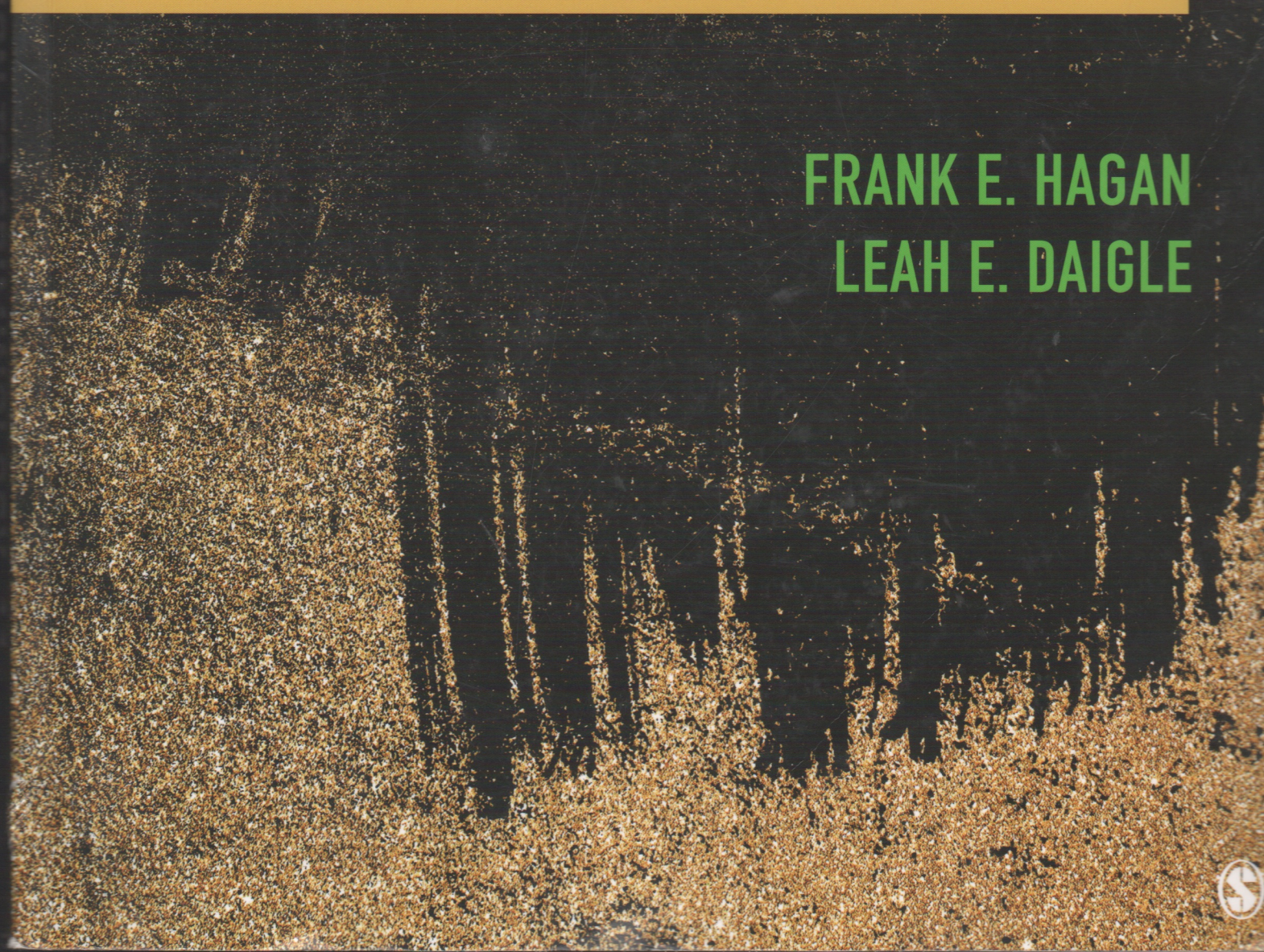
11 EDITION

INTRODUCTION TO CRIMINOLOGY

THEORIES, METHODS, AND CRIMINAL BEHAVIOR

FRANK E. HAGAN
LEAH E. DAIGLE



Introduction to Criminology

11th Edition

I would like to dedicate this book to my granddaughter, Lily Alise Glennon; my daughter, Shannon Glennon; and my son-in-law, the late Mark Glennon. Finally, I would like to thank my wife, MaryAnn Hagan, for her support.

—Frank Hagan

I would like to dedicate this book to Adam, Avery, and Ian Comer and William and Catherine Anderson, my intelligent and inquisitive nephews and niece.

—Leah Daigle

Introduction to Criminology

Theories, Methods, and Criminal Behavior

11th Edition

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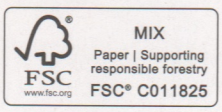
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PREFACE

The 11th edition maintains the purpose of the original text: to serve the needs of instructors in criminology who wish to avoid the excessively legal and crime-control orientation of many recent textbooks. Certainly, some familiarity with the legal and crime-control orientation is both necessary and desirable, but in emphasizing these elements, some introductory texts give short shrift to the real and vital core of criminology—theory, method, and criminal behavior. To overstress detailed analyses of social-control agencies while neglecting to provide adequate descriptions of criminal activity produces a text that would more accurately be called an introduction to criminal justice systems. An introduction to criminology, by contrast, should offer thorough descriptions and explanations of criminal behavior, because that is the basis on which effective social policy and social agencies must be developed. Many recent texts have also become increasingly encyclopedic, attempting to cover everything ever written in the field in one introductory class. This text views itself as an introductory one that will hopefully whet students' appetite for the field without overwhelming them.

This book is intended for the introductory criminology class typically offered in the sophomore or junior year. It is written for both the college and university as well as community college markets. Professors are welcome to alter the order in which they present the chapters in their classes. Chapter 1 offers a general introduction to the field, while Chapter 2 examines the area of research methods. General patterns and variations in crime are the focus of Chapter 3, while Chapter 4 features a chapter on victims and victimology. Chapters 5 to 8 explore the subject of theory beginning with early and classical theories (Chapter 5), progressing to biological and psychological theories (Chapter 6) and sociological mainstream theories (Chapter 7), and ending with critical and integrated theories (Chapter 8). Chapters 9 to 14 examine specific types of criminal behavior. Violent crime in Chapter 9 is followed by property crime in Chapter 10. Chapter 11 details the world of white-collar crime, Chapter 12 undertakes to explain the world of political crime, and organized crime is analyzed in Chapter 13. Chapter 14 discusses public order crime, and Chapter 15 covers cybercrime and the future of crime.

We wish to make a note about the language used in this book. As you read, you may see phrases that are no longer in use and, at times, are offensive. We kept much of language used by the original scientists, and because this book is a comprehensive overview of the field of criminology, sometimes the terms used are from (somewhat) long ago. We chose to keep much of the original terminology so that you can see the oftentimes harmful language that was used, even by scientists, when discussing crime and people who commit crime. We hope that, like us, you see this language as a caution so that we do not revert to using harmful terms to label people who commit crime.

NEW TO THIS EDITION

The 11th edition of *Introduction to Criminology* attempts to honor the past of criminology while adding new material from contemporary 21st-century crime and criminology. In addition to updating all statistics, this edition features discussion of the COVID-19 pandemic and its relationship to crime and victimization. In addition, new sections on emerging criminological theories such as queer criminology and the neurobiology of trauma are included. Readers will also find expanded coverage of campus sexual assault, future and cybercrimes, and romance scams as well as new methodological tools such as network analysis and photo-ethnography. Updated real-world examples and news events are provided to illustrate the connection between criminological theory, crime types, and the real world.

New Features

New **Applying Theory** scenarios are included with the theory chapters in Part II. These application exercises encourage critical thinking by asking students to explain the criminal behavior of Aileen Wuornos with criminological theory.

Updated **Crime and the Media** highlights increasing attention to the effect that the media have on public perception of crime. New topics include the #MeToo movement, media coverage of the opioid crisis, popular shows like *Breaking Bad* and *The Wire*, online dating fraud, and cyberbullying.

Updated **figures, tables, and statistics** throughout the book, where data were available.

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Eleven editions of a book require much help along the way. We thank the many people who assisted in this endeavor. Along with all those who helped with the previous editions, we wish to thank the reviewers for the last edition.

Reviewers for recent editions were Rose Johnson Bigler, Curry College; Jackie Chavez, Troy University; Patricia L. Donze, California State University, Chico; Terri L. Earnest, University of Texas at San Antonio; Arina Gertseva, Washington State University; Amy Baumann Grau, Shawnee State University; Jonathan Intravia, Ball State University; Anita Kalunta-Crumpton, Texas Southern University; Todd M. Krohn, University of Georgia; Tamara J. Lynn, Fort Hays State University; Allyson S. Maida, St. John's University; David R. Montague, University of Arkansas at Little Rock; Racheal Pesta, University of Akron; Erica Ross, Cleveland Community College; Robert Roth, Strayer University; Christle Rowe, Old Dominion University; Dorothy A. Sliben, Strayer University; Mark A. Winton, University of Central Florida; and Thomas G. Ziesemer, College of Central Florida.

Frank Hagan: I would also like to acknowledge my debt to my first criminology professor, the late Dan Koenig (University of Victoria). My appreciation is also extended to the SAGE Publications team led by acquisitions editor Joshua Perigo and by acquisitions editor Jessica Miller. Others include Adeline Grout and Tiara Beatty, associate content development editors; Jillian Ragusa, marketing manager; and Diane DiMura, copyeditor. I would also like to express a special thanks to Joe Caruso of Hudson Valley Community College. The battle for academic freedom requires eternal vigilance. I am particularly in debt to my coauthor, Leah Daigle, for her efforts in getting this project done.

Leah E. Daigle: First, I must thank Frank Hagan for bringing me on as a coauthor on this wonderful text. It has been an adventure and pleasure working with you. You have been a joy to work with. Thank you so much! I am also thankful to Joshua Perigo, Jessica Miller, and Adeline Grout at SAGE Publications as well as Tiara Beatty and Jillian Ragusa.

ABOUT THE AUTHORS

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He is also the author or coauthor of many journal articles and articles in edited volumes. A recipient of the Academy of Criminal Justice Sciences Fellow Award (2000), he was also awarded the Teacher's Excellence Award by Mercyhurst University in 2006. His major interests are research methods, criminology and organized crime, white-collar crime, and political crime and terrorism.

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PART I

FOUNDATIONS OF CRIMINOLOGY

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1 INTRODUCTION TO CRIMINOLOGY

LEARNING OBJECTIVES

1.1 Define *criminology* and discuss the emergence of criminology as a discipline.

1.2 Identify Sumner's three types of norms.

1.3 Discuss how definitions of crime and laws change in relation to social change.

1.4 Describe the economic effects of crime.

CRIMINOLOGY

Remorseless suicidal terrorists hijack four airplanes and, with all passengers aboard, are successful in crashing two of these into the World Trade Center and one into the Pentagon, murdering nearly 3,000 people in the worst terrorist attack in history. A man shot and killed 58 concertgoers from the 32nd floor of the Mandalay Bay Resort and Casino in the worst mass murder in U.S. history. Major corporations and their accounting firms conspire and cause a major stock market plunge, losing stockholders billions of dollars. Right-wing domestic terrorists, encouraged by a defeated president, storm the Capitol building in order to attempt to stop the Constitutional certification of the election. In the process, they result in injuries and deaths of police officers and others and a closing of the Congress.

What all of these events have in common is that they refer to various forms of criminal behavior; as we have just begun the 21st century, we can only guess what new, unforeseen horrors await us. The field that addresses this issue of crime and criminal behavior and attempts to define, explain, and predict it is criminology.

Criminology is generally defined as the science or discipline that studies **crime** and criminal behavior. Specifically, the field of criminology concentrates on forms of criminal behavior, the causes of crime, the definition of criminality, and the societal reaction to criminal activity; related areas of inquiry may include juvenile delinquency and victimology (the study of victims). Although there is considerable overlap between criminology and criminal justice, criminology shows a greater interest in the causal explanations of crime, whereas criminal justice is more occupied with practical, applied concerns, such as technical aspects of policing and corrections. In reality, the fields are highly complementary and interrelated, as indicated by overlapping membership in the two professional organizations representative of the fields: the American Society of Criminology and the Academy of Criminal Justice Sciences.

If you tell your friends that you are taking a course in criminology, many will assume that you are a budding Sherlock Holmes, on your way to becoming a master detective trained in investigating crime scenes. That describes the field of *criminalistics* (the scientific evaluation of physical evidence), which is sometimes confused in the media and public mind with criminology. Criminology is more concerned with analyzing the phenomena of crime and criminality, in performing scientifically accurate studies, and in developing sound theoretical explanations of crime and criminal behavior. It is hoped that such criminological knowledge and scientific research can inform and direct public policies to solve some crime problems. The major concentration in this text is on the central areas of criminal behavior, research methodology, and criminological theory. Of particular interest is the exploration of crime typologies, the attempt to classify various criminal activity and people who commit crimes by type.

Fads and Fashions in Crime

A variety of crimes were of major concern in the past but appear in modern societies only in old movies on the late show. Train robbery, piracy, stagecoach robbery, cattle rustling, gunfights such as that at the O.K. Corral, and grave robbery have some modern remnants but for the most part have disappeared. Some of these practices have reappeared in different forms. In the 1970s, South Vietnamese "boat people" attempting to escape from their homeland were robbed, raped, and murdered by Thai pirates. In late September 2017, a passenger ship was attacked by pirates on Nigerian waters, which left two people dead. Brink's trucks have replaced stagecoaches, and semitrailer trucks full of prepared beef are

hijacked instead of herds of live cattle. Post–Civil War gangs of Wild West robbers such as those of Doc Holliday, Jesse James, the Daltons, Black Bart, the Younger brothers, and Butch Cassidy disappeared with the settlement of the frontier only to reappear on wheels during the Depression of the 1930s in the persons of such infamous characters as John Dillinger, "Pretty Boy" Floyd, the Barrows, Bonnie Parker, and the Ma Barker gang. Mobile, organized gangs of bank robbers have largely faded into a quaint, unsavory history; they are now replaced by cybercriminals who can commit global electronic robbery.



PHOTO 1.1 Group portrait of a police department liquor squad posing with cases of confiscated alcohol and distilling equipment during Prohibition.

Archive Photos/Stringer/Getty Images

Skyjacking, a major problem in the 1960s, was virtually eliminated as a result of better security measures, only to reappear in the United States in the early 1980s as an attempt by Cuban refugees to escape their homeland or by suicidal terrorists to wreak mass destruction. The skyjacking of four jumbo jets with the intention of using them as weapons of international terrorism represented the horrific events of 9/11. Kidnapping, a major concern in the United States in the 1930s (as illustrated by the famous Lindbergh case), is less of a concern today despite the rash of child kidnappings by noncustodial parents. On the other hand, since the 1970s, kidnapping has become a major crime in Italy, as best illustrated by the highly publicized kidnapping of billionaire J. Paul Getty's grandson; the kidnappers mailed one of the young man's ears to a daily newspaper to impress upon the family the seriousness of their intentions. The story of the kidnapping was recently made into a movie, *All the Money in the World*, which was released in 2017. In 1995 in Colombia, a kidnapping was reported every 6 hours. This was believed to have been precipitated by huge income disparities and inefficient police. The United States, by contrast, has experienced fewer than 12 kidnappings for ransom every year (Brooke, 1995). Slavery continues to be practiced in the form of human trafficking. Nostalgic views of the past tend to romanticize bygone violence or suppress its memory. Most apt to be forgotten are conditions of the past that more than match any chronicle of horrors of the present.

The Emergence of Criminology

French sociologist Auguste Comte (1798–1857) viewed the **progression of knowledge** as consisting of three stages, from the predominantly *theological* explanations to *metaphysical* (philosophical) approaches to *scientific* explanations (Comte, 1851/1877). Prior to the emergence of modern criminal

law in the 18th century, religion was the primary basis of social control beyond kinship organization. Theological explanations used supernatural or otherworldly bases for understanding reality. Recall, for instance, the papal condemnation of Galileo for heretically questioning biblical descriptions of the earth and celestial objects. In the metaphysical stage, philosophy sought secular (worldly) events to provide understanding through a new spirit of inquiry—rationality and logical argument. The two features of the scientific stage combined this rational spirit of investigation with the scientific method, emphasizing empiricism or experimentation. The scientific orientation emphasized measurement, observation, proof, replication (repetition of observation), and verification (analyzing the validity of observations).

Systematic application of the scientific method enabled humankind to unlock many of the mysteries of the ages. At first, breakthroughs in knowledge took place in the physical sciences; more recently, changes have also begun to occur in the social sciences, such as sociology and criminology. Because the scientific method provided major understanding and the ability to predict and control physical reality, the hope is that these same methods are applicable to and will prove useful in the social sciences. Although many view criminology as a science, others, such as Sutherland and Cressey (1974), view it as an art similar to medicine, a field based on many sciences and disciplines.

Criminology as a field of inquiry had its beginnings in Europe in the late 1700s in the writings of various philosophers, physicians, physical scientists, sociologists, and social scientists. Much of the early theory was heavily couched in biological frameworks that have largely been abandoned by modern American criminology until recently. Criminology emerged along with 18th-century criminal law. In fact, it was the early writings of Cesare Beccaria (1738–1794), especially his famous essay *On Crimes and Punishments* (1963), which was first published in 1764, that led to the reform of criminal law in Western Europe.

Despite its European roots, most of the major developments in modern criminology took place in the United States. Criminology was closely linked with the development of sociology, gaining its place on the U.S. academic scene between 1920 and 1940. Criminology had been largely a subdiscipline of sociology; even though criminology is interdisciplinary in focus, sociologists have devoted the most attention to the issue of criminality. Since the 1960s, criminology has emerged as a discipline in its own right. The earliest U.S. textbooks in the field were by Maurice Parmelee, John Gillin, Philip Parsons, and Fred Hayes, but it was the text and later writings of Edwin H. Sutherland, the acknowledged "dean of criminology," that received the most deserved recognition.

CRIME AND DEVIANCE

Deviance or *deviant behavior* may refer to a broad range of activities that the majority in society may view as eccentric, dangerous, annoying, bizarre, outlandish, gross, abhorrent, and the like. It refers to behavior that is outside the range of normal societal toleration.

Definitions of deviance are relative to the time, the place, and the person(s) making the evaluation, and some acts are more universally defined than others. For instance, in the mid-19th century in the United States, bathing in a tub was considered immoral as well as unhealthy.

All societies have *cultural values*—practices and beliefs that are prized by or believed to be of benefit to the group. For instance, despite cultural relativity in defining deviance, anthropologists have identified a number of cultural universals—practices or customs that in general form exist in all known cultures. All cultures that have been studied look dimly on indiscriminate lying, cheating, stealing, and killing. Societies protect their values by creating norms, which are basically rules or prescribed modes of conduct.

Sumner's Types of Norms

Early American sociologist William Graham Sumner, in his classic work *Folkways* (1906), identifies three types of **norms**: folkways, mores, and laws. These norms reflect the values of a given culture; some norms are regarded by its members as more important than others. **Folkways** are the least serious norms and refer to usages, traditions, customs, or niceties that are preferred but are not subject to

serious sanctions: manners, etiquette, and dress styles, for example. The character Reb Tevye in the musical *Fiddler on the Roof*, when learning that his daughter has rejected the marriage mate chosen by the matchmaker, wails, "Tradition—without our traditions, our lives would be as shaky as . . . a fiddler on the roof." Recognizing changing times or folkways, however, he ultimately accepts his daughter's decision to choose her own mate. **Mores** refer to more serious customs that involve moral judgments as well as sanctions (rewards or punishments). The mores cover prohibitions against behaviors that are felt to be seriously threatening to a group's way of life. Our previous examples of lying, cheating, stealing, and killing are most certainly included in the mores. Both folkways and mores are examples of informal modes of social control and are characteristic of small, homogeneous cultures that feature simple technology and widescale consensus.

Laws represent formal modes of control, codified rules of behavior. If one accepts the consensus model of law (to be discussed shortly), laws represent an institutionalization or crystallization of the mores.

Mala in Se and *Mala Prohibita*

We have already identified deviant acts as those that violate group expectations and crime as any act that violates criminal law. Crime and its definition are social products. Society (human groups) decides what is a crime and what is not.

Criminologists make the distinction between acts *mala prohibita* and acts *mala in se*. Acts that are defined as ***mala prohibita*** refer to those that are bad because they have been prohibited. That is, such acts are not viewed as bad in themselves but are violations because the law defines them as such. Traffic violations, gambling, and infractions of various municipal ordinances might serve as examples. Such laws are viewed as assisting human groups in making life more predictable and orderly, but disobedience carries little stigma other than (usually) fines. The criminalization of such acts might be viewed as institutionalization of folkways. On the other hand, acts ***mala in se*** are acts that are bad in themselves, forbidden behaviors for which there is widescale consensus on the mores for prohibition. The universality of laws against murder, rape, assault, and the like, irrespective of political or economic systems, bears witness to the lack of societal conflict in institutionalizing such laws. One can note that not all deviant acts are criminal, nor are all criminal acts necessarily deviant, assuming that laws against many acts *mala prohibita* are commonly violated.



PHOTO 1.2 Police raiding the Stonewall Inn on Christopher Street in Greenwich Village on June 28, 1969, illustrates the overcriminalization of sexual conduct prevalent at the time.

New York Daily News Archive/Getty Images

Definitions of criminal activity may exhibit both undercriminalization and overcriminalization. **Undercriminalization** refers to the fact that the criminal law fails to prohibit acts that many feel are *mala in se.* Elements of corporate violence, racism, structured inequality, and systematic wrongdoing by political officials are examples. **Overcriminalization** involves the overextension of criminal law to cover acts that are inappropriately or not responsibly enforced by such measures. Examples are the legislation of morality and attempts to regulate personal conduct that does not involve a clear victim (substance use, sexual conduct, and the like).

SOCIAL CHANGE AND THE EMERGENCE OF LAW

Western societies have undergone a long-term evolutionary development from sacred or *Gemeinschaft* societies to secular or *Gesellschaft* societies (H. Becker, 1950; Toennies, 1957). **Gemeinschaft** societies are simple, communal, relatively homogeneous societies that lack an extensive division of labor and are also characterized by normative consensus. Social control is ensured by the family, extended kinship groups, and the community through informal modes of control: the folkways and mores. Such societies lack and do not need formally codified laws because sacred tradition, the lack of change, and cultural similarity and isolation ensure a degree of understanding and control. **Gesellschaft** societies are complex, associational, more individualistic, and heterogeneous (pluralistic). They are characterized by secularity, an extensive division of labor, and (in free societies) a variety of moral views and political pressure groups. Social control is attempted by formal means—codified laws administered by bureaucratic agencies of the state. Complex societies must rely more and more on such formal controls. As the mores or informal modes of control become weaker, the need for laws becomes greater. For example, as the family as an agent of social control becomes weaker, much of its responsibility is passed on to the state.

Sumner (1906) suggested a general maxim: If laws do not have the support of, or are not in agreement with, the mores of a particular culture, they will be ineffective. The introduction of changes or new laws in society can be explored using Merton's (1961) concepts of manifest and latent functions. The classic example is what has been described as "the noble experiment," the Prohibition era in the United States. **Manifest functions** are intended, planned, or anticipated consequences of introduced changes or of existing social arrangements. In perhaps the last gasp of rural Protestant religious power in the United States, one group managed to pressure Congress into passing the Eighteenth Amendment prohibiting alcohol in 1919. Alcohol abuse was (and still is) a major problem, and the well-intended goal was for it to be stamped out by totally forbidding alcohol consumption by law. **Latent functions** entail unintended or unanticipated consequences, ones that may have either positive or negative outcomes. The latent functions of Prohibition included increased corruption, disobedience, and public disrespect for the law. By eliminating legitimate suppliers of a commodity in high public demand, the state in effect created a monopoly for illegitimate entrepreneurs. It was Prohibition that converted small, localized gangs into large, powerful, and wealthy regional and even national organized criminal syndicates.

Laws are by no means the most efficient means of social control; the passage of more and more laws may indicate that social solidarity and informal modes of control in the society are weakening. The police and the criminal justice system become the agents or agencies of last resort. Many people view crime as an evil intrusion into an otherwise healthy society, whereas increased crime levels may be latent functions of increased freedom, affluence, competition, and other desirable manifest functions in society. Sociologist Émile Durkheim (1950) suggested that crime may be a normality, a positive product, a functional necessity in a healthy society. As reflected in the quotation with which we began this chapter, Durkheim's theory of the **functional necessity of crime** proposes that wrongdoing or crime serves to force societal members to react, condemn, and thus establish the borders of society and reconfirm its values. It is this organized resentment that upholds social solidarity.

The phrase "crime of the century" seems to be perennially used to refer to the latest dramatic crime. Crime File 1.1 explores crimes to which this label was attached over this past century.

CRIME FILE 1.1 CRIMES OF THE 20TH CENTURY

Every year, it seems some particularly notorious or atrocious crime occurs that is described by the media as "the crime of the century." The 21st century is still too young to determine what might or might not be the crime of the century, but now that the 20th century is over, we might take stock of some that have been candidates. APBnews.com, an Internet service specializing in crime news, chose the "Ten Crimes of the Century" based on input from its editors, historians, criminal justice experts, and users who voted in its poll, as well as those answering its telephone survey. The Ten Crimes of the Century from the APBnews.com survey, listed chronologically, were as follows:

President McKinley's assassination

The St. Valentine's Day Massacre

The Lindbergh baby kidnapping

The Rosenbergs' spy trial

President Kennedy's assassination

Martin Luther King Jr.'s assassination

The Watergate break-in

The Ted Bundy serial killings

The O. J. Simpson trial

The Oklahoma City bombing

The assassination of President William McKinley in 1901 by Leon Czolgosz was a political crime in support of a hoped-for class revolt, while the St. Valentine's Day Massacre by the Capone mob in the 1920s illustrated the ascendancy of ruthless organized crime groups during Prohibition. The tragic kidnapping and murder of the Lindbergh baby led to legislation designating kidnapping as a federal offense. The trial and subsequent execution of Julius and Ethel Rosenberg, native-born Americans who betrayed their country by giving America's atomic secrets to the Soviets, solidified the Cold War. The assassinations of President John F. Kennedy in 1963 and 5 years later of civil rights leader Dr. Martin Luther King Jr. gave rise to numerous conspiracy theories that secret, sinister forces were responsible.

The Watergate affair in the 1970s would lead to the first forced resignation of an elected president in disgrace in American history, and until recently it remained the benchmark against which all political scandals are compared. Ted Bundy, the serial killer, represents just one of a number of bizarre multiple killers who seemed to proliferate in post–World War II America. The O. J. Simpson murder trial, in which a former National Football League star was found not guilty of murdering his ex-wife and her friend, despite considerable evidence to the contrary, exemplifies the numbers of celebrity cases that have attracted public attention over the years. Finally, the Oklahoma City terrorist bombing (and the 1993 World Trade Center bombing, which is not listed) demonstrated the growing vulnerability to terrorism in modern society. The 1995 Oklahoma City bombing represented the worst terrorist attack, in terms of casualties, on American soil up to that time. It also punctuated for a complacent America the fact that "it can happen here."

In its "Crime Stories of the Century," *U.S. News and World Report* included the following:

Murder of Stanford White

Execution of IWW leader Joe Hill

St. Valentine's Day Massacre

Lindbergh kidnapping

Rosenberg spy case

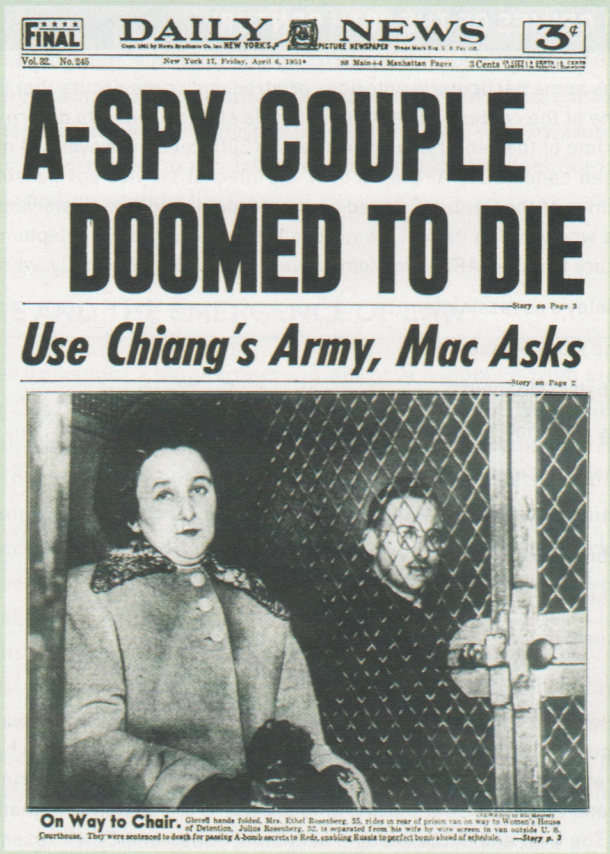
Lynching of Emmett Till

Charles Manson murders

"Son of Sam" killings

Jeffrey Dahmer, cannibal

While the *U.S. News* list includes many of the same entries as that of APBnews.com, it also includes lesser known events such as the high-society murder of Stanford White, a prominent architect, due to a romantic dispute. The execution of labor leader Joe Hill, of the radical union



FINAL DAILY NEWS 3¢

Vol. 32 No. 245 New York 17, Friday, April 6, 1951 88 Main+4 Manhattan Pages 3 Cents

A-SPY COUPLE DOOMED TO DIE

Story on Page 3

Use Chiang's Army, Mac Asks

Story on Page 2

On Way to Chair. Gloved hands folded, Mrs. Ethel Rosenberg, 35, rides in rear of prison van on way to Women's House of Detention. Julius Rosenberg, 32, is separated from his wife by wire screen in van outside U. S. Courthouse. They were sentenced to death for passing A-bomb secrets to Reds, enabling Russia to perfect bomb ahead of schedule. —Story p. 3

PHOTO 1.3 The front page of the *Daily News* dated April 6, 1951, depicts the latest "crime of the century." Julius and Ethel Rosenberg, a married couple convicted of conspiracy to commit espionage, were sentenced to death for passing A-bomb secrets to Russia.

New York Daily News Archive/Getty Images

International Workers of the World, for allegedly killing company owners, exemplifies the labor unrest in the early 20th century. Other additions are more serial murders: those of Manson, "Son of Sam" Berkowitz, and Jeffrey Dahmer, the personification of our worst nightmares. Many of these acts changed the country, inspired new laws, mesmerized a nation waiting for a verdict, or tore at the American collective conscience. Although we might not agree with the specific selection of "crimes of the century," most candidates share a celebrity quality, bizarre violent characteristics, or political implications. In fact, of those listed on the APB list, 6 of the 10 involved political crime, that is, crime for ideological purposes by those supporting a cause. The remainder illustrated organized crime, celebrity involvement (Lindbergh and Simpson), or bizarre violence (Bundy). Bundy seems to be a stand-in for any number of monsters of multiple murder in the 20th century. Note also that the list is of crimes in the United States and does not include crimes such as Hitler's Holocaust, for example.

Although the fascinating and mesmerizing nature of these crimes gives them a timeless quality that still enthralls the public—a dance macabre that appalls yet entices—it is their rare, atypical quality that gives them notoriety. The typical picture of crime in most societies is far less dramatic but often just as deadly, traumatic, or fear inspiring. Domestic violence, rape, robbery, murder, burglary, and theft bring crime up close and personal to its victims and will be more the subject of this text.

For Further Thought

1. What do you think was the "Crime of the Twentieth Century"? Visit the web and see if you can find other nominees for a "Top Ten Crimes of the Century" list.
2. Visit www.fbi.gov and find an interesting investigation that they have posted on their site.

Source: Glasser, J. (2000, March 20). In demand for 50 years: The FBI's "Most Wanted" list: Good publicity, and a history of success. *U.S. News and World Report.*

Consensus Versus Conflict Versus Interactionist Models of Law

The **consensus model** of the origin of criminal law envisions it as arising from agreement among the members of a society as to what constitutes wrongdoing. Reflecting the *social contract theory* of Locke, Hobbes, and Rousseau, criminal law is viewed, as in our previous discussion of Sumner, as a "crystallization of the mores," reflecting social values that are commonly held within the society. The **conflict model**, on the other hand, sees the criminal law as originating in the conflict of interests of different groups. In this view, the definition of crime is assumed to reflect the wishes of the most powerful interest groups, who gain the assistance of the state in opposing rival groups. The criminal law, then, is used primarily to control the behavior of the "defective, dependent, and delinquent," the dangerous classes (Skolnick & Currie, 1988, p. 2); the crimes of the wealthy are very often not even covered. The consensus model views criminal law as a mechanism of social control, and the conflict approach sees the law as a means of preserving the status quo on behalf of the powerful.

A third model of law is the **interactionist model**, which takes its name from the symbolic interactionist school of criminology. This school of thought views humans as responding to abstract meanings and symbols as well as to concrete meanings. According to George Herbert Mead (1934), even the mind and self-consciousness are social creations. Reflected in *labeling theory* (see Chapter 8), criminality is viewed as a label or stigma attached by a societal reaction that is subject to shifting standards. Laws are viewed as reflecting moral entrepreneurship on the part of labelers.

Crime and Criminal Law

A purist *legal view* of crime would define it as violation of criminal law. No matter how morally outrageous or unacceptable an act, it is not a crime unless defined as such by criminal law. Vernon Fox (1985) indicates, "Crime is a sociopolitical event rather than a clinical condition. . . . It is not a clinical or medical condition which can be diagnosed and specifically treated" (p. 28). In this view, which is technically correct, unless an act is specifically prohibited by criminal law, it is not a crime. There are four characteristics of criminal law:

1. It is assumed by political authority. The state assumes the role of plaintiff, or the party bringing charges. Murder, for example, is no longer just an offense against a person but is also a crime against the state. In fact, the state prohibits individual revenge in such matters; perpetrators must pay their debt to society, not to the individual wronged.
2. It must be specific, defining both the offense and the prescribed punishment.
3. The law is uniformly applied. That is, equal punishment and fairness for all, irrespective of social position, are intended.
4. The law contains penal sanctions enforced by punishments administered by the state (Sutherland & Cressey, 1974, pp. 4–7).

Criminal law has very specific criteria: "Crime is an intentional act or omission in violation of criminal law (statutory and case law), committed without defense or justification, and sanctioned by the state as a felony or misdemeanor" (Tappan, 1960, p. 10). **Felonies** generally refer to offenses punishable by a year or more in a state or federal prison, whereas **misdemeanors** are less serious offenses punished by less than a year in jail. Some specific criteria that must be met in the U.S. criminal law in order for an act to be considered a crime include the following:

1. The act is prohibited by law and contains legally prescribed punishments. *Nullum crimen sine lege* (no crime without law) is the Latin expression, which can be expanded to include the notion that *ex post facto* (after-the-fact) laws are inappropriate. The act must be forbidden by law in advance of the act.
2. A criminal act, *actus reus* (the act itself, or the physical element), must have taken place.

3. Social harm of a conscious, voluntary nature is required. There must be injury to the state or to people.
4. The act is performed intentionally (although cases of negligence and omission may be exceptions). *Mens rea* (criminal intent or "guilty mind") is important in establishing guilt. A person who may have committed a criminal act (e.g., John Hinckley, who shot former president Ronald Reagan) may be found not guilty under certain conditions, such as insanity or a history of mental disturbance.
5. The voluntary misconduct must be causally related to the harm. It must be shown that the decision or act directly or indirectly caused harm.



PHOTO 1.4 Domestic terrorist supporters of ex-President Trump storm the U.S. Capitol building. The events of January 6, 2021, would be a good candidate for one of the "crimes of the twenty-first century."

Eric Lee/Bloomberg via Getty Images

Crimes were originally considered to be private matters: The offended party had to seek private compensation or revenge. Later, only offenses committed against the king and, still later, the king's subjects were considered crimes. When compensation developed, fines were levied on behalf of the king (the state), thus making the state the wronged party. In addition to being defined by legislative statute (statutory law), criminality may also be interpreted by means of case law (common law). In contrast to laws enacted by legislatures, common law is based on judicial decision, with its roots in precedence, or previous decisions. In addition, administrative law, as enforced by federal regulatory agencies, may carry criminal penalties for offenders. Thus, criminal law provisions may be contained in statutory law, common law, and administrative law. Criminology in Context 1.1 describes some typical legal definitions of crime in the United States.

CRIMINOLOGY IN CONTEXT 1.1 WHAT IS CRIME?

Crimes are defined by law.

In this report, we define crime as all behaviors and acts for which a society provides formally sanctioned punishment. In the United States, what is criminal is specified in the written law, primarily state statutes. What is included in the definition of crime varies among federal, state, and local jurisdictions.

Criminologists devote a great deal of attention to defining crime in both general and specific terms. This definitional process is the first step toward the goal of obtaining accurate crime statistics.

To provide additional perspectives on crime, it is sometimes viewed in ways other than those suggested by the standard legal definitions. Such alternatives define crime in terms of the type of victim (child abuse), the type of offender (white-collar crime), the object of the crime (property crime), or the method of criminal activity (organized crime). Such definitions usually cover one or more of the standard legal definitions. For example, organized crime may include fraud, extortion, assault, or homicide.

What is considered criminal by society changes over time.

Some types of events, such as murder, robbery, and burglary, have been defined as crimes for centuries. Such crimes are part of the common law definition of crime. Other types of conduct traditionally have not been viewed as crimes. As social values and mores change, society has codified some conduct as criminal while decriminalizing other conduct. The recent movement toward increased "criminalization" of drunk driving is an example of such change.

New technology also results in new types of conduct not anticipated by the law. Changes in the law may be needed to define and sanction these types of conduct. For example, the introduction of computers has added to the criminal codes in many states so that acts such as the destruction of programs or data could be defined as crimes.

How do violent crimes differ from property crimes?

The outcome of a criminal event determines whether it is a property crime or a violent crime. *Violent crime* refers to events such as homicide, rape, and assault that may result in injury to a person. Robbery is also considered a violent crime because it involves the use or threat of force against a person.

Property crimes are unlawful acts with the intent of gaining property not involving the use or threat of force against an individual. Larceny and motor vehicle theft are examples of property crimes.

In the National Crime Survey (NCS), a distinction is also made between crimes against persons (violent crimes and personal larceny) and crimes against households (property crimes, including household larceny).

How do felonies differ from misdemeanors?

Criminal offenses are also classified according to how they are handled by the criminal justice system. Most jurisdictions recognize two classes of offenses: felonies and misdemeanors.

Felonies are not distinguished from misdemeanors in the same way in all jurisdictions, but most states define felonies as offenses punishable by a year or more in a state prison. The most serious crimes are never misdemeanors, and the most minor offenses are never felonies.

For Further Thought

1. Visit http://www.uscourts.gov/statistics-reports and explore some of the data they present. What perspective on the criminal law have you gained by visiting this site?

Sources: Bureau of Justice Statistics. (1981). *BJS dictionary of criminal justice data terminology* (2nd ed.). Government Printing Office; Bureau of Justice Statistics. (1985). *BJS criminal victimization in the U.S.* Government Printing Office; FBI. (1985). *Crime in the United States 1985.* Government Printing Office; Bureau of Justice Statistics. (1988, March). *Report to the nation on crime and justice* (2nd ed.; pp. 2–3). Government Printing Office.

Who Defines Crime? Criminological Definitions

Because crime was previously defined as any violation of criminal law, should criminologists restrict their inquiry solely to acts so defined? Should the subject matter of criminology be decided by lawyers and politicians? This would relegate the field of criminology to a position as status quo handmaiden of political systems. Hitler's genocide or Stalin's purges were accepted conduct within their political

ideological systems. Criminologists must study the deviants—the people who commit crime—as well as the social structural contexts that define them. Skolnick and Currie (1988), in examining the analysis of social problems, state,

> In spite of its claim to political neutrality, the social science of the 1960s typically focused on the symptoms of social ills, rather than their sources: criminals, rather than the laws; the mentally ill, rather than the quality of life; the culture of the poor, rather than the decisions of the rich; the "pathology" of the ghetto, rather than problems of the economy. (p. 11)

A *sociological view* of crime does not restrict its concept of criminality to those convicted of crime in a legal sense.

Were we to restrict analysis of crime solely to the legal definition in most countries, we would discuss primarily "crime in the streets" and ignore "crime in the suites." We would study the poor, dumb, slow criminal and conclude that low IQs and inferior genetics cause crime; we would ignore the fast, smart, slick violator and the possibility that maybe Ivy League educations and working on Wall Street or for the defense industry also cause crime. Hyperbole is useful at times for effect, and obviously we must not loosely throw around the label *criminal*, but neither should we ignore dangerous acts that do great harm, simply because the criminal justice system chooses to ignore them.

THE CRIME PROBLEM

Radzinowicz and King (1977), in commenting on the relentless international upsurge in crime in the latter decades of the 20th century, indicate,

> No national characteristics, no political regime, no system of law, police punishment, treatment, or even terror, has rendered a country exempt from crime. . . . What is indisputable is that new and much higher levels of crime become established as a reflex of affluence. (pp. 3–5)

Despite rival explanations such as problems with statistics, there has been an obvious increase in crime internationally since World War II.

CRIME FILE 1.2 THE JONBENET RAMSEY MURDER

Born in 1990, JonBenet Ramsey participated in many child beauty pageants, winning five of them. On December 26, 1996, Patsy Ramsey, her mother, awoke to find a ransom note that demanded $118,000 for JonBenet's safe return. The amount demanded was the exact amount of JonBenet's father, John's, bonus. Later that day, JonBenet's body was found in the basement of their Boulder, Colorado, home by John and a friend. Her body was not found earlier, even though law enforcement and others had been in and out of the house all day. JonBenet was found with a garrote around her neck and rope around her wrists. The garrote had a broken paintbrush at the end, which seemed to be from Patsy Ramsey's (her mother) art set. JonBenet also had a skull injury. Several curiosities in the case emerged. Police identified that the ransom note had been written on a notepad that was kept by the Ramsey's telephone; it took months for her parents to be formally interviewed by the police; why was a ransom note left for a murder? DNA found on JonBenet's underpants did not match anyone in the family or anyone near the scene or around her body. A grand jury was convened in 1998—they heard testimony for 13 months and eventually voted to indict John and Patsy Ramsey for the murder of JonBenet. Despite this indictment, the district attorney declined to charge her parents. As you might imagine, this case received an enormous amount of media attention, and law enforcement continued to investigate her death for years. In 2006, two major developments occurred. John Mark Karr, an American teacher living in Thailand, confessed to killing JonBenet. But because his DNA did not match the specimen originally collected from her underpants, he was not charged. In addition, her clothing was eventually tested and DNA found on the waistband of her long johns matched the DNA found on her underpants. This finding led the district attorney at the time to issue a formal apology to John and Patsy Ramsey. Her case has never been solved. At least two television specials aired in 2017 about her killing, reviving interest in the case.

For Further Thought

1. What other curiosities can you discover regarding the JonBenet case?

Source: Casarez, J. (2016). *The death of JonBenet: A case that's captivated the country for 20 years*. http://www.cnn.com/2016/12/13/us/jonbenet-ramsey-case/index.html.

The Cost of Crime

It is difficult, if not impossible, to measure the economic **costs of crime**. Estimates of the actual financial operation take us into the "megabucks" range where notions such as "give or take a few billion dollars" stagger the imagination and numb us to the reality of the amounts we are really talking about.



PHOTO 1.5 George Floyd's death at the hands of police in Minneapolis set off massive protests against police brutality and racism. Floyd was murdered during an arrest by police officer Derek Chauvin, who knelt on Floyd's neck for 9 minutes and 29 seconds as three other officers looked on and prevented others from intervening.

Stephen Maturen/Getty Images

In 2014 in Ferguson, Missouri, unrest broke out after police officer Darren Wilson shot and killed Michael Brown and again after a St. Louis county grand jury decided to not indict Wilson. The police as well as the National Guard responded to the protests. Although it is difficult to know the true cost of the demonstrations, it is estimated that it cost taxpayers at least $5.7 million. The Missouri State Highway Patrol incurred costs of $1.1 million when pay, lodging, meals, and equipment are included. Costs to the county are estimated at $4.2 million, which include property damage, police overtime, and food and supplies for first responders. Although far less dramatic, losses at the nation's savings and loan companies in the 1980s and early 1990s are estimated to have cost the American taxpayer $500 billion, or the equivalent of 625 Los Angeles demonstrations.

The National Center for Victims of Crime (2011) gives the following estimates for the cost of crime in the United States: for 2008 (latest available at the time), $1.19 billion for violent crime and $16.2 billion for property crime; for 2010, $456 million 2017. Direct costs to victims for robbery, $6.1 billion for larceny theft, and $4.6 billion for burglaries. The costs of personal crime in the United States was estimated at roughly $2.6 trillion and the public was estimated at $620 billion or about $1900 for every person in the United States (Curran, 2021).

CRIME & THE MEDIA 1.1 PUBLICIZED TRIALS

The trial of Bruno Hauptmann for the murder of Charles Lindbergh Jr. in 1935 was a media circus and perhaps forecast the future of media involvement in other famous cases such as the O. J. Simpson case. It was broadcast live on the radio, which was incidentally heard by the jurors. Over 20,000 spectators filled the space outside of the courtroom and 200 people jammed the courtroom that was designed for 80. Video footage, although forbidden until after the trial, was ignored. Federal courtrooms still ban cameras. What do you think are some of the pros and cons of this policy?

Although recent estimates rank the sale of illegal narcotics as the criminal world's greatest source of income, there is a problem with such assessments. These estimates do not even begin to measure the full impact of corporate price fixing and other criminal activities. Added to these costs are economic costs incurred by victims of crime and the costs of running the criminal justice system. Not considered at all in these economic estimates are the social and psychological costs to society and to crime victims (e.g., loss in productivity, medical and mental health care costs, and pain and suffering). Fear, mistrust, a curtailing of public activity, and a decline in the quality of life are but a few of the inestimable impacts of crime on society. Horror stories abound of the impact of crime on the forgotten figure in the criminal justice equation—the crime victim. As stated earlier, the costly Los Angeles riots of 1992 were dwarfed by the cost of the collapse of the nation's savings and loans.

SUMMARY

Criminology is the science or discipline that studies crime and criminal behavior. Major areas of investigation include criminal behavior, etiology (theories of crime causation), and the sociology of law and societal reaction; related areas include juvenile delinquency and victimology. Criminology also shares with the field of criminal justice the areas of policing, the courts, and corrections.

Knowledge is defined as one's understanding of reality. This understanding is made possible through the creation of symbols or abstractions. Comte identified three stages in the progression of knowledge: the theological, metaphysical (philosophical), and scientific. *Science* combines the spirit of rationality of philosophy with the scientific method, which is characterized by the search for empirical proof. Criminology and sociology are more recent applicants for the scientific credentials already enjoyed by the physical sciences. Having its origins in the 18th century in Europe, particularly in the writing of Beccaria, who was influential in codifying modern law, criminology has largely become a 20th-century U.S. discipline. This is particularly reflected in the work of Sutherland, who has been identified as "the dean of criminology."

Deviant behavior refers to activities that fall outside the range of normal societal toleration. Definitions of such activities are relative to time, place, and persons. *Values* are practices or beliefs that are prized in society and that are protected by *norms*, which are rules or prescribed modes of conduct. Sumner, in his classic work *Folkways*, identifies three types of norms: folkways, mores, and laws. While folkways are less serious customs or traditions, *mores* are serious norms that contain moral evaluations as well as penal sanctions. Both folkways and mores are examples of informal modes of control. *Laws*—codified rules of behavior—represent formal methods of attempting to ensure social control.

Acts *mala prohibita* are ones that are bad because they are prohibited, such as vagrancy and gambling; acts *mala in se* refer to those that are bad in themselves, such as murder, rape, and the like. Although not all criminal acts are viewed as deviant, neither are all deviant acts criminal. *Undercriminalization* involves the failure of the law to cover acts *mala in se, and overcriminalization* entails overextension of the law to cover acts that may more effectively be enforced through the mores. As societies undergo

transition from *Gemeinschaft* (communal, sacred societies) to *Gesellschaft* (associational, secular societies), they must rely more on formal agencies of control. In order to be effective, laws require the support of the mores.

Manifest functions are intended or planned consequences of social arrangements, whereas latent functions refer to unintended or unanticipated consequences. Although the manifest function of Prohibition was to eliminate heavy alcohol use, its latent functions were to encourage corruption, organized crime, and public disrespect. Durkheim viewed crime as a normal condition in society that served a positive function by the reactions it developed to encourage reaffirmation of values. Crime, a violation of criminal law, is characterized by politicality, specificity, uniformity, and sanctions. In explaining the origin of criminal law, the consensus model views it as reflecting agreement or public will, while the conflict model claims that it represents the interest of the most powerful group(s) in society. In reality, criminal law reflects elements of both models.

For official purposes, crimes are identified as felonies, misdemeanors, and (in some states) summary offenses (minor crimes that may be tried without benefit of jury). Although there is variation by state in the actual assignment to categories, a felony refers to a more serious crime that bears a penalty of at least 1 year in a state prison, whereas a misdemeanor is a less serious offense subject to a small fine or short imprisonment.

The issue of who defines crime should not be answered simply by accepting current definitions because to do so would permit others to define criminology's subject matter. The crime problem is a growing international concern; the costs of crime are economic (which can only be estimated), psychological, and social in nature. The full social costs are inestimable.

KEY CONCEPTS

conflict model (p. 11)
consensus model (p. 11)
costs of crime (p. 15)
crime (p. 4)
criminal law (p. 11)
criminology (p. 4)
deviance (p. 6)
felonies (p. 11)
folkways (p. 6)
functional necessity of crime (p. 8)
Gemeinschaft (p. 8)
Gesellschaft (p. 8)
interactionist model (p. 11)
latent functions (p. 8)
laws (p. 7)
mala in se (p. 7)
mala prohibita (p. 7)
manifest functions (p. 8)
misdemeanors (p. 11)
mores (p. 7)
norms (p. 6)
overcriminalization (p. 8)
progression of knowledge (p. 5)
undercriminalization (p. 8)

REVIEW QUESTIONS

1. What are some crimes that were not much regarded as problems in the past but are currently? Conversely, what are some crimes that were problems in the past and no longer loom as major concerns? Do you have any predictions of emerging, future crimes?
2. Besides Prohibition, what are some other social policies that have contained latent functions?
3. Do you think the American criminal justice system reflects a consensus or conflict model of law? Explain and defend your judgments.
4. Why don't criminologists simply use the legal classifications of people who commit crime in their studies of crime and criminal behavior?
5. What are the differences among criminal law, statutory law, case law, civil law, and administrative law?



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2 RESEARCH METHODS IN CRIMINOLOGY

LEARNING OBJECTIVES

- **2.1** Explain the importance of objectivity, ethics, and operationalization in research in criminology.
- **2.2** Describe how crime data for the UCR and NIBRS are collected and organized.
- **2.3** Describe the alternative data-gathering strategies that can be employed in criminological research.
- **2.4** Identify the three elements of an experiment and the importance of evidence-based research.
- **2.5** Discuss the benefits of and issues with survey data collection and interpretation.
- **2.6** Describe what kinds of research can be done using participant observation, case studies, life histories, unobtrusive research methods, and network analysis.
- **2.7** Summarize the importance of validity, reliability, and triangulation in research methods.

THE RESEARCH ENTERPRISE OF CRIMINOLOGY

Two critical features of any discipline are its theory and its methodology, or research methods. Theory, which is the subject of Chapters 5 to 8, addresses the questions of why and how. Methodology (methods), on the other hand, is covered in this chapter and is concerned with the *what*.

Theories involve attempts to develop reasonable explanations of reality. They are efforts to structure, summarize, or explain the essential elements of the subject in question. They provide testable propositions, which we then use research methods to examine. What causes crime? Why do some individuals commit crime? Why are some nations or areas more crim inogenic than others? Theories represent the intellectual leaps of faith that provide fundamental insights into how things operate; they attempt to illuminate or shed light on the darkness of reality. Without the generation of useful theoretical explanations, a field is intellectually bankrupt; it becomes merely a collection of "war stories" and carefully documented encyclopedic accounts. It fails to explain, summarize, or capture the essential nature of its subject matter. Studying a field devoid of theory would be akin to a mystery novel in which the author told us neither "whodunit" nor how and why they did it.

Methodology involves the collection and analysis of accurate data or facts. With respect to criminology, this comprises information such as the following: How much crime is there? Who commits crime? How do commissions of crime or definitions of crime vary? If the facts regarding crime are provided by defective models, they will be in error, and then theories or attempted explanations of this incorrectly described reality will most certainly be misdirected.

In the social sciences, there at times exists a chasm between those who are primarily interested in theory or broad conceptual analysis, analogous to philosophy, and those who are methodologists. Theory devoid of method, explanation without accurate supportive data, is just as much a dead end as method devoid of interpretive theory. The former resembles armchair theorizing, the latter a fruitless bookkeeping operation. In reality, to realize mature development, criminology needs both incisive theory and sound, accurate methodology. This chapter on methodology identifies the research base on which the findings presented in this book rest and points out their relative strengths and shortcomings.

Objectivity

A basic tenet of scientific research is that researchers attempt to maintain **objectivity**. Being objective requires that the investigators strive to be value free in their inquiry and, in a sense, to permit the findings to speak for themselves (Weber, 1949). A researcher may occasionally find the attitudes, behavior, or beliefs of a group they are studying repugnant or immoral; however, the researcher is trained not to judge but rather to objectively record and to determine what meaning these findings have for the field of criminology and to the development of its knowledge base. For example, a researcher evaluating

a substance abuse treatment program may wish that the program works to reduce or stop substance use—but they cannot let this wish influence how they perform their research or their findings.

Ethics in Criminological Research

Because it is part of the social sciences, the subject matter of criminology is different in kind from that of the physical sciences. The latter concentrates on physical facts (e.g., How is the human brain different from the mouse brain?), whereas criminology's subject matter—crime, criminal behavior, victims, and the criminal justice system—is concerned with human behavior, attitudes, groups, and organizations. Like physical science investigations, criminological inquiry must be concerned with its potentially adverse impacts on human subjects.

Ultimately, **ethical conduct in research** is an individual responsibility tied into deep moral judgments; a blind adherence to any checklist grossly oversimplifies a very complex decision. Until recently, the fields of criminology and criminal justice relied on the codes of ethics of parent fields such as sociology or psychology for guidance. Beginning in 1998, however, both the Academy of Criminal Justice Sciences (ACJS) and the American Society of Criminology (ASC) began compiling a **code of ethics**. The ACJS adopted a code of ethics that year, and the ASC continues to explore the issue. Although space does not permit full discussion of each, the guidelines of both of these codes of ethics include the following (ACJS, 1998):

Researchers should

- Strive for the highest technical standards in research
- Acknowledge limitations of research
- Fully report findings
- Disclose financial support and other sponsorship
- Honor commitments
- Make data available to future researchers
- Not misuse their positions as fraudulent pretext for gathering intelligence

In addition,

- Human subjects have the right to full disclosure of the purposes of the research.
- Subjects have the right to **confidentiality**. This requires the researcher to protect the identity of their subject.
- Research should not expose subjects to more than minimal risk. If risks are greater than the risks of everyday life, then informed consent must be obtained.
- Researchers should avoid privacy invasion and protect vulnerable populations.
- All research should meet with human subject protection requirements imposed by educational institutions and funding sources.
- Researchers should properly acknowledge the work of others.
- Criminologists have an obligation not to create social injustice such as discrimination, oppression, or harassment in their work.

Ethical horror stories in criminology and the social sciences include both biomedical and social science examples. During World War II, Nazi doctors tortured, maimed, and murdered innocent captive subjects in the name of research. In the famous Tuskegee Syphilis Study, the U.S. Public Health Service withheld penicillin, a known cure for syphilis, from 425 uneducated Black male sharecroppers who suffered from, and most eventually died of, untreated syphilis. In the past, in discussing the Tuskegee

Syphilis Study with students, the author often had to correct their impression that the U.S. Public Health Service gave their subjects syphilis. What they did was bad enough, without actually giving the subjects the disease. In 2010, it was revealed that American scientists deliberately infected prisoners and patients in a mental hospital in Guatemala with syphilis in the 1940s.



PHOTO 2.1 U.S. President Bill Clinton looks on as 94-year-old Herman Shaw, one of 400 Black men secretly not given a known cure for syphilis in a government study, speaks during ceremonies at the White House on May 16, 1997. Clinton apologized to the survivors and families of the victims of the Tuskegee Syphilis Study.

Paul J. Richards/Staff/Getty Images

During the Cold War, U.S. intelligence agencies, with the cooperation of the scientific community, performed bizarre and dangerous experiments on subjects without their permission. Although most of these examples were biomedical in nature, social and behavioral research can likewise put subjects at risk. The three most cited social science examples are Stanley Milgram's *Obedience to Authority* (1974), Philip Zimbardo's simulated prison study (1972, 1973, 1974), and Laud Humphreys's *Tearoom Trade* (1970).

In his *Obedience to Authority* study, Stanley Milgram (1974) wanted to discover how "normal" people come to commit monstrous acts. Volunteers were recruited and paid to act as teachers while confederates (fake subjects) acted as learners. The teachers were deceived into believing that each time they threw a lever on a shock apparatus, they were administering higher levels of shock to the pupils. The teachers were willing to administer what they believed were painful shocks despite cries to stop from the subjects, when assured by the presence of scientific authorities. Do experimenters have the ethical right to deceive and put subjects in a position of emotional stress in the name of science?

In Zimbardo's simulated prison study, male undergraduate paid participants played the roles of guard or prisoner in a mock prison setting, set up in the basement of a Stanford University building. The experiment was canceled after 6 days (of a planned 14) when participants became carried away with their roles. In *The Lucifer Effect: Understanding How Good People Turn Evil*, Zimbardo (2007a) coined the term *Lucifer effect* to describe a transformation of human character that may cause good people to commit evil actions. This could include sexual degradation and torture as occurred at Abu Ghraib prison in Iraq. One of Zimbardo's associates, after observing a humiliating experiment called the humping experiment, in which the prisoners simulated sodomy, berated Zimbardo for contributing to the suffering of human beings. This snapped Zimbardo back to his senses and led him to cancel the experiment (Zimbardo, 2007b).



PHOTO 2.2 "Deep Throat" was the alias for W. Mark Felt, the anonymous source who leaked secrets about President Nixon's Watergate cover-up to the *Washington Post.*

AP Photo

Laud Humphreys's *Tearoom Trade* (1970) involved studying secret gay male activities in public restrooms. Acting as a voyeur (or "watch queen"), Humphreys served as a lookout but also, without the permission of his subjects, as a hidden observer. He copied down their license plate numbers and traced the participants back to their homes, where he showed up under the guise of being a mental health researcher. All three of these examples raised highly controversial ethical questions and most likely would not be approved today by codes of research ethics or institutional review boards.

In an incredibly insensitive experiment later dubbed the "Monster Study," for 4 months during the Depression, researcher and graduate student Mary Tudor and her professor Wendell Johnson taught children at an orphanage in Iowa a "lesson they would never forget"—how to stutter ("Lessons Turn Orphans Into Outcasts," 2001). Although the experiment helped thousands of children overcome speech difficulties, this took place at the expense of some of the children. The children were divided into two groups of 11, one labeled normal speakers and given positive speech therapy and the other group taught to stutter. Eight members of the treatment group became permanent stutterers. Although Tudor felt remorse and returned to the orphanage a number of times in attempts to reverse the damage, Johnson did nothing and became famous in the field of speech pathology due to the study. Tudor describes how during the experiment, trusting orphans greeted her, running to her car and carrying materials for the experiment. Thirteen of the subjects who were still alive learned of the experiment in 2001, when it was reported in the *San Jose Mercury News.* In 2007, the state of Iowa agreed to pay $925,000 to six subjects of the study who had been harmed by the University of Iowa researchers. The 1939 study became known as the Monster Study because of the methods used by the researchers. Mary Tudor was instrumental in breaking the story ("Orphans Granted Settlement for Monster Study," 2007).

In the name of research, criminologists should have no interest in behaving as "mad scientists" who inhumanely pursue science for its own sake. In most research, informed consent of participants based on knowledge of the experiment is essential. If some form of deception is necessary, it is even more incumbent on the researcher to prevent harm and, where possible, to debrief, reassure, and explain the purposes of the project afterward. Obviously, criminology cannot afford to limit its inquiry to volunteers. **Reciprocity** involves a system of mutual trust and obligation between the researcher and subject. Subjects are asked to share themselves in the belief that this baring of information will not be used in an inappropriate, harmful, or embarrassing manner. A basic tenet of any scholarly research is the dictum that the investigator maintain objectivity and professional integrity in both the performance and the reporting of research. The researcher, first and foremost, is an investigator and not a hustler, huckster, salesperson, or politician. Researchers should avoid purposely choosing and reporting only those techniques that tend to shed the best light on their data, or "lying with statistics" (D. Huff, 1966).

Related to these issues is the fact that the researcher should take steps to protect the confidentiality and privacy of respondents. One procedure for attempting to protect the identity of subjects, organizations, or communities is the use of pseudonyms, aliases, or false names. Names such as "Doc," "Chic," "The Lupollo Family," "Vince Swaggi," "Deep Throat," and "Wincanton," to mention just a few, have become legend in criminology.

In 2011, Boston College received a federal subpoena for oral history materials held in its library. Acting on behalf of the British government, the U.S. Department of Justice sought interviews from the Belfast Project of former paramilitary members who had fought in Northern Ireland's "Troubles" (sectarian conflict). However, the interviewers had promised the subjects strict confidentiality until their death. Some of the sought tapes involved individuals who were still alive (Bray, 2011). Such government measures threaten the very research that the government seeks. Premature revelations of such information may spell death to participants who revealed information assuming that they were protected by promises of confidentiality.

Operationalization—Who Is Criminal?

To illustrate the importance of methodological precision, let us examine the basic but deceptively complex questions of who is criminal and how much crime there is. Although an initial response to these questions might be, "Why, of course, we know," the answers are not as obvious as they seem.

Taking what would appear to be the easiest question—who is criminal—most would agree that long-term recidivists who have repeatedly been found guilty are people who commit crime. Yet some people might even on this point maintain that some of these "career criminals" are in fact not criminals but are, from the conflict perspective, political prisoners. They are viewed as victims of an unfair class system or of a politically oppressive system. In addition, not all apprehended individuals or persons accused of crime are guilty. And what about those who commit crimes but are not arrested?

It becomes apparent that the manner in which the variable "criminal" is operationalized will have a major influence on the definition of the concept of criminal. A **variable** is a concept that has been operationalized or measured in a specific manner and that can vary or take on different values, usually of a quantitative nature. Another example of a variable related to criminal justice is police contact. **Operationalization** involves the process of defining concepts by describing how they are being measured; the notion of operationalization can be practically explained by completing the statement "I measured it by ----------." For police contact, you could operationalize it by assessing whether a person reported any crime to the police. In Chapters 5 to 8, we describe many theories that assume excess criminality among lower class groups based on official statistics; however, what methodological problems and biases in addressing this issue are introduced by relying solely on one measure of crime?

OFFICIAL POLICE STATISTICS—THE UNIFORM CRIME REPORT (UCR) AND THE NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS)

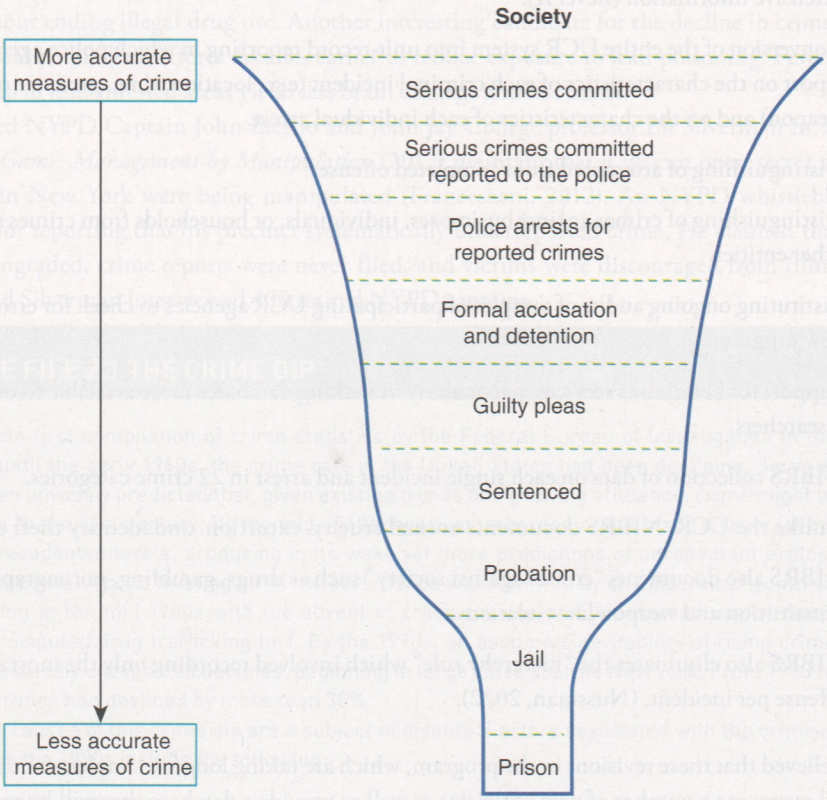
Internationally, until relatively recently, the major source of information regarding crime statistics was official police statistics. Gathered for government administrative purposes with only secondary attention paid to their usefulness for social science research, these data tended to be uneven in quality and were not gathered or recorded in any systematic manner. Basically, criminologists had no efficient statistics to consult to answer even basic questions such as whether crime was increasing or decreasing.

Since 1930, the U.S. Department of Justice has compiled national crime statistics, the **Uniform Crime Report (UCR)**, with the Federal Bureau of Investigation (FBI) assuming responsibility as the clearinghouse and publisher. Police departments collect the data and submit their reports to the FBI. Although participation in the UCR program by local police departments is purely voluntary, the number of departments reporting and the comprehensiveness of the information have steadily improved over the years, with police departments from large metropolitan areas historically the most reliable participants.

Sources of Crime Statistics

Returning to our question of how much crime there is, an examination of the UCR and its relationship to sources of data on crime and people who commit crime is useful. Figure 2.1 illustrates the relationship between crime committed and the **sources of crime statistics**, including the UCR. It is unclear whether an accurate estimate of the amount of crime committed is possible, for several reasons. For one, not all crimes that are committed are discovered. In addition, some crimes may be known only to the perpetrators, in which case the victim is unaware of loss. Perhaps there is no identifiable victim, as in the case of a gambling violation. The further a source of statistics is from the "crimes committed" category, the less useful it is as a measure of the extent of crime. Not all crimes that are discovered are reported to the police; similarly, not all reported crimes are recorded by police (see Figure 2.1).

FIGURE 2.1 ■ Sources of Crime Statistics: The Flow of Offenders Through the Criminal Justice System



Source: Adapted from the President's Commission on Law Enforcement and the Administration of Justice. (1967). *The challenge of crime in a free society.* Government Printing Office, pp. 262–263.

In addition, some law enforcement agencies may purposely conceal recorded crimes; some offenses may be **unfounded crimes** or defined by investigating officers as not constituting a criminal matter. For instance, when a complainant reports an attempted burglary, investigating officers may conclude that there is not enough evidence to support that a crime took place.

Despite this problematic relationship between crimes recorded and crimes committed, the UCR until recently represented the best statistics available on crime commission and, as discussed later in this chapter, still represents one of the best sources. Again, as shown in Figure 2.1, once we move beyond crimes recorded as a measure of crime commission, we are getting further removed from the accurate measurement of crime. Thus, arrest statistics, indictments, convictions, incarcerations, and other dispositions such as probation and parole are not as useful. Such statistics have much more to do with police efficiency or allocations to the criminal justice system and general societal policies toward crime control policy than they do with measuring the extent of the crime problem.

Redesign of the UCR Program: NIBRS

The Uniform Crime Report is now defunct. It was officially retired on January 1, 2021. After that date, all law enforcement agencies in the country are required to use NIBRS, and most departments have already begun doing so. The redesigned UCR program is called the **National Incident-Based Reporting System (NIBRS)**. In 1982, in response to the criticisms and limitations of the UCR program, the Bureau of Justice Statistics and the FBI formed a joint task force and contracted with a private research firm (Abt Associates) to undertake revisions of the UCR program. This was the first in the program's then more than 50 years of existence (Poggio et al., 1985; Rovetch et al., 1984). On the basis of recommendations of a steering committee made up of police practitioners, academicians, and the media, the NIBRS suggestions for changes in the UCR included the following:

- A new two-level reporting system in which most agencies continue to report basic offense and arrest data much as they do at present (Level I), while a small sample of agencies report more extensive information (Level II).
- Conversion of the entire UCR system into unit-record reporting in which police agencies report on the characteristics of each criminal incident (e.g., location, time, presence of weapon) and on the characteristics of each individual arrest.
- Distinguishing of attempted from completed offenses.
- Distinguishing of crimes against businesses, individuals, or households from crimes against other entities.
- Instituting ongoing audits of samples of participating UCR agencies to check for errors in the new program.
- Support for better user services, particularly in making databases more available to outside researchers.
- NIBRS collection of data on each single incident and arrest in 22 crime categories.
- Unlike the UCR, NIBRS documents animal cruelty. extortion. and identity theft offenses.
- NIBRS also documents "crimes against society" such as drugs, gambling, pornography, prostitution and weapon law violations.
- NIBRS also eliminates the "hierarchy rule" which involved recording only the most serious offense per incident. (Nussman, 2022).

It is believed that these revisions in the program, which are taking longer to implement than anticipated, will overcome a number of past criticisms as well as provide a database that will be more useful for both researchers and policy makers.

The 19th-century British prime minister Benjamin Disraeli has often been cited as having remarked, "There are three types of lies: lies, damn lies, and statistics." Obviously, caution must be exercised in examining graphic devices and statistical reports (D. Huff, 1966; Zeisel, 1957). In the 1980s and early 1990s, rising juvenile violent crime led conservative commentators such as Robert Bennett and John DiIulio to make grim prophecies of exploding juvenile crime among violent criminal predators raised in low income areas of the city and in maternal, single-parent households—a foreboding inevitability born of moral rot. In the 1990s, these "hopeless areas" showed the greatest decline in crime, one that few had predicted. Crime File 2.1 assesses this crime dip. In explaining the decline in crime in New York City from 1990 to 2010, Zimring (2006) indicates that crime in the city dropped twice as much as anywhere else in the United States, with burglary, auto theft, and robbery going down 30% more than in other cities. Crime came down more than 80% in New York City, with a virtual ending of open drug markets and killings. Emphasizing harm reduction, the war on drug violence achieved its ends without winning a war on drugs. As he explains it, the lesson learned is that up to 75% of the crime dip can be achieved with relatively superficial changes in the character of urban life

(Zimring, 2006). The declines did not require major changes in the social or structural environments but smaller shifts in policy.

According to Zimring (2010), some lessons learned from the crime decline in New York City included the following:

- Street policing was successful in reducing crime.
- Effective crime control did not require mass incarceration.
- The war on drug violence could be won without winning the war on drugs.

Zimring indicates that although street policing as a crime fighter was regarded as a myth in the social sciences 25 years ago, it has a greater impact on crime than believed. New York City had actually dropped its level of jailing and incarceration by over 90,000 from 1990 to 2013. The New York Police Department (NYPD) had destroyed public drug markets during this period. Drug killings were down 90% without ending illegal drug use. Another interesting candidate for the decline in crime is attributed to local and federal efforts decades earlier to reduce exposure to lead poisoning. Fewer children growing up in lead-infested areas yields less brain damage and less crime.

Retired NYPD Captain John Eterno and John Jay College professor Eli Silverman in *The Crime Numbers Game: Management by Manipulation* (2012) maintain that it was an open secret that crime statistics in New York were being manipulated (Francescani, 2012). An NYPD whistleblower was harassed for reporting that his precinct systematically underreported crime. He claimed that felonies were downgraded, crime reports were never filed, and victims were discouraged from filing reports. Eterno and Silverman interviewed 400 retired NYPD captains.

CRIME FILE 2.1 THE CRIME DIP

From the first compilation of crime statistics by the Federal Bureau of Investigation in the early 1930s until the early 1960s, the crime rate in the United States had been declining. Some experts had even unwisely predicted that, given existing trends and growing affluence, crime might become a rarity by the 21st century. By the mid-1960s, however, recorded crime made a reversal and rose to unprecedented levels, producing in its wake yet more predictions of unrepentant explosions in the crime rate. A brief leveling off in the early 1980s was followed by an epidemic of youth violence beginning in the mid-1980s with the advent of crack cocaine and widespread use of weapons to defend disputed drug trafficking turf. By the 1990s, an assumed inevitability of rising crime rates was greeted by unexpected declines, beginning in large cities such as New York. From 1993 to 2000, index crimes had declined by more than 30%.

The causes of this crime dip are a subject of dispute. Factors associated with the crime dip that began in the 1990s include the following:

- A healthy economy
- Crime prevention programs
- Decline in domestic violence
- An incarceration binge
- CompStat and community policing
- A decline in the crack cocaine epidemic
- Legalized abortion

The most prosperous American economy in over 30 years, highlighted by low unemployment and low inflation, may be the major reason for falling crime rates. Such an explanation might not be the case, however. During the 1960s, crime rates rose sharply at a time of low unemployment. More recently, Sun Belt cities with low unemployment have had higher crime rates than older cities with high unemployment. New York City's murder rate in the 1990s fell more than 66% despite high unemployment (Witkin, 1998).

Crime prevention, which shows much promise for early prevention programs with high-risk juveniles, has shown only modest impacts on crime rates.

Domestic murders (among intimates) demonstrated a 40% decline from 1976 to 1996. Part of the explanation for this was a decline in marriages among 20- to 24-year-olds, as well as greater opportunities for abused women to escape bad relationships.

America's incarceration binge has been phenomenal, increasing from 744,000 incarcerated people in 1985 to approximately 1.8 million in 1998. This trend continued through the 1990s, with some decline. At the conclusion of 2013, there were 1,574,700 people incarcerated in state and federal correctional facilities. This is the largest imprisoned population of any country in the world. Although locking up an extra million people must have some impact, New York City showed the most dramatic drop in crime, and the state of New York (with 70% of its prison population from New York City) increased its prison population by only 8% from 1993 to 1996. Utah, on the other hand, raised its incarceration rate by 19% from 1993 to 1996, but its violent crime rate went up (Witkin, 1998). By the end of 2013, a total of 6,899,000 Americans were behind bars or on probation or parole. This represented 1 of every 32 adults.

Another candidate for explanation is better and more effective policing. CompStat (computer statistics) was used to computer map and identify hot spots (high-crime areas) by the New York City police to assign target patrols. Wilson and Kelling's "broken windows" (1982) theory emphasized focusing on small, nuisance crimes under the assumption that, left unpunished, they breed more serious crimes. The fact that many cities that did not employ community policing strategies also experienced major declines in recorded crime—and some innovative departments experienced increases—leaves the more effective policing explanation in question.

A rival explanation is that the police departments are manipulating statistics to show lower crime rates. Although this may occur in individual cases, such a mass conspiracy by most departments seems unlikely. In 1998, the Philadelphia Police Department was accused of having systematically underreported crime for years. The *Philadelphia Inquirer* reported routine downgrading of the seriousness of crimes in which stabbings and beatings were redefined as hospital cases and burglaries became lost property ("Philadelphia Crime Statistics Questioned," 1998).

Blumstein and Rosenfeld (1998) point out that the increase in homicides in the late 1980s to early 1990s was among younger people (under 21), and this was primarily due to a crack cocaine epidemic in American cities beginning in 1986 that peaked in 1993. This epidemic was accompanied by a great increase in the carrying of firearms to settle turf wars.

A final intriguing explanation in an article by Levitt and Donohue (1999) argues that legalized abortion is responsible for falling crime rates. They claim that half of the drop in crime since 1991 might reflect the Supreme Court's 1973 *Roe v. Wade* decision legalizing abortion. Some unwanted potential people who commit crime were not born because their potential mothers had abortions. The decline in crime began in 1992 just when those youth, who would have been born in the mid-1970s, would have hit their peak crime years (ages 18 to 24). Even Levitt and Donohue admit, however, that other factors may be more explanatory of the crime dip than abortion. Just as criminologists debated the causes of the rise in crime, there is no consensus regarding explanations for the decline in crime or even prognostications as to when crime might rise again. During the COVID-19 pandemic, violent crime, particularly murder, increased. It was also predicted that programs to "defund the police" might result in an increase in the overall crime rate.

For Further Thought

1. Using a web browser, locate articles on the "crime dip." What explanations do they provide?

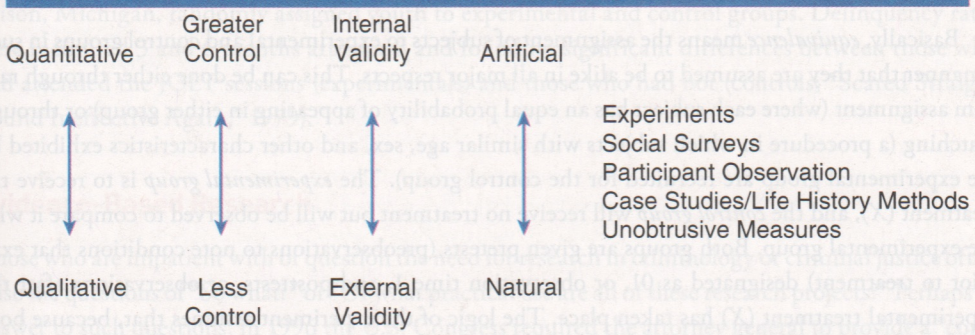
Sources: Wilson, J. Q., & Kelling, G. A. (1999). Broken windows and police discretion (NCJ 178259). U.S. Department of Justice; Associated Press. (1998, November 2). Philadelphia crime statistics questioned; Blumstein, A., & Rosenfeld, R. (1998, October 9–11). Assessing the recent ups and downs in U.S. homicide rates. National Institute of Justice Journal, 88; Levitt, S., & Donohue, J. (1999, August 8). Legalized abortion and crime. Chicago Tribune; Witkin, G. (1998, May 25). The crime bust: What's behind the dramatic drug bust? U.S. News and World Report, 16(2), pp. 28–37.

ALTERNATIVE DATA-GATHERING STRATEGIES

Official crime statistics published by national governments have their uses; however, criminologists would be remiss in their duty as scholars and scientists if they were to restrict their inquiries and sources of statistics to data gathered for administrative purposes by government bodies. In some totalitarian regimes, for instance, there would be nothing to study because the official government ideology might simply hold that there is no crime in the people's paradise. Even in open societies, official statistics

seldom cover crimes of the elite. Fortunately, criminologists have at their disposal a veritable arsenal of techniques whose application is limited only by the researcher's imagination and skill.

FIGURE 2.2 ■ Alternative Data-Gathering Strategies



Source: Hagan, F. E. (1993). *Research methods in criminal justice and criminology* (3rd ed.). Macmillan, p. 101.

Figure 2.2 offers a model or paradigm (schema) with which to consider and compare the alternative data-gathering strategies that can be employed in criminal justice and criminological research. As an illustrative device, Figure 2.2 is an attempt to broadly describe the relative advantages and disadvantages of the different data-gathering strategies. The model suggests that, as we move up the list of techniques or vertical arrows to experiments, we tend to obtain quantitative measurement (which lends itself to sophisticated statistical treatment), greater control over other factors that may interfere with one's findings, and increased internal validity (or accuracy in being certain that the variable[s] assumed to be responsible for one's findings are indeed the causal agent[s])—but the result is artificiality. The latter point suggests that, as a result of controlling for error, the researcher may have created an antiseptic or atypical group or situation that no longer resembles the "real world" that one is attempting to describe.

Generally, as one proceeds down the vertical arrows or list of techniques, the methodology employed becomes more qualitative. Qualitative techniques involve less commitment to quantitative measurement on the part of the researcher, more engagement with field and observational strategies, and less direct means of obtaining information. Generally, as one moves down the list, one has less control over manipulating the research setting and rival causal factors. Such procedures, however, increase external validity (the ability to generalize to larger populations) as well as present the opportunity to study subjects in more natural settings. Criminologists, like other researchers, tend to favor their own particular methods of data gathering; this is to be expected. At times, however, academic battles break out among those who claim that their preferred method contains some inherent superiority over other procedures. Such **methodological narcissism** (or methodologism) is a fanatical adherence to a particular research method, often at the expense of a concern for substance (Bayley, 1978; Martinson, 1979; "Martinson Attacks His Own Earlier Work," 1978). This "methods for methods' sake" orientation ignores the fact that methodology is not an end in itself but a means to an end—the development of criminological knowledge. It is more useful to permit the subject to dictate the proper methodology than to assert that, unless a subject lends itself to deployment of one's favorite method, it is not worthy of study.

EXPERIMENTS AND EVIDENCE-BASED RESEARCH IN CRIMINOLOGY

The **experiment** is the lodestone or benchmark for comparison with all other research methods. It is the most effective means of controlling for error or rival factors before the fact through the very design of the study (Campbell & Stanley, 1963). Although there are myriad variations of the experiment, the point of departure or prototype is the classic experimental design. The **classic experimental design** contains three key elements:

1. Equivalence
2. Pretests and posttests
3. Experimental and control groups

Basically, *equivalence* means the assignment of subjects to experimental and control groups in such a manner that they are assumed to be alike in all major respects. This can be done either through random assignment (where each subject has an equal probability of appearing in either group) or through matching (a procedure in which subjects with similar age, sex, and other characteristics exhibited by the experimental group are recruited for the control group). The *experimental group* is to receive the treatment (X), and the *control group* will receive no treatment but will be observed to compare it with the experimental group. Both groups are given pretests (preobservations to note conditions that exist prior to treatment) designated as 01, or observation time 1, and posttests, or observations after the experimental treatment (X) has taken place. The logic of the experiment assumes that, because both groups were equivalent in the pretest period, any differences in the posttest observation must be due to the fact that one group received a particular treatment and the other did not. Increasingly, such experiments are being used to inform public policy decision making.

Some Examples of Experiments in Criminology

Housing for Prisoners

In a randomized controlled trial, the Maryland Opportunities through Vouchers Experiment (MOVE) was recently evaluated. This project involved giving former prisoners 6 months of free housing away from their home area (the treatment group) and the treatment group free housing in their home area (control group). The project was then conducted again, but this time the control group did not receive free housing. Rearrest rates were examined for the treatment and control groups for 1-year postprogram. The results of the program showed that the treatment group who moved to new areas fared better in terms of rearrest than those who did not move. It was also found that rearrest was lower for those who received free housing in their home area compared to those who did not receive the free housing.

Scared Straight

Much fanfare was raised in the United States in the late 1970s over a novel program intended to deter wayward juveniles from progression to more serious criminal activity by means of blunt, heart-to-heart talks in prison with specially selected inmates (see Photo 2.3). Portrayed in the film *Scared*



PHOTO 2.3 "Scared Straight" programs were designed to expose delinquents to "heart-to-heart" talks with inmates with the aim of literally scaring them into becoming straight, or nondelinquent.

AP Photo/Craig Schreiner

Straight, the initial Rahway, New Jersey, prison project was intended to counteract the glamorized image associated with criminal life. Although many jurisdictions rushed to imitate what appeared to be the latest panacea in corrections, further research suggested that this optimism was premature. An evaluation of the JOLT (Juvenile Offenders Learn Truth) program at the Jackson State Prison, Michigan, randomly assigned youth to experimental and control groups. Delinquency rates were measured 3 and 6 months afterward and found no significant differences between those who had attended the JOLT sessions (experimentals) and those who had not (controls; "Scared Straight Found Ineffective Again," 1979).

Evidence-Based Research

Those who are impatient with or question the need for research in criminology or criminal justice often raise the questions of "So what?" or "Of what practical use are all of these research projects?" Perhaps in answer to such questions, in 1996 the U.S. Congress required the attorney general to provide a "comprehensive evaluation of the effectiveness" of over $3 billion spent annually in Department of Justice grants that had been designed to assist state and local law enforcement and communities in preventing crime (see Criminology in Context 2.1).

Evidence-based research is an attempt to base knowledge and practice on well-researched evidence. The "what works" in criminology and criminal justice approach used by the Department of Justice is based on the assumption that it makes little sense to continue to invest in programs that do not work. Why not find out which programs *do* work or are promising and put our scarce funding into those programs? This evidence-based research employs a problem-solving approach using local, national, and international evidence on what works (http://www.crimereduction.homeoffice.gov.uk).

The most ambitious effort in this regard is the **Campbell Collaboration** (C2). Named in honor of the late Donald Campbell, a pioneer in research design, the purpose of the organization is to facilitate the preparation, maintenance, and accessibility of systematic program reviews. In support of this, the group keeps a register of systematic studies. C2 was based on the highly successful Cochrane Collaboration in health care that attempted to address the lack of evidence guiding medical and health care practices. Chaired by David Farrington at Cambridge University, during 1 year, C2 solicited program reviews in 25 areas, including boot camps, street lighting, restorative justice, child skills training, and hot spots policing.

The Campbell Collaboration intends to produce the best evidence on what works to inform decision makers, researchers, and the general public. "Best evidence" means systematic reviews that are rigorous, are updated in light of new studies and criticisms, are relevant and accessible to end users, cover studies published worldwide, and are open to criticism and comment (Petrosino et al., 2003). Another example of a comprehensive effort to evaluate successful programs is the Blueprints for Violence Prevention program at the University of Colorado (Mihalic et al., 2004). Another resource for identifying "what works" to reduce crime in can be found at CrimeSolutions.gov. In 2010, the Office of Justice Programs established CrimeSolutions.gov as a central clearinghouse to update what works in criminal justice, juvenile justice and crime, and victim services. Programs are rated as follows:

- Effective
- Promising
- No effects

Effective or successful programs are described as evidence-based, "smart on crime" approaches. Included in this type of approach is an attempt to have a broad examination of the evidence. The attempt is to summarize the findings and ultimately integrate them into practice. All approved CrimeSolutions.gov lead researchers and study reviewers are certified, have undergone training, and have extensive experience with the subject matter as well as research methodology experience.

CRIMINOLOGY IN CONTEXT 2.1 PREVENTING CRIME—WHAT WORKS, WHAT DOESN'T, WHAT'S PROMISING

In 1996, Congress required that the attorney general and the National Institute of Justice evaluate the effectiveness of 500 funded programs in a manner that would be "independent in nature" and "employ rigorous and scientifically recognized standards and methodologies." The Institute on Criminology and Criminal Justice at the University of Maryland was contacted to undertake this task and to serve as a clearinghouse. It issued its report titled "Preventing Crime: What Works, What Doesn't, What's Promising." These evaluations are regularly updated; full reports or research in brief summaries can be downloaded from http://www.preventingcrime.org. They can also be obtained from the Bureau of Justice Statistics website (http://www.bjs.gov). A few of the programs included in the list are the following:

What Doesn't Work

- Gun buyback programs
- Drug Abuse Resistance Education (D.A.R.E.)
- Arrest of unemployed suspects for domestic assault
- Storefront police offices
- Correctional boot camps using traditional military basic training
- "Scared Straight" programs whereby minor juvenile offenders visit adult prisons
- Shock probation, shock parole
- Home detention with electronic monitoring
- Intensive supervision on parole or probation
- Residential programs for juvenile offenders using challenging experiences in rural settings

What Works

- For infants—frequent home visits by nurses and other professionals
- For delinquents and at-risk preadolescents—family therapy and parent training
- For schools:
  - Organizational development for innovation
  - Communication and reinforcement of consistent norms
  - Teaching of social competency skills
  - Coaching in thinking skills for high-risk youth
- For older male ex-offenders—vocational training
- Extra police patrols for high-crime hot spots
- For high-risk offenders:
  - Monitoring by specialized police units
  - Incarceration
- For employed, domestic abusers—arrest
- For convicted offenders—rehabilitation programs with risk-focused treatments
- For drug-using offenders in prison—therapeutic community treatment programs

What's Promising

- Proactive drunk-driving arrests with breath testing
- Police showing greater respect to arrested offenders (may reduce repeat offending)
- Higher number of police officers in cities (may reduce crime generally)
- Gang monitoring by community workers and probation and police officers
- Community monitoring by Big Brothers/Big Sisters of America (may prevent drug abuse)
- Community-based afterschool recreation programs
- Battered women's shelters
- Job Corps residential training for at-risk youth
- Prison-based vocational education programs
- Two clerks on duty in already robbed convenience stores
- Metal detectors
- Proactive arrest for carrying concealed weapons (may reduce gun crime)
- Drug courts
- Drug treatment in jails followed by urine testing
- Intensive supervision and aftercare of juvenile offenders

None of these evaluations as working or not working is final; constant replication (repeated experiments) and reevaluation are required, but a persistent, independent, scientific program of evaluation will go a long way in replacing what we think works or what doesn't with what actually does work.

For Further Thought

1. Using one of the titles of the programs just described (e.g., boot camps or drug courts), find an article that describes one of these programs and whether the program worked or not.

Sources: Waller, I., & and Welsh, B. (1998, October). Reducing crime in harnessing international best practice. *NIJ Journal*, 237, pp. 26–32; and Sherman, L. et al. (1998, July). Preventing crime: What works, what doesn't, what's promising? (NCJ 165366). *NIJ Research in Brief*. See also Petrosino, A. J. et al. (2003, June). Toward evidence-based criminology and criminal justice: Systematic Reviews and the Campbell Collaboration, and the Crime and Justice Group. *International Journal of Comparative Criminology, 3*, 142–161; and Mihalic, S. et al. (2004, July). *Blueprints for violence prevention report* (NCJ 204274). Office of Juvenile Justice and Delinquency Prevention. NCJ 204274, July.

Web Sources: National Institute of Justice: http://www.ojp.gov/nij; Justice Information Center: http://www.ncjrs.gov; international data on what works: http://www.crime-prevention-intl.org.

SURVEYS

Most readers are familiar with the use of surveys in public opinion polls, voting-prediction studies, and marketing research. Surveys are also used in criminology, particularly in analyzing victimization, self-reported crime, public ratings of crime seriousness, measurements of fear of crime, and attitudes toward the police and the criminal justice system. **Surveys** are used to gather information in a systematic fashion by using questionnaires. Just as experiments control for error and rival causal factors before the fact by the very design of the study, survey researchers attempt to control for these factors after the fact through the use of statistical procedures. Surveys can be administered in a variety of ways—you can create a paper survey, an online or email survey, or a telephone survey. Surveys can be completed by the person themself or an interviewer can ask the questions. Sometimes, an interviewer asks some questions of the survey to a research participant and lets the participant read and answer other questions for themself on a computer. Can you think of any kinds of survey questions that you think would be best answered by a person themself on a computer?

Victim Surveys

One of the major shortcomings of such official police statistics as the UCR is that they fail to account for undiscovered or unreported crime; the "**dark figure of crime**" is the phrase early European criminologists used to refer to offenses that escape official notice. The assumption was that for every crime that came to the attention of authorities, there were an unspecified number of undiscovered crimes—the dark figure.

Victim surveys are specifically designed to record an estimate of claimed victimizations by a representative sample of the population. One major finding, beginning with the U.S. surveys of the late 1960s, was that overall about twice as much crime was reported to interviewers as appeared in official police records.

National Crime Victimization Survey (NCVS)

Beginning in 1972, the National Crime Surveys were conducted. The NCS (now called the **National Crime Victimization Survey [NCVS]**) consisted of the Central City Surveys and the National Crime Panel Surveys.

The Central City Surveys were essentially cross-sectional studies of households and commercial establishments in selected cities. Initially, probability samples of approximately 10,000 households and 1,000 to 5,000 commercial establishments were surveyed in 26 central cities. The great expense of such surveys in each city led to their discontinuance. The National Crime Panels employed a sophisticated

probability sample of housing units and businesses throughout the United States. In contrast to the Central City Surveys, which were cross-sectional or studies of one time only, the panels were longitudinal in nature, that is, studies over time of a particular group. This use of panels enabled bounding of victim reports or the use of pretests to have a reference point for the survey reporting period. The initial interview acted as a boundary or time period benchmark with which to compare future reported victimizations. Consisting of over 100,000 households to be interviewed every 6 months and 15,000 (later upped to 50,000) businesses, the national panels repeated the interviews twice a year to achieve the bounding feature previously described. Each housing unit remained in the sample for 3 years, and every 6 months, a subsample of households rotate out of the sample and are replaced by a new group. In 2019, 155,076 households with 249,008 persons aged 12 years and older participated in the NCVS (Morgan & Truman, 2020). Persons participating in the NCVS are asked about a range of victimization experiences that occurred during the previous 6 months. The NCVS uses what is called a two-step measurement process. In the interview, participants are asked about victimizations that may have occurred during the previous six months through screen questions. These short questions (e.g., Was something belonging to YOU stolen such as bicycle or sports equipment?) are used to prompt individuals into recalling victimization events. If they answer affirmatively that a victimization occurred, they then fill out the second stage of the interview, called the incident report. They complete incident reports for each victimization they experienced. If a person said they had their bike stolen and they had their house broken into, they would complete two incident reports—one for the theft and one for the burglary. The incident report includes detailed questions about the incident such as who the perpetrator was, if the incident was reported, and whether any financial harm or physical injury resulted. It is also used to confirm that the type of victimization the respondent reported in the screen question, did in fact occur. In this way, if during the completion of the incident report a person noted that that in fact their bike was not actually stolen but it was their car instead, the incident would be classified in the NCVS as a motor vehicle theft, not a bike theft. Measuring victimization this way is an attempt to reduce measurement error, which is discussed in the following section. The initial findings were heralded at the time as the first accurate statistics on crime, but further analysis suggests that this conclusion may have been prematurely optimistic. Just as the UCR was found to have shortcomings, so any measure of crime, including victim surveys, can be found wanting in some respects.



PHOTO 2.4 The owner of this bicycle was interviewed for the NCVS. What type of incident report do you think would be filed?

Pat Greenhouse/Boston Globe/Getty Images

Issues and Cautions in Studying Victim Data

Some possible problems in victim surveys include, but are not limited to, the expense of compiling large samples, false or mistaken reports, memory failure or decay, telescoping of events, sampling bias, overreporting or underreporting, interviewer effects, and coding and mechanical errors.

1. Although large-scale public opinion polls such as those by Gallup or Roper can be conducted with sample sizes of fewer than 1,000, the rarity of some types of victimization, such as rape, requires large samples to turn up a few victims. Hundreds may need to be surveyed to find one victim.
2. A parallel could be drawn with attempting to survey lottery winners on the basis of a sample of the general population. Many would have to be canvassed before turning up only a few winners. If the chances of winning the lottery were 1 in a million, to discover one winner by chance, the researcher would have to interview one million players.
3. False or mistaken reports can result in error. Levine (1976), for example, found inaccuracies in respondent reports regarding their voting behavior, finances, academic performance, business practices, and even sexual activity. Should we assume greater precision in victim reports?
4. Memory failure or decay tends to increase with the distance between the actual time of the event and the interview concerning the event (Panel for the Evaluation of Crime Surveys, 1976).
5. Telescoping of events, a type of memory misfire, involves the moving of events that took place in a different time period (e.g., before the reference period) into the time studied. A victimization of 2 years ago is mistakenly assumed to have occurred this past year. Subjects may even unconsciously telescope events to please interviewers (Biderman et al., 1967). Such demand characteristics or overagreeability on the part of respondents can certainly bias victim studies.
6. Sampling bias may produce an undernumeration of the young, males, and minorities. These very groups that tend to be undercounted by the U.S. Census are also more heavily victimized.
7. Overreporting in victim surveys generally involves subjects reporting incidents to interviewers that they normally would view as too trivial or unimportant to call for police involvement. Much of the dark figure of crime consists of minor property crime, much of which could be considered unfounded by police.

Controlling for Error in Victim Surveys

Some ways of controlling for error in victim surveys include, but are not limited to, the use of panels and bounding of target groups, evaluations of coding and other sources of human or mechanical error in data processing, reverse record checks of known groups (if persons say they were victimized and reported to the police, you can check police records to see if accurate), reinterviews of the same group, using behaviorally specific questions (questions that provide detail about the behavior in question rather than using labels that the respondent has to define for themself), and interviews with significant others. Panels (longitudinal studies of the same group) were discussed previously as a means of bounding (establishing the time period during which events were recalled as having taken place), thus controlling for forward telescoping (the tendency to move prior incidents into the time frame being studied). Reinterviews of the same group in the National Crime Panel enable a tracking of reported crime incidents and the checking of responses with significant others (those who know the respondent well). The primary benefit of victim surveys is that they provide us with another independent measure of crime, separate from official statistics. Neither official statistics nor victim surveys begin to tap the extent of occupational, corporate, and public order crime; in that regard, both measures seriously underestimate the extent of crime.

Redesign of the National Crime Victimization Survey

Criticisms of the NCVS, particularly its inability to gather accurate information regarding sexual assaults and domestic violence, prompted development of improved methodology that enhanced the ability of respondents to recall events. The survey changes increased the number of rapes and aggravated and simple assaults reported. The redesigned instrument also gathered information on other

victimizations, such as nonrape sexual assault and unwanted or coerced sexual contact, for the first time. Improvements in technology and survey methodology were incorporated into the new design (Bureau of Justice Statistics, 1994). The NCVS is currently going through another major redesign.

An analysis of available data indicates that we have only a limited idea of the proportion of crime that is committed by any category of individuals or groups in a particular society. This is certainly the case if we rely entirely on official statistics for our discussions.

The National Crime Statistics Exchange (NCS-X)

The National Crime Statistics Exchange is a very ambitious effort by the Bureau of Justice Statistics to create a national crime statistics program that will replace the summary-based uniform crime report that was created nearly a century ago. The NCS-X is a project being designed to generate nationally representative incident-based data on crime. These data are reported to law enforcement agencies and combine data from over 6,000 police agencies as compiled by the FBI's National Incident-Based Reporting System (NIBRS) with new agencies being added to increase the nation's ability to provide more accurate national measures of crime incidents.

The NCS-X will provide incentives to agencies and state reporting programs to encourage their participation. A number of organizations will participate. These include RTI International, the International Association of Chiefs of Police, the Police Executive Research Forum, the Integrated Justice Information Systems Institute, and SEARCH; the National Consortium for Justice Information and Statistics will be developing the plan.

Phase I of NCS-X will assess the costs and recruit an additional 400 law enforcement agencies to participate. In addition, it will seek the advice of existing state NIBRS programs. The Bureau of Justice Statistics is examining a variety of options for participating agencies, including expanding reporting capabilities, technical solutions, analytic tools, and other incentives to enhance the operational capabilities of NCS-X agencies (adapted from www.bjs/content/ncsx.cfm; www.iacptechnology.org/ncs-x.html).

Self-Report Measures of Crime

As with victim surveys, **self-report measures** attempt to provide an alternative to official statistics in measuring the extent of crime in a society (Menard, 1987). Criminologists ask individuals whether they have committed various crimes or delinquent acts. Common items used to measure delinquency ask individuals under the age of 18 to indicate if they have ever done a list of behaviors. These include the following: (1) stolen items of little value (less than $50); (2) destroyed the property of others; (3) used someone's vehicle without their permission; (4) hit or physically attacked someone; (5) been truant from school; (6) consumed alcoholic beverages; (7) used illegal drugs such as marijuana, heroin, or cocaine; (8) indecently sexually exposed yourself in public; and (9) been paid for having sexual relations. Measuring criminal involvement may be achieved through anonymous questionnaires or surveys in which the respondent is identifiable that can be validated by later interviews or police records. In addition, signed instruments that can be checked against official records, validation through later interviews or threats of a polygraph (lie detector) test, and interviews alone, as well as interviews that are then checked against official records, may be used (Nettler, 1978).

Most self-report surveys conducted in the United States have been of "captive audiences," such as school or college populations (Glaser, 1978; Hood & Sparks, 1971). Few studies have been done of the adult population. One of the earliest, by Wallerstein and Wyle (1947), found that 99% of their adult sample had committed at least one offense. Some of the percentages of admission for males and females, respectively, were as follows: larceny—89% and 83%; indecency—77% and 74%; assault—49% and 5%; grand larceny (except auto)—13% and 11%; and tax evasion—57% and 40%. These figures suggest a remarkable level of criminality on the part of an assumed noncriminal population.

Controlling for Error in Self-Report Surveys

Reliance on self-reported data as a measure of crime commission poses a major question with respect to the relationship between claimed behavior and actual behavior. Nettler (1978) states that "asking people questions about their behavior is a poor way of observing it" (p. 107). If people are inaccurate

in reporting other aspects of their behavior, such as voting, medical treatment, and the like, it may be questionable to assume any greater accuracy in admitting deviant behavior. Some problems with self-report studies include possibly inaccurate reports, the use of poor or inconsistent instruments, deficient research design, and poor choice of subjects. Although mistaken or inaccurate reports may impinge on such surveys, Hood and Sparks (1971) question the number of trivial offenses that are labeled delinquent in the United States and are included in such studies. They point out that in Europe, delinquency is a synonym for crime committed by the young. Small and unrepresentative samples are problematic, and self-report surveys are affected by possible lying, poor memory, and telescoping.

A particularly innovative program for checking self-reports was ADAM (Arrestee Drug Abuse Monitoring program), formerly the Drug Use Forecasting (DUF) program, sponsored by the National Institute of Justice. Groups of arrestees were asked questions regarding their drug use behavior and then asked to voluntarily provide urine specimens that could be tested for drug use. Besides providing an ingenious way of estimating drug use among criminal populations, the program provided a barometer for the impact of various policies on drug usage. ADAM provided state and local drug policy makers, courts, law enforcement agencies, treatment providers, and prevention specialists with information that could be used to conduct local research and evaluation and to inform local policy decisions (National Institute of Justice [NIJ], 2003). In 1998, NIJ launched International ADAM, which involved a partnership among criminal justice agencies in many countries, providing a global assessment of drug use. In conclusion, although self-report surveys have certain problems, they—like victim studies—give us an independent measure of crime commission. Unfortunately, the program was discontinued by the George W. Bush administration due to budget cuts in 2004.

PARTICIPANT OBSERVATION, CASE STUDIES, LIFE HISTORY, UNOBTRUSIVE RESEARCH METHODS, AND NETWORK ANALYSIS

Participant observation involves a variety of strategies in which the researcher studies or observes a group through varying degrees of participation in the activities of that group. Ned Polsky's classic *Hustlers, Beats, and Others* (1967) presents both a moving statement on the need for deployment of this strategy and sound advice in this regard.

Participant Observation of People Who Commit Crimes

Contrary to the advice given at one time in most criminology textbooks (Sutherland & Cressey, 1960), uncaught people who commit crime can be studied in the field. Biologists have long noted that gorillas in a zoo act differently from gorillas in their natural habitat. It is imperative that criminologists break their habit of only studying confined people who commit crime in jails and prisons. Polsky (1967), in advocating field studies of people who commit crime, states,

> Until the criminologist learns to suspend his personal distaste for the values and lifestyles of the untamed savages, until he goes out in the field to the cannibals and headhunters and observes them without trying either to civilize them or turn them over to colonial officials, he will be only a veranda anthropologist. That is, he will be only a jailhouse or courthouse sociologist, unable to produce anything like a genuinely scientific picture of crime. (p. 147)

One of the reasons often given for discouraging such research is the belief that the researcher must pretend to be part of the criminal world. In fact, such a strategy would be highly inadvisable, not to mention unworkable and dangerous. Polsky suggests that the distance between criminal and conventional types is not as wide as many would suggest and that the difficulty in gaining access to such subjects is highly exaggerated.

There are, of course, problems in studying people who commit crime au naturel. The researcher must realize that they are more of an intruder than would be the case in a prison setting. Unincarcerated people who commit crime have more to lose than those already in jail do. And on their own turf, people who commit crime are freer to put the researcher down or to refuse to be observed. Having successfully employed participant observation in studying uncaught pool hustlers, organized criminals, and people

with substance use disorders, Polsky (1967, pp. 117–149) offers some sage advice regarding procedures to employ in studying criminals in the field:

- Avoid using gadgets such as tape recorders, questionnaires, and the like. Construct field notes later, after leaving the scene for the day.
- Keep your eyes and ears open, but keep your mouth shut.
- Learn the argot, the specialized language or jargon of a group, but don't overuse it.
- You can often gain entry into the setting through common recreational interests, for example, card games, the track, or poolrooms.
- Do not pretend to be one of them. As soon as practicable, make them aware of your purposes.

Finally, Polsky (1967) raises a number of related issues to be considered in field studies of criminals. In some ways, researchers may be breaking the law or be considered accessories to the fact. Honoring reciprocity with respondents, observers must be prepared to be "stand-up guys" under police questioning. Although their actual legal status is unclear, social researchers in many cases have no guaranteed right to confidentiality or privileged information and are vulnerable to subpoena.

Evaluation of the Method of Participant Observation

Participant observation is an excellent procedure for studying little-understood groups. Some examples of participant observation studies with criminological ramifications have been Whyte's *Street Corner Society* (1943/1955); Polsky's *Hustlers, Beats, and Others* (1967); Yablonsky's *Synanon* (1965) and *The Violent Gang* (1962); Ianni's *A Family Business* (1972); Albini's (1986) study of the Guardian Angels; and Humphreys's *Tearoom Trade* (1970). In addition, Eleanor Miller (1986) did field research interviewing 64 prostitutes in Milwaukee, Marquart (1986) worked as a prison guard, Hopper (1991) studied outlaw motorcycle gangs, and Sanchez-Jankowski (1991) spent 10 years living with and studying street gangs in Los Angeles, Boston, and New York.

The usefulness of such field studies in exploring settings that would not readily lend themselves to quantitative analysis is illustrated by some studies. Philippe Bourgois, author of *In Search of Respect: Selling Crack in El Barrio* (1995), spent the 5 years from 1985 to 1990 in East Harlem studying young Puerto Rican men on street corners and in crack houses, bars, and homes. Elijah Anderson's *A Place on the Corner* (1981) took place in the 1970s and reported on Chicago low income housing life from Jelly's, a bar and liquor store that he studied for more than 3 years. Anderson's *Streetwise* (1990) describes two other Philadelphia neighborhoods. Mark Hamm's *American Skinheads* (1993) reports on his field study of neo-Nazi hate groups, which included communications with skinheads via the WAR (White Aryan Resistance) website. Jim Aho in *This Thing of Darkness* (1994) conducted a participant observation study of Idaho Christian Patriots until he defined such involvement as increasingly too dangerous. J. M. Miller and Tewksbury in *Extreme Methods: Innovative Approaches to Social Science Research* (2000) and Ferrell, Hamm, and Adler in *Ethnography at the Edge: Crime, Deviance, and Field Research* (1998) provide very interesting collections of articles on difficult-to-access deviant groups that require more innovative, and sometimes controversial, means of investigation.

The major advantages of participant observation relate to the qualitative detail that it can produce. Using this sensitizing or *verstehen* (from the German meaning "to understand") strategy, the researcher is less influenced by prejudgments. The technique is very flexible and less artificial and enables the investigator to observe subjects in their natural environment. Such ethnographic methods provide insider accounts and acquaint students with the perspectives of the subjects (Cromwell, 1996). This technique has produced some of the most exciting and enthralling literature in the field, rivaling even some of the best modern fiction. Examples from this genre are presented in subsequent chapters. Some potential disadvantages of participant observation include the extremely time-consuming nature of the technique; it may exact high demands on the personal life of the observer (J. T. Carey, 1972). The observer faces the dual dangers of overidentification with, or aversion to, the group being studied, often

testing to the limits the researcher's commitment to objectivity. In addition to possible observer bias and the challenge of making sense of a mass of nonquantitative data, participant observation can pose major ethical dilemmas.

Ethnography refers to the observation of a culture and may include being present and observing as well as interviews. An example of ethnography involving interviews is a study of 48 active street offenders who were interviewed about their expectations of the future. These interviews revealed that offenders expected to die early and that they used their religious beliefs to justify or excuse their behavior (Topalli et al., 2013). It is unlikely that this kind of rich detail about death, religion, and crime could have been elicited through surveys; thus, providing detail that can help develop theory is an advantage of using ethnographic methods. More recently, researchers have used ethnographic methods in combination with photographs. This, photo-ethnography approach uses photographs in the interview process to generate information, trigger memories, and evoke multi-layered responses. One recent study used photo-ethnography with 28 women and 24 men who used meth in rural Alabama. Photos were taken by the researchers of the subjects but the research subjects also took their own pictures that were then used during the interview. Using a combination of interviews and photographs provided rich information regarding the motivations behind meth use and how it impacted their relationships (Copes et al., 2021). One problem with this kind of research pointed out by its critics is that one is not certain whether the researcher made things up. Such was the controversy surrounding the publication of Alice Goffman's *On the Run: Fugitive Life in an American City* (2014). Alice Goffman is the daughter of the celebrated and late Erving Goffman. A big debate has taken place regarding how she undertook her field research. Concern has been raised as to whether she had participated in a felony (accessory to a planned murder) while researching young Black men caught up in the criminal justice system in Philadelphia. She describes driving around with one of her subjects who was armed with a gun to hunt down the killer of another of her subjects. Some critics argue that she admitted to embellishing and exaggerating her account.

Case Study or Life History

Like participant observation, a **case study** or **life history** represents an interest in an in-depth close-up of only one or a few subjects to obtain a greater understanding or *verstehen* (Weber, 1949) that a more aggregate analysis might obscure. This method may employ diaries, letters, biographies, and autobiographies to attempt to capture a detailed view of either a unique or a representative subject.

Darrell Steffensmeier and Jeffrey Ulmer (2006) updated Steffensmeier's classic *The Fence: In the Shadow of Two Worlds* (1986) by presenting three decades in the life of Sam Goodman (pseudonym), a professional thief and fence. Their work is titled *Confessions of a Dying Thief: Understanding Criminal Careers and Illegal Enterprises.* The close relationship that developed between Steffensmeier and a dying Sam Goodman underlines the fact that research subjects and researchers become more than just observers and subjects.

Unobtrusive Measures

Unobtrusive measures are clandestine, secretive, or nonreactive methods of gathering data (Webb et al., 1981). Such techniques attempt to avoid *reactivity*, the tendency of subjects to behave differently when they are aware that they are being studied. This certainly has been a problem in much prison research, where the question might be asked whether research volunteers are indeed volunteers. Major types of unobtrusive methods include physical trace analysis; the use of existing records such as archives, available data, and autobiographies; and simple and disguised observation, as well as simulation.

Physical trace analysis involves studying deposits, accretion of matter, and other remains of human activity; archival and existing records contain information that may be useful in providing historical overviews of criminological issues.

The uses of *available data* include procedures such as content analysis and secondary analysis. *Content analysis* refers to the systematic classification and study of the content of mass media, for example, newspapers, magazines, and the like. *Secondary analysis* consists of the reanalysis of data that were

previously gathered for other purposes. The use of any of these types of data-gathering procedures is an excellent, cost-effective means of obtaining data, particularly in a period of growing respondent hostility to studies. In an interesting example of the imaginative use of existing data, criminologist John Laub discovered more than 60 boxes of dusty files in the subbasement of the Harvard Law School Library ("Criminologists' File Found," 1994). These turned out to be the research files of Eleanor and Sheldon Glueck, who had been at Harvard from the 1920s to the 1970s. They had conducted one of the first longitudinal studies in criminology in which male juveniles were followed from age 14 until age 32, attempting to predict the cause of criminal behavior. In an example of secondary analysis, Laub computerized their data and analyzed them.

Observation requires the researcher to keep participation with subjects to a minimum while carefully recording their activities; in disguised observation, the investigator secretly studies groups by temporarily deceiving them as to their real purpose. For example, to study difficult subjects in the field, researchers have posed as thieves and victims (Stewart & Cannon, 1977), a watch queen (Humphreys, 1970), a mental patient (Caudill, 1958), Black Panther supporters (Heussenstamm, 1971), a naive international tourist (Feldman, 1968), and a caretaker (Sherif & Sherif, 1966), among other roles.

Simulation

Simulation entails research strategies that attempt to mimic or imitate a more complex social reality. For example, because actual research into jury deliberations is prohibited, researchers may set up simulated juries by reenacting actual trial conditions to investigate the decision-making process.

Although the obvious advantage of unobtrusive measures is that they are nonreactive—that is, they prevent subject awareness of being observed and ideally escape reactivity—such techniques also have the strength of being more natural and of evading the overreliance on attitudinal data. By making use of data that have already been gathered, researchers are able to exercise great economies of time and expense. Too many researchers assume that doing a study must necessarily involve the expense and time of gathering new data when, in fact, vast storehouses of potential information exist right under their noses, as close as the nearest library and scattered throughout the records of public and private organizations. On the debit side of the ledger, unobtrusive methods raise potential problems of privacy invasion. Does a researcher have the right to observe the private behavior of individuals without their permission? Compounding this ethical issue is that criminological researchers have no state-recognized right to confidentiality or claim to privileged communication comparable to that in a doctor–patient relationship.

Network Analysis

In addition to these unobtrusive methods, a relatively new research method and data analytic technique used to study crime and criminality is **network analysis**. This type of analysis examines the structure of relationships that connect people, or other social units, to each other. It can be used to examine romantic relationships, friendships, and how co-workers influence each other among other things. Social network analysis considers the interdependence among social actors by mapping the set of relationships between a bounded set of actors. These actors may be individuals, but can also be organizations, neighborhoods, cities, web sites or other units that may have relationships (Papachristos, 2011). A relationship is said to exist if there is a link between units—perhaps between two individuals.

Consider who you would identify as your three best friends—when asked, would they also indicate that they consider you one of their three best friends? Now think about you and your friends' behaviors. Does their smoking marijuana effect your use of this drug? Do you think that people with best friends who all reciprocate their friendship would be more likely to have similar behavior? Network analysis can be used to examine how crime and other behaviors may be explained by the ways in which you and your friends are tied or linked to one another (Papachristos, 2011). It can also be used to describe the interconnections of members of street gangs, drug dealers, and terrorist organizations. Some of the most recent applications of network analysis in criminology include mapping spatial networks of crime, the spread of gun violence, and drug exchanges on the dark web.



PHOTO 2.5 A network analysis examines the links between individuals and maps social networks.

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VALIDITY, RELIABILITY, AND TRIANGULATION

In the past, a number of researchers have been critical of the accuracy of much criminological research. Bailey (1966), in a review of 100 correctional research studies, pointed out that much of the research was invalid, unreliable, and based on poor research design. In an analysis of the quality of publications in criminology, Wolfgang et al. (1978) judged that the methodological sophistication was very poor and that a greater display of concern was needed for adequate research design and execution. Although later modifying his view and admitting to methodological narcissism, Martinson (1974; "Martinson," 1978) blasted correctional research, claiming that in his review of the evidence of programs in corrections and their impact on recidivism, he found that "nothing works." As mentioned earlier in this chapter, methodological narcissism refers to the belief that one's favorite method is the only way to do research and all other methods are inferior. What is to be said of this sad state of affairs? If the data regarding "what is" with respect to crime are defective, then what might we expect of the theories that are based on these data? Fortunately, criminologists have plenty of methodological company from economists, psychiatrists, and meteorologists, to mention just a few. The problem of imprecise measurement is not unique to the field of criminology and, furthermore, is not an insoluble one.

Validity concerns the credibility of the research. It asks whether findings are real and believable. There are two types of validity with which researchers are concerned: internal and external validity. Internal validity concerns the measurement and methods used in the research. To be internally valid, the measuring instrument in fact measures what it claims to measure. External validity concerns whether the research findings are applicable beyond the research study. That is, to have external validity, the findings from one study should apply to other studies of the same phenomena. For example, if a study on college students on one campus shows that criminal justice majors are more likely than other students to cheat on tests, these findings should apply to college students at other colleges to have external validity. **Reliability**, on the other hand, involves the consistency or stability of measurement. If repeated measures were made of the same entity, would stable and uniform measures ensue? Obviously, validity is a more crucial issue than reliability; if a measurement is inaccurate, the consistency of inaccuracy becomes a moot question.

The problem of inadequate methods in criminology arises not because of the inherent shortcomings of any particular method but because a given method is used alone. It is foolhardy to concentrate on the insufficiencies, the reliability, or the validity of any one concept, measured at one time using one measure. **Triangulation** involves the use of multiple methods in measuring the same entity. It is similar to the notion of corroborating evidence in law; if different measures of the same concept produce convergence or similar results, then we have greater confidence in the validity of an observation or finding.

CRIME & THE MEDIA 2.1 CRIME RATES

Journalists and criminologists share much of the same turf when it comes to sources used in constructing their research. Although journalists are a bit more interested in arousing public opinion and entertaining, criminologists take a more scientific view of the subject matter and emphasize theory and methods. Some of their subject matter may not attract the same attention or be as entertaining, but the study may illuminate or contribute to the development of a discipline. Although criminologists use official data to track crime over time to generate a picture of trends, the media do not always report on crime rates as a researcher might. Take, for instance, the crime of homicide—in 2016, Chicago had 771 homicides, while this number declined to 650 in 2017. Some news outlets have reported on the decline in homicide in Chicago over this time period, but other outlets published stories with headlines such as "Chicago has at least 3 homicides already in 2018" (Fox News, January 2, 2018, http://www.foxnews.com/us/2018/01/02/chicago-has-at-least-3-homicides-already-in-2018.html), thus overshadowing the improvement seen in 2017, and "Chicago's homicide total drops by over 100, but violence still 'intolerably high'" (*Chicago Tribune*, December 29, 2017, http://www.chicagotribune.com/news/local/breaking/ct-met-chicago-violence-2017-story.html) . This headline correctly identifies that the homicide rate is still high in Chicago, but it is not until much later in the article that the author notes that the drop in homicides from 2016 to 2017 is the largest single-year drop in homicides since 2004. What these headlines and articles demonstrate is that the media do not always contextualize crime rates or trends, and when they do, these items may not be the lead of the story. It is important, then, to consider rates over time and to compare crime rates in one area to others for comparison purposes.

Sanders in *The Sociologist as Detective* (1976) makes clever use of Arthur Conan Doyle's fictional sleuth Sherlock Holmes as a means of illustrating the notion of triangulation. Holmes, in attempting to answer the question, "Whodunit?" employed multiple methods (triangulation) like those a social scientist might employ. In attempting to discover who killed the lord of the manor, Holmes observed carefully, attempted reenactment of the crime (simulation), questioned suspects and witnesses, and carefully collected and evaluated the physical evidence at the crime scene. He collected some data through direct questioning, other data through astute observation. "Did the family dog bark the evening of the suspected murder?" If not, perhaps the murderer was a family member or friend. "Did any of the questioned suspects develop a nervous tic?" "Were there footprints or clues?" By combining these various methods, Holmes was able to make a reasonable guess as to which hypotheses to reject or accept (see also Truzzi, 1976).

This chapter has exposed the reader to a variety of methods that criminologists use in obtaining information on the nature of crime and criminals. The outcomes or findings that result from the application of these methods are presented in forthcoming chapters. It is hoped that the reader has been alerted to viewing this material with a critical methodological eye, carefully weighing the sources of evidence for the materials presented. For more detail on research methods, see Hagan (2014).

SUMMARY

Theory and methodology are the two critical features of any discipline, including criminology. Theory is an attempt to provide plausible explanations of reality and addresses the question of *why*. Method (methodology) involves procedures for the collection and analysis of accurate data or facts and is concerned with the issue of *what is*.

The research enterprise of criminology involves certain basic procedures. Objectivity, a commitment to a value-free, nonbiased approach to the subject matter, is an essential tenet of research. Despite conflicting roles, the criminologist's primary role is that of scientist. Some general principles of ethical conduct in criminology include that the researcher should avoid harmful procedures, honor commitments and reciprocity, exercise objectivity and integrity, and protect the privacy of subjects, as well as maintain confidentiality.

The process of methodological thinking was illustrated by means of the research question of who is criminal. Until recently, the primary source of information regarding crime statistics has been official police statistics, which represent crimes recorded by police. The Uniform Crime Report (UCR) presents such statistics for the United States. However, such statistics fail to account for unrecorded crime, the "dark figure of crime."

The UCR crime index from which the crime rate is calculated consists of Part I crimes: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Researchers should be cognizant of shortcomings of official data such as the UCR. The redesigned UCR (NIBRS, National Incident-Based Reporting System) is an attempt to improve the system.

Other alternative measures of crime and criminal activity include crime seriousness measures, which attempt to provide a weighted index of crime. Alternative data-gathering strategies include experiments, social surveys, participant observation, case studies and life history methods, and unobtrusive methods. Each possesses relative strengths and weaknesses vis-à-vis the others with respect to quantitative and qualitative control, internal and external validity, and degrees of artificiality or naturalness.

A key point is that, contrary to methodological narcissism (fanatical adherence to one's favorite method), no one method has any inherent superiority over any other. Methodology is a tool and not an end in itself. For each method, the text provides descriptions as well as examples of the method's application in criminological research. For instance, victim surveys are a critical alternative measure of criminality. Similarly, self-report surveys are a useful means of tapping hidden criminality. The basic strategy of participant observation (field studies), life histories, and case studies in criminology is delineated. A particularly moving pitch for the need for such studies emerges from Ned Polsky's research. Unobtrusive (nonreactive) methods are a cost-effective and neglected means of obtaining data. These include techniques such as physical trace analysis, use of archives or existing data (including content and secondary analysis), and autobiographies. Other procedures include simple and disguised observation and simulation.

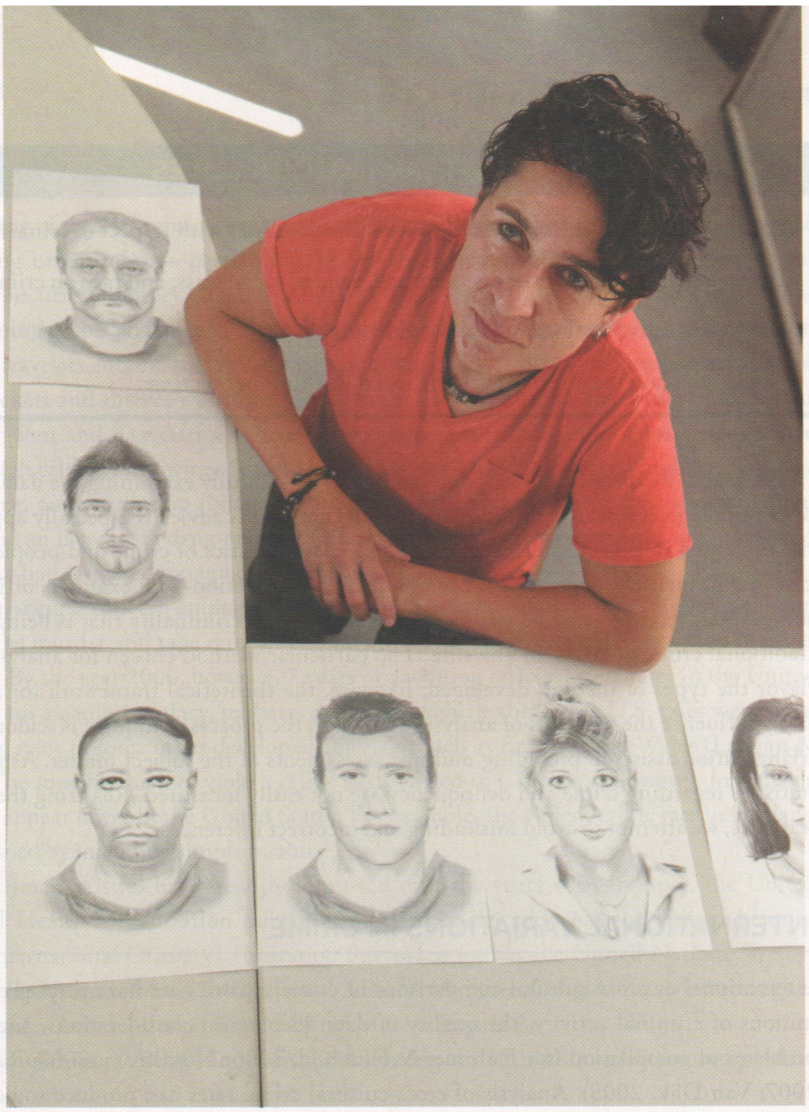
Much of the criticism of criminological research centers on the validity (accuracy) and reliability (consistency and stability) of the methodology that has been employed. Triangulation (the use of multiple methods) is proposed as the logical path to resolve this issue.

KEY CONCEPTS

Campbell Collaboration (p. 31)
case study (p. 39)
classic experimental design (p. 29)
code of ethics (p. 21)
confidentiality (p. 21)
dark figure of crime (p. 33)
ethical conduct in research (p. 21)
evidence-based research (p. 31)
experiment (p. 29)
life history (p. 39)
methodological narcissism (p. 29)
methodology (p. 20)
National Crime Victimization Survey (NCVS) (p. 33)
National Incident-Based Reporting System (NIBRS) (p. 26)
network analysis (p. 40)
objectivity (p. 20)
operationalization (p. 24)
participant observation (p. 37)
reciprocity (p. 23)
reliability (p. 41)
self-report measures (p. 36)
simulation (p. 40)
sources of crime statistics (p. 25)
surveys (p. 33)
theory (p. 20)
triangulation (p. 41)
unfounded crimes (p. 25)
Uniform Crime Report (UCR) (p. 24)
unobtrusive measures (p. 39)
validity (p. 41)
variable (p. 24)
victim surveys (p. 33)

REVIEW QUESTIONS

1. Reviewing Crime File 2.1, The Crime Dip, which factor(s) do you find to be most plausible in explaining the crime dip? Using these same factors, do you predict that crime will continue to decrease, or do you foresee an increase in the near future? Explain your reasoning.
2. Examining the codes of ethics of the Academy of Criminal Justice Sciences and the American Society of Criminology, what stipulations do you regard as most important, and which are of least importance? Are you familiar with any additional studies that have raised ethical concerns? Search the web, Criminal Justice Abstracts, and National Criminal Justice Reference Service (NCJRS) under titles such as "research ethics" or "codes of ethics" and see if you can turn up any recent controversies.
3. What are some sources of information used by criminologists to examine the extent of crime in the United States?
4. Compare the UCR with the NCVS. Which of these is the better measure of crime?
5. How does the FBI compile and calculate the crime rate? What types of crime does this include?
6. What are some problems with or shortcomings of the UCR?
7. What are some other ways of gathering data in criminology besides reliance on official police statistics? Give an example of each.
8. What is ADAM, and what does it measure? Is there any way of checking its accuracy?



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3 GENERAL CHARACTERISTICS OF CRIME AND PEOPLE WHO COMMIT CRIME

LEARNING OBJECTIVES

3.1 Compare the United States with other countries with respect to crime rate.

3.2 Identify some of the effects of age, gender, social class, and race on crime.

3.3 Identify how location is related to crime.

3.4 Explain the effects of various social institutions on crime.

In Chapter 1, we discussed at length the necessity of carefully examining the database or other sources of criminological research findings and conclusions. This advice is especially applicable to the material presented in this chapter. Descriptions of characteristics of crime and people who commit crime can vary immensely, depending on the sources of information—for example, official statistics, victim surveys, self-reports—as well as on the type of crime or criminality that is being addressed, whether traditional crime or crime by the elite. The particular method chosen for analysis provides data that flavor the types of theories developed; likewise, the theoretical framework for analysis may subjectively influence the methods of analysis. Although the process of inquiry is seldom entirely value free, triangulation assists in providing multiple assessments of the subject matter. As previously indicated, statistics regarding crime and delinquency are not easily measured. Realizing the limitations of these statistics, we attempt to avoid misleading and incorrect inferences.

INTERNATIONAL VARIATIONS IN CRIME

International or cross-cultural comparisons of crime statistics are hazardous given the different definitions of criminal activity, the quality of data, ideological considerations, and the sheer logistical problems of compilation (see Dammer & Fairchild, 2006; Nordstrom, 2007; Rounds, 2000; Terrill, 2007; Van Dijk, 2008). Analysis of cross-cultural crime rates can produce some interesting conclusions. For instance, the inexorable rise in crime in the United States and other industrialized countries in the 1960s was contradicted by a declining crime rate in Japan, which discredited the assumption that modernization inevitably produces increased criminality. Freda Adler's *Nations Not Obsessed by Crime* (1983) and Marshall B. Clinard's *Cities With Little Crime* (1978) also indicate that crime is not a major concern in such countries as Switzerland. In a contrary view, others indicate that the Swiss police omit crime statistics and the media ignore criminality, not to mention that Switzerland is a haven for white-collar crime (Balrig, 1988; Gerber, 1991). The low crime rate in Japan is achieved by a strong *Gemeinschaft* (communal) orientation and group conformity, a high level of unchallenged police power, and a tendency to ignore violations of human and individual rights that would be found unacceptable in the Western democracies (J. Williams, 1991). Using data from the International Police Organization (Interpol) and the World Health Organization (WHO), Brantingham and Brantingham (1984) point out,

> At the world level of resolution, clearly different patterns emerge for crimes of violence against the person and for crimes against property. The highest overall crime rates were experienced by the nations of the Caribbean region during the mid-1970s, followed by the nations of Western Europe, North America, and Oceania. The highest levels of violent crimes against the person were experienced in the Caribbean, in North Africa and the Middle East, in sub-Saharan Africa, and in Latin America. Property crimes were highest in Western Europe, North America, and Oceania. Crime patterns appear to be closely associated with high economic development and with income inequality; and high levels of violent crimes against the person are associated with lack of economic development and with high income inequality. Modernization and urbanization are both associated with higher levels of property crime and lower levels of violent crime. (p. 295)

Similar patterns with respect to the impact of income inequality and the lack of economic development and high crime rates have been noted by others (e.g., Clinard & Abbott, 1973; Krahn et al., 1986). At the beginning of the 21st century, we find that the breakdown of political order, lack of police training, and growing urbanization—particularly in developing countries—produce higher global crime. The Overseas Security Advisory Council of the U.S. State Department issues timely travel advisories to tourists warning of special dangers. Nonviolent theft and pickpocketing are the most common crimes that business travelers endure. In 1999, attacks in unregulated taxicabs in Mexico City were of concern, and pickpockets and thieves were more prevalent in Eastern Europe. Particularly dangerous were capital cities of West and East Africa, where the breakdown of tribal authority and poor police training cultivated high crime. The former Soviet Union in general had experienced high levels of violence, organized crime, and corruption (Nicolova, 1999). In Thailand, a favorite tourist destination, economic collapse and an increase in drug-related crime had increased violence against foreigners, and weak law enforcement had attracted foreign criminal gangs (Cheesman, 1999).

Particularly interesting is concern among Americans about being potential victims in some foreign lands, when in fact the murder and rape rates in general are higher in the United States than in other developed countries. By the year 2000, however, 7 years of declining official crime rates in the United States indicated that for assault, burglary, robbery, and motor vehicle thefts, the U.S. rates were actually lower than rising rates in some other developed countries such as England and Wales (Langan & Farrington, 1998). The measurement of violent crime as discussed in Chapter 2, however, may play a role in why the rates appear lower in the United States. For example, the violent crime rate in England and Wales is determined by including simple assaults.

Cross-national crime statistics have steadily improved over the years with Interpol, the United Nations, and World Health Organization publishing such data. In addition, the United Nations has sponsored the International Crime Victimization Survey, as well as the United Nations Surveys on Crime Trends and Operations and International ADAM (Arrestee Drug Abuse Monitoring), a self-report survey of arrests modeled after the U.S. ADAM (see Chapter 2).

Van Dijk and Kangaspunta (2000) indicate the following difficulties in analyzing crime data across countries:

- Varying definitions—legal codes define crimes in different ways.
- Recording practices—different police departments record things differently (e.g., bicycle thefts are vehicle thefts in some countries).
- Operating practices—in some countries, only crimes reaching court are recorded.
- Factual inequalities—hidden factors may affect crime rates, such as age, urbanism, and the like.
- Problems especially associated with recorded crime—governments may regard such statistics as indicators of criminal justice system workloads rather than accurate indicators of crime prevalence.

In his book *The World of Crime: Breaking the Silence on Problems of Security, Justice and Development Across the World*, Van Dijk (2008) discusses and defends Interpol's decision to remove all official (police) crime statistics from its websites after 50 years of publication. Van Dijk argues,

> Statistics of police-recorded crimes reflect the performance of the police rather than the levels of crime. Where police are corrupt or incompetent, fewer victims report crimes and recorded crime rates will consequently be low. Where police forces are more effective, levels of reporting are higher and rates of recorded crime go up. (p. xii)

In addition to traditional criminal activity, the multinational nature of organized, white-collar, and more sophisticated crimes is a growing phenomenon. In November 1995, a 138-nation United Nations–sponsored conference on international crime was held in Naples, Italy. The end of the Cold

War has opened borders and provided an opportunity for collaboration among organized crime groups. Transnational crime poisons business climates, corrupts political leaders, undermines banking and finance, and represents a global challenge of immense proportions.

As an illustration of ideological impacts on crime statistics, one need only look at Russia in the late 1980s and the influence of Gorbachev's glasnost (openness). In the first publication of crime statistics in more than half a century, the Soviet Interior Ministry reported a sharp rise in crime of 18% for 1988 over 1987 ("Soviet Crime Rate Up," 1989) and 32% in 1989 (Bogert, 1990). In 1991, the number of robberies, muggings, burglaries, and thefts had jumped by 90% over 1990 (M. Shapiro, 1992). Instrumental in this increase was the collapse of an authoritarian regime (whose police were omnipresent) combined with declining economic conditions and general political confusion.

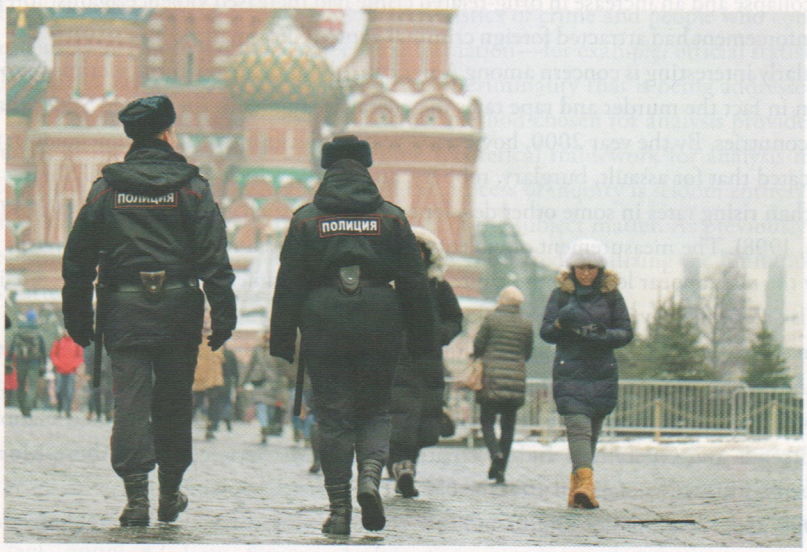


PHOTO 3.1 Two Russian police officers walking on Red Square on patrol.
Oleg Elkov / Alamy Stock Photo

Organized crime groups often filled the power void. Having previously controlled the black market, such groups were well trained for the new, legal capitalism. Such increased levels of crime have also been experienced throughout former Soviet satellite countries and throughout the world—in the Baltic states, the People's Republic of China, South Africa, and even Vietnam (Larimer, 1996).

There have been a number of International Crime Victimization Surveys (ICVS) sponsored by the United Nations, with studies begun in 1989, 1992, 1996, and 2000. The 2000 study involved 92 surveys in 56 countries and expanded to more surveys, involving cities as well as countries. Collectively, more than 340,000 persons have been surveyed in more than 80 countries as part of the ICVS program. Respondents are asked about 10 types of victimization they could have experienced: car theft, theft from or out of a car, motorcycle theft, bicycle theft, attempted or completed burglary, sexual victimization (rapes and sexual assault), threats, assaults, robbery, and theft of personal property (van Dijk et al., 2008). If a person has experienced any of these offenses, they then answer follow-up questions about the incident. This survey has provided estimates of the extent of crime victimization in many countries and regions of the world. In addition, characteristics of crime victims and incidents have been produced from these surveys. According to the last round of surveys completed, almost 16% of the population of the 30 participating countries have been the victim of a crime (van Dijk et al., 2008).

The last survey found that the United States, Canada, and the Czech Republic rank among the highest for burglary, motor vehicle theft, and petty crime. Other countries with higher levels of these crimes were Bulgaria, Estonia, and Slovakia. Low property crime victimization rates were found in

Belarus, Norway, Switzerland, and Macedonia. High violence rates were found in countries of the former Soviet Union such as Estonia, Kazakhstan, Kyrgyzstan, and Russia. The United States has high violence scores compared to levels in Canada and Western European nations. Particularly low violence levels were found in Western European nations such as France, Germany, Holland, Hungary, and Macedonia (Van Dijk & Kangaspunta, 2000).

The reader is reminded that, due to unreliability of such statistics, international comparisons are risky; however, R. R. Bennett and Lynch (1990) found similar results when they compared four widely used data sets.

The Prevalence of Crime

Estimates of the extent of crime commission depend on how far or wide one wishes to cast the net. As one moves from official statistics (Uniform Crime Report [UCR]; National Incident-Based Reporting System [NIBRS]) to victim surveys (National Crime Victimization Survey [NCVS]) to self-report surveys, the rates increase. Inclusion of other forms of nontraditional criminality, such as corporate crime or tax avoidance, would make crime seem even more pervasive.

Table 3.1 presents the 2020 NIBRS data for serious crime in the United States, sometimes referred to as Part I offenses. Table 3.2 shows victimizations recorded in the National Crime Victimization Survey for 2020. Notice the difference in magnitude for the crimes that appear in both.

TABLE 3.1 ■ Crime in the United States, 2020

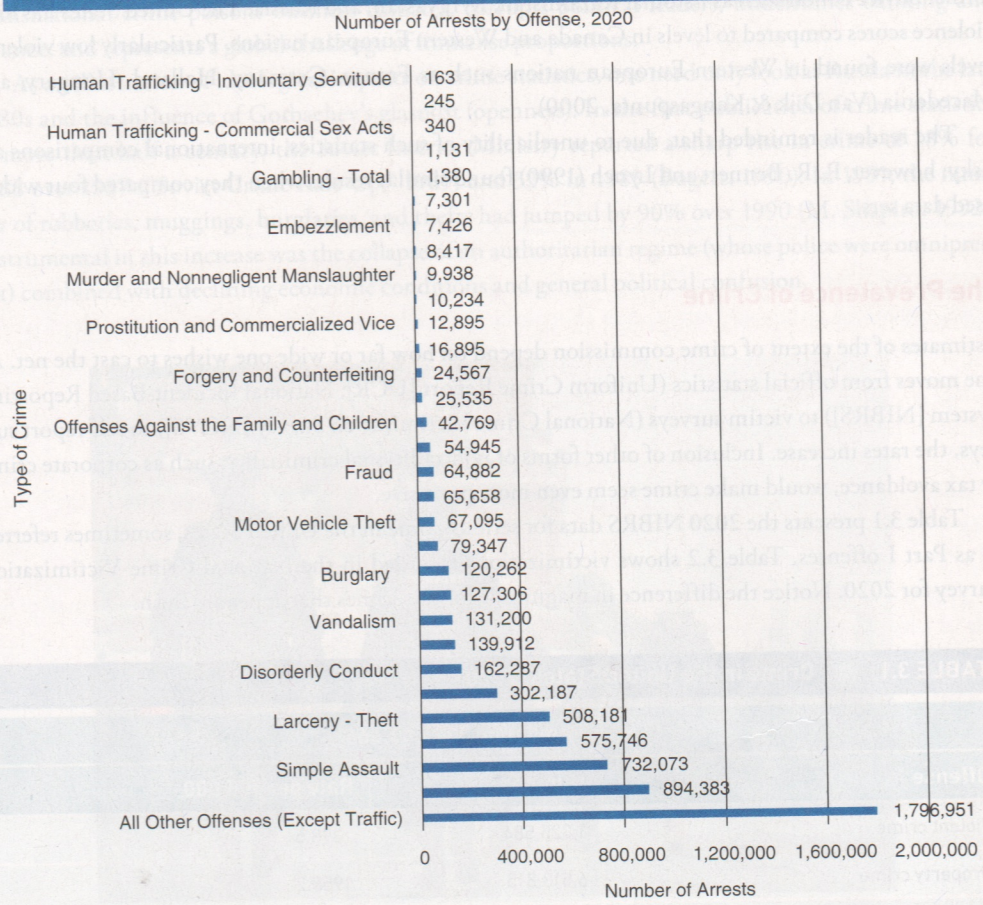
	Population 332,643,466	
Offense	**Number**	**Rate per 100,000**
Violent crime	1,325,584	398.5
Property crime	6,513,815	1958.2
Murder	21,622	6.5
Rape	127,735	38.4
Robbery	245,823	73.9
Aggravated assault	930,402	279.7
Burglary	1,045,164	314.2
Larceny-theft	4,650,349	1398.0
Vehicle theft	818,302	246.0

Source: Federal Bureau of Investigation. (2020). *Crime Data Explorer.*

In June 2004, the Criminal Justice Information System Committee (CJIS) of the International Association of Chiefs of Police (IACP) Advisory Policy Board (APB), functioning in an advisory capacity concerning the UCR, decided to discontinue the use of the crime index in the UCR program. They directed the FBI to instead publish a violent crime total and a property crime total until a new index could be developed. They felt that the index was inflated by including larceny–theft, which was the category that had the highest crime rate.

Figure 3.1 reports the crimes that most frequently result in arrest. These data are derived from the NIBRS and the Summary Reporting System. These data refer to persons arrested and not simply, as in the case of the index offenses, crimes known to police. Examination of these primarily Part II offenses indicates the extent to which policing is occupied with offenses related to drunk driving, drunkenness, and disorderly conduct.

FIGURE 3.1 ■ Number of Arrests by Offense, 2020



Source: Created with the Data Explorer Tool. Federal Bureau of Investigation. (2022). Crime Data Explorer. https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/arrest

TRENDS IN CRIME

As discussed in the previous chapter, official crime rates represented by the UCR show that crime was fairly level in the early 1930s to the late 1950s. Crime then increased steadily until the late 1970s, when it peaked before slightly declining in the early 1980s. It increased again through 1993. After that time, crime has been declining in the United States, with small year-to-year increases and decreases over time. With the COVID-19 pandemic affecting the United States beginning in early 2020, you may not be surprised to learn that crime patterns shifted. In fact, violent crime rates were higher in 2020 than in 2019. In 2019, the violent crime rate was 380.0 per 100,000 people, but was 398.5 per 100,000 in 2020 (Federal Bureau of Investigation [FBI], 2022b). Criminologists will be attempting to determine the reasons crime increased during the pandemic in the years to come.

Although, as we learned in Chapter 1, caution should be exercised in interpreting these statistics. Despite this rise in official rates, victim surveys since the 1970s have reported relatively stable or falling rates, perhaps reinforcing the point that better recording and reporting may have in part accounted for some of the rise in official statistics. Between 2019 and 2020, unlike the findings from NIBRS data, the NCVS data show a decline in violent crime rates and relatively stable property crime rates (Morgan & Thompson, 2021).

The public alarm concerning the rapid rise in UCR crime beginning in the mid-1960s was abetted by the fact that the decades of the 1940s and 1950s with their postwar prosperity demonstrated relative stability in many categories of crime. The new "crime wave" appeared particularly out of place. Historians of crime and violence in the United States remind us of our myopia in this regard and that

waves of crime and violence, however difficult to measure, were characteristic of this land since colonial times, particularly in the post–Civil War era. (This subject is given greater scope in Chapter 8.)

In 1968, the President's Commission on Law Enforcement and the Administration of Justice (1967) addressed the issue of the American crime problem from a global perspective:

> There has always been too much crime. Virtually every generation since the founding of the Nation and before has felt itself threatened by the specter of rising crime and violence. A hundred years ago contemporary accounts of San Francisco told of extensive areas where "no decent man was in safety to walk the street after dark, while at all hours, both night and day, his property was jeopardized by incendiarism and burglary." {[I]n one central New York City area, near Broadway, the police entered "only in pairs, and never unarmed." A noted chronicler of the period declared that "municipal law is a failure . . . [and] we must soon fall back on the law of self-preservation." And in 1910 one author declared that "crime, especially its more violent forms, and among the young is increasing steadily and is threatening to bankrupt the Nation." (p. 101)



PHOTO 3.2 Ned Kelly, an Australian outlaw, was the subject of that nation's beloved ballad "Waltzing Matilda." Here he wears his armored suit beaten out of plowshares (circa 1870).

Popperfoto/Getty Images

However violent crime may be in large cities today, both urban and rural areas of Sweden, Holland, and England were more violent during the Middle Ages (E. A. Johnson & Monkkonen, 1996). In *Hooligans*, Pearson (1982) remarks on the historical myth of a crime-free past in England and attributes it to the abundance as well as sophistication of modern statistics, nostalgia for the past, and cultural amnesia. The relationship of crime to the early history of many countries can be illustrated by Australia, a country that was settled as a penal colony for England. Gangs of "bushrangers" (horse rustlers) achieved notoriety, particularly the group led by Ned Kelly, whose reputation reached mythic proportions. This Robin Hood–like figure received support in opposing authority from small farmers

who were nicknamed "cockatoos" or "cockys" because, like the bird, they scratched out a living from the ground. The cocky spirit was one of independence and defiance of authority as exemplified by Ned Kelly himself, who was obstinate to the end and was hanged at age 25. This spirit is expressed in Australia's most beloved song, "Waltzing Matilda," about a vagabond who steals a sheep and commits suicide rather than be caught (Levathes, 1985, p. 261):

Up jumped the swagman
And sprang into the billabong
"You'll never catch me alive," said he.
And his ghost may be heard
As you pass by that billabong
"You'll come a-waltzing Matilda with me."

In considering crimes, it is important to realize that if we were to consider the full range of economic crimes such as the impact of corporate price fixing, then in fact every household has been touched by crime. Casting a wider net, were we to consider self-report data, particularly of minor offenses, we would conclude that criminality is pervasive. Despite problems in instruments used and in samples drawn, self-report studies provide much-needed evidence of the extensiveness of hidden criminality and law violation. One may control misunderstanding or overgeneralizations in referring to "criminals" by using operational definitions such as "those arrested" or "those identified by victims" or "those admitting to certain offenses."

Age and Crime

Most of those arrested are young. The peak arrest age for property crime is 16, and age 18 is the peak age for violent crime. Overall, crime commission declines with age.

Particularly glaring is the involvement of younger groups in serious property crimes. It is important to note that, although most persons arrested and convicted as adults were first arrested as juveniles, most juvenile delinquents do not commit crimes as an adult. Youthful offenders in urban areas are probably overrepresented in arrest statistics. Such areas have more efficient, formalized policing, and youth generally have less power than older people to shield themselves from arrest. Juveniles also commit the types of crimes on which municipal police departments tend to concentrate. Excluding common youth offenses, such as curfew and runaway violations, and assuming juvenile offenders are often handled and recorded differently depending on police jurisdictions, the median age for arrested robbers, burglars, thieves, auto thieves, arsonists, and vandals is under 20 in all categories. Estimates of the average age of embezzlers, price-fixers, bribers, and the like considerably alter this age profile, however, because these crimes are committed by older people. The "graying of America," with a large proportion of the population age 65 and older, has led to forecasts of an increase in the number of older people who commit crime (Wilbanks & Kim, 1984).

CRIMINOLOGY IN CONTEXT 3.1: MEETING THE CHALLENGE OF TRANSNATIONAL CRIME

Just as many aspects of our lives have become part of a global village—transportation, communications, economic affairs—so, too, has crime taken on a global dimension. The same political and economic changes and technological advances that support easy international travel, communication, and business transactions also facilitate a person's ability to commit crimes that transcend borders. And because the United States is the world's richest country, it represents the most opportune target for *transnational crime*, which is defined by the United Nations as "offenses whose inception, prevention, and/or direct or indirect effects involve more than one country."

For most of its history, the NIJ (National Institute of Justice) could serve its primary constituents—state and local policy makers and practitioners—quite well by focusing on research and development within the borders of the United States. But criminal justice officials today are increasingly being asked to deal with offenses and offenders whose origins and connections lie outside the country. Drugs and drug offenders are the most obvious of these but by no means the

only ones. Transnational crimes include trafficked sex workers from Southeast Asia or the former Soviet Union, migrant workers being exploited in sweatshops or farm fields, an array of credit card and banking frauds, automobiles stolen for shipment overseas, guns smuggled in an effort to evade regulation, and children trafficked through Canada and Mexico for use by child pornography rings. And the list could go on.

Factors That Make Transnational Crime Possible

In a recent report of a workshop commissioned by the NIJ, the National Research Council said that transnational crime was being affected by three related factors:

- Globalization of the economy
- Increased numbers and heterogeneity of immigrants
- Improved communications technology

These factors do not "cause" transnational crime. Rather, they facilitate crime, or in some cases, they are criminal opportunities in themselves. For example, immigration does not cause crime. The desire to immigrate, however, may cause people to violate immigration quotas and regulations and may lead to illegal immigration, which in turn is exploited by people who commit crime. Most of the causes of transnational crime are not new; they are, in fact, quite similar to factors that drive crime in general: disparate socioeconomic conditions, which stimulate migration and its antecedent trafficking in persons; the desire for illegal goods and services, which moves crime into the transnational realm when the suppliers are in one country and the consumers are in another; and the universal greed for money and power.

The Unique Challenges of Transnational Crime

The challenges in preventing and controlling transnational crime stem from several sources. For example, some crimes arise out of particular cultural or societal conditions and experiences that differ from one country to another. Behavior that is acceptable in one country may be illegal in another. Crimes that arise out of electronic communications, such as money laundering, are not bound by national borders. The whole panoply of cybercrimes are almost by definition transnational crimes because cyberspace is not constrained within these borders. The traditional desire to hide crime and elude law enforcement is met more fully by the increasing ease of global travel and communication. The challenges in dealing with transnational crime arise from the national orientations of laws and law enforcement. Every country has its own laws and law enforcement system to deal with crime. But what about crime and people who commit crime that cross national borders? Former deputy assistant attorney general Mark M. Richard has noted that "the international community is not well positioned to respond to such issues [as foreign nationals committing a crime in the United States and escaping to their home country], [because] extradition and other procedures are archaic, based on 19th century standards, and of limited use today."

Meeting the Challenge: The NIJ's International Center

The International Center's mission is to stimulate and facilitate research and evaluation on transnational and comparative crime and justice issues and to disseminate the knowledge gained throughout the national and international criminal justice communities.

To accomplish this aspect of its mission, the International Center motivates researchers (principally from the academic community, but not exclusively so) to study transnational crime and justice issues and to conduct comparative research (i.e., parallel studies conducted in more than one country about a topic that does not necessarily have transnational aspects).

An example of how the International Center can stimulate evaluation comes from a request the NIJ received from the U.S. Department of State. The United States funds several prison-based drug treatment programs in the Philippines and Thailand. Both countries are experimenting with therapeutic communities as their predominant drug treatment modality and as part of the U.S. drug demand reduction strategy. The State Department asked the NIJ to visit the sites, assess the programs, and determine if their circumstances would permit a rigorous evaluation of the programs' effectiveness. After the International Center submitted its report, the State Department contacted American, Philippine, and Thai researchers who might conduct the evaluations.

Source: "Meeting the Challenge of Transnational Crime," by J. O. Finckenauer, *Crime & Justice International, 17*(48), January 2000. https://www.ncjrs.gov/pdffiles1/jr000244b.pdf.

Criminologists had incorrectly predicted a possible demographic time bomb as the number of people in the maximum crime-committing ages of 15 to 24 expanded at the end of the last century. From 1996 to 2000, there were 500,000 more men in this age group than there were a decade earlier—about a 20% increase. The homicide rate among 15- to 19-year-olds increased 154% from 1985 to 1991. This increase began with the advent of crack cocaine in the mid-1980s, along with a proliferation of guns to protect crack markets (Blumstein, 1995). The rate decreased beginning in 1992, in part due to the ending of this crack epidemic.

Age–Crime Debate

An intramural academic war of sorts has broken out in criminology. It could be described as the **age–crime debate**. On one side of the debate are Gottfredson and Hirschi (1986, 1987), who view as a constant the "maturing out of" crime or desistance from crime as individuals age. They indicate the following:

> Further, this distribution is characteristic of the age-crime relation regardless of sex, race, country, time or offense. Indeed, the persistence of this relation across time and culture is phenomenal. As long as records have been kept, in all societies in which such records are available, it appears that crime is an activity highly concentrated among the young. (1986, p. 219)

They question the emphasis on career criminal research, incapacitation, and the recent "fetish" for longitudinal research that justifies a search for groups of offenders (career criminals) whose criminality does not decline with age (Blumstein et al., 1988a, 1988b; Cohen & Land, 1987; Farrington, 1986). Blumstein and Cohen (1987), in a longitudinal study of those arrested for more serious crimes in the District of Columbia and Detroit in 1973, found that those who remained active in their 20s did not age out in their 30s, but only after age 45. Farrington (1986) suggests that offenses of different types peak at different times and that this represents "crime switching rather than replacement of one group of offenders by another" (p. 189). Steffensmeier (1989a) finds variation by age-specific type over time with the offenders becoming younger and younger and also finds that some crimes such as embezzlement or fraud are less likely to decline with age.

The outcome of this age–crime controversy is claimed by the disputants to have important consequences for career criminal research (Tittle, 1988). Why do most people who commit crime mature out of crime? Farrington (1986) suggests factors such as the influence of wives or girlfriends, the decline of gang or peer group support, and increased penalties, as well as increased legitimate opportunities as individuals reach their 20s. The decline in crime involvement is not fully explained by the physiology of aging because a substantial decline in fitness does not occur until the late 50s or older. Social changes are more important than physiological changes in explaining this decrease. Steffensmeier and Allan (1990) identify a number of social changes that encourage conformity, including more legitimate access to material goods and excitement, changes in age-graded norms and anticipatory socialization, changes in lifestyle and peer groups, stronger social bonds, higher legal and social costs, and fewer illegitimate opportunities. Discussion of developmental theories in Chapter 7 addresses this issue in depth.

Arrest data show that the intensity of criminal behavior slackens after the teens, and it continues to decline with age. Arrests, however, are only a general indicator of criminal activity. The greater likelihood of arrests for young people may result partly from their lack of experience in offending and also from their involvement in the types of crimes for which apprehension is more likely (e.g., purse snatching vs. fraud). Moreover, because youth often commit crime in groups, the resolution of a single crime may lead to several arrests.

The decline in crime participation with age may also result from the incapacitation of many offenders. When repeat offenders are apprehended, they serve increasingly longer sentences, thus incapacitating them for long periods as they grow older. The success of habitual offenders in avoiding apprehension declines as their criminal careers progress. Even though offense rates declined over time, the probabilities of arrest, conviction, and incarceration per offense all tended to increase. Recidivism data also show that the rates of return to prison tend to be lower for older than for younger prisoners. Older incarcerated people who return do so after a longer period of freedom than younger people.

What is an important consideration is that the relationship between age and crime is not consistent across crime types. Different age groups are arrested and incarcerated for different types of crime.

- Juveniles under age 18 have a higher likelihood of being arrested for robbery and UCR index property crimes than do members of any other age group.
- Persons between ages 18 and 34 are the most likely to be arrested for violent crimes.
- Among jail and prison inmates, property crimes, particularly burglary and public order crimes, are more common among younger inmates.
- Violent crimes were more prevalent among older inmates admitted to prison in 1982 but showed little variation among jail inmates of different ages.
- Drug crimes were more prevalent among inmates ages 25 to 44 in both prisons and jails.

Perhaps one of the best-kept secrets in criminology is the existence of the "bible of juvenile justice research"—*Juvenile Offenders and Victims*, an annual report by Howard Snyder and Melissa Sickmund (2006), produced by the National Center for Juvenile Justice in Pittsburgh. This document, with tables and figures, reports the latest trends in juvenile justice.

Gender Differences in Criminality

Of all demographic variables, **gender** is the best predictor of criminality; most persons arrested are men and boys. In 2020, men and boys represented about ¾ of all those arrested, and with the exception of primarily female offenses such as prostitution (in which "Johns," or customers, are seldom arrested), this difference holds for all criminal offenses. The male crime rate exceeds that of women and girls universally, in all nations, in all communities, among all age groups, and in all periods of history for which statistics are available. Whereas in some more traditional countries, the crime–gender arrest ratio may range from 200-to-1 to 1,000-to-1, in modernized societies, the gap in gender variation in crime has been closing. Why such variation? Gender per se is not as important a variable as a particular culture's *conception* of gender. The female crime rate appears to be closer to the male level in countries in which women and girls enjoy more equality and freedom and thus an increased opportunity to commit crime. Table 3.2 presents some statistics on female offenders in the United States.

TABLE 3.2 ■ Characteristics of Female Offenders, 2020

	Aggravated Assault	All Arrestees	Prison Population
Female offenders	69,866	1,580,037	83,054
Number as a percentage of each category	23%	26%	7%

Source: Federal Bureau of Investigation. (2022). *Crime Data Explorer.* https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/arrest; Carson, E. A. (2021). *Prisoners in 2020—Statistical Tables.* Bureau of Justice Statistics, U.S. Department of Justice. https://bjs.ojp.gov/content/pub/pdf/p20st.pdf

This universality of disproportionate male criminality can best be explained by the differential treatment of men and women. Traditionally, men and boys are socialized to be dominant, active, and aggressive. In fact, chivalry and the law often require that the male take responsibility for what occurs. In many traditional societies, it is the husband who is punished for his wife's transgressions. Similarly, customary gender role socialization of women and girls emphasizes passivity and subordination.

In explaining some of the social, psychological, and physical reasons for these differences, Steffensmeier (quoted in Blaum, 1991) notes that "there is no female equivalent to the 'romanticized'

rogue male" (p. 1). For some men, crime is considered macho and enhances status, whereas female crime is usually stigmatizing. Despite social change, social expectations of women still center on nurturing, beauty, virtue, and stereotypes of femininity that are incompatible with qualities valued in the criminal underworld. Steffensmeier also sees women who commit crime as more likely to have a substance use disorder or to come from deprived family backgrounds. They are more likely to engage in crime because of intimate or romantic relationships and are often introduced to crime by a significant other. Male physical strength and agility also favor men's greater participation in certain crimes such as robbery and burglary. The threat of potential sexual victimization also limits women's mobility and access to criminal haunts.

Women and girls tend to concentrate on less rewarding types of crime, such as shoplifting and employee theft, rather than on more lucrative, organized activities, such as burglary rings, drug cartels, and fencing networks. Even prostitution is usually controlled by men. Racketeering and corporate fraud are almost overwhelmingly male dominated (Blaum, 1991). Girls exposed to a variety of familial risk factors are found to be far less likely to deviate than boys raised in similar circumstances (Dornfeld & Kruttschnitt, 1991).

The traditional handmaiden of sexism has been paternalism, a sort of sexual noblesse oblige in which men felt that they were responsible for protecting the dependent woman. This policy is reflected in the law and its administration because women generally receive much lighter sentences for the same offense, are viewed more favorably by judges and juries, and seldom receive the death penalty.

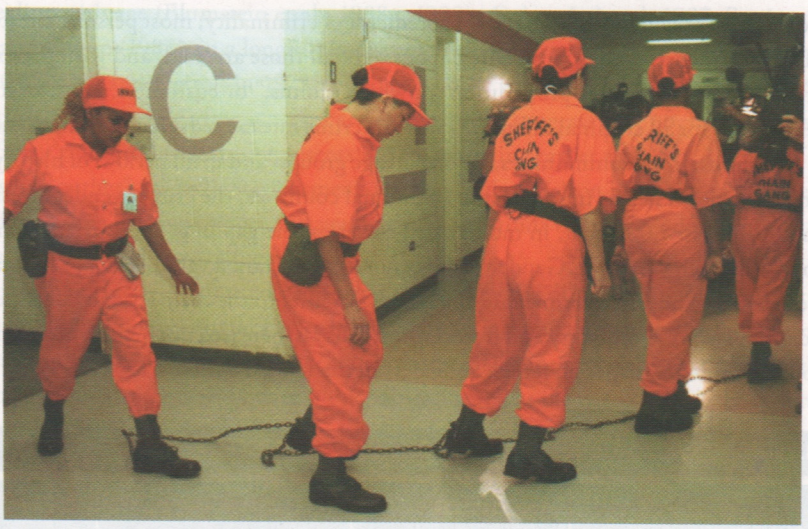


PHOTO 3.3 Maricopa County prison inmates participate in what is believed to be the nation's first female chain gang.

Tim Zielenbach/AFP/Getty Images

Literature on the subject of gender and crime notes the **androcentric** (male-centered) **bias** in many delinquency and crime theories (Chesney-Lind, 1989). Burnett (1986) also notes that women have been left out of criminological scholarship and that a new era began with publications such as F. Adler's *Sisters in Crime* (1975), R. J. Simon's *Women and Crime* (1975), and F. Adler and Simon's *The Criminology of Deviant Women* (1979).

Using UCR data, R. J. Simon (1990) notes increases in female crime, particularly in property offenses, especially white-collar offenses involving small-to-medium amounts of money. Whereas writers such as F. Adler (1975) were arguing that a gender convergence or closing of the gap between male and female crime rates was taking place, others such as Steffensmeier (1978) and Steffensmeier and Allan (1988) found no such change in the crime–gender ratio.

The National Institute of Justice has noted a rise in the number of women who commit offenses at the turn of the 21st century (National Criminal Justice Reference Service [NCJRS], 2003).

The NCVS for 2001 showed the percentage of estimated female perpetrators as increasing from 14% to 19% for violent crime. The UCR shows that the percentage of women arrested for crimes slightly increased from 35% to 38% from 2010 to 2020. The percentage of prisoners that are women has remained steady from 2010 to 2020, with about 6% to 7% of federal and state prisoners being women.

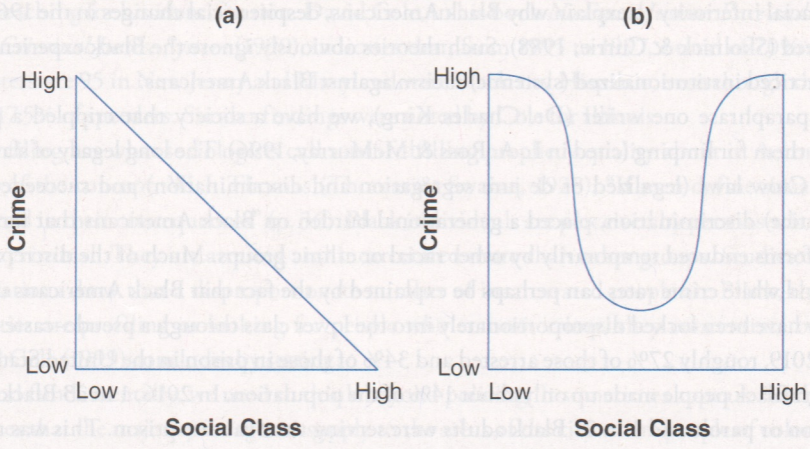
A major literature is developing regarding gender and crime. One example is a power-control theory of delinquency and gender (J. Hagan et al., 1985, 1987), which proposes that male and female children react differently to parental power sharing. The authors hypothesized that balanced family structure (shared power by spouses) lessens the differences in delinquency between genders and that unbalanced family structures increase those differences. However, both Singer and Levine (1988) and Morash and Chesney-Lind (1991) found little support for this theory.

More recent investigations on gender have recognized that studying crime as an exclusively male versus female phenomenon is limited. We now have a broader understanding of gender that includes additional gender identities such as transgender, agender, nonbinary, and queer, among others. Although official data sources such as NIBRS do not yet collect data on these additional gender categories, it will be useful for them to do so. Victimization researchers have recognized that persons who have a gender identity besides female or male report comparably high levels of victimization. Other than identifying high rates of intimate partner violence victimization and perpetration, little is known how perpetration is related to gender identity more broadly.

Social Class and Crime

Social class is not a category included in the UCR, yet most of those arrested or labeled as criminal are from lower social classes. Criminality for traditional crimes is higher among lower class individuals, totally apart from bias in statistics or the administration of justice. Part of the excessively high rate is likely to be due to their lack of power and sophistication in shielding themselves from formal litigation proceedings. Traditional explanations of crime and social class view the relationship as an inverse one; that is, as social class becomes higher, the volume of crime commission decreases proportionately. Figure 3.2 attempts to depict this relationship schematically. Reckless (1967) proposes a bimodal theory of the distribution of crime commission in which the criminality curve has two modes (most frequently appearing cases) among the lower class and the upper class, although crimes of the latter are seldom reflected in national crime statistics.

FIGURE 3.2 ■ Models of the Relationship Between Social Class and Criminality



Note: (a) indicates relationship between social class and crime using official data. (b) reflects the bimodal theory of the relationship between crime and social class.

Source: Crime in the United States, 2014. (2015). *FBI Uniform Crime Reports*, Table 32.

The relationship between social class and criminality remains a subject of debate. The early self-report surveys (Nye, Short, & Olson, 1958; Short & Nye, 1958) found no relationship other than that lower class offenders were more likely to be officially processed. Tittle, Villemez, and Smith (1978), in a literature review of major self-report studies, found no relationship between class and criminality. More recent research and reviews of self-report surveys suggest that much of this lack of difference by class may have been due to the measuring instruments, which tended to concentrate on rather trivial offenses. Lower class youth were found to commit more serious crimes more often, and their offense profile was found to more closely follow that presented by official statistics (Elliott & Ageton, 1980; Hardt & Hardt, 1977; Hindelang et al., 1979). Examining calls to police, Warner and Pierce (1991) found that the poverty of an area consistently increased the rate of assault, robbery, and burglary, although in examining delinquency, Larzelere and Patterson (1990) found that parental monitoring and discipline were more predictive than social class. It is important to caution, however, that official statistics undercount the typical crimes of higher socioeconomic groups, so even though the lower class has higher official crime rates, this does not indicate that individuals in this class are necessarily more criminal.

Race and Crime

Just as an androcentric bias was identified earlier, a Eurocentric bias may also exist in criminology. Eurocentric bias refers to the fact that the field of criminology is dominated by views reflecting those of European (white) descent, and such a bias may tend not to fully appreciate the interactions among racism, inequality, and the experiences of Black Americans and other people of color in the criminal justice system.

Race is a relatively arbitrary, socially defined status. The concept of race is more a socially defined category than a taxonomically simple biological classification. As Sutherland and Cressey (1974) point out, "There is no avoiding the fact that at least 80 percent of the offenders contributing to the 'Black' crime rate are part 'white'" (p. 132).

Given the increasing racial/ethnic diversity of the United States, a racial and ethnic classification system that pigeonholes entire segments of the population obfuscates true understanding. Scientists have proven there is no biological basis for such traditional racial classifications. Students need to be aware of the inherent problems in this currently accepted system. The validity of this shorthand method of identifying different groups in an increasingly diverse society needs to be questioned by more criminologists (Mellow, 1996).

The foregoing facts become important in light of *cryptoracist* theories that were rediscovered and treated by some as respectable in the 1970s. These were regenerated, long-discredited hereditary theories of racial inferiority to explain why Black Americans, despite social changes in the 1960s, had failed to succeed (Skolnick & Currie, 1988). Such theories obviously ignore the Black experience in a nation that practiced institutionalized (systemic) racism against Black Americans.

To paraphrase one writer (Dr. Charles King), we have a society that crippled a people—then blamed them for limping (cited in L. A. Ross & McMurray, 1996). The long legacy of slavery, followed by Jim Crow laws (legalized or de jure segregation and discrimination) and succeeded by de facto (in practice) discrimination, placed a generational burden on Black Americans that far exceeded the milder forms endured temporarily by other racial or ethnic groups. Much of the discrepancy between Black and white crime rates can perhaps be explained by the fact that Black Americans until relatively recently have been locked disproportionately into the lower class through a pseudo-caste system.

In 2019, roughly 27% of those arrested and 34% of those in prison in the United States were Black, although Black people made up only about 14% of the population. In 2016, 1 in 23 Black adults was on probation or parole and 1 in 81 Black adults were serving time in state prison. This was more than the number of Black men enrolled in college. Whereas 23% of Black men in their 20s were under supervision, only 10% of Latinos and about 6% of whites were being similarly sanctioned. One out of every nine young, Black men between the ages of 20 and 34 is incarcerated. Nationally, the disparity of rates between Black people and non-Black people was much greater for offenses of violence than for property offenses. This difference in arrest rates is generally taken to indicate equally disproportionate rates of

crime commission, but that is not evident in all research. Instead, it can reflect discrimination in police practices (e.g., some communities are "over policed") and in how the criminal justice system treats people of color. Much of this disparity is due to the war on drugs. Although the U.S. Public Health Service estimates that Black people represent 14% of U.S. illegal drug users, they are 35% of those arrested, 55% of those convicted, and 74% of those sentenced to prison for drug possession—a rate that is six times their representation in the population. What may be a positive change is that recent reports suggest that there are changes across racial and ethnic groups in incarceration, with sharp decreases in the Black and Hispanic incarceration rates, especially when compared to the increase in white incarceration rates.

In a book titled *The Myth of a Racist Criminal Justice System*, Wilbanks (1987) claims that although the criminal justice system was racist in the past, there is little racism or systematic discrimination in the criminal justice system today. One of his primary themes is that any disproportion in Black arrest and incarceration rates reflects actual higher offense rates among Black people. In critiquing this, C. M. Mann (1989, 1993) argues that racism in criminal justice is institutionalized in the same way that it is in other institutions in the United States such as education, politics, religion, and the economic structure. If our society is racist, do we not expect the criminal justice system to reflect this? Mann claims that Wilbanks ignores the informal aspects of the criminal justice system, or what Georges-Abeyie (1989) calls "petit apartheid realities," namely, stop-and-question and stop-and-frisk police practices that cause the police to be viewed by Black people as rude, insulting, and sometimes brutal. Claims of a nonracist system would have to be justified or supplemented with qualitative, observational research and actual accounts of the experiences of people of color.

Racial Profiling

One way this discriminatory behavior can be seen is through research on traffic stops. Some research demonstrates that police departments stop and search a disproportionate number of Black people and people of color, particularly in traffic stops.

Crime profiling refers to attempts to construct typical characteristics of types people who commit crimes (R. M. Holmes, 1989). It has been particularly useful in programs such as the FBI's Behavioral Science Unit and its tracking down of serial killers. However, it has been highly controversial when applied to traffic stops of those fitting the general profile. Phrases such as DWB (driving while Black) or BWB (breathing while Black) have been coined by Black people who feel that they have been unfairly singled out for police attention simply for fitting the suspicious profile of being Black.

Charges of racial bias in the criminal justice system are certainly given support in cases such as the New York City Police Department's incidents involving Abner Louima and Amadou Diallo. Police sodomized and brutalized Louima while in police detention, and police shot Diallo multiple times while he was reaching for his identification. David Cole, in his book *No Equal Justice: Race and Class in the American Criminal Justice System* (1999), indicates that, from 1995 to 1997, a total of 70% of those stopped on Interstate 95 in New Jersey and Maryland were Black and Hispanic, even though they constituted only 17.5% of speeders. Similar findings were noted by Cole for Illinois.

Racial profiling has what sociologists call a self-fulfilling prophecy quality about it. According to the developer of the concept, W. I. Thomas (Thomas & Swaine, 1928), "If men define situations as real, they are real in their consequences" (p. 36). Black individuals are perceived by persons who are not Black as more criminal. They are arrested and incarcerated more than other groups. Studies of incarcerated populations show that a disproportionate number of incarcerated people are Black; therefore, when authorities are profiling or looking for people who commit crime, they concentrate on Black people. David Cole (1999) concludes by stating,

Finally, and fundamentally, we need to think beyond policing. It sometimes appears that the only public resources that the majority is eager to supply to the areas of the city where people of color live are more (and more aggressive) police officers. But if similar levels of crime were occurring in white neighborhoods, and large numbers of white children were under criminal-justice supervision, is it not likely that we would be hearing calls for different kinds of social investments, such as better schools, more job training, better after-care programs, and drug treatment? To restore legitimacy, the majority needs to show that it is willing to invest in something other than the strong arm of the law.

In addition to racial profiling, others have studied aspects of racial discrimination in other parts of the criminal justice system.

Spohn and Cederblom's (1991) study found support for Kalven and Zeisel's (1966) "liberation hypothesis," which holds that racial discrimination in sentencing is significant primarily in less serious cases. Although race was found to play no role in judicial decision making in Pennsylvania (Steffensmeier & Kramer, 1990), Black murders of whites were found more likely to result in the death penalty in Kentucky (Keil & Vito, 1989). In the 1990s, federal drug laws featured more severe penalties for possession or sale of crack cocaine (favored by Black dealers) than for powder cocaine (favored by whites). As a result, a disproportionate number of those given longer prison sentences were Black.

Crime has in the past been primarily intraracial in nature; that is, in most cases, white people victimize white people and Black people victimize Black people. According to UCR arrest data, Black people represent 54% of arrested robbers and exhibit particularly disproportionate rates for murder, rape, and aggravated assault (Federal Bureau of Investigation, 2016a, Table 21A). All of these crimes are relatively unsophisticated and command a great deal of police attention.

Statistics on crime by race are subject to countervailing pressures that may, on one hand, overestimate and, on the other, underestimate the actual Black crime rate. Black people are more likely than white people to be arrested, indicted, convicted, and imprisoned. If convicted, they are less likely to receive probation, parole, or pardon. These factors may tend to exaggerate the Black crime rate. In the past especially, many crimes by Black people against other Black people were ignored by the criminal justice system. A certain proportion of the rising crime rate beginning in the 1960s reflected a greater willingness on the part of the police to respond to urban crime, which had previously been overlooked (see Gabbidon & Greene, 2005; Walker et al., 1995).

Despite these offsetting **crime trends**, the crime rate of Black people is disturbingly disproportionate to that of the general population. Wolfgang's (1958) analysis of homicide in Philadelphia found the crime rate for men of color, ages 20 to 24 years old to be about 25 times the white rate for the same age group (see also Wolfgang, 1987). The few early self-report surveys suggested no significant differences by race with respect to admitted offenses (L. C. Gould, 1969; Hirschi, 1969; Voss, 1963). However, other research (Elliott & Ageton, 1980) again points to the tendency of many early measurement instruments to concentrate on trivial offenses. For more serious offenses, such as assault, robbery, and the like, Black youth were significantly more persistent offenders, their rates in self-report surveys being similar to those in official studies.

A report by the National Council on Crime and Delinquency titled *And Justice for Some* (2000) found that Black and Hispanic youth were treated more severely than white teenagers at each step of the juvenile justice system. Young people of color were more likely than their white counterparts to be arrested, referred to juvenile court, detained prior to trial, formally processed by juvenile courts, found guilty in juvenile court, waived to adult criminal court, placed in juvenile prisons, and admitted to adult state prisons. The same report found that Black people charged with drug offenses are 48 times more likely than whites to be sentenced to juvenile probation. More recent research shows that the racial disparities in the juvenile justice system are actually increasing rather than improving. Black youth are four times more likely to be committed to a secure placement than white youth. Furthermore, arrest rates for white youth are declining at a quicker pace than the arrest rates for Black youth (Rovner, 2016). On a final note, it should be pointed out that the Black crime rate for insider trading, price fixing, defense procurement rip-offs, and other white-collar crimes is very low.

Racial/Ethnic Minority Groups and Crime

Race per se is not as crucial an explanatory variable in traditional crime commission as social class. Until recently, a large percentage of Black people was concentrated in lower socioeconomic-class areas of the city that have traditionally exhibited high rates of breakdown. African Americans are disproportionately represented in the very largest cities. Early research by the Chicago school of sociology, most notably that of C. R. Shaw and H. D. McKay (1942) and their use of E. W. Burgess's (1925) concentric zone theory, serves as an illustration of this relationship, which is discussed in more detail in Chapter 6.

In examining certain areas for delinquency, C. R. Shaw and McKay (1942) report similar rates of delinquency in the same area of transition (Zone II) despite changeover in racial and nationality

groups. The concentric zone theory assumes that city growth occurs in a series of rings. Zone I is the central business district, and Zone II is the oldest and highest residential crime area. This is discussed in greater detail in Chapter 7. Despite this assumption, Nettler (1982) points out that Dutch, German, and Scandinavian settlers in the United States have had low crime rates in general, particularly for violent crimes. In addition, the low rates for Jewish and Asian persons challenge the assumption that racial visibility, prejudice, and discrimination are sufficient explanations of criminality. It should be pointed out, however, that many of these groups were not lower class immigrants but instead had migrated during a period in which their craft, mercantile, and other skills were economically in demand (Flowers, 1988).



PHOTO 3.4 People particpate in a naturalization ceremony to become American citiziens in August of 2018. Recent research suggests that immigrants are less likely to commit crimes than their native-born counterparts (Ghandnoosh & Rovner, 2017).

Joe Raedle/Getty Images

The excessive violent crime rate for Black people in the United States stands in contrast to that of Latinos, who generally have lower incomes, less education, and have more menial jobs but who also have lower rates of violent crime. Silberman (1978), in analyzing New York City crime rates, found the rate of Black-perpetrated violent crime to be three times higher than the Latino rate—twice as high for homicide. Similar differences in arrest data remained in New York City in 2016. Black people make up 56% of those arrested for murder compared to 35% for Hispanic people (O'Neill, 2016).

Because other racial/ethnic minority groups that at one time were discriminated against were able to overcome difficulties and "rise from the ashes," so to speak, many ask why Black people have not been able to achieve the same success. In 1968, in the aftermath of the worst series of urban riots in modern U.S. history, the Kerner Commission, the National Advisory Commission on Civil Disorders, addressed this issue by suggesting four reasons for differences between the white European immigrant and Black experiences:

1. *The Maturing Economy.* When the European immigrants arrived, they gained an economic foothold by providing the unskilled labor needed by industry. Unlike the immigrant, the Black migrant who relocated from the American South to other regions of the United States during the Great Migration (1910–1970) found little opportunity in the city. The economy, by then matured, had little use for the unskilled labor he had to offer.

2. *The Disability of Race.* The structure of discrimination has stringently narrowed opportunities for Black people and restricted their prospects. European immigrants suffered from discrimination, but never so pervasively.

3. *Entry Into the Political System.* The immigrants usually settled in rapidly growing cities with powerful and expanding political machines, which traded economic advantages for political support. Ward-level grievance machinery, as well as personal representation, enabled the immigrant to make his voice heard and his power felt. By the time Black people arrived, these political machines were no longer so powerful or so well equipped to provide jobs or other favors, and in many cases they were unwilling to share their influence with Black people.

4. *Cultural Factors.* Coming from societies with a low standard of living and at a time when job aspirations were low, the European immigrants sensed little deprivation in being forced to take the less desirable and poorer paying jobs. Their large and cohesive families contributed to the total income. Their vision of the future—one that led to life outside the lower income areas of the city—provided the incentive necessary to endure the present.

   Although Black people worked as hard as the European immigrants, they were unable to support their families. The entrepreneurial opportunities had vanished. As a result of slavery and long periods of unemployment, the Black family structure had become matriarchal; the men played a secondary and marginal family role—one which offered little compensation for their hard and unrewarding labor. Above all, segregation denied Black people access to good jobs and the opportunity to leave lower income areas of the city. For them, the future seemed to lead only to a dead end. (Kerner, 1968, p. 15)

William Julius Wilson in *The Truly Disadvantaged* (1987) points out how the deindustrialization (loss of blue-collar factory jobs) of the low-income areas of the city combined with racism, segregation, and poverty to condemn the Black, people whose incomes are below the federal poverty threshold to chronic unemployment and hopelessness. An astonishing study found that by age 23, about 49% of Black men had been arrested (Brame et al., 2014). Much of this is attributed to an aggressive nationwide crackdown on drugs that affected Black people much more than white people. Even though Black individuals represent about 12% of users, their visibility and greater involvement in trafficking in targeted urban areas have had a devastating effect. As noted earlier in this chapter, particularly problematic was the fact that much heavier sentences were levied against those using crack (a form of rock cocaine generally preferred by Black people) than against those abusing the same amount of powder cocaine (preferred by white people). In 2009, President Obama passed legislation that reduced, but did not eliminate, this discrepancy.

Decreasing job prospects in such low-income areas of the city has created a vicious cycle:

- Discrimination holds Black people back in the job market.
- The loss of blue-collar jobs, erosion of real wages for low-skilled work, and weakened unions make unskilled work less available and attractive.
- Drug dealing becomes a fairly lucrative alternative employment option.
- Once they are caught and have served time, dismal job prospects for formerly incarcerated people make them less desirable marriage partners.
- This creates more female-headed households, a major cause of poverty (J. Marshall, 1992).

Does racial/ethnic minority group status itself produce higher crime rates? In general, the answer to this question is no. Much depends on the particular racial/ethnic minority group and its specific values and cultural traditions. In the United States, for instance, the crime rate among Japanese Americans and Asians in general is lower than that of the general population. Many newer immigrant groups in the United States such as Cambodians, Koreans, and Vietnamese have low crime rates in part because of close extended family ties, a strong work ethic, and merchant skills (Launer & Palenski, 1988; Light & Bonacich, 1988). On the other hand, the crime rates for Algerians in France or Finns in Sweden or Latinos in the United States are higher than those of the general population.

Immigration and Crime

Most immigrants to the United States have come from close-knit societies, and the crime rate for this first-generational group is usually lower, with the exception of crimes peculiar to the area from which they emigrated. For instance, for the first-generation Italian immigrant, crime rates were lower, with the exception of murders and assaults. In the 1800s, the areas of southern Italy and Sicily from which they came were experiencing a wave of vendettas and violence, and this pattern was carried over into North America. Similarly, Irish immigrants experienced higher rates for alcohol-related offenses; in the 19th-century, Ireland reputedly had the highest alcoholism rate in the Western world.

It is not the parental group of immigrants that exhibits excess criminality; for many groups, it is the second generation that shows a marked upsurge in crime. Living in a strange new land and often being the victims of discrimination, the first generation tends to cling to old values. Moreover, this group may fear deportation. Wishing to be Americanized, the second generation often rejects many of these ways and attempts to assimilate the general values of U.S. culture. Unfortunately, in the area in which these individuals live (Zone II, for instance, according to concentric zone theory), they also assimilate the criminal values of a high-crime area. Not being placed in such environments or possessing a higher parental social class may explain the relative success of Vietnamese immigrants in the United States.

Nettler (1982), in the four-volume *Criminal Careers*, does an excellent job of summarizing much of the international research on ethnic migrants and crime. Care must be exercised in examining these data, because many of the studies refer to *Gastarbeiter* (guest workers), who are not immigrants as such but rather temporary workers in the host community. Studies in Switzerland found the crime rate higher for foreign-born people than natives, particularly for violent crime. Ferracuti (1968) claimed that the crime rate of foreign-born workers increased as their numbers increased, although many of their crimes went unreported. Nettler (1982) cites similar findings that suggest higher rates for Hungarians and Yugoslavs in Sweden; for Turks, Italians, Africans, and Mediterraneans in West Germany and Belgium; for Algerians in France; and for Irish, Asians, and West Indians in England. However, one chief problem in many of these studies is their failure to control for age and sex differentials because many immigrant groups consist of a heavier population of young, single men, a group with a higher crime commission potential.

Recent work by the Sentencing Project shows that native-born citizens are more likely to commit crime than foreign-born residents of the United States (Ghandnoosh & Rovner, 2017). Other research has shown that immigrants, regardless of their legal status, are less likely to commit crime than native-born citizens (Hickman & Suttorp, 2008). Furthermore, immigrants are underrepresented in American prisons, further suggesting that they are less likely to commit crimes than their native-born counterparts (Ghandnoosh & Rovner, 2017).

Native Americans and Crime

The Indigenous peoples in the United States are members of about 550 federally recognized tribes, including Cherokee (16.4%), Navajo (11.7%), Chippewa (5.5%), Sioux (5.5%), Choctaw (3.4%), Pueblo (2.8%), Apache (2.7%), and all others (51%; Greenfield & Smith, 1999). The rate of victimization for Native Americans has been greater than that of all other races for rape and sexual assault, robbery, and aggravated and simple assault.

In 2004, the Bureau of Justice Statistics (BJS) issued a special report titled *American Indians and Crime* (Perry, 2004). The data were based on over 10 years of National Crime Victimization Survey data and reported that the rate of violent victimization among the nation's 2.8 million Native Americans is well above that of other American racial and ethnic groups and twice as high as the national average. Astoundingly, the rate of violent crime experienced by Native Americans was twice as high as that reported by Black people, two and a half times as high as that reported by white people, and four and a half times as high as that reported by Asian people. Native Americans were more likely to be victims of assault and rape and sexual assault committed by a stranger or acquaintance rather than an intimate partner or family member.

The BJS study indicated that the rate of Native American victimization was 101 violent crimes per 1,000 Native Americans, which was more than twice the rate of the nation as a whole (50 per 1,000).

The average was 41 per 1,000 for white people, 50 for Black people, and 22 for Asian people. Native Americans, unlike other racial/ethnic groups, are more likely to be victims of interracial violence (i.e., between races). Sixty percent of those committing crimes against Native Americans were white people; most of these offenses were attributed to racism and alcohol. The rate of murders committed by Native Americans (as of 2001) was 4 per 100,000, well below the then national average of 7.9. Native American people are, however, twice as likely as Black people and three times more likely than white people to be victims of rape or aggravated assault.

More recent data show that of the 21,061 homicides committed in 2020 in which the offender's race was known, only 215 (about 1%) were committed by an American Indian or Alaska Native. When considering arrests for all crimes tracked by the FBI, American Indians or Alaska Natives were arrested for only 3.5% (FBI, 2022b). In addition, studies have revealed that American Indian or Alaska Native women have higher prevalence of experiencing violence, physical violence or psychological violence by an intimate partner, and stalking compared to Non-Hispanic White women (Rosay, 2016).

Native Americans are one of the smallest racial/ethnic minority groups, yet they represent one of the largest percentages of people incarcerated in prison. Incarceration rates for Native American/Alaskan Native peoples are higher than those for white people—up to seven times higher for prison rates and about double for jail incarceration rates (Daniel, 2020). Despite the well-publicized success of gambling facilities on some reservations, a third of the country's two million Native Americans live below the poverty line. This figure is higher than for all other racial/ethnic minority groups (Blackman & Simmons, 1995). In 800 or more treaties over the years, native tribes were guaranteed a reasonable level of education, health, and resources. However, such promises by the federal government were not honored, and, instead, these people—who experienced near cultural and physical genocide—have also experienced high levels of unemployment, social disorganization, alienation, alcoholism, and crime.

Native American youth are about three times more likely to be confined than white youth. They experience disproportionate police contact, which may contribute to this difference in incarceration rates (Daniel, 2020). Similar to indigenous peoples in other colonized countries, Native Americans were marginalized from the dominant society (Nielson et al., 2000). Nielson (1998) states,

> Native Americans have endured a century and more of government policies that ranged from genocidal to assimilative to supportive of limited sovereignty. The assimilative policies in general were, and still are (to the extent that they can still be found in American Indian law), important contributors to the development of social and economic conditions conductive [*sic*] to the development of Native American gangs. (p. 143)

REGIONAL VARIATION IN CRIME

Not only do crime rates, however difficult to measure, vary between nations, but they also vary by region within a country (see Brantingham & Brantingham, 1984). Figure 3.3 shows that in 2019, the rates for most crimes was higher in the South and the West than in other regions of the United States. Generally, the Northeast has lower rates of crime, except for robbery.

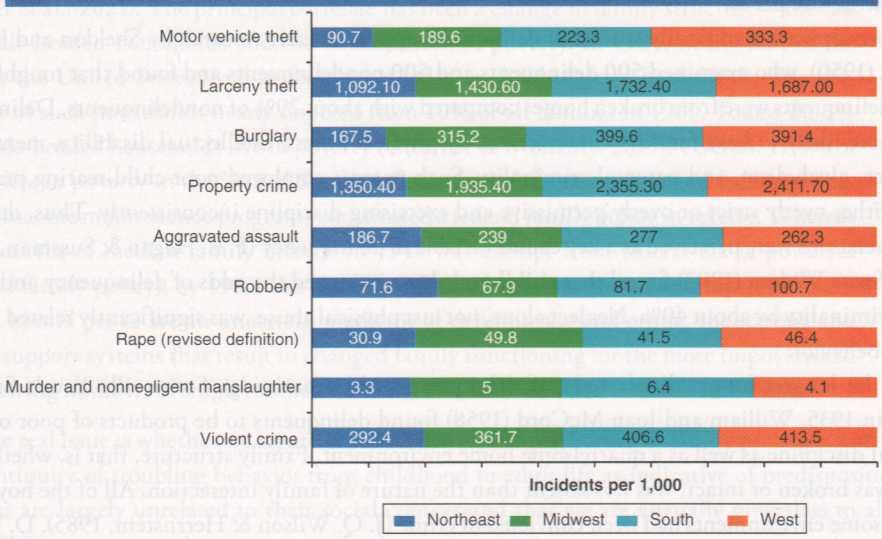
Urban Versus Rural Crime

Internationally, **urban** recorded crime rates are generally higher than **rural crime** rates, and, with few exceptions, this difference appears to have been the case since cities first appeared. Although crime rates tend to increase with the size of the community, there are some important exceptions. UCR statistics in general show a *positive relationship* in which, as the size of community increases, the crime rate also increases.

This same relationship with size of community also holds in the NCVS. Even if one assumes less reporting and recording of rural crime, the difference between rural and urban rates persists. In the 2020 data show that urban locations have higher violent crime rates and higher property crime rates (Morgan & Thompson, 2021). This is not to say that crime does not occur in other types of locales. Suburban areas have higher violent and property crimes than rural areas. The advent of modern communications and transportation has effectively erased many of the distinctions between rural and

urban lifestyles, creating a truly urban society. The relatively high rates of violent crime in rural areas (13.4 compared to 19.0 for urban areas in 2020) (Morgan & Thompson, 2021) may be explained by certain criminalistic traditions in some areas that are much closer to frontier values and by a possible subculture of violence (to be explored in Chapter 4), which may explain high rural rates in the South as well as southern Appalachia.

FIGURE 3.3 Crime Rates Based on Region, 2019



Source: https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-4

Ferdinand (1991), in what he calls the theft/violence ratio, notes that historical studies show a relationship between social structure and levels of property or violent crime. Theft was more prevalent in older, established cities with a preindustrial history, whereas violent crime was more common in rural, agricultural regions and in rapidly and newly industrializing cities.

INSTITUTIONS AND CRIME

Sociologists define social **institutions** as relatively stable social patterns that serve a broad range of crucial functions in society; examples are the economy, family, church, state, and education. In contrast, associations are special-purpose organizations that serve a narrow range of interests; examples are corporations, unions, and professional societies.

The Family and Crime

The family is the primary or most important agent of socialization, particularly during childhood. The family has exclusive contact with the child during the period of greatest dependency and plasticity. Despite considerable popular literature on the subject, there is little, if any, scientific evidence on the subject of child rearing. Advocates of permissive or restrictive socialization to the contrary, the key appears to be firm but consistent discipline that is reinforced as well as understood by the child. The most important variables correlated with delinquency are probably poor home discipline, neglect, and indifference (Rosenbaum, 1989a).

Many U.S. studies of delinquency include under that label a significant number of activities, such as truancy, incorrigibility, and the like, that would not be criminal had they been committed by an adult. In a review of family factors associated with delinquency, Sutherland and Cressey (1974) as well as Hirschi (1983) point to moderate-to-high correlations between delinquency and immorality or criminality or alcoholism of parents, absence of one or both parents, a lack of parental control, unhappy

home life, subcultural differences in the home, and economic pressures. The general process of family influence relates to the fact that the parental social class determines the residence, school, and associates of its offspring. Parental transmission of criminogenic attitudes or failure to train the child may influence delinquency. Similarly, a poor home environment may force the youth into the streets seeking peer primary group support.

Statistics on broken homes, ordinal positions (birth order) of siblings, and number of siblings and their influence on crime and delinquency appear inconclusive (L. Rosen & Neilson, 1978; Sutherland & Cressey, 1974). It would appear that the quality of family interaction is more important than the family structure per se.

More sophisticated family studies of delinquents appear in early research by Sheldon and Eleanor Glueck (1950), who examined 500 delinquents and 500 nondelinquents and found that roughly 50% of the delinquents were from broken homes compared with about 29% of nondelinquents. Delinquents were more likely to have families characterized by physical illness, intellectual disability, mental disturbance, alcoholism, and parental criminality. Such parents employed poor child-rearing practices, being either overly strict or overly permissive and exercising discipline inconsistently. Thus, defective family relations were perceived as a key causal variable in delinquency (F. E. Hagan & Sussman, 1988). Cathy Spatz Widom (1992) found that childhood abuse increased the odds of delinquency and future adult criminality by about 40%. Neglect alone, not just physical abuse, was significantly related to later violent behavior.

In the longest longitudinal study of delinquents—the Cambridge-Somerville Youth Study—begun in 1935, William and Joan McCord (1958) found delinquents to be products of poor or weak parental discipline as well as a quarrelsome home environment. Family structure, that is, whether the home was broken or intact, was less salient than the nature of family interaction. All of the boys from quarrelsome environments had been convicted of crime (J. Q. Wilson & Herrnstein, 1985). D. J. West and Farrington's (1977) longitudinal study of London working-class boys found the following associated with delinquency: low IQ, poor child-rearing practices, criminality of father, large family size, and low family income. Similar findings with respect to defective parental supervision and socialization have been suggested by Baumrind (1978); Hirschi (1969); Patterson (1982); Van Voorhis et al. (1988); and K. N. Wright and Wright (1995).

Loeber and Stouthamer-Loeber (1986), in an exhaustive analysis of the literature, summarize the relationship between family and delinquency as exhibiting (a) the most powerful predictors—lack of parental supervision, parental rejection, and lack of parent–child involvement; (b) medium predictors—background variables such as parents' marital relations and parental criminality; and (c) weaker predictors—lack of parental discipline, parental health, and parental absence. Research by other scholars confirms these findings (Farrington et al., 1986; Laub & Sampson, 1988). The proportion of children in American households living with both parents has declined since 1970. In that year, 90% of white children lived in intact households; in 1997, only 74% did so. For Black children, the figures were 64% (1970) and 35% (1997) (Thornberry et al., 1991). An estimated 40% of white children and 75% of African American children will experience parental separation or divorce by age 16, many of them multiple family transitions. Longitudinal studies of youth in Rochester, Denver, and Pittsburgh found substantial changes in family transition: Rochester (63.5%), Denver (49%), and Pittsburgh (30%). They found a consistent relationship between higher numbers of family transitions and higher delinquency (Thornberry et al., 1999).

Conservative writers, such as Hirschi (1983) and J. Q. Wilson and Herrnstein (1985), seem to view material disadvantage and quality of family life as mutually exclusive explanations. Currie (1985) calls this belief, that what goes on in the family is somehow separate from outside social forces that affect the family, the "**fallacy of autonomy**" (p. 185). Those who commit this fallacy fail to view the family in a larger social context, have an obsessive concern with control rather than supportive social policies, and lend the impression of intractability of family problems, unresponsive to enlightened social policy.

Two influential works that challenge our criminological conception of family and crime are Daniel Moynihan's *Family and Nation* (1986) and Elliott Currie's *Confronting Crime* (1985). Moynihan reiterates his theme of the disintegration and siege of the American family, an issue that he claims should have concerned us in the 1960s. He indicates that the individual has been the center of public policy

in the United States rather than families: "This was a pattern almost uniquely American. Most of the industrial democracies of the world had adopted a wide range of social programs designed specifically to support the stability and viability of the family" (p. 5). Although growth in federal entitlement programs since the 1960s led to a major achievement—the virtual elimination of poverty among the elderly—by the 1980s, the United States had achieved another unique distinction: It had become the first society in history in which people are more likely to be poor if they are young than if they are old.

The age bias of poverty is pronounced, affecting 16% of children under the age of 18 (Shrider et al., 2021). The principal correlate has been a change in family structure—the rise of female-headed households and the **feminization of poverty**. In 1984, nearly half of the poor in the United States lived in female-headed households (Moynihan, 1986). The percentage of such households nearly doubled from 10% of all families in 1960. Today, 26.8% of female-headed households live in poverty (Creamer & Mohanty, 2019). Overall, 11.4% of people live in poverty in the United States. A flattening of the tax system and federal reduction in income maintenance programs constituted a federal family policy in reverse. Whereas three fourths of median family income in 1948 was exempt from federal tax (a powerful national family policy), by 1983, less than one third of such income was exempt. Although broken homes per se are an uncertain predictor of delinquency and crime, the stresses and lack of support systems that result in changed family functioning for the more impoverished and growing numbers of single mothers and children are of concern. Currie (1985) states,

> The real issue is whether we regard the evidence on the persistence of family problems and the continuity of troubling behavior from childhood to adult life as indicative of predispositions that are largely unrelated to their social context and that we are virtually powerless to alter. (p. 219)



PHOTO 3.5 Twenty-four percent of school-age children live in poverty, which has been correlated with the rise of female-headed households and the feminization of poverty.

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Spanking and Crime

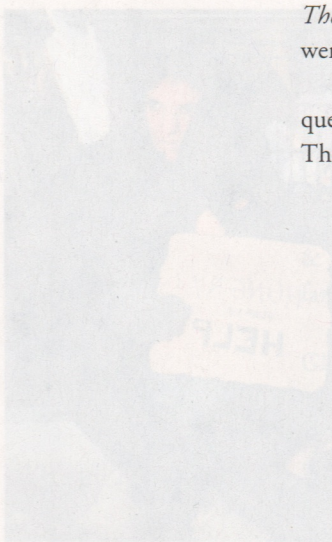
When considering parenting and how it may be related to crime, one aspect that has been hotly debated is using corporal punishment on children. Globally, about 80% of children are spanked or physically punished by their parents (UNICEF, 2014). You may even have been spanked or spank your own children! But,is it possible that this type of punishment does more harm than good? Recent research that examined the body of research on spanking concluded that spanking is in fact related to several negative outcomes for children in the short and long term. As it relates to criminology, spanking was found to be related to aggression and antisocial behavior in childhood as well as antisocial behavior in adulthood. In fact, longitudinal data from over 7,000 U.S. families and families across 32 nations shows that spanking is related to slower cognitive development and increases in crime and antisocial behavior (Straus et al., 2013).

Education and Crime

The relationship between education (formal schooling) and crime and delinquency is at least twofold. First, for adolescents in modern societies, schools—particularly high schools—represent a major factor in their self-esteem at a very important stage in their lives. Second, there is an inverse (negative) relationship between the amount of formal schooling individuals possess and arrest rates for traditional crimes.

The fact that traditional crime commission decreases with the amount of formal education simply reflects the fact that legitimate opportunities increase with formal education, as do occupational and corporate criminal opportunities, which are less likely to be criminally stigmatizing. It is not formal education per se that causes or prevents crime; rather, educational status reflects one's social class, location of residence, and exposure to criminal or delinquent opportunity.

Research on crime and delinquency has come to focus most heavily on family and education as critical variables (J. D. Hawkins & Lishner, 1987; J. Q. Wilson & Lowry, 1987). Moynihan (1986) cites a study commissioned by the National Association of Elementary School Principals (1980) titled



The Most Significant Minority: One-Parent Children in the Schools, which found that one-parent kids were twice as likely to drop out and showed significantly lower achievement in school.

Fagan, Piper, and Moore (1986) note that violent delinquents in inner cities differ from nondelinquents in their attachment to school, their peers, and weak maternal authority, among other variables. They indicate,

> Complex social, economic and political factors are contributing to the creation of a vast new class of poor persons who are younger, more poorly educated and more likely to give birth sooner. One of the predictable consequences of this phenomenon is the continuing isolation of inner-city communities and a hardening of the processes observed among these samples. . . . These findings suggest that delinquency policy should be linked with economic development policy. The infusion of material and social resources into inner-city neighborhoods may strengthen social institutions including schools and families and alter the familiar correlates of serious delinquency by providing for the natural controls which characterize lower-crime neighborhoods. (p. 463)

Strong school bonding decreases the likelihood of delinquency. Denno (1985) indicates that a major predictor of delinquency is misconduct in school. An example of a highly successful program is Head Start, which targets preschool enrichment. Schweinhart and Weikart (1980), in evaluating such a program for disadvantaged Black children, found better later elementary school performance, higher rates of graduation from high school, increased employment, and less crime and delinquency. F. Adler (1983), in a previously cited study of low-crime nations, analyzed 47 variables and found the only factor common to all low-crime countries was strong social controls outside the formal system of justice. This well illustrates the fact that crime and justice matters are not to be treated in isolation from general societal conditions.

Religion and Crime

Lee Ellis (1996), in a review of criminology texts, found that only 2 of 18 even mentioned religion as a variable in crime causation, despite the fact that a significant one third of the public believes it plays a significant role. Of major religious groups in the United States, Jews have the lowest official crime rate, followed by Protestants; Catholics have the highest rates. Why? There is a hidden variable: social class. Catholics in the United States include a significant proportion of low-income minorities, particularly in the Southwest. Of Protestant denominations, Presbyterians and Episcopalians have lower crime rates, and Baptists have the highest. Again, social class rather than denominational affiliation is the likely explanation. Lee Ellis (1985) reviewed over 60 studies in the research literature on this religion–crime connection. The majority of the studies confirm, as might be expected, that attendance at religious services reduced crime commission. This is a stronger relationship than that between religious denomination and crime. Religion may be the "forgotten" factor in criminological theory (B. R. Johnson & Jang, 2010). In a review of 270 reports on religion and crime since the late 1960s, the authors found that only two of the articles reported any negative effects of religion on crime (Akers, 2010).

War and Crime

War has an impact on crime. Although it is an example of institutionalized violence, elements of war itself may be considered violations of international law. Social conflict theorists such as Simmel (1955) and Coser (1956) tell us that conflict with an outside group tends to increase the internal solidarity within groups; that is, as conflict with outside enemies increases, conflict within groups decreases.

During major wars, the domestic crime rate as a whole tends to decline. This probably reflects increased social solidarity, group cohesion against an outside enemy, and high employment. Juvenile delinquency tends to increase during such periods because of displacement of families and increased mobility. As noted earlier, female crime rates increase because of increased opportunity (although women may be at risk of violence such as rape during wartime as well). A major form of crime that tends to increase during wartime is white-collar crime such as black-marketeering, profiteering, wartime trade violations, violations of wage-price freezes, and the like (Sutherland & Cressey, 1974).

Archer and Gartner (1984), using their comparative crime data file, found that nations participating in World Wars I and II were more likely to experience postwar increases in homicide than control nations (those who had not participated). The differences are similar, but less pronounced, after smaller wars. They found data supporting a legitimation-of-violence model in which wars tend to legitimate the general use of violence in domestic society (p. 92).

Economy and Crime

In summarizing the diverse literature on the relationship between trends in the economy and crime, Sutherland and Cressey (1974, pp. 225–226) draw the following conclusions:

- Serious crimes have a slight and inconsistent tendency to rise in periods of economic depression and to fall in periods of prosperity.
- The general crime rate does not increase significantly in periods of economic depression.
- Property crimes involving violence tend to increase in periods of depression, but property crimes involving no violence, such as larceny, show only a slight and inconsistent tendency to increase in depression periods.
- Juvenile delinquency tends to increase in periods of prosperity and to decrease during periods of depression.

Using data from the United States, Canada, England, Scotland, and Wales, Brenner (1978) examined historical data for all major crimes since 1900 and their relationship to employment or unemployment, per capita income, inflation, and other economic indices. He found in all five political areas that the rate of unemployment showed strong and significant relationships to increases in all major categories of crime. There is a significant difference in these statistics before and after World War II. There has been a sped-up or quicker reaction to unemployment since World War II, particularly an increase in violent crimes. More research has examined crime rates and unemployment, with the strongest and most consistent findings revealed for burglary, larceny, and motor vehicle theft (Phillips & Land, 2012). Others have identified the links between other features of the economy such as consumer sentiment and gross domestic product and property crime (Rosenfeld, 2009). The United States especially demonstrated inverse (negative) correlations between employment and incarceration rates (see also Cantor & Land, 1985).

Currie (Skolnick & Currie, 1988) argues that conservative criminologists tend to underemphasize the impact of economic forces on crime. He points out that, whereas little crime increase took place during the Depression, crime rose during the more prosperous 1960s. Currie feels there is a strong, although subtle, relationship and that those who underemphasize the economy ignore three factors:

> First, subgroups with high crime rates—such as young Black men—do have high unemployment rates, even when overall unemployment is low. Second, unemployment has a different impact when it portends a lifetime of diminished opportunity. And finally, unemployment statistics do not reflect the quality of available work. (p. 471)

In examining the relationship between the economy and crime, it is important to note that there have been many changes in the economy since 1960. Women have joined the workforce in large numbers. Unions have decreased their size and influence, much manufacturing has moved overseas, and computers and the internet have altered the nature of the economy. Most affected by all of this is a shift away from dependence on less educated male workers. This is especially pronounced for young, Black males (Bushway, 2010).

Mass Media and Crime

A subject of continual heated debate is the role of the mass media in encouraging crime, particularly crimes of violence. Do comic books, violent video games, music, newspapers, magazines, movies, or television cause an increase in crime? This protracted debate is periodically fueled by crimes, especially

brutal ones, that appear to have some link with the media coverage or fictionalization of criminal events.

Charles Manson was obsessed with the Beatles, and Mark Chapman, the assassin of John Lennon, carried a copy of *The Catcher in the Rye*. In the aftermath of the 2007 Virginia Tech massacre, yet another culprit was added to the witch hunt or moral panic regarding the media and crime (Ferguson, 2007). It was alleged that video games such as *Counter-Strike* or *Streetfighter II* may have inspired the shooter, Seung-Hui Cho. Two meta-analyses of video games by Sherry and another by Ferguson found no relationship between video games and aggressive behavior (cited in Ferguson, 2007). A recent study in which people either played a violent video game—Grand Theft Auto—or the Sims 3, which is not violent, or played no games for 2 months found no differences in aggression and other negative behaviors across the groups (Kühn et al., 2019). In contrast, more than two decades of research on video games includes the American Psychological Association's Resolution on Violence in Video Games and Interactive Media, passed in 2005, which concluded that exposure to violent media increases aggression in children and youth (cited in Carll, 2007). For a subgroup of disturbed youth, such media predispose them to violence by exposing them to violent video games that rehearse recipes for action. Such interactive games may be more potent than other media. Furthermore, as more and more reliance is placed on online sources, it is possible that online content may inspire crime. For example, in 2014, Morgan Geyser and Annissa Weier were convicted of killing their classmate, Payton Leutner. Geyser stabbed Leutner 19 times, with the encouragement of Weier. The girls told detectives that they killed Leutner to impress "Slender Man," a mythical demonic online figure, so as to protect themselves and their families from him (Chason, 2017).

Two rival hypotheses exist with respect to media and violence: the **catharsis hypothesis** and the **precipitation hypothesis**. The former claims that exposure to media violence enables a vicarious letting off of steam and thus has a calming effect. This notion comes to us from the Greek tragedies, in which it was assumed that audiences, as a result of identification with the terrible travail and violent experiences of the characters, would feel an emotional purging of their own frustration, anger, or desire. In contrast, the precipitation hypothesis assumes that exposure to media coverage of violence, fact or fiction, will produce greater propensities to aggression and violence.

In an early report titled *Television and Behavior*, the U.S. Department of Health and Human Services (1982) concluded on the basis of a review of the research literature that there is an association between the viewing of television violence and aggression. One finding that seems continually to present itself concerns the image of society that television creates. In an American Broadcasting Company (ABC, 1983b) poll of viewers, 51% of respondents thought television news gives too much coverage to crime and violence and that this distorts the public view of what is really going on in the streets, leads to the perception that crime is more rampant and a person more likely to be victimized than is in fact the case, and brainwashes us into fear, suspicion, and feelings of vulnerability. The National Institute of Mental Health, in its review of the literature, concluded that violence on television was one factor in children's aggressiveness, although not necessarily in their violent behavior (cited in ABC, 1983b).

In support of the precipitation hypothesis, Glaser (1978) states, "The $30 billion spent annually in the United States on advertising—about $5 billion of it on television—suggests that many people have faith in the impact of mass communication on conduct" (p. 235).

A contrary view is presented by a 14-nation international study of television violence, which found that Japan has the most violent programming and is relatively free of violent crime ("Japanese TV," 1992). This low crime rate appears unaffected by graphically violent comic books, tabloids, videos, and a thriving market in pornography.

CRIME & THE MEDIA 3.1

If you have listened to a true crime podcast recently, you would not be alone. Since 2014, over 150 true crime podcasts have been created. This true crime podcast explosion started with the launch of Serial—a serialized podcast about the 1999 murder of Hae Min Lee and the person accused of

killing her, Adnan Syed. By 2016, Serial Season 1 had over 80 million downloads. Although you may find true crime podcasts to be entertaining, they also have been used in real-life cases, with judges citing podcasts in their decisions to grant motions or new trials. Although research on motivations for listening to podcasts show that most people do because they are entertaining and convenient, females also indicated being motivated to understand the criminal mind and to hear stories about misdeeds. Research on how intimate partner violence is portrayed in podcasts suggests that they are more realistic in their portrayal than the regular news media, yet they still do not provide sufficient context to understand how society permits this type of abuse.

Source: Slakoff, D. C. The mediated portrayal of intimate partner violence in true crime podcasts: Strangulation, isolation, threats of violence, and coercive control. *Violence Against Women, 28*(6/7). https://doi.org/10.1177/10778012211019055; Boling, K. S., & Hull, K. (2018, January 2). Undisclosed information—Serial is my favorite murder: Examining motivations in the true crime podcast audience. *Journal of Radio & Audio Media, 25*(1), 92–108. https://doi.org/10.1080/19376529.2017.1370714

Copycat Crimes

The issue of differential impacts of the media on different subgroups can be illustrated by means of the notion of copycat crimes. The term *copycat* is a slang expression for imitation; thus, **copycat crimes** are fads in crime and are often stimulated by media coverage or portrayals.

In the early days of television, there was tremendous concern about children imitating Superman by jumping from the tops of buildings. In the 1990s, when a 5-year-old girl in Norway was stoned and kicked by playmates and left to freeze to death in the snow, the Scandinavian network TV-3 dropped the American live-action series *Mighty Morphin Power Rangers* from its broadcasts in Norway, Sweden, and Denmark (Mellgren, 1994). The 1976 film *Taxi Driver*, in which a character played by Robert DeNiro attempts to kill the president, inspired Reagan's attempted assassin, John Hinckley Jr. The film *The Program* inspired two teenagers to copy a scene in which drunken football players play "chicken" by lying in the middle of a highway; the boys were killed. The film *Natural Born Killers* was banned in Great Britain and Ireland because of copycat murders in the United States and France (Murr & Rogers, 1995). The film *Child's Play* and its sequels featured a demonic, animated character called Chucky and may have inspired two boys from Liverpool to lure a 2-year-old boy from a local shopping mall and subsequently to murder him (Kolbert, 1994). The horrible dragging death of a Black man, James Byrd Jr., behind a pickup truck in Jasper, Texas, in 1998, perpetrated by three white men and widely publicized in the news media, was followed by two similar crimes in Illinois and Louisiana. Similar patterns with copycat school shootings and workplace violence have also been noted.

Much like the tobacco industry, the purveyors of such violent themes claim no direct causal relationship between their product and harmful outcomes. However, the scientific studies are overwhelming in predicting harmful effects, even though in any particular case not all individuals are adversely affected.

On July 26, 2000, the American Medical Association, the American Academy of Pediatrics, the American Psychological Association, and the American Academy of Child and Adolescent Psychiatry issued a joint declaration stating the following:

> Viewing violence may lead to real-life violence. . . . Children exposed to violent programming at a young age have a higher tendency for violent and aggressive behavior later in life than children who are not so exposed. (quoted in American Academy of Pediatrics, 2000)

SUMMARY

In reviewing descriptions and statistical accounts of crime and people who commit crime, it is important to examine the database or other sources of findings and conclusions. Official statistics, victim surveys, self-reports, and other sources all provide different pictures. Similarly, the various types of criminal activity being addressed, whether traditional or elite, will provide different findings. Although they differ slightly in definitions of crime, concentrating on incidents in the UCR and on

victims in the NCVS, the two measures are viewed as converging, with each providing certain information that the other lacks.

Estimates of the prevalence of crime depend on the measure used, with the extent of crime increasing as we move from UCR to NCVS to self-reports to estimates of corporate crime and other forms of criminality. The bulk of UCR Part I or index crimes consists of property crimes; the most frequent arrests among Part II crimes are for service functions. Trends in crime as measured by the UCR demonstrate a major crime wave in the United States since the mid-1960s. Comparison of trends using the NCVS since the early 1970s shows only a small increase, if not a stable pattern in criminal victimization. Despite the lack of good, representative self-report surveys of the general population, existing studies certainly suggest that crime is even more pervasive than is reported in the UCR and NCVS.

Official statistics on crime indicate that most of those arrested are young (15 to 19 years of age). This is particularly the case with serious property crimes. Age profiles obviously would be altered upward were we to have accurate estimates for corporate and "upperworld" violators. Of all demographic variables, gender is the best universal predictor of criminality; with the exception of prostitution, the male crime rate exceeds the female rate for all crimes, although the gap has been closing, particularly in developed societies. This difference in criminality by gender can best be explained by cultural and socialization differences rather than by innate genetic ones. Some self-report studies demonstrate less of a gap, but others indicate patterns like those in official data.

Official statistics show an inverse relationship between social class and criminality (as measured by arrests); that is, as social class rises, criminality decreases. This relationship remains a subject of debate. Most recent self-report surveys indicate that patterns of lower class admissions of criminality match those of official statistics. Such findings belie the possibility of high upper class criminality, because the most typical upper class offenses are not tapped by such sources.

In examining race and crime, the reader was informed of the precariousness of the scientific concept of race and that a goodly proportion of the Black population in the United States might better be described as being of mixed race. UCR arrest statistics indicate a Black crime rate, particularly for violent crimes, that greatly exceeds their proportion of the U.S. population. Despite countervailing biases in these statistics, it would appear that they are accurate descriptions of excessive commission of these offenses. Most crime is intraracial in nature; that is, most white people victimize white people and most Black people victimize Black people. Self-report surveys show mixed results, but more recent studies confirm higher rates among Black people for serious offenses.

Racial/ethnic minority group status itself does not result in higher crime rates. Early research demonstrated high rates in the area of transition (Zone II) despite turnover in the racial/ethnic minority in residence. Some groups—Dutch and Japanese, for example—never appear to have had higher crime rates. The first generation of immigrants generally has lower crime rates than the native-born population. It is their offspring, becoming Americanized into the lower class, who experience higher rates that mirror the native-born population. Black people have had higher rates than other people of color in part because of a maturing economy, systemic racism, late entry into the political system, and cultural factors. Crime patterns of European immigrants are similar to general U.S. patterns, although many "immigrants" are really temporary guest workers.

Official U.S. crime rates vary by region, with the South highest for murder, rape, and burglary; the West highest for assault, vehicle theft, and larceny; and the Northeast highest for robbery. International variations are difficult to determine because of inadequacies in crime statistics. Urban crime rates are generally higher than suburban and rural ones, particularly for property crimes. Recently, suburban and rural rates have been increasing more rapidly than urban rates.

Although much has been written regarding the impact of the family on crime, with variables such as poor home discipline, neglect, indifference, parental criminality, and others identified as correlates, the key appears to be the quality of the family interaction rather than its structure as such. The impact of education on crime is highly correlated with social class.

Major external conflicts (wars) appear to decrease internal conflicts (crime), with the exceptions of female crime, juvenile delinquency, and certain white-collar crimes. Studies of economic trends and crime show inconsistent results; however, since the end of World War II, there has been a quicker crime increase, particularly in violent crimes, corresponding with dips in the economy.

The nature of the impact of media on crime is unresolved. Some propose a *catharsis hypothesis* (media violence as a vicarious, tension-relieving function); others support a *precipitation hypothesis* (media violence as an encouragement of the acting out of fictional themes). Television portrayals of violence appear to create increased feelings of potential vulnerability on the part of the public. Surveys of the literature by the Department of Health and Human Services, the Surgeon General's Committee, and the National Institute of Mental Health all concluded that violence on television tends to increase aggressiveness in children. Media violence appears to have particular, albeit unpredictable, impacts on certain subpopulations of viewers. This point was illustrated by the occurrence of *copycat crimes*, imitation crimes based on media portrayals.

KEY CONCEPTS

age–crime debate (p. 54)
androcentric bias (p. 56)
catharsis hypothesis (p. 70)
copycat crimes (p. 71)
crime trends (p. 60)
fallacy of autonomy (p. 66)
feminization of poverty (p. 67)
gender (p. 55)
institutions (p. 65)
precipitation hypothesis (p. 70)
social class (p. 57)
urban versus rural crime (p. 64)

REVIEW QUESTIONS

1. How does crime vary internationally? Where does the United States stand with respect to crime compared with other countries of the world?
2. What is the androcentric bias in criminology, and what trends are taking place in the field to counteract it?
3. What is the issue of racial profiling? What impact has this had on rates of arrest and incarceration, and what is being done to remedy the problem?
4. How are Native Americans affected by crime, both as perpetrators and as victims? What explanations are there for this?
5. What is William Julius Wilson's major point in *The Truly Disadvantaged?* What are some steps that have been proposed to remedy this problem?
6. What is the impact of the media on crime? What are some proposals for controlling media precipitation of crime?
7. What is the importance of crime typologies? How would you begin to answer the following question: "What causes crime?"
8. What role does age play in explaining crime rates?
9. What is transnational crime? What are some policy recommendations for dealing with this phenomenon?
10. What are some problems or limitations in using and interpreting international measures of crime?
11. Who is the "typical criminal"?



horst friedrichs / Alamy Stock Photo

4 WHAT IS VICTIMOLOGY?

LEARNING OBJECTIVES

- **4.1** Describe the characteristics of typical crime victimizations in the United States.
- **4.2** Identify some of the costs associated with victimization.
- **4.3** Evaluate several theories regarding victimization.
- **4.4** Discuss key rights held by victims.
- **4.5** Evaluate how the COVID-19 pandemic influenced victimization.

The term *victimology* is not new. In fact, Benjamin Mendelsohn first used it in 1947 to describe the scientific study of crime victims. Oftentimes considered a subfield of criminology, the two fields do share much in common. Just as criminology is the study of people who commit crime—what they do, why they do it, and how the criminal justice system responds to them—victimology is the study of victims. Victimology, then, includes the study of the etiology (or causes) of victimization, of its consequences, of how the criminal justice system accommodates and assists victims, and of how other elements of society such as the media deal with crime victims. Victimology is a science; victimologists use the scientific method to answer questions about victims. For example, instead of simply wondering or hypothesizing about why younger people are more likely to be victims than older people, victimologists conduct research to attempt to identify the reasons why younger people appear to be more vulnerable.

NATURE OF VICTIMIZATION

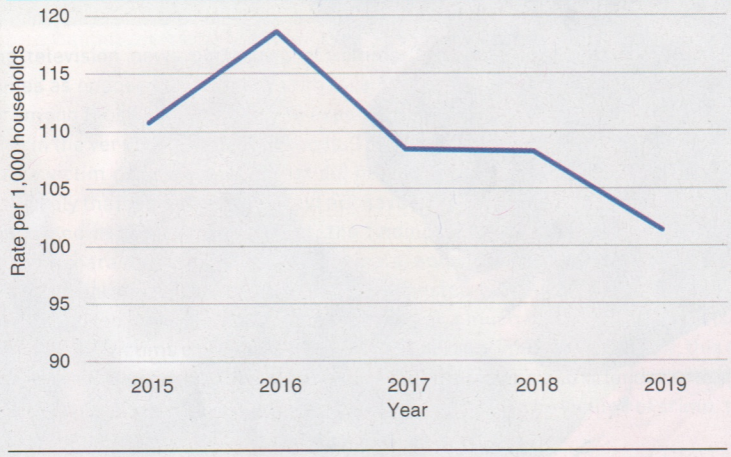
We can learn about the extent to which persons are victimized by examining official data sources such as the Uniform Crime Report (UCR) and surveys such as the National Crime Victimization Survey (NCVS). Recall from Chapter 2 that the UCR is an official data source that shows the amount of crimes known to police each year. According to the UCR, in 2019, the police became aware of 1,203,808 violent crimes and 6,925,677 property crimes. The most common offense was larceny-theft. Aggravated assaults were the most common violent crime, although they were outnumbered by larceny-thefts. Each year, the Bureau of Justice Statistics (BJS) publishes *Criminal Victimization in the United States*, which is a report about crime victimization as measured by the NCVS. In Chapter 2, you also learned that the NCVS is a victimization survey in which persons are asked about their victimization experiences in the previous 6 months. From this report, we can see what the most typical victimizations are and who is most likely to be victimized.

In 2019, a total of 21.6 million victimizations were experienced by the nation's households (Morgan & Truman, 2020). Property crimes were much more likely to be experienced as compared to violent crimes. Although 5.8 million violent crime victimizations were experienced, 12.8 million property crime victimizations occurred. The most common type of property crime experienced was theft, and simple assault was most commonly reported. As can be seen in Figures 4.1 and 4.2, the property crime victimization rate and violent victimization rate have been relatively stable since 2007.

The Typical Victimization and Victim

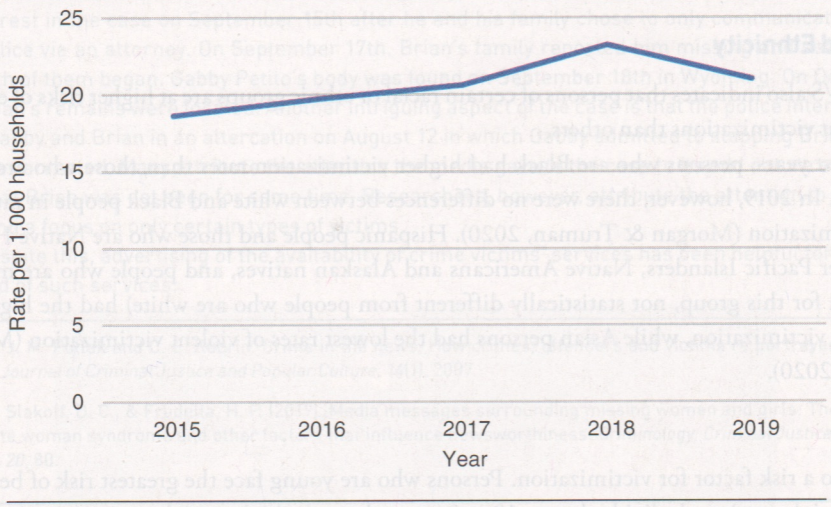
The typical crime victimization can also be identified from the NCVS. Less than half of all victimizations experienced by individuals in the NCVS are reported to the police. This may be in part related to the fact that most victims of violent crime knew their offender. Most often, victims identified their attacker as a friend or acquaintance. Strangers accounted for about 46% of violent victimizations in the NCVS. Only 6% of violent victimizations were characterized as violent offenses with a weapon. This may be one of the reasons why most victimizations do not result in physical injury—about one fourth of violent victimizations result in the victim being injured (Morgan & Truman, 2020). Certain

FIGURE 4.1 ■ Property Crime Victimization Rate in the United States, 2015–2019



Source: Morgan, R. E., & Truman, J. L. (2020). *Criminal Victimization, 2019.* Table 2.

FIGURE 4.2 ■ Violent Crime Victimization Rate in the United States, 2015–2019



Source: Morgan, R. E., & Truman, J. L. (2020). *Criminal Victimization, 2019.* Table 1.

characteristics of victims are also evident. We can tell from the NCVS what gender, race/ethnicity, age group, and households are most likely to be victimized.

Gender

Historically, the NCVS has shown that for all violent victimizations except for rape and sexual assaults, males are more likely to be victimized than women. In 2014, however, this gender gap in violent victimization was less evident—men and women had similar rates of violent victimization, although women remained at an increased risk of experiencing rape and sexual assault compared to men (Truman, 2015). This gender symmetry in violent victimization persists in the most recent data from the NCVS. One difference between male and female victims is who offends against them. In 2020, 69% of female victims were harmed by a male offender, while only 15% of men were harmed by a female offender (Morgan & Truman, 2020). Women are more likely than men to be victimized by an intimate partner. In 2019, of incidents perpetrated by an intimate partner, 90% were perpetrated against female victims ().



PHOTO 4.1 Strangers only account for about one third of violent victimizations in the NCVS. Atsede Niguse, shown here learning braille, was severely burned and blinded when her former husband threw acid on her.

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Race and Ethnicity

The NCVS also indicates that persons of certain racial or ethnic groups are at higher risks of experiencing violent victimizations than others.

In past years, persons who are Black had higher victimization rates than those who are white or Hispanic. In 2019, however, there were no differences between white and Black people in rates of violent victimization (Morgan & Truman, 2020). Hispanic people and those who are Native Hawaiians and Other Pacific Islanders, Native Americans and Alaskan natives, and people who are multiracial (although for this group, not statistically different from people who are white) had the highest rates of violent victimization, while Asian persons had the lowest rates of violent victimization (Morgan & Truman, 2020).

Age

Age is also a risk factor for victimization. Persons who are young face the greatest risk of becoming a victim of violent crime. Individuals ages 18 to 34 years have the highest violent victimization rate and those 35 to 49, 50 to 64, and 65 or older have lower rates than those ages 18 to 24. Generally, the risk of violent victimization declines as people age and is particularly low for those 65 years and older (Morgan & Truman, 2020).

Household Characteristics

Characteristics of the household also play a role in victimization risk. Households in which the total income is low are more likely to experience property victimization than other households. But how low of a total income places a household at risk? Households in the lowest income categories—those earning less than $7,500 or between $7,500 and $14,999 annually—faced the greatest risk of property victimization. Households earning less than $7,500 had a burglary victimization rate more than twice the rate of households whose income was $75,000 per year or higher (). Household income is also related to violent victimization risk. Those households earning less than $25,000 reported more violent victimization than those earning more than this (Morgan & Truman, 2020). The size of the household also matters. The greater the number of people in the household, the greater the property victimization rate. In fact, households with six or more people in them had a property crime victimization rate that was almost 2.5 times higher than single-headed households ().

CRIME & THE MEDIA 4.1 PORTRAYAL OF VICTIMS

In examining television news portrayals of victims, because so much of the news focuses on extreme crimes as opposed to everyday crimes, a net result of the coverage is the creation of a far greater fear among those who are likely to experience the least victimization and less fear among those who live in the very worst neighborhoods. Think about a recent episode of *CSI, Criminal Minds*, or *NCIS*—was a victim depicted on it? What did he (or more likely she) look like? Based on recent research, it is likely that the victim shown did not have the same characteristics of the typical crime victim as discussed in this chapter. In fact, the findings of a recent study on crime in the news showed that "the characteristics of crime, criminals, and victims represented in the media are in most respects the polar opposite of the pattern suggested by official crime statistics" (Pollak & Kubrin, 2007, p. 1). Even though property crimes occur at a much higher rate, the majority of news coverage is devoted to victims of violent crimes, not property crimes. Interestingly, this occurs at an even higher rate when the crime reported involves juvenile victims and offenders. Despite the fact that statistically juveniles, as compared to adults, are less likely to be victims of crime, their stories are disproportionately represented in news headlines.

Another example of how the media portrays victims that do not match with facts about victimization is when reporting about missing persons. A recent example is the case of Gabby Petito, a woman who disappeared while on trip across the United States with her fiancé, Brian Laundrie. The case of Gabby Petito, a 22-year-old white woman, received widespread media attention after her last family reported her missing on September 11, 2021, after not hearing from her since August 30. Brian Laundrie returned to their home without Gabby on September 1. Brian was named a person of interest in the case on September 15th after he and his family chose to only communicate with the police via an attorney. On September 17th, Brian's family reported him missing and searches for both of them began. Gabby Petito's body was found on September 18th in Wyoming. On October 20, Brian's remains were located. Another intriguing aspect of the case is that the police intervened with Gabby and Brian in an altercation on August 12 in which Gabby admitted to slapping Brian. No one was arrested. Many attribute the attention the media gave to the case to its odd nature and the fact that Brian was not seen for some time. Researchers, however, attribute the attention to media bias and a focus on only certain types of victims.

Despite this, advertising of the availability of crime victims' services has been helpful for those in need of such services.

Source: J. M. Pollak and C. E. Kubrin. Crime in the news: How crimes, offenders and victims re portrayed in the media. *Journal of Criminal Justice and Popular Culture, 14*(1), 2007.

Source: Slakoff, D. C., & Fradella, H. F. (2019). Media messages surrounding missing women and girls: The missing white woman syndrome and other factors that influence newsworthiness. *Criminology, Criminal Justice, Law & Society, 20*, 80.

COSTS OF VICTIMIZATION

Victimologists are concerned with not only who becomes a crime victim but also the varied costs associated with being a victim of crime. These costs can be economic, but victimization can also take a toll on a victim's mental health and ability to work.

Economic Costs

Economic costs of victimization include those experienced by the victim and those the public incurs. In this sense, victimization is a public health issue. Economic costs can result from property losses; monies associated with medical care; time lost from work, school, and housework; pain, suffering, and reduced quality of life; and legal fees. In 2008, the total economic loss from crimes was estimated to be $17,397 billion by the National Crime Victimization Survey (Bureau of Justice Statistics, 2009). The NCVS also shows that the median dollar amount of loss attributed to crime when there was a loss was $125. Although this number may appear to be low, it largely represents the fact that the typical property crime is a simple larceny-theft.

Direct Property Losses

Crime victims often experience tangible losses in terms of having their property damaged or taken. Generally, when determining property losses, the value of property that is damaged or taken and not recovered as well as insurance claims administration costs are considered. According to the NCVS, in 2008, a total of 94% of property crimes resulted in economic losses (Bureau of Justice Statistics, 2011). A study conducted in 2010 found that arson victimizations resulted in an estimated $11,452 per episode (McCollister et al., 2010). Data from the UCR show that in 2016, on average motor vehicle theft cost approximately $7,680 for each incident. Personal crime victimizations typically do not result in as much direct property losses. For example, only 18% of personal crime victimizations resulted in economic loss. Rape and sexual assaults typically result in $5,556 in costs to the victim. It is very rare for a victim of a violent or property offense to recover some of their losses. In only about 3 in 10 violent instances and in 16% of property crime instances do victims recover all or some property (Bureau of Justice Statistics, 2011).

Medical Care

To be sure, many victims would gladly suffer property loss if it meant they did not experience any physical injury. After all, items can be replaced and damage repaired. Physical injury, on the other hand, may lead to victims having to seek medical attention, which for some may be the first step in accumulating costs associated with their victimization. Medical care costs encompass costs of transporting victims to the hospital, care by a doctor, prescription drugs, allied health services, medical devices, coroner costs, insurance claims processing costs, and premature funeral expenses (Miller et al., 1996).

Results from the NCVS indicate that in 2019, a total of 526,214 violent crime victims received some type of medical care (). In previous years, about 33% received care at a hospital emergency room or an emergency clinic, and 9% were hospitalized. Receiving medical care often results in victims incurring medical expenses. Almost 8% of victims of violence report having medical expenses as a result of being victimized (Bureau of Justice Statistics, 2007). About 65% of injured victims had health insurance or were eligible for public medical services.

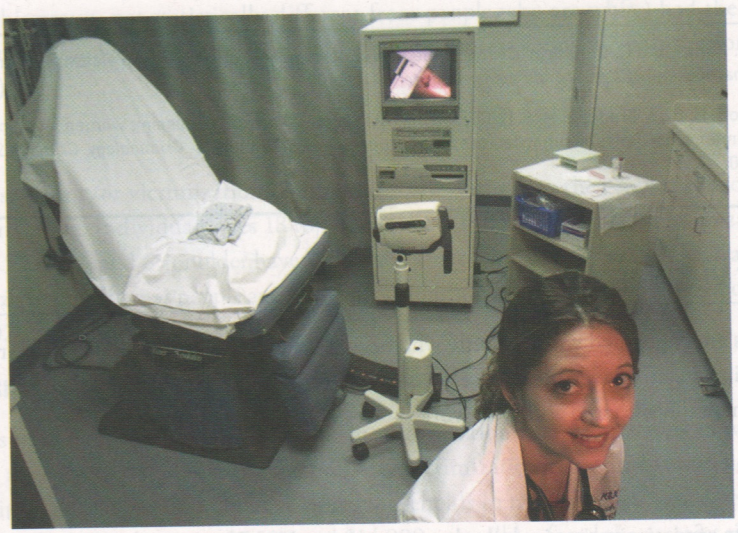


PHOTO 4.2 Nurse practitioner Heather Rattay stands in the Verna Harrah Clinic at the Rape Treatment Center at the Santa Monica UCLA Medical Center. In the background sits the special exam chair and the video monitor hooked up to the colposcope, which is used to magnify tissue trauma.

©Annie Wells/Los Angeles Times/Getty Images

Costs vary across types of victimization. For example, the annual cost of hospitalizations for victims of child abuse is estimated to be $6.2 billion (Prevent Child Abuse America, 2000). Medical treatment for intimate partner violence is estimated to be $1.8 billion annually (Wisner et al., 1999). Per-criminal victimization medical care costs have also been estimated. Assaults in which there were

injuries cost $1,470 per incident. Drunk driving victims who were injured incurred $6,400 apiece in medical care costs (Miller et al., 1996).

Gun violence is associated with substantial medical costs for victims. Although most crime victims do not require hospitalization, even if they are treated in the emergency room, a report on gun violence published by the Office for Victims of Crime showed that gunshot victims make up one third of those who require hospitalization (cited in Bonderman, 2001). Persons who are shot and admitted to the hospital are likely to face numerous rehospitalizations and incur medical costs across their lifetime. In 1994, for all victims of firearm injuries, the lifetime medical costs totaled $1.7 billion (P. J. Cook et al., 1999; cited in Bonderman, 2001). Spinal cord injuries are particularly expensive, with average totals for first-year medical costs alone reaching over $217,000. The average cost per victim of spinal cord injury related to violence is over $600,000 (DeVito, 1997; cited in Bonderman, 2001).

Mental Health Care Costs

When victims seek out mental health care, this also adds to their total losses. It is estimated that from 10% to 20% of total mental health care costs in the United States is related to crime (Miller et al., 1996). Most of this cost is a result of crime victims seeking treatment to deal with the effects of their victimization. Between one quarter and one half of rape and child sexual abuse victims receive mental health care. As a result, sexual victimizations, of both adults and children, result in some of the largest mental health care costs for victims. The average mental health care cost per rape and sexual assault is $2,200; for child abuse, it is $5,800. Victims of arson who are injured incur about $10,000 per victimization in mental health care expenditures. Victimization may also take a toll on other persons. The average murder results in between 1.5 and 2.5 people receiving mental health counseling (Miller et al., 1996), with the average cost per secondary victimization being $2,991 in mental healthcare costs ().

Losses in Productivity

Persons who are victimized may experience an inability to work at their place of employment, complete housework, or attend school. Not being able to do these things contributes to the total lost productivity that crime victims experience. In 2008, about 7% of persons who said they had been violently victimized in the NCVS lost some time from work. About the same percentage of victims of property offenses lost time from work. Some victims are more prone to miss work than others. Almost one fourth of motor vehicle theft victims miss at least 1 day of work (Bureau of Justice Statistics, 2009). Data from the NCVS show that 18% of rape and sexual assault victims missed more than 10 days from work (Bureau of Justice Statistics, 2006b), and victims of intimate partner violence lose almost 8 million paid days from work annually (Centers for Disease Control and Prevention [CDC], 2003). Employers also bear some costs when their employees are victimized; the victimized employees may be less productive, the employers may incur costs associated with hiring replacements, and employers may experience costs dealing with the emotional responses of their employees. Parents also may incur costs when their children are victimized and they are unable to meet all of their job responsibilities as a result of doing things like taking the child to the doctor or staying home with the child (Miller et al., 1996).

Pain, Suffering, and Lost Quality of Life

The most difficult cost to quantify is the pain, suffering, and loss of quality of life that crime victims experience. When these elements are added to the costs associated with medical care, lost earnings, and programs associated with victim assistance, the cost to crime victims increases fourfold. In other words, this is the largest cost that crime victims sustain. As mentioned, one study estimated the cost to rape victims in terms of out-of-pocket expenses to be $5,556 (McCollister et al., 2010). The crime of rape, however, on average, costs $87,000 when its impact on quality of life is considered (Miller et al., 1996).

Another cost that crime victims may experience is a change in their routines and lifestyle. Many victims report that after being victimized, they changed their behavior. To illustrate, victims of stalking may change their phone number, move, or change their normal routine. Others may stop going out alone or start carrying a weapon when they do so. Although these changes may reduce the risk of being victimized again, for victims to bear the cost of crime seems somewhat unfair.

System Costs

The victim is not the only entity affected economically as a result of crime. The United States in general spends an incredible amount of money on criminal justice. When including costs for law enforcement, the courts, and corrections, the direct expenditures of the criminal justice system for states are more than $295 billion annual annually ().

Across states and localities, the criminal justice system employs more than two million persons whose collective pay tops $10 billion (). Obviously, crime is big business in the United States!

Insurance companies pay approximately $45 billion annually due to crime. The federal government also pays $8 billion annually for restorative and emergency services to crime victims. There are other costs that society must absorb as a result of crime. For example, it costs Americans when individuals who are not insured or who are on public assistance are victimized and receive medical care. The U.S. government covers about one fourth of health insurance payouts to crime victims. Gunshot victims alone cost taxpayers over $4.5 billion annually (Headden, 1996). These costs are not distributed equally across society. Some communities have been hit particularly hard by violence, gun violence in particular. Some 96% of hospital expenses associated with gun violence at King/Drew Medical Center in Los Angeles are paid for with public funds (Bonderman, 2001).

Mental Health Consequences and Costs

It was first recognized in the late 1800s that people differentially respond to trauma, including victimization. Some people may cope by internalizing their feelings and emotions, while others may experience externalizing responses. It is likely that the way people deal with victimization is tied to their biological makeup, their interactional style, their coping style and resources, their equilibrium, and the context in which the incident occurs and in which they operate thereafter. Some of the responses can be quite serious and long term, while others may be more transitory.

Three affective responses common among crime victims are depression, reductions in self-esteem, and anxiety. The way in which depression manifests itself varies greatly across individuals. It can include having sleep disturbances, changes in eating habits, feelings of guilt and worthlessness, and irritability. Generally, depressed persons will have a general decline in interest in activities they once enjoyed, a depressed mood, or both. Depression is a common outcome for youth who are victimized by their peers, such as in being bullied (Sweeting et al., 2006). With the advent of technology and the widespread use of the internet, recent research has explored online victimization and its effects. Online victimization will often trigger a depressive response in victims (Tynes & Giang, 2009).

Posttraumatic Stress Disorder

One of the recognized disorders associated with a patterned response to trauma, such as victimization, is **posttraumatic stress disorder (PTSD)**. Commonly associated with individuals returning from war and combat, PTSD is a psychiatric condition that recently has been recognized as a possible consequence of other traumatic events, such as criminal victimization. To be diagnosed with PTSD, a victim must have experienced or witnessed a traumatic event involving actual or threatened death, injury, or sexual violence, or learned about such experiences happening to their family member or friend. The person must experience intrusion symptoms connected to the event such as flashbacks, nightmares, images, memories, or reliving the event. They may also have distress or marked physiologic reactivity when exposed to cues that symbolize or resemble the traumatic event. The person must experience negative alterations in cognitions or mood such as detachment, inability to experience positive emotions, negative expectations about self or others, or distorted cognitions about the causes or consequences of the traumatic event. Finally, to be diagnosed with PTSD, a person has to experience marked alterations in arousal and reactivity such as hypervigilance, aggression, problems sleeping, irritability, recklessness, and exaggerated startle responses (American Psychiatric Association, 2013). To be diagnosed, the symptoms must be experienced for more than 1 month and must cause significant distress or impairment in social, occupational, or other functional areas (American Psychiatric Association, 2013). As you might imagine, PTSD can be debilitating and can affect a victim's ability to heal, move on, and thrive after being victimized.

Although it is difficult to know how common PTSD is for all crime victims, some studies suggest that PTSD is a real problem. Estimates of PTSD for persons who have been victimized are around 25%. Lifetime incidence of PTSD for persons who have not experienced a victimization is 9%. Depression also commonly co-occurs in victims who suffer PTSD (Kilpatrick & Acierno, 2003). Research has shown that victims of sexual assault or aggravated assault and persons whose family members were homicide victims were more likely than other crime victims to develop PTSD (Kilpatrick & Tidwell, 1989). In support of this link, the occurrence of PTSD in rape victims has been estimated to be almost 1 in 3 (Kilpatrick et al., 1992).

Neurobiology of Trauma

An exciting and burgeoning area of research centers around understanding how our body responds to trauma, including interpersonal victimization. This area of research is referred to as the *neurobiology of trauma*. Simply put, the neurobiology of trauma recognizes that individuals react to trauma both psychologically, as already discussed, and physiologically.

Physiological responses are dictated by the brain. When a traumatic event happens, the HPA axis, which consists of the hypothalamus, pituitary gland, and adrenal gland, is stimulated. This sets of a chain reaction where the hypothalamus stimulates hormones to be released by the pituitary gland which, in turn, stimulate hormone release from the adrenal glands. The hormones released by the adrenals signal the body that a life-threatening event is occurring. The older part of the brain, referred to as the "lizard" or "reptilian" brain takes over and an acute stress response (fight, flight, or freeze) is activated.

Not only do the hormones released impact your fight, flight, or freeze response, they affect the manner in which the victim processes the traumatic event. For instance, likely the result of the release of opiates, which reduce physical pain, the victim may appear emotionally unresponsive (also referred to as *flat affect*). On the other extreme, the flood of hormones released by the adrenal gland may result in the victim displaying a vast array of emotions. Often times a victim's response, or lack of emotional response, appears counterintuitive (*Why is she laughing? Why isn't she crying? Why does she appear to not care at all?*) and is misinterpreted as the event not happening. It is important to recognize that there is no "normal" response to trauma, but rather how an individual responds to a traumatic event is influenced by a complex and wide range of factors that include not only the psychological and physiological, but individual, sociocultural, developmental, and event specific, including the type, characteristics of, and meaning of the victimization.

Behavioral Reactions

Behavioral reactions to interpersonal trauma are another consequence victims may experience, including self-blame, learned helplessness, and self-harm. For example, victims may blame themselves for their victimization. One form of this is **characterological self-blame**, which occurs when a person ascribes blame to a nonmodifiable source such as one's character. In this way, characterological self-blame involves believing that victimization is deserved. Another type is **behavioral self-blame**, which occurs when a person ascribes blame to a modifiable source—behavior (Janoff-Bulman, 1979). When a person turns to behavioral self-blame, a future victimization can be avoided, so long as behavior is changed.

In addition to self-blame, others may experience **learned helplessness** following a victimization, which is a learned response to victimization. Victims learn that responding is futile, and they become passive and numb (Seligman, 1975). In this way, victims may not activate in the face of danger and, instead, may be at risk of subsequent victimization experiences.

Learned helplessness does not by itself explain victimization. Research on animals, however, provides us some guidance as to what effects trauma may have on the brain and behavior. Animal research shows that exposure to inescapable aversive stimuli (such as shocks to rats' tails) is related to behavioral changes such as changes in eating and drinking, changes in sleep patterns, and not escaping future aversive stimuli when possible. These behavioral changes are likely linked to fear, which creates changes in brain chemistry, and researchers have hypothesized these changes are similar to the neurochemical

and behavioral changes seen in humans who suffer from major depressive disorders (Hammack et al., 2012). This research finding suggests that it is possible that people who have been exposed to serious trauma and who interpret this trauma as being unavoidable may become depressed and experience behavioral changes that are then linked to future risk of victimization.

Self-harm, also referred to as self-injury or cutting, involves the intentional hurting of oneself, usually with a knife, that is not suicidal in nature. While individuals may hurt themselves deliberately for a variety of reasons, those who have experienced trauma, abuse, or neglect are most at risk for this type of behavior. It is important to note that self-harm is not a mental illness, but a behavior associated with a lack of coping skills (National Alliance on Mental Illness [NAMI], 2018). For instance, Fisher and colleagues (2012) found that bullying victimization was associated with self-harm behaviors among a sample of 12 year olds, even after controlling for emotional and behavioral problems, IQ, and environmental risk. The researchers explained their findings by suggesting that bullied children may turn to self-harm in order to relieve the distress caused by bullying. As children grow older, however, many will replace self-harm with new, healthier coping strategies they have learned for managing distress.

Fear of Crime

Another cost associated with victimization is fear. Fear is an emotional response to a perceived threat (Ferraro & LaGrange, 1987). Persons do not have to be victims of crime to be fearful. In fact, research shows that some groups who are actually less likely to be victimized have higher levels of fear of crime than others. For example, women (Ferraro, 1995, 1996; Haynie, 1998; May et al., 2010; Rountree, 1998) have higher levels of fear of crime than men. For women, this elevated fear of crime has been attributed to their overarching fear of sexual assault. Known as the "shadow hypothesis," this fear of sexual assault actually serves to increase women' fears of other types of crimes (Ferraro, 1995, 1996; Warr, 1985). Older persons also display greater fear of crime than younger persons. This finding, however, is likely dependent on question wording. When people are asked about specific worry about specific crime types, younger persons tend to express greater fear levels than older persons (Jackson, 2009).

Being fearful may be good if it leads people to protect themselves while still enjoying their life. Research on fear of crime shows that people, in response to fear, may engage in avoidance behaviors. **Avoidance behaviors** are restrictions that people place on their behavior to protect themselves from harm, such as staying home at night. Others may engage in **defensive or protective behaviors** to guard themselves from victimization, such as purchasing a gun or installing security lights (Ferraro & LaGrange, 1987). Although having some level of fear is likely good, as it serves to properly activate people in the face of danger and to caution people to engage in protective behaviors, exaggerated levels of fear can be problematic. People may effectively sever themselves from the outside world and not engage in activities they find enjoyable—in short, fear may paralyze some people.

THEORIES OF VICTIMIZATION

Why does a person become a victim? This question has plagued researchers for years. In fact, the first investigations into the study of victims were centered on understanding, as you will read about shortly, why people became victims.

Role of the Victim in Crime

Although the field of victimology has largely moved away from simply investigating how much a victim contributes to their own victimization, the first forays into the study of crime victims were centered on such investigations. In this way, the first studies of crime victims did not illuminate victims as being innocents who were wronged at the hands of an offender. Rather, concepts such as victim precipitation, victim facilitation, and victim provocation were developed from these investigations. ***Victim precipitation*** is defined as the extent to which a victim is responsible for their own victimization. The concept of victim precipitation is rooted in the notion that, although some victims are not responsible at all for their victimization, other victims are in fact responsible for being victimized. In this way, victim precipitation acknowledges that victimization involves at least two people—an offender and a

victim—and that both parties are acting and oftentimes reacting before, during, and after the incident. Identifying victim precipitation does not necessarily lead to negative outcomes. It is problematic, however, when it is used to blame the victim while ignoring the offender's role.

Similar to victim precipitation is the concept of victim facilitation. **Victim facilitation** occurs when a victim unintentionally makes it easier for an offender to commit a crime. A victim may, in this way, be a catalyst for victimization. A woman who accidentally leaves her purse in plain view in her office while she goes to the restroom and has it stolen would be a victim who facilitated her own victimization. This woman is not blameworthy—the offender should not steal regardless of whether a purse is in plain view and easy to steal—but the victim's actions certainly made her a likely target and made it easy for the offender to steal her purse. Unlike precipitation, facilitation helps us understand why one person may be victimized over another, but the term does not connote blame and responsibility.

In contrast, **victim provocation** occurs when a person actually does something that incites another person to commit an illegal act. Provocation suggests that without the victim, the crime actually would not have occurred. Provocation, then, most certainly connotes blame. In fact, the offender is not at all responsible. An example of a victim provocation is found in Crime File 4.1. The offender in this scenario ultimately is a victim, but he would not have been shot if not for attempting to break into a home. The distinctions among victim precipitation, facilitation, and provocation, as you probably are noticing, are not always clear-cut. But these terms were developed, described, studied, and used in somewhat different ways in the mid-1900s by several scholars.

The Criminal–Victim Dyad: Hans Von Hentig

In his book *The Criminal and His Victim: Studies in the Sociobiology of Crime*, Hans von Hentig (1948) recognized the importance of investigating what factors underpinned why certain people are victims just as criminology attempts to identify those factors that produce criminality. He determined that some of the same characteristics that produce crime also produce victimization.

In studying victimization, von Hentig (1948) looked at the criminal–victim dyad, thus recognizing the importance of considering the victim and the person who committed the crime not in isolation but together. He attempted to identify the characteristics of a victim that may effectively serve to influence victimization risk. He considered that victims may provoke victimization—being agent provocateurs—based on their characteristics. He argued that crime victims could be placed into 1 of 13 categories based on their propensity for victimization. These categories are (1) young, (2) female, (3) old, (4) immigrants, (5) depressed, (6) mentally defective or deranged, (7) the acquisitive, (8) dull normals, (9) minorities, (10) wanton, (11) the lonesome and heartbroken, (12) tormentor, and (13) the blocked, exempted, and fighting. Each of these victims is targeted and contributes to their own victimization because of these characteristics. For example, the young, the old, and women may be victimized because of their ignorance or risk taking, or may be taken advantage of, such as women being sexually assaulted. Immigrants, minorities, and dull normals are likely victimized due to their social status and inability to activate assistance in the community. The mentally defective or deranged victims may be victimized because they do not recognize or appropriately respond to threats in their environment. Those who are depressed, acquisitive, wanton, lonesome, and heartbroken may place themselves in situations in which they do not recognize danger because of their mental state, their being upset over a lost relationship, their desire for companionship, or their greed. The tormentor is a person who provokes her own victimization via violence and aggression toward others. Finally, the blocked, exempted, and fighting victim is one who is enmeshed in poor decisions and is unable to defend themself or seek assistance if victimized. An example of such a victim is a person who is blackmailed because of their behavior and would be placed in a precarious situation if they were to report the blackmail to the police (Dupont-Morales, 2009).

CRIME FILE 4.1 WHEN OFFENDER BECOMES VICTIM

An 87-year-old army veteran and retired postal worker, Jack Goodwin, had the rear window of his house broken when he was in bed listening to a Lakers basketball game. Goodwin got out of bed with his gun to investigate. He saw people at his window, raised the gun, and fired. Goodwin said,

"When I saw them breaking the glass, I was, man. I got kinda—it was either me or them, then. I knew one thing—they were gonna deal with me. Cause if you've got enough nerve to break in somebody's house and they're home, they've got enough nerve to kill you see. There's no if or ands about it." One of the intruders was hospitalized in critical condition after being shot, and another escaped. Police did not plan to file charges against Goodwin, who indicated he would probably do the same thing again if in the same situation.

Source: "Burglar Shot After Trying to Break Into Army Veteran's Home," *CBS Los Angeles*, February 1, 2012. http://losangeles.cbslocal.com/2012/02/01/burglar-shot-after-trying-to-break-into-army-veterans-home.

Victim Classification: Benjamin Mendelsohn

Known as the father of victimology, Benjamin Mendelsohn (1947) coined the term *victimology* in the mid-1940s. An attorney, he became interested in the relationship between the victim and the person who committed the crime as he conducted interviews with victims and witnesses and realized that victims and offenders often knew each other and had some kind of existing relationship. He then created a classification of victims based on their culpability, or the degree of the victim's blame. His classification entailed the following:

1. *Completely innocent victim:* victim who bears no responsibility at all for victimization; victim simply because of their nature, such as being a child
2. *Victim with minor guilt:* a victim who is victimized due to ignorance; a victim who inadvertently places themself in harm's way
3. *Victim as guilty as offender/voluntary victim:* a victim who bears as much responsibility as the offender; a person who, for example, enters into a suicide pact
4. *Victim more guilty than offender:* a victim who instigates or provokes own victimization
5. *Most guilty victim:* a victim who is victimized during the perpetration of a crime or as a result of crime
6. *Simulating or imaginary victim:* a victim who actually was not victimized at all but instead fabricates a victimization event

Mendelsohn's classification emphasized degrees of culpability, recognizing that some victims bore no responsibility for their victimization, while others, based on their behaviors or actions, did.

Victims and Responsibility Typology: Stephen Schafer

One of the earliest victimologists, Stephen Schafer (1968) wrote *The Victim and His Criminal: A Study in Functional Responsibility.* Much like von Hentig and Mendelsohn, Schafer also proposed a victim typology. He positioned victims in groups based on how responsible they are for their own victimization, using both social characteristics and behaviors. In this way, his typology includes facets of von Hentig's typology based on personal characteristics and Mendelsohn's typology rooted in behavior. He argued that victims have a functional responsibility to not provoke others into victimizing or harming them and that they also should actively attempt to prevent that from occurring. He identified seven categories and labeled their level of responsibility as follows:

1. *Unrelated victims*—no responsibility
2. *Provocative victims*—share responsibility
3. *Precipitative victims*—some degree of victim responsibility
4. Biologically weak victims—no responsibility
5. *Socially weak victims*—no responsibility

6. *Self-victimizing*—total responsibility
7. *Political victims*—no responsibility

Victim Precipitation in Homicides: Marvin Wolfgang

The first person to empirically investigate victim precipitation was Marvin Wolfgang (1957) in his classic study of homicides that occurred in Philadelphia from 1948 to 1952. He examined some 558 cases to see to what extent victims precipitated their own homicide. In those instances in which the victim was the direct, positive precipitator in the homicide, Wolfgang labeled the incident as "victim precipitated." For example, the victim would be the first to brandish or use a weapon, the first to strike a blow, and the first to initiate physical violence. He found that 26% of all homicides in Philadelphia during this time period were victim precipitated.

Beyond simply identifying the extent to which homicides were victim precipitated, he also identified those factors that were common to victim-precipitated homicides. He determined that often in victim-precipitated homicides, the victim and the offender knew each other. He also found that most victim-precipitated homicides involved male offenders and male victims and that the victim was likely to have a history of violent offending himself. Alcohol was also likely to play a role in victim-precipitated homicides, which makes sense, especially considering that Wolfgang (1957) determined that the homicide often started as a minor altercation and escalated to murder.

Since Wolfgang's study of victim-precipitated homicide, others have expanded his definition to include felony-related homicides and subintentional homicide. *Subintentional homicide* occurs when the victim facilitates their own demise by using poor judgment, placing themself at risk, living a risky lifestyle, or using alcohol or drugs. Perhaps not surprising, a study of subintentional homicide found that as many as three fourths of victims were subintentional victims (N. H. Allen, 1980).

Victim Blaming and Rape: Menachem Amir

The crime of rape is not immune from victim blaming today, and it certainly has not been historically either. Menachem Amir (1971), a student of Wolfgang's, conducted an empirical investigation into rape incidents that were reported to the police. Like Wolfgang, he conducted his study using data from Philadelphia, although he examined rapes that occurred from 1958 to 1960. He examined the extent to which victims precipitated their own rapes and also identified commonalities to this type of rape. Almost 1 in 5 rapes was labeled as victim precipitated by Amir. He found that these rapes were likely to involve alcohol, and the victim was likely to have a bad reputation and to have engaged in seductive behavior, worn revealing clothing, and used risqué language. Amir also determined that it was the offender's interpretation of actions that is important rather than what the victim actually does. The offender may view the victim—their actions, words, and clothing—as going against what is considered appropriate behavior. In this way, the victim may be viewed as being "bad" in terms of how they should behave. The perpetrator may then choose to rape someone because of a misguided view of how others should act, because the perpetrator thinks that they deserved it. Amir's study was quite controversial—it was attacked for blaming victims, namely women, for their own victimization.

Routine Activities and Lifestyles Theory

In the 1970s, two theoretical perspectives—routine activities and lifestyle exposure theories—were put forth that both linked crime victimization risk to the fact that victims had to come into contact with a potential offender. Before discussing these theories in detail, first it is important to understand what a **victimization theory** is. A victimization theory is generally a set of testable propositions that are designed to explain why a person is victimized. Both routine activities and lifestyles theory proposed that a person's victimization risk can best be understood by the extent to which the victim's routine activities or lifestyle creates opportunities for a motivated offender to commit crime.

In developing *routine activities theory*, Lawrence Cohen and Marcus Felson (1979) argued that a person's routine activities, or daily routine patterns, affected their risk of being a crime victim. In so much as a person's routine activities bring them into contact with motivated offenders, crime

victimization risk abounds. Cohen and Felson thought that **motivated offenders** were plentiful and that their motivation to offend did not need to be explained. Rather, their selection of particular victims was more interesting. Cohen and Felson noted that there must be something about particular targets, both individuals and places, that encouraged selection by these motivated offenders. In fact, those that were deemed to be **suitable targets** based on their attractiveness would be chosen by offenders. *Attractiveness* relates to qualities about the target such as ease of transport, which is why a burglar may break into a home and leave with an iPod or laptop computer rather than a couch. Attractiveness is further evident when the target does not have **capable guardianship**. Capable guardianship is conceived as the means by which a person or target can be effectively guarded so that a victimization is prevented from occurring. Guardianship is typically considered *social* when the presence of another person makes the person less attractive as a target. Guardianship can also be provided through *physical* means, such as a home that has a burglar alarm or a person who carries a weapon for self-protection. A home with a burglar alarm and a person who carries a weapon are certainly less attractive crime targets! When these three elements—motivated offenders, suitable targets, and lack of capable guardianship—coalesce in time and space, victimization is likely to occur.

When Cohen and Felson (1979) originally developed their theory, they focused on *predatory crimes*—those that required a target and offender to have contact. They originally were interested in explaining changes in rates of these types of crime over time. In doing so, they argued that people's routines had shifted since World War II, taking them away from home and making their homes attractive targets. At the same time, people began spending more time outside of the home, in leisure activities and going to and from work and school. As people spent more time interacting with others, they were more likely to come into contact with motivated offenders. Capable guardianship was unlikely to be present; thus, the risk of criminal victimization increased. They also linked the increase in crime to the production of durable goods. Electronics began to be produced in sizes that were portable, making them easier to steal. Similarly, cars and other expensive items that could be stolen, reused, and resold became targets. As Cohen and Felson saw it, prosperity of a society could produce an increase in criminal victimization rather than a decline! Also important, they linked victimization to everyday activities rather than social ills, such as poverty.

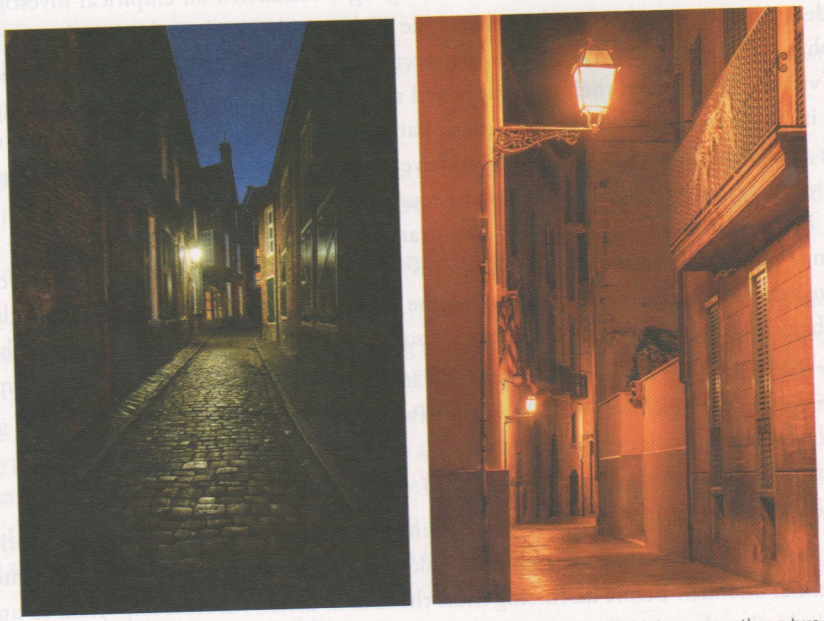


PHOTO 4.3 Based on your knowledge of routine activities theory, which of the homes on these two streets have a great chance of being victimized and why?

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Michael Hindelang, Michael Gottfredson, and James Garofalo's *lifestyle exposure theory* (1978) is a close relative of routine activities theory. They posited that certain lifestyles or behaviors place people in situations in which victimization is likely to occur. Your lifestyle, such as going to bars or working

late at night in relative seclusion, places you at more of a risk of being a crime victim. Although the authors of lifestyles theory did not specify how opportunity connects to risk as clearly as did the authors of routine activities theory, at its heart, the theory closely resembles it and its propositions. As a person comes into contact—via lifestyle and behavior—with potential offenders, they are likely creating opportunities for crime victimization to occur. The lifestyle factors identified by Hindelang and his colleagues that create opportunities for victimization are people with whom one associates, working outside of the home, and engaging in leisure activities. In this way, a person who associates with people who commit crime, who works outside of the home, and who participates in activities, particularly at night, away from home and with nonfamily members, is a more likely target for personal victimization than others. Hindelang et al. (1978) further delineated why victimization risk is higher for some people than others using the **principle of homogamy**. According to this principle, the more frequently a person comes into contact with those in demographic groups with likely offenders, the more likely it is the person will be victimized. This frequency may be a function of demographics or lifestyle. For example, men are more likely to commit criminal offenses than women. Men, then, are at greater risk for victimization if they spend more time with other men. Today, researchers largely treat routine activities theory and lifestyles theory interchangeably and often refer to them as the routine activities and lifestyle theory perspectives.

One of the reasons that routine activities and lifestyles theory have been the prevailing theories of victimization for over 30 years is because of the wide empirical support researchers have found when testing them. It has been shown that a person's routine activities and lifestyle affect the risk of being sexually victimized (Cass, 2007; Fisher et al., 2010b; Mustaine & Tewksbury, 1999, 2007; M. D. Schwartz & Pitts, 1995). This perspective has also been used to explain auto theft (Rice & Smith, 2002), stalking (Mustaine & Tewksbury, 1999), cybercrime victimization (T. J. Holt & Bossler, 2009), adolescent violent victimization (Lauritsen et al., 1992), theft (Mustaine & Tewksbury, 1998), victimization at work (D. R. Lynch, 1997), and street robbery (Groff, 2007).



PHOTO 4.4 Such places are often described as "no go" zones or good places to avoid.

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Structural Causes of Victimization

We have already discussed how certain individuals are more at risk of becoming a victim of crime than others. So far, we have tied this risk to factors related to the person. Where that person lives and spends time, however, may also place them at risk of victimization. Indeed, you are probably not surprised to learn that certain areas have higher rates of victimization than others. Some areas are so crime prone that they are considered **hot spots** for crime. First identified by Sherman and associates (Sherman et al., 1989), hot spots are areas that have a concentrated amount of crime. He found through examining

police call data in Minneapolis that only 3% of all locations made up most calls to the police. If a person lived in or frequented a hot spot, they would be putting themself in danger. The features of these hot spots and other high-risk areas may create opportunities for victimization that, independent of a person's lifestyle or demographic characteristics, enhance one's chances of being victimized.

What is it about certain areas that make them prone to victimization? A body of recent research has identified many features, particularly of neighborhoods (notice we are not discussing hot spots specifically). One factor that is related to victimization is **family structure**. Robert Sampson (1985a), in his seminal piece on neighborhoods and crime, found that neighborhoods that have a large percentage of female-headed households have higher rates of theft and violent victimization. He also found that **structural density**, as measured by the percentage of units in structures of five or more units, is positively related to victimization. **Residential mobility**, or the percentage of persons 5 and older living in a different house from 5 years before, also predicted victimization.

Beyond finding that the structure of a neighborhood influences victimization rates for that area, it has also been shown that neighborhood features influence personal risk. In this way, living in a neighborhood that is disadvantaged places individuals at risk of being victimized, even if they do not have risky lifestyles or other characteristics related to victimization (S. Browning & Erickson, 2009). For example, neighborhood disadvantage and neighborhood residential instability are related to experiencing violent victimization at the hands of an intimate partner (Benson et al., 2003). Using the notions of collective efficacy, it makes sense that neighborhoods that are disadvantaged are less able to mobilize effective sources of informal social control (Sampson et al., 1997). Informal social controls are often used as mechanisms to maintain order, stability, and safety in neighborhoods. When communities do not have strong informal mechanisms in place, violence and other deviancy are likely to abound. Such communities are less safe; hence, its residents are more likely to be victimized than residents of more socially organized areas.

VICTIMS' RIGHTS

Once essentially ignored by the criminal justice system and the law, victims are now granted a range of rights. These rights have been given to victims through legislation and, in 32 states, through victims' rights amendments to state constitutions (National Center for Victims of Crime, 2009). The first such law that guaranteed victims' rights and protections was passed in Wisconsin in 1979; now, every U.S. state has at least some form of victims' rights legislation (Davis & Mulford, 2008). Despite each state having laws that afford victims' rights, the states differ according to whom the law applies, when the rights begin, what rights victims have, and how the rights can be enforced. What they have in common, however, is the goal of victims' rights—to enhance victim privacy, protection, and participation (Garvin, 2010).

Slightly less than half of states give *all* victims rights (Howley & Dorris, 2007). In all states, the right to compensation, notification of rights, notification of court appearances, and ability to submit victim impact statements before sentencing is granted to at least some classes of victims (Dees, 1999). Other common rights given to victims in the majority of states are the right to restitution, to be treated with dignity and respect, to attend court and sentencing hearings, and to consult with court personnel before plea bargains are offered or defendants released from custody (Davis & Mulford, 2008). Other rights extended to victims are the right to protection and the right to a speedy trial. Some states explicitly protect victims' jobs while they exercise the rights they have to attend and participate in the criminal justice system. These protections may include having the prosecutor intervene on behalf of the victim with the employer or prohibiting employers from penalizing or firing a victim from taking time off from work to participate (National Center for Victims of Crime, 2009). See Table 4.1 for a description of common rights provided to crime victims.

Victim Remedies and Services

In addition to these common rights, victims are also provided a range of services to help them recover financially and psychologically and to navigate the criminal justice system.

TABLE 4.1 ■ Common Victims' Rights

Right	Provided to Victim
Compensation	Victims of violent crime who experience financial loss associated with their victimization can apply to have these costs reimbursed through the state. Common costs that may be reimbursed include medical bills, counseling, crime scene cleanup, funeral expenses, and lost wages.
Notification	Victims have the right to be notified about critical events involving their case. Victims may have the right to be notified of court proceedings, arrest of the offender, release of the offender from jail, and parole hearings.
Victim impact statements	Oral or written statements made by crime victims that detail the pain caused by the offender. These statements often include the victim's desire for sentencing. Victim impact statements may be used for sentencing or in making decisions about plea bargaining or parole.
Restitution	Restitution is money or service paid by an offender to a victim. Expenses that may be recovered through restitution include medical and dental bills, counseling, transportation, lost wages, and costs to cover stolen or damaged property.
Dignity and respect	Crime victims have the right to be treated fairly in a way that preserves their dignity and respect.
Consultation	Crime victims have the right to be consulted before criminal justice officials make decisions about bond, plea bargains, sentencing, or parole.
Protection	Crime victims have the right to be protected from harm that may arise from cooperating with the criminal justice process. This right to protection often means that they should have separate waiting areas in court proceedings. Victims also have the right to be free from intimidation and harm from the defendant. This means they may seek orders of protection. Victims also have the right to be protected from losing their jobs as a result of participating in the criminal justice process. Some states are protecting victims by not requiring their information to be in court or law enforcement records or by not forcing them to include their place of employment in testimony.
Speedy trial	The impact on the victim is often considered when judges decide to delay trials.

Source: Davis, R. C., & Mulford, C. (2008). Victim rights and new remedies: Finally getting victims their due. *Journal of Contemporary Criminal Justice, 24*(2), 198–208.

Victim Compensation

One way that victims can receive financial compensation for their economic losses is through state-run **victim compensation** programs. First begun in 1965 in California, victim compensation programs now operate in every state. Money for compensation comes from a variety of sources. A large portion of funding comes from people who commit crime themselves—fees and fines are charged to people who are convicted of criminal offenses. These fees are attached to the normal court fees that offenders are expected to pay. In addition, the **Victim of Crime Act of 1984 (VOCA)** authorized funding for state compensation and assistance programs. Today, the VOCA Crime Victims Fund provides over $700 million annually to states to assist victims and constitutes about one third of each program's funding (National Association of Crime Victim Compensation Boards, 2009). Not only did VOCA increase funding for state programs, but it also required states to cover all U.S. citizens victimized within the state's borders, regardless of the victim's residency. In addition, it required that states provide mental health counseling and that victims of domestic violence as well as drunk driving be covered.

Not all victims, however, are eligible for compensation from the crime victims' fund. Only victims of rape, assault, child sexual abuse, drunk driving, domestic violence, and homicide are eligible because these crimes are known to create an undue hardship on victims (L. Klein, 2010). In addition to the type of victimization, to be eligible, victims

- Must report the victimization promptly to law enforcement; usually within 72 hours of the victimization unless good cause can be shown, such as being a child or incarcerated or otherwise incapacitated
- Must cooperate with law enforcement and prosecutors in the investigation and prosecution of the case
- Must submit application for compensation within a specified time, generally 1 year from the date of the crime, that includes evidence of expenses
- Must show that costs have not been compensated from other sources such as insurance or other programs
- Must not have participated in criminal conduct or significant misconduct that caused or contributed to the victimization

Victims can be compensated for a wide variety of expenses, including medical care costs, mental health treatment costs, funeral costs, and lost wages. Some programs have expanded coverage to also include crime scene cleanup, transportation costs to receive treatment, moving expenses, housekeeping costs, and child care costs (L. Klein, 2010). Other expenses for which victims might be compensated include the replacement or repair of eyeglasses or corrective lenses, dental care, prosthetic devices, and forensic sexual assault exams. Note that property damage and loss are not compensable expenses (Office for Victims of Crime, 2010), and only two states currently pay for pain and suffering (Evans, 2014). Victims are limited in the amount of money they can receive from the Crime Victims Fund. States generally cap the award amount at $10,000 to $25,000 per incident, with the average maximum at $26,000 (Evans, 2014). Some states recognize that these caps may not be sufficient to compensate victims for their losses; thus, some also allow compensation for catastrophic injuries and permanent disability, ranging from $5,000 to $150,000 (Evans, 2014).

Although compensation can clearly provide a benefit for victims, there are some problems with current compensation programs. One problem is that only a small portion of victims who are eligible for compensation actually apply for monies from these funds. The programs also do not seem to encourage participation in the criminal justice system. Moreover, there is little evidence that persons who receive compensation are any more satisfied than others (Elias, 1986) or that they are more likely to participate in the criminal justice process (L. Klein, 2010).

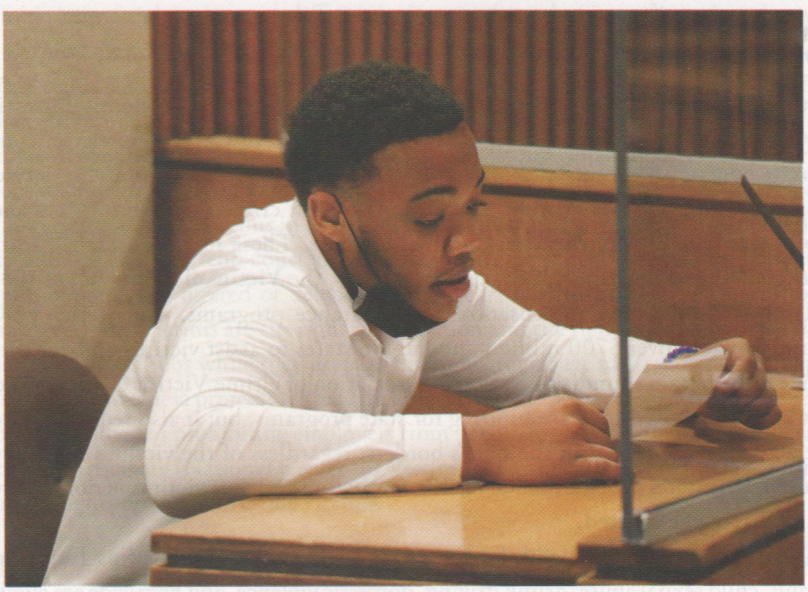


PHOTO 4.5 The brother of a murder victim delivers his victim impact statement in court during sentencing.

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Victim Impact Statements

As previously discussed, the criminal trial involves two parties in an adversarial system that reflects that a crime is a harm against the state. As such, victims have seldom played more than the role of witness in a criminal trial. Not until the 1970s were victims granted rights that guaranteed them at least some voice in the criminal trial process. One of these rights was first adopted in 1976 in Fresno, California, and it gave the victim an opportunity to address the court through a **victim impact statement (VIS)**. The VIS can be submitted by direct victims and by those who are indirectly affected by crime, such as family members. The VIS is either submitted in writing or presented orally (victim allocution).

In the VIS, the harm that was caused is typically detailed, with psychological, economic, social, and physical effects being discussed. Depending on the jurisdiction, the victim or others presenting a VIS may also provide a recommendation as to what the sentence should be for the offender. Not only may the victim be allowed to enter a VIS at sentencing, but most states also allow for the victim to make a VIS at parole hearings. In some cases, the original VIS is included in the offender's file and will be considered during the parole process. In others, the victim is allowed to update the original VIS and to include additional information that may be pertinent to the parole board. Less common, the victim may be allowed to make a VIS during bail hearings, pretrial release hearings, and plea bargaining hearings (National Center for Victims of Crime, 1999). Importantly, regardless of the victim's wishes, the VIS is used as information and may or may not affect the court's decision. As noted by the Minnesota Court of Appeals in *State v. Johnson* (1993), although the victim's wishes are important, they are not the only consideration or determinant in the prosecutor's decision of whether to bring a case to trial.

Family Justice Centers

Family Justice Centers have recently begun opening throughout the United States to better serve crime victims. Because crime victims often need a variety of services, Family Justice Centers are designed to provide many services in "one stop." These centers often provide counseling, advocacy, legal services, health care, financial services, housing assistance, employment referrals, and other services in one place (National Center on Domestic and Sexual Violence, 2011). The advantages of doing so are many—victims can receive a plethora of services without having to navigate the maze of health and social service agencies in their jurisdiction. Instead, these services are all offered in one place.

Victim–Offender Mediation Programs

Some victims may not wish to sit in the background and only interact on the periphery of the criminal justice system. Instead, they may wish to have face-to-face meetings with their offender. As a way to allow such a dialogue between victims and offenders, **victim–offender mediation programs** have sprouted up throughout the United States, with more than 300 such programs in operation today. With the American Bar Association endorsing such programs and what appears to be widespread public support, victim–offender mediation is likely to become commonplace in court in the United States. Victim–offender mediation is already widely used in other countries, with more than 700 programs in operation in Europe (Umbreit & Greenwood, 2000).

Mediation in criminal justice cases most commonly occurs as a **diversion** from prosecution. This means that if an offender and victim agree and complete mediation, and if the offender completes any requirements set forth in the mediation agreement, then the offender will not be formally prosecuted in the criminal justice system. In this way, offenders receive a clear benefit if they agree to and successfully complete mediation. Mediation can also take place as a condition of probation. For some offenders, if they formally admit guilt and are adjudicated, they may be placed on probation by the judge with the condition that they participate in mediation. In all instances, it is up to the victim to decide whether to participate in victim–offender mediation programs. Most victims who are given the opportunity to participate choose to do so (Umbreit & Greenwood, 2000).

Victim–offender mediation programs are designed to provide victims—usually those of property and minor assaults—a chance to meet with their offenders in a structured environment. The session is led by a third-party mediator whose job it is to facilitate a dialogue through which victims are able to directly address their offender and tell them how the crime affected their lives. The victim may

also ask questions of the offender. To achieve the objectives of **restorative justice**, mediation programs in criminal justice use *humanistic mediation*, which is dialogue driven rather than settlement driven (Umbreit, 2000). The mediator is there to be impartial and to provide unconditional positive concern and regard for both parties, with minimal interruption. As noted by Umbreit (2000), Humanistic mediation emphasizes healing and peacemaking over problem solving and resolution. The telling and hearing of each other's stories about the conflict, the opportunity for maximum direct communication with each other, and the importance of honoring silence and the innate wisdom and strength of the participants are all central to humanistic mediation practice. (p. 5)

One tangible product that is often but not always created from victim–offender mediation is a restitution plan for the offender that the victim plays a central role in developing. This agreement becomes enforceable by the court in that, when an offender does not meet its requirements, they are held accountable.

What happens after an offender and victim meet? Do offenders and victims both receive a benefit? What about the community? It is important to evaluate programs in terms of effectiveness in meeting their objectives, and victim–offender mediation programs have been assessed in this way. Collectively, this body of research shows that there are many benefits to such programs. For one, participation in victim–offender mediation has been shown to reduce fear and anxiety among crime victims (Umbreit et al., 1994), including PTSD symptoms (Angel, 2005), and desire to seek revenge against or harm offenders (Sherman et al., 2005; Strang, 2004). In addition, both offenders and victims report high levels of satisfaction with the victim–offender mediation process (McCold & Wachtel, 1998; McGarrell et al., 2000; see Umbreit & Greenwood, 2000). Victims who meet with their offenders report higher levels of satisfaction than victims of similar crimes who have their cases formally processed in the criminal justice system (Umbreit, 1994a). In addition to satisfaction, research shows that offenders are more likely to complete restitution required through victim–offender mediation (Umbreit et al., 1994). More than 90% of restitution agreements from victim–offender mediation programs are completed within 1 year (Victim–Offender Reconciliation Program Information and Resource Center, 2006). Reduction in recidivism rates for offenders has also been found (Nugent & Paddock, 1995; Umbreit, 1994b).

VICTIMIZATION AND COVID-19

The COVID-19 pandemic that began in early 2020 had many impacts on crime but also on crime victims. Increases in homicide (Corley, 2021) and child maltreatment have been documented (Bosman, 2020). But, much of the research examining COVID-19 and victimization has centered on intimate partner violence. This focus may make sense when you consider that the pandemic forced officials to institute "lock down" or "stay-at-home orders" which required people to stay in their homes except for participating in certain activities. Almost all states implemented some form of lock down order, with most lasting about a month (Ballotpedia.org, 2020). These orders meant that people were spending more time at home, often with any children also at home since schools moved to virtual delivery. Having to spend so much time at home, during an incredibly stressful time may have led to an uptick in intimate partner violence incidents. In addition, the pandemic created a sense of isolation, since many people were not going to work or seeing their friends and family (outside of immediate family members). Without social support networks, people may have found that relationships that were already characterized by abuse would become even more abusive and victims would not be able to secure needed assistance. Victim service agencies also felt a burden by not being able to respond to victims as normal—many had to move their services online.

Whatever the reason, many researchers have found that the pandemic is associated with an increase in the amount to intimate partner violence (Piquero et al., 2020). In one study, 5 of 6 cities and counties examined reported an increase in calls for service for domestic violence (Nix & Richards, 2021) and in another the stay-at-home orders were found to be associated with a 8.1% increase in domestic violence (Piquero et al., 2021). Supporting the idea that being forced to stay at home would exacerbate existing violence, Jetelina and colleagues (2021) found through survey data that IPV victims indicated

that their IPV became worse during the COVID-19 pandemic. This worsening of IPV was also found in research conducted in Australia asking women about their IPV experiences—41.7% of women with previous physical IPV experiences noted that it increased in either frequency or severity (). These IPV experiences are connected to increased needs for services. Researchers reported that calls to domestic violence hotlines increased during the Covid-19 pandemic (Bosman, 2020; Bradbury-Jones & Isham, 2020; Daya & Azpiri, 2020; Richards et al., 2021; Taub, 2020), as well as text messages to Chicago's domestic violence hotline (Bosman, 2020).

SUMMARY

The field of victimology emerged during the mid-1900s. Similar to criminology, victimology is the study of the causes and consequences of victimization and of how the criminal justice system and other social service agencies respond to crime victims.

We know from official data sources and victimization surveys that the victimization rate has been steadily declining since 1993. We also know who faces the greatest risk of being a crime victim. Young individuals have the highest violent victimization rates. We also know that households that are low income and that have a greater number of people living in them are more likely to experience a property victimization than other households.

Once a person is victimized, they often experiences a range of consequences. For some victims, there are economic costs associated with the victimization. These economic costs can result from property losses; from money spent on necessary medical or mental health care; from costs associated with losses in productivity or time lost from work, school, or housework; from pain and suffering; from reduced quality of life; and from legal costs. Economic costs are not the only ones incurred by crime victims. Many victims experience affective (emotional) responses to victimization. The most common are depression, reductions in self-esteem, and anxiety. More recently, posttraumatic stress disorder (PTSD) has been recognized as a possible outcome of severe trauma, including victimization. Many victims may blame themselves for their own victimization or experience learned helplessness, whereby they learn that responding to victimization is futile and instead become passive and numb. Another potential cost of victimization is fear. Even persons who have not been victimized may experience fear that it may happen. For example, women generally have higher levels of fear than men, although their actual victimization risks are low.

Early explorations in the field of victimology were centered on determining how much a victim contributes to their own victimization. In this way, early researchers were interested in victim precipitation—the extent to which victims are responsible for their own victimization. They also studied victim facilitation, which occurs when victims make it easier for an offender to commit a crime. Finally, victim provocation, which occurs when a person incites another person to commit a crime against him, was also examined.

The most widely used theories to explain victimization are routine activities and lifestyles theory. According to routine activities theory, when a person's daily routine activities bring them into contact with motivated offenders, without capable guardianship, victimization risk is high. Cohen and Felson argued that it is the coalescence of time and space of motivated offenders, suitable targets, and no capable guardianship that predicts victimization. Hindelang, Gottfredson, and Garofalo's lifestyles theory is closely related to routine activities theory. According to this theory, it is a person's lifestyle that shapes victimization risk. Lifestyles that involve spending time outside of the home, especially at night away from the family, are risky in that they put people in contact with potential offenders. They further argued that the more you come into contact with persons in demographic groups of likely offenders, the more chances you have of becoming victimized.

Others have offered that the characteristics of places make certain areas ripe for victimization. Some areas, known as hot spots, are particularly crime prone. To understand why some areas have high rates of victimization and others do not, researchers have examined their features. Specifically, Sampson

argued that certain features of neighborhoods affect their risk: family structure, structural density, and residential mobility.

Given the interest in crime victims by researchers and practitioners, it is probably not a surprise to learn that victims now have many rights. Commonly, victims have the right to compensation, the right to be notified, the right to attend court hearings, and the right to submit a victim impact statement (VIS). Some states also provide victims with the right to restitution, the right to be treated with dignity and respect, the right to consult with court personnel before bond hearings and plea bargaining decisions, the right to be protected, and the right to a speedy trial (Davis & Mulford, 2008).

Victim compensation is financial payment to victims administered through the state. Often, these funds are paid through charges attached to court fees along with Victim of Crime Act funding from the federal government. To be eligible for compensation, in many states, victims must report the incident to the police in a timely fashion, must cooperate with criminal justice personnel in the investigation and prosecution process, must submit an application within a specified time, must document actual costs and show that these costs have not been paid from other sources, and must not have participated in criminal conduct that contributed to the victimization.

As noted, victims (and those indirectly affected by the crime) may also have the right to make a victim impact statement, which is written or given orally. The VIS details the effects of being victimized and often includes the victim's recommendation for sentence or release.

Some programs provided to victims allow them to play a more direct role in the criminal justice process. Victim–offender mediation programs are one such service. These programs involve face-to-face meetings between the victim and offender with a neutral, third-party mediator. During the mediation session, the victim is allowed to tell the offender how the victimization affected their life and to ask the offender questions. Similarly, the offender is provided an opportunity to apologize and to explain their behavior. Sometimes mediation results in agreed-upon outcomