases. Critics have chastised the researchers for failing to acknowledge that the use of arrest in domestic violence cases failed to achieve the desired result upon replication. They also note that the Minneapolis study resulted in a “dramatic change in public policy with potentially substantial negative effects on many people and an unwarranted large expenditure of public monies.”⁸⁴ Sherman⁸⁵ and Berk⁸⁶ countered these objections by noting that three of the six experiments provided some evidence of deterrence and that they always fully listed the policy limitations of the findings of the studies.

As these examples suggest, criminological studies must be interpreted with caution. Sound policy

should only follow accurate research. Research should be replicated in other locations to be certain that results generated in one area apply to others. For these reasons, criminologists are often reluctant to reach definite conclusions based on their studies.

theory versus streetwise criminology

Students are often frustrated by the failure of criminology to provide certain and clear-cut answers to the crime problem. This frustration also promotes the view that theory is both illogical and impractical. Jeffery has accurately portrayed this attitude:⁸⁷

Theoretical courses are characterized as useless. “I want some course material that is relevant,” is the usual student response to the curriculum. When one asks, “What is relevance?” it turns out to be vocational training in being a police [officer] or a corrections officer.

Clearly, these students are saying that “street smarts” are more valuable than “book knowledge” of criminal behavior. One exemplar of this type of thinking is the student who has worked or is working in the criminal justice system who believes that the only legitimate source of knowledge is experience. Carter summarizes the argument:⁸⁸

Nothing personal, but most professors don’t know what they are talking about. They sit on campus putting out all this good shit about rehabilitation and causes of crime. Most of them haven’t ever been on the street and if you want to know what’s happening, you have to be on the street. Instead of telling us about crime, we ought to be telling them. If they would spend a couple of days with us, they might find out what’s happening. No, they don’t want to do that. It might upset all their theories.

Indeed, this belief is not limited to students. In academia, one of its most vocal and visible adherents is George Kirkham. His experience as “the professor who became a cop” led him to first gently admonish his colleagues to observe firsthand the problems of police officers before criticizing them.⁸⁹ He later turgidly stated that a “criminologist would not know a criminal if one bit him on the ass.”⁹⁰

Another source of the street-smarts bias stems from what Carter calls the Dick Tracy Mentality. This mindset is characterized by several beliefs:⁹¹

- The crime fighter is no mere mortal but, rather, a SUPER crime fighter.

- The criminal is distinctive, unique, readily identifiable, and different (from “normal” people).
- There are two kinds of people in society—good guys and bad guys.

A corollary view holds that theoretical statements represent attempts to provide a defense for criminals. The reality, however, is that criminological theory attempts to explain—rather than excuse—criminal behavior.

Still another version of this mentality can be bluntly called the “asshole theory” of crime, by which police officers guide their actions in specific situations. “Assholes” commit crimes that are motiveless, completely senseless, or otherwise irrational. Carter relates this statement by a police officer/student:⁹²

I’ve heard all the theories of crime. Let me tell you, crime is caused by assholes. That’s the asshole theory. If you want to check that, come out on the street. See it like it is.

Readers of this text, however, will discover that theory does not always clash with street knowledge. In fact, theory is often verified by experience. Students will find within many theories examples of common-sense, streetwise factors that influence crime.

The Utility of Criminological Theory

A good deal of frustration exists over the apparent inability of criminology to solve the crime problem. Indeed, serious questions about the utility of criminological theory have arisen. Mary Tuck asserts the following:⁹³

Many argue that criminological theories have changed so wildly over the years—that criminologists have often provided “the wrong” advice about policies now claimed to be “right.” They have argued for rehabilitative custody and against it, for longer sentences and against them; criminology both created the treatment model and destroyed it. As for “the causes of crime”—you are as aware as I am that “you pay your money and you take your choice.” Even on supposedly narrow practical questions . . . criminologists speak with no single voice.

As Austin indicates, when Congress and state legislatures consider crime legislation, their first question is not, “What do the criminologists think?”⁹⁴ However, Tuck also suggests that policies cannot proceed directly from any one criminological theory. They emerge from debate—“the gradual working out of disagreement and contradiction.”⁹⁵

Similarly, Joan Petersilia believes that this problem stems from the development of criminology into an academic discipline. As academics, she argues, criminologists have lost touch as they pursue theories rather than deal with day-to-day realities. As a result, they often lose sight of the value of practical applications. Like Tuck, Petersilia asserts that research can be an unimpeachable guide to policy. She argues that criminologists should strive for “research [that] is more likely to influence the way policymakers think about problems than to provide solutions ‘off the shelf.’”⁹⁶ Furthermore, she urges criminologists to make clear the policy implications of their research findings. As noted throughout this text, this is not an easy task, but it is certainly essential if criminology is to stay relevant.

Criminology must also abandon the pretense of value-free research and state how findings can be best applied in real-world situations. There is a rich tradition to draw from in this regard. From Beccaria and Bentham, Shaw and McKay, to Cloward and Ohlin, criminologists have developed theories to meet the problems of the day and have sought to apply them. As James Gilsinan has aptly noted, “criminological theory has never been confined to the ivory tower.”⁹⁷ Policy and criminology have a symbiotic relationship that forms a significant link with research. Clearly, each cannot function effectively in isolation. Theory organizes thoughts about crime and its causes; research tests the validity of theory. Policy is fed by both theory and research.

For example, Gibbs declares that criminologists must take up the question of crime control and prevention:⁹⁸

No scientific enterprise will be supported indefinitely unless it benefits someone other than the scientists, and perhaps much of criminology’s support stems from a concern with crime prevention. There is simply no justification for the indifference of theorists to attempt to prevent criminality, including delinquency.

Criminology must return to its roots as an applied social science. The complex nature of the crime problem demands that policy implications be developed through criminology.

The Demise of the Criminological Imagination?

Frank Williams has decried the “demise of the criminological imagination.” He cites three major reasons for this decline. First, there is a lack

of critical analysis of both issues and actions; for example, a theory that explains homicide may not apply to serial or mass murder. How can social learning theory provide an explanation for such disparate crimes as computer theft, insider stock trading, and domestic violence? Is it possible that the nature of crime is changing so rapidly that some criminological theories are no longer applicable without modification or even replacement?⁹⁹

Second, Williams criticizes the overconcentration of criminology on empiricism—quantitative, multivariate analyses of large data sets. The recent training of criminologists emphasizing quantitative skill “has raised methodology and large data sets above theory development.” Intuitive skills—the very skills needed to determine the policy implications of any given research findings—are thus not developed. One wonders how well the work of Sutherland, Sykes, Matza, and other qualitative analysts would be accepted today. Is quantitative analysis the only route to scientific validity?

Like Petersilia, Williams blames the demise of criminological theory on the emergence of criminal justice as an academic discipline. Williams claims that the discipline emphasizes how the criminal justice system responds to crime—therefore, it ignores the behavior of criminals. Naturally, one can take exception to this characterization. Academicians in criminal justice programs may be more concerned with questions of management (efficiency and effectiveness of policies and programs), but many of them are or were practitioners or have their academic training in applied areas (e.g., public administration).¹⁰⁰

Similarly, L. Edward Wells notes that research and policy seem to “control the development of limited theories chosen to suit practical contingencies.”¹⁰¹ New models that promote deterrence and incapacitation have not been supported by research, but they are still favored because they “are closer to political sensibilities and more consistent with what people feel should be true.”¹⁰²

politics: the “left” and “right” of criminal justice policy

Although scientists often attempt to offer “value-neutral” theories and research, the reality is that science occurs within the political landscape of society. Crime has been a major campaign issue in almost every presidential election since 1964, and most

victors have made criminal justice policy a central theme in their administrations. For example, consistent with his aim of creating a “Great Society” through civil rights legislation and a war on poverty, President Lyndon Johnson made fighting crime an integral part of his programs. Democrats Johnson and later Jimmy Carter were guided by the promise of **distributive justice**: that increased economic opportunity is the best defense against crime. President Bill Clinton emphasized community policing—an approach that attempts to foster closer relationships between police and citizens. In contrast to this liberal tradition, Republicans such as Richard Nixon, Gerald Ford, Ronald Reagan, and George H. W. Bush generally took the more conservative law and order stance against crime, emphasizing individual responsibility, deterrence, and retribution.¹⁰³

Each president was aware of the political capital that could be generated by addressing the crime problem, and each dealt with the issue in ways that reflected his own political ideologies. For example, as part of his campaign to promote a new federalism, Nixon cut the strings attached to the Law Enforcement Assistance Administration funds, allowing state and local governments to decide spending priorities. Ford established career criminal prosecution programs. In accord with his populist views, Carter stepped up federal efforts to apprehend and prosecute white-collar criminals. Reagan denounced liberal spending programs as destructive to individual values and made the fight against violent crime a priority of his administration. President George H. W. Bush derailed Democratic nominee Michael Dukakis’ bid for the presidency with his infamous Willie Horton ads that painted Dukakis as a liberal who was more concerned with the rights of criminals than their victims. (Horton was a convicted murderer who committed a violent rape and murder while on furlough from a Massachusetts prison.) During his presidency, George H. W. Bush continued the Reagan administration’s war on drugs. After the September 11, 2001, tragedies, President George W. Bush made terrorism his crime priority through the creation of the Department of Homeland Security.

For all of the rhetoric, however, crime policy is not a distinct entity. Criminal justice policy does not drive any administration’s programs; rather, it follows the same themes as other social policies—it fits within a political ideology.¹⁰⁴ Ideology is a set of relatively unquestioned assumptions about how the world works. Walter Miller outlined the “crusading

issues and general assumptions” of both conservatives and liberals regarding crime.¹⁰⁵ Conservative politicians tend to view crime as a “bad choice” made freely by an offender. Conservatives therefore view the criminal as directly responsible for his or her own behavior. Their ideology is consistent with the classical school of crime.

Furthermore, traditional conservative values include discipline and respect for authority. Therefore, they see the following as the most important causes of crime:¹⁰⁶

- Excessive leniency toward lawbreakers;
- Emphasis on the welfare and rights of lawbreakers at the expense of the welfare and rights of victims, law enforcement officials, and law-abiding citizens;
- Erosion of discipline and respect for authority; and
- Excessive permissiveness in society.

In contrast, liberals are generally dissatisfied with the present social order and emphasize dysfunctional elements of the criminal justice system such as the following:¹⁰⁷

- Overcriminalization;
- Labeling and stigmatization;
- Overinstitutionalization;
- Overcentralization of authority; and
- Discriminatory bias, especially racism and sexism.

The schism between left and right is reflected not only among politicians but among criminologists as well. On the right, the neoclassical school has

*a common interest in dealing with predatory crimes and substantially less interest in the “root causes” of crime that have entertained the more liberal social determinists for so long. The neoconservatives are concerned more with dealing with the symptoms and intermediate correlates of social problems than in affecting major changes in the social fabric of society.*¹⁰⁸

As noted previously, the neoclassical school has influenced criminal justice policy in several areas, particularly with respect to career criminal laws and incapacitation. One leading advocate of this point of view is James Q. Wilson. In the provocative book *Thinking About Crime*, Wilson argues that the typical causal analysis of sociologists has nothing to do with policy analysis:¹⁰⁹

Causal analysis attempts to find the source of human activity in those factors which themselves are not caused, which

are, in the language of sociologists, “independent variables.” Ultimate causes cannot be the object of policy efforts precisely because, being ultimate, they cannot be changed.

Policy analysis considers only the condition that the government wishes to create. Its focus is on current circumstances, and its purpose is identifying the forces the government can marshal to bring the desired state into being.

In fact, Wilson declares that there is no reason for criminologists to be policy analysts.¹¹⁰ He believes the policy analyst should ignore the study of the causes of crime and instead focus on the manipulation of objective conditions because “the only instruments society has by which to alter behavior in the short run require it to assume that people act in response to the costs and benefits of alternative courses of action.”¹¹¹ Thus, Wilson advocates such policies as the incapacitation of career criminals, a return to foot patrols by police, and the continued criminalization of drugs.

Left-leaning criminologists identify with the positivist school of crime and seek the root causes of criminal behavior. Liberal criminologists also attempt to debunk the assumptions that inform the conservative **law and order** ideology in the United States.^{112–114} A leading critic of conservative criminology is Elliot Currie. He considers crime a symptom of such social problems as child poverty and abuse/neglect, inadequate public services, and economic inequality. As a result, Currie calls for the following reforms:¹¹⁵

- We should move to reduce inequality and poverty.
- We should move toward crime prevention rather than incapacitation. Prevention priorities include preventing child abuse, enhancing children’s intellectual and social development, and providing support to vulnerable adolescents.
- We should work toward a genuinely supportive national family policy.
- We should begin assuming greater responsibility for the economic and social stability of local communities.
- We need to learn more about how to create comprehensive strategies for high-risk communities and understand why some societies have lower crime rates than others.^{116–118}

Clearly, politics cannot be divorced from policy-making. Ideas from the left and the right will always

shape criminology research, theories of crime, and crime policy. The value of science, however, is that theories of crime from both the left and the right are subject to the same empirical scrutiny. There is much to be learned, however, about how policy is made and implemented within a political context.¹¹⁹

the influence of social context—the “martinson report” as a case study

As the preceding discussion of ideology and politics makes clear, science does not operate in a completely objective, value-neutral environment. Social context shapes scientific research, theory, policy, and the law. The previously discussed “Martinson report” provides an illustration of how social context can shape the interpretation of research results. As noted, Martinson concluded that few, if any, rehabilitation programs appeared to work. Many credit this report with ending rehabilitation as a goal of corrections and ushering in a conservative, get-tough approach to crime. Did the Martinson report, through a scientific review of the literature, persuade lawmakers and scholars to abandon rehabilitation? A careful analysis suggests otherwise.

First, Martinson was not the first scholar to review the rehabilitation literature and conclude that rehabilitation programs appeared to be ineffective. Between 1950 and 1966, several scholars reached equally pessimistic conclusions about scientific evaluations of rehabilitation programs. The response, however, was a call to find better programs, conduct better research, and enhance funding for rehabilitation. Also, few people are even aware that Martinson recanted his original statements. If the Martinson report led to the demise of rehabilitation, then why didn’t the recant have a similar influence? Finally, positive findings in reviews of rehabilitation efforts in the 1980s and 1990s have been met with a great deal of skepticism.¹²⁰

Why did the Martinson report generate such interest, and why was it interpreted as the death knell of rehabilitation? The answer lies largely in the social context of the late 1960s and early 1970s. This was a period of great social change in America—events such as the Vietnam War, the Watergate scandal, civil rights protests, the Kent State University shootings, and the Attica prison riot shaped

the social context. For liberals, government responses to civil rights marchers and the Watergate scandal signified that the government could not be trusted at any task, including rehabilitation. To conservatives, the “hippie movement” was evidence of a growing social disorder that a “get-tough approach” might correct. Thus, by the time the Martinson report appeared, many criminologists and other commentators had already concluded that rehabilitation was a failed endeavor.¹²¹

Apart from corrections policy, social context impacts which theories of crime gain popularity, how research findings are interpreted, and what areas within criminology are deemed important enough to study. For this reason, readers are encouraged to keep in mind the social context of research and theory; social context is discussed explicitly on a number of occasions throughout the remaining chapters.

crime as a normal phenomenon

A common belief is that crime is something that can and must be eliminated from society. President Lyndon Johnson’s War on Crime in the 1960s and, more recently, President George H. W. Bush’s War on Drugs represent large-scale efforts to reduce crime. These much-trumpeted campaigns notwithstanding, one needs to consider what French sociologist Emile Durkheim (1858–1917) wrote about crime through the course of history:¹²²

Crime is present not only in most societies of one particular species but in societies of all types. There is no society that is not confronted with the problem of criminality. What is normal is the existence of crime. Crime is normal because a society exempt from it is utterly impossible. Even a community of saints will create sinners.

Clearly, Durkheim did not mean that it was desirable or even acceptable to kill one’s neighbor. Rather, he was pointing out that wherever there is conformity, there is also deviance—and some deviance will inevitably be deemed criminal.

Durkheim also noted that deviance is a prerequisite for social change. Without deviance, a society stagnates. Cohen followed up on this observation by outlining seven ways the deviant may make positive contributions to the success and vitality of societies:¹²³

1. Deviance cuts through “red tape.” The deviant rebels against the categorical and stereotypical nature of the rules, often violating the rules to accomplish organizational tasks.
2. Deviance acts as a “safety valve” for societal pressures. The deviant prevents the excessive accumulation of discontent and reduces strain on the legitimate order.
3. Deviance clarifies the “rules.” The deviant enables other members of society to learn what deviance is and how far one may safely venture.
4. Deviance unites the group *against* the deviant. The deviant provides society with a common enemy.
5. Deviance unites the group *for* the deviant. The deviant gives society an opportunity to save and reclaim or rehabilitate the deviant.
6. Deviance accents conformity. The deviant serves as a reference point against which conformity can be measured and gives others a feeling of self-satisfaction for adhering to the rules.
7. Deviance acts as a “warning signal.” The deviant alerts others to the defects in an organization or society.

Of course, there is a point at which crime becomes dysfunctional. If a high level of crime becomes “normalized” or considered inevitable, the consequences can be devastating for a community,¹²⁴ yet crime and deviance are not always threatening. Although Durkheim and Cohen were writing about deviant behaviors such as political protest and not murder, the message is that the elimination of crime cannot be accomplished.

how to study crime

Knowledge about crime stems from several sources, including personal experience and studies by others. Each source, however, has its own problems and limitations. Common-sense observations about crime may be limited to an individual’s own experience and not reflect broader trends. Such a limited perspective impedes one’s ability to understand the nature of crime. As noted previously, scientific studies also may have problems with generalizability, and interpretations of findings are always subject to the influence of social context. However, the construction of theory, the development of **hypotheses**, and empirical testing provide the best promise of under-

standing the crime problem. Such careful study both generates and organizes data in a meaningful way.

Where do these limitations leave the student? This book offers several suggestions on how the reader should approach criminology. First, keep an open mind. One student probably will enthusiastically agree with certain theories about the nature of criminal behavior and the causes of crime; another may violently disagree with others. (This is ideology at work.) Keep in mind, however, that the reader's task here is to learn the components of each theory no matter what his or her personal feelings may be. Only then can the student compare and contrast theories, see how they interact, and synthesize them. Remember, too, that each theory is a product of and is influenced by its social, intellectual, and historical context.¹²⁵

Second, students are cautioned against discounting a theory based on the “exceptional case.” Students often cite the one instance, example, or individual that the theory fails to explain. There are always exceptions to the rule, but they are just that—exceptions beyond the average. For example, many people know a person who smoked cigarettes their whole life and did not die of cancer. Does this mean that cigarettes do not cause cancer? Try to examine the strengths and weaknesses of each theory in its own context. In other words, apply another of Max Weber's sociological concepts, *verstehen*, or empathetic understanding. To examine a theory properly, the student must understand it on its own terms.

Third, learn not to expect easy answers, and do not accept them without reservation. Finckenaueer cautions against settling for simple solutions to the delinquency problem, but his words apply to any aspect of criminology:¹²⁶

The highway of delinquency prevention history is paved with punctured panaceas [emphasis added]. First, a certain approach is posed as a cure-all or becomes viewed and promoted as a cure-all—as an intervention that will have universal efficacy and thus be appropriate for nearly all kids. Unfortunately, the approach, no matter what it is, almost always fails to deliver; fails to live up to the frequently unrealistic or unsound expectations raised by the sales pitch.

If easy answers were readily available, criminologists would have delivered them long ago, and the crime problem would not exist today.

Criminological theory often cannot provide literal answers to the crime problem. Nevertheless,

when studying a social problem like crime, researchers are trying to explain it and figure out its causes. Explanations do more than describe what has happened. They give reasons for what has occurred—the “how” and the “why.” To be of practical value, explanations should improve the ability to predict events more accurately than through common sense alone. As noted, each criminological theory provides a set of causes.

Good theory should be linked to reality through research: The empirical testing of theory confers relevance—and criminological theory is no exception. This text presents the latest research on the various theories and reviews the policy implications of this research, but it will become clear that the “doctors don't always have the cure.” In other words, physicians can often find the causes of an illness (e.g., AIDS), but they cannot develop a cure. This is also frequently the case in criminology. Knowledge of the nature of the problem is no guarantee that a solution will be found. Unfortunately, such knowledge is also no consolation to the victims of crime. Approaches to the crime problem, however, should have a firm foundation—one provided by both theory and research, not guesswork.

conclusion

Crime should be viewed not as a single phenomenon but as one in which many kinds of behavior occur in different situations and under different conditions. No single theory can provide all the explanations for—let alone answers to—the crime problem. Again, criminological theory attempts to explain the causes of criminal behavior, not to excuse crimes or the people who commit them.

The next several chapters discuss theories of crime across several disciplines, including biology, psychology, and sociology. The reader is encouraged to organize them in some meaningful way as they are encountered. This chapter provided a number of ways to accomplish this task. Theories can focus on lawbreaking (crime) or the criminal justice system response to crime. They can operate at the micro or macro levels; they are generally part of an academic discipline, and they are often part of a specific theoretical tradition within a discipline. Although virtually all of the theories encountered are positivistic, a few theories are grounded firmly in the classical school of crime.

chapter spotlight

- Edwin Sutherland defined criminology as the study of lawmaking, lawbreaking, and the response to lawbreaking. Modern scholars often distinguish criminology (the study of lawbreaking) from criminal justice (the study of responses to lawbreaking). The study of deviance also overlaps with criminology.
- Within academia, criminology is currently in a state of flux. Some consider criminology an independent discipline, while others view it as a general field open to all social science disciplines. Historically, sociology has had the largest impact on the study of crime, and sociologists tend to view criminology as a subdiscipline of sociology.
- The substantive criminal law is a codification of prohibited behaviors and the possible sanctions for these behaviors. The definition of a criminal act has two components: the *mens rea* (criminal mind) and the *actus reus* (criminal act).
- Criminal laws can be classified in a number of ways. *Mala in se* (evil in themselves) crimes, including homicide, robbery, rape, and burglary, make up the core of the legal code. *Mala prohibita* (wrong because they are prohibited) crimes, such as gambling and illicit drug use, tend to vary across societies and over time.
- Two general perspectives on the law exist. The consensus perspective views the law as the result of widespread societal agreement about what acts should be illegal. The conflict perspective suggests that the legal code is the end result of a power struggle among competing interest groups.
- A scientific theory is a set of principles or statements that attempt to explain how concepts are related. In the case of crime theory, these statements typically explain how one or more factors lead to criminal behavior. A scientific theory must also be testable, meaning that it must be stated in such a way that other scientists can go out into the real world, collect information, and test the theory's validity.
- A good theory of crime is supported by empirical tests. In other words, it appears to “work” in the real world. Aside from empirical support, a good theory is also parsimonious (concise) and wide in scope (explains a wide range of phenomena).
- Historically, the first explanations of criminal behavior invoked spirits and gods to explain crime. The scientific study of crime is dated to the classical school of crime. Classical school theorists argued that humans were rational, hedonistic beings—they choose criminal actions because of the benefits of crime. Accordingly, humans could be deterred from crime if the legal system was properly structured. The positivist school of crime suggests that criminal behavior is determined by factors that are partially or completely outside the control of individuals. Different social science disciplines (e.g., psychology, sociology, biology) highlight different factors that cause criminal behavior.
- Criminology is an applied science. Theory, coupled with sound research, should help guide policymaking throughout the criminal justice system. To proceed without theoretical guidance is to take a shot in the dark—there is no logical basis to assume that a particular program will work. Intensive supervision programs (ISPs) are an example of a policy implemented with little theoretical guidance, while multisystemic therapy (MST) is theoretically grounded.
- Although science generally strives to be “value free,” criminology is heavily influenced by ideology. Liberal (left) criminologists tend to associate with the positivist school of crime and to focus on social causes of crime. Conservative (right) criminologists lean toward the classical school of crime and tend to focus on deterrence.

putting it all together

1. What is “criminology”? How does criminology relate to other social science disciplines?
2. What is a scientific theory? How can you tell whether or not a theory is good?
3. What is the substantive criminal law? Describe the two main perspectives on the criminal law, and give an example of a crime that is consistent with each perspective.
4. Describe the history of theorizing about crime. How does the classical school of crime differ from the positivist school of crime?
5. Discuss the linkage between theory and policy.
6. What does it mean to be a “liberal” or “conservative” criminologist? How does ideology impact the study of crime?

Key terms

case law Law that is created when judges interpret constitutional provisions, statutes, or regulations created by administrative agencies.

conflict perspective View that criminal law is the result of constant clashes between groups with different levels of power. Those groups that win the clashes define the legal code in a manner consistent with their values.

consensus perspective View that criminal law is the result of widespread agreement among members of society as to what should be legal and illegal.

constitutional law The law as expressed in the U.S. Constitution, as well as the constitutions of individual states. Constitutions are the supreme law of the land.

distributive justice Campaign theme of liberal Democrats that increased economic opportunity is the best defense against crime.

grand theories Sweeping theories that attempt to explain all types of criminal behavior.

hedonistic calculus Jeremy Bentham used this term to describe human nature—humans seek pleasure (hedonism) in a rational, calculating manner.

hypotheses Testable statements about the relationship between variables in a scientific study.

intensive supervision Practice based on the assumption that probation/parole officers with reduced caseloads can more effectively monitor and su-

pervise high-risk offenders. This practice also has been touted as a potential solution to jail- and prison-crowding problems.

law and order Campaign theme of conservative Republicans that a “hard line” is the best defense.

mala in se Crimes that are considered as “evil in themselves” (e.g., homicide).

mala prohibita Crimes that are forbidden by laws that attempt to regulate behavior (e.g., drug abuse, gambling, prostitution).

overgeneralization Jumping to sweeping conclusions based on the results of a single study.

panaceas Cure-alls. Applied to criminology, the term refers to the search for simple solutions to the crime problem.

policy analysis Focuses on the condition the government wishes to create rather than on the root causes of crime.

procedural law The portion of the criminal law that dictates the type of behaviors in which criminal justice actors can legally engage.

recidivism Repeat offending.

statutory law Criminal code created by legislatures and governing bodies.

value free The belief that researchers should keep their personal views out of their study and the interpretation of its findings. Objectivity is the goal.

NOTES

1. Great-Quotes.com. Retrieved October 17, 2010, from <http://www.great-quotes.com/quote/853703>
2. Brainyquote.com Retrieved January 2, 2006, from <http://www.brainyquote.com/quotes/quotes/w/willrogers106272.html>
3. Bureau of Justice Statistics. (n.d.). *Sourcebook of criminal justice statistics online*. Retrieved March 7, 2010, from <http://www.albany.edu/sourcebook/pdf/t2402007.pdf>
4. Note 3.
5. Bureau of Justice Statistics. (2009, December 8). *Growth in the total correctional population during 2008 was the slowest in eight years*. Retrieved March 7, 2010, from <http://bjs.ojp.usdoj.gov/content/pub/press/p08ppus08pr.cfm>
6. Bureau of Justice Statistics. (n.d.). *Employment and expenditure*. Retrieved March 7, 2010, from <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=5>
7. Sutherland, E., & Cressey, D. (1960). *Principles of criminology* (6th ed.). Philadelphia: J.B. Lippincott.
8. Sumner, G. W. (1906). *Folkways*. Boston: Ginn & Co.
9. Salvendsberg, J. J., & Sampson, R. J. (2002). Introduction: Mutual engagement: Criminology and sociology? *Crime, Law, and Social Change*, 37, 99–105.
10. Short, J. F., Jr. (2002). Criminology, the Chicago School, and Sociological Theory. *Crime, Law, and Social Change*, 37, 107–115.
11. Enriquez, R., & Barnes, J. C. (2009). Criminal law. In J. M. Miller (Ed.), *21st century criminology: A reference handbook*, Vol. 2. Thousand Oaks, CA: Sage, p. 646.
12. Note 11.
13. Pollock, J. M. (2009). *Criminal law* (9th ed.). Cincinnati: Anderson, p. 8–12.
14. Cornell University Law School. Legal Information Institute. Available at <http://www.law.cornell.edu>
15. Note 13, 119–121.
16. Note 13, pp. 4, 21.
17. Note 11, p. 647.
18. U.S. Department of Justice. *Preserving life and liberty*. Retrieved January 2, 2010, from <http://www.justice.gov/archive/ll/archive.htm>
19. Electronic Freedom Foundation. *The USA Patriot Act*. Retrieved January 2, 2010, from <http://www.eff.org/patriot>
20. Note 19.
21. Farrell, M. B. (2010, March 1). Obama signs Patriot Act extension without reforms. *Christian Science Monitor*. Retrieved March 8, 2010, from <http://www.csmonitor.com/USA/Politics/2010/0301/Obama-signs-Patriot-Act-extension-without-reforms>
22. Note 13, pp. 4–6.
23. Miller, J. M., Schreck, J. C., & Tewksbury, R. (2008). *Criminological theory: A brief introduction*. Boston: Allyn and Bacon, pp. 196–197.
24. Akers, R. L., & Sellers, C. (2004). *Criminological theories: Introduction, evaluation and application*. Los Angeles: Roxbury, pp. 5–6.
25. Sutherland, E., & Cressey, D. (1960). *Principles of criminology* (6th ed.). Philadelphia: J.B. Lippincott.
26. Barnes, H. E. (1972). *The story of punishment*. Montclair, NJ: Patterson-Smith.
27. Note 26.
28. Burns, W. E. (2003). *Witch hunts in Europe and America: An encyclopedia*. Westport, CT: Greenwood Press.
29. Lilly, J. R., Cullen, F. T., & Ball, R. A. (2002). *Criminological theory: Context and consequences* (3rd ed.). Thousand Oaks, CA: Sage, p. 11.
30. Newman, G. (1985). *The punishment response*. Philadelphia: Lippincott.
31. Pfohl, S. J. (1985). *Images of deviance and social control: A sociological history*. New York: McGraw-Hill, p. 25.
32. Note 29, pp. 13–15.
33. Note 29, p. 14.
34. Wellford, C. F. (2009). History and evolution of criminology. In J. M. Miller (Ed.), *21st century criminology: A reference handbook*, Vol. 1. Thousand Oaks, CA: Sage, p. 11.
35. Young, D. (1984). Let us content ourselves with praising the work while drawing a veil over its principles: Eighteenth century reactions to Beccaria's "On Crimes and Punishments." *Justice Quarterly*, 1, 155–170.
36. Note 29, pp. 14–15.
37. Vold, G. B. (1970). *Theoretical criminology*. New York: Oxford University Press, pp. 18–22.
38. Note 29, p. 15.
39. Rennie, Y. F. (1978). *The search for criminal man: A conceptual history of the dangerous offender*. Lexington, MA: Lexington Books, p. 18.
40. Monachesi, E. (1960). Cesare Beccaria. In H. Mannheim (Ed.), *Pioneers in criminology*. Montclair, NJ: Patterson-Smith.
41. Cullen, F. T., & Agnew, R. (2003). *Criminological theory: Past to present*. Los Angeles: Roxbury, p. 18.
42. Note 23, p. 32.
43. Rafter, N. (2004). The unrepentant horse-slasher: Moral insanity and the origins of criminological thought. *Criminology*, 42, 979–1008.
44. Fishman, G. Positivism and neo-Lombrosianism. In I. Barak-Glantz, & C. R. Huff (Eds.), *The mad, the bad, and the different: Essays in honor of Simon Dinitz*. Lexington, MA: Lexington Books, p. 17.
45. Jeffrey, C. R. (1960). The historical development of criminology. In H. Mannheim (Ed.), *Pioneers in criminology*. Montclair, NJ: Patterson-Smith, p. 468.
46. Cullen, F. T., & Gilbert, K. E. (1982). *Reaffirming rehabilitation*. Cincinnati, OH: Anderson.
47. Gibbs, J. P. (1987). The state of criminological theory. *Criminology*, 25, 821–840.
48. Canton, R., & Yates, J. (2008.) Applied criminology. In B. Stout, J. Yates, & B. Williams (Eds.), *Applied criminology*. London: Sage Publications Ltd, p. 6.
49. Note 48, p. 12.
50. Bennett, L. A. (1988). Practice in search of theory: The case of intensive supervision—An extension of an old practice or a new approach? *American Journal of Criminal Justice*, 12, p. 293.

51. Petersilia, J., & Turner, S. (1993). Evaluating intensive supervision probation/parole. *Research in Brief*. Washington, DC: National Institute of Justice.
52. Carter, R. M., Robison, J., & Wilkins, L. T. (1967). *The San Francisco project: A study of federal probation and parole*. Berkeley: University of California Press.
53. Latessa, E. J., & Vito, G. F. (1988). The effects of intensive supervision on shock probationers. *Journal of Criminal Justice*, 16, 319–330.
54. Byrne, J. M., Lurigio, A. J., & Baird, C. (1989). The effectiveness of the new intensive supervision programs. *Research in Corrections*, 2, 1–48.
55. Fulton, B., Latessa, E. J., Stichman, A., & Travis, L. F. (1997). The state of ISP: Research and policy implications. *Federal Probation*, 61, 65–76.
56. Henggeler, S. W., Cunningham, P. B., Pickrel, S. G., Schoenwald, S. K., & Brondino, M. J. (1996). Multisystemic therapy: An effective violence prevention approach for serious juvenile offenders. *Journal of Adolescence*, 19, 47–61.
57. Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. *Criminal Justice 2000*. Washington, DC: National Institute of Justice.
58. Martinson, R. M. (1974). What works? Questions and answers about prison reform. *The Public Interest Spring*, p. 24.
59. Note 58, p. 10.
60. Vito, G. F., Kunselman, J., & Tewksbury, R. (2008). *Introduction to criminal justice research methods: An applied approach*, (2nd ed.). Springfield, IL: Charles C. Thomas, p. 111.
61. Martinson, R. M., & Wilks, J. (1977). Save parole supervision. *Federal Probation*, 41, 23–27.
62. Martinson, R. M. (1979). New findings, new views: A note of caution regarding sentencing reform. *Hofstra Law Review*, 7, 242–258.
63. Sanchez, J. E. (1990). The use of Robert Martinson's "Writings on correctional treatment: An essay on the justification of correctional policy." *Journal of Contemporary Criminal Justice*, 6, 127–138.
64. Gendreau, P., & Ross, R. R. (1987). Revivication of rehabilitation: Evidence from the 1980s. *Justice Quarterly*, 4, 349–407.
65. Dowden, C., & Andrews, D. A. (2004). The importance of staff practice in delivering effective correctional treatment: A meta-analytic review of core correctional practice. *International Journal of Offender Therapy and Comparative Criminology*, 48, 204–214.
66. Dowden, C., & Andrews, D. A. (2000). Effective correctional treatment and violent reoffending: A meta analysis. *Canadian Journal of Criminology*, 42, 449–467.
67. Latessa, E. J. (2004). The challenge of change: Correctional programs and evidence-based practices. *Criminology and Public Policy*, 3, 554–558.
68. Petersilia, J., Turner, S., Kahan, J., & Peterson, J. (1985). Executive summary of Rand's Study: "Granting felons probation: Public risks and alternatives." *Crime and Delinquency*, 31, 379–392.
69. McGaha, J., Fichter, M., & Hirschburg, P. (1987). Felony probation: A re-examination of public risk. *American Journal of Criminal Justice*, 11, 1–9.
70. Vito, G. F. (1987). Felony probation and recidivism: Replication and response. *Federal Probation*, 50, 17–25.
71. Whitehead, J. (1991). The effectiveness of felony probation: Results from an eastern state. *Justice Quarterly*, 9, 525–543.
72. Langan, P. A., & Cunniff, M. A. (1992). *Recidivism of felons on probation, 1986–1989*. Washington, DC: Bureau of Justice Statistics.
73. Benedict, W. R., & Huff-Corzine, L. (1997). Return to the scene of the punishment: Recidivism of adult male property offenders on felony probation, 1986–1989. *Journal of Research in Crime and Delinquency*, 34, 237–252.
74. Sims, B., & Jones, M. (1997). Predicting success or failure on probation: Factors associated with felony probation outcomes. *Crime and Delinquency*, 43, 314–327.
75. Sherman, L. W., Smith, D.A., Schmidt, J. D., & Rogan, D. P. (1992) "Crime, punishment, and stake in conformity: Legal and informal control of domestic violence. *American Sociological Review*, 57, 680–690.
76. Sherman, L. W., & Berk, R. A. (1984). The specific deterrent effects of arrest for domestic assault. *American Sociological Review*, 49, 261–272.
77. Berk, R. A., & Sherman, L. W. (1988). Police responses to domestic violence incidents: An analysis of an experimental design with incomplete randomization. *Journal of the American Statistical Association*, 83, 70–76.
78. Note 75, p. 680.
79. Dunford, F. W., Huizinga, D., & Elliott, D. S. (1990). The role of arrest in domestic assault: The Omaha police experiment. *Criminology*, 28, 183–206.
80. Hirschel, J. D., Hutchison, I. W., & Dean, C. W. (1992). The failure of arrest to deter spouse abuse. *Journal of Research in Crime and Delinquency*, 29, 7–33.
81. Sherman, L. W., Schmidt, J. D., Rogan, D. P., Gartin, P. R., Cohen, E. G., Collins, D. J., and Bacich, A. R. (1991). From initial deterrence to long-term escalation: Short term custody arrest for poverty ghetto domestic violence. *Criminology*, 29, 821–850.
82. Note 75.
83. Note 81, p. 846.
84. Binder, A., & Meeker, J. W. (1993). Implications of the failure to replicate the Minneapolis experimental findings. *American Sociological Review*, 58, 887.
85. Sherman, L. W. (1993). Implications of the failure to read the literature. *American Sociological Review*, 58, 888.
86. Berk, R. A. (1993). Policy Correctness in the ASR. *American Sociological Review*, 58, 889.
87. Jeffery, C. R. (1977). *Crime prevention through environmental design*. Beverly Hills, CA: Sage, p. 331.

88. Carter, R. M. (1976). The police view of the justice system. In M. W. Klein (Ed.), *The juvenile justice system*. Beverly Hills, CA: Sage, p. 123.
89. Kirkham, G. L. (1974). From professor to patrolman: A fresh perspective on the police. *Journal of Police Science and Administration*, 2, 137.
90. Kirkham, G. L. (1976). *Signal zero: The professor who became a cop*. Philadelphia: Lippincott, p. 206.
91. Carter, R. M. (1972). Where have all the crime fighters gone? *Gunsmoke Gazette*, 1, 9.
92. Note 88, p. 124.
93. Tuck, M. (1989). Is criminology any use? *The Criminologist* 16, 1.
94. Austin, J. (2003). Why criminology is irrelevant. *Criminology and Public Policy*, 2, 557.
95. Note 93, p. 6.
96. Petersilia, J. (1991). Policy relevance and the future of criminology. *Criminology*, 29, 1–16.
97. Gilsinan, J. F. (1991). Public policy and criminology: An historical and philosophical reassessment. *Justice Quarterly*, 8, pp. 202, 204.
98. Note 47, p. 824.
99. Williams, F. (1984). The demise of criminological imagination: A critique of recent criminology. *Justice Quarterly*, 1, 91–106.
100. Note 99.
101. Wells, L. E. (1995). Explaining crime in the year 2010. In J. Klofas, & S. Stojkovic (Eds.), *Crime and justice in the year 2010*. Belmont, CA: Wadsworth, p. 45.
102. Note 101, p. 53.
103. Finckenauer, J. O. (1978). Crime as a national political issue, 1964–76. *Crime and Delinquency*, 24, 10–19.
104. Vito, G. F. (1983). The politics of crime control: Implications of Reagan administration pronouncements on crime. *Journal of Contemporary Criminal Justice*, 2, 1–7.
105. Miller, W. B. (1978). Ideology and criminal justice policy. In N. Johnson and L. D. Savitz (Eds.), *Justice and corrections*. New York: John Wiley, p. 7.
106. Note 105, pp. 8, 9.
107. Note 105, pp. 9, 10.
108. Kania, R. R. E. (1988). Conservative ideology in criminology and criminal justice. *American Journal of Criminal Justice*, 13, 80.
109. Wilson, J. Q. (1985). *Thinking about crime*. New York: Vintage Books, p. 46.
110. Note 109, p. 49.
111. Note 109, pp. 50, 51.
112. Bohm, R. M. (1986). Crime, criminal and crime control policy myths. *Justice Quarterly*, 3, 194.
113. Walker, S. (2005). *Sense and nonsense about crime and drugs*. Belmont, CA: Wadsworth.
114. Reiman, J. (2006). *The rich get richer and the poor get prison: Ideology, class and criminal justice*. Boston: Allyn and Bacon.
115. Currie, E. (1989). Confronting crime: Looking toward the twenty-first century. *Justice Quarterly*, 6, 16.
116. Note 115, p. 21.
117. Currie, E. (1985). *Confronting crime: An American challenge*. New York: Pantheon.
118. Currie, E. (1998). *Crime and punishment in America*. New York: Henry Holt.
119. Travis, L. F., III, Latessa, E. J., & Vito, G. F. (1985). Agenda building in criminal justice: The case of determinate sentencing. *American Journal of Criminal Justice*, 10, 1–21.
120. Note 58, pp. 119–122.
121. Note 58.
122. Durkheim, E. (1971). Crime as normal phenomenon. In L. Radzinowicz, & M. E. Wolfgang (Eds.), *The criminal in society: Crime and justice*, Vol 1. New York: Basic Books, pp. 391–392.
123. Cohen, A. K. (1966). *Deviance and control*. Englewood Cliffs, NJ: Prentice Hall, 6–10.
124. Moynihan, D. P. (1996). Defining deviancy down. In R. C. Monk (Ed.), *Taking sides: Clashing views on controversial issues in crime and criminology*. Guilford, CT: Dushkin, p. 11.
125. Williams, F. P., III, & McShane, M. (1988). *Criminological theory*. Englewood Cliffs, NJ: Prentice Hall, p. 7.
126. Finckenauer, J. O. (1982). *Scared straight! And the panacea phenomenon*. Englewood Cliffs, NJ: Prentice Hall, pp. 5, 6.

criminology as peacemaking—sister helen prejean, *Dead Man Walking*

The death penalty is the ultimate weapon in the war on crime—it personifies the violent response of the criminal justice system to crime. Sister Helen Prejean, a Roman Catholic nun in Louisiana, has committed herself to stand against the death penalty. Her actions demonstrate the commitment that criminology as peacemaking requires—service to both offenders and victims—and a classic example of applied criminology. Her work as a spiritual advisor to condemned men was documented in her book, *Dead Man Walking*, and in an Academy Award–nominated movie by the same name. It was also the basis for an opera. The book was on the New York Times Best Seller List for 31 weeks and was nominated for a Pulitzer Prize. Over the span of 15 years, she has witnessed five executions and accompanied three men to the electric chair. One received a life sentence on appeal.

Her personal journey has encouraged many people to rethink their position on the death penalty. To Sister Helen, the death penalty embodies “the three deepest wounds of our society: racism, poverty, and violence.” It led her to consider not only the plight of the death row inmate but also that of the families of their vic-

tims. She recognized that the families of the victims and the inmates shared one element: They were abandoned by friends and family. As a result, she founded Survive, a victim’s advocacy group, and works closely with other groups such as Murder Victims’ Families for Reconciliation.

She has received two of the highest honors bestowed on American Catholics—the Vision 2000 Award from Catholic Charities USA and the Laetare Medal from the University of Notre Dame for illustrating the ideals of the church—and eight other peace awards. She has been nominated for the Nobel Peace Prize as well. Her second book, *The Death of Innocents*, analyzes how flaws in the death penalty system allow innocent people to be executed.

Sources: Helen Prejean official Website. Retrieved March 11, 2010, from <http://www.prejean.org>; Prejean, H. (1994). *Dead man walking*. New York: Vintage; Prejean, H. Would Jesus pull the switch? Retrieved March 11, 2010, from <http://salt.claretianpubs.org/issues/deathp/prejean.html>; Prejean, H. (2004). *The death of innocents*. New York: Random House.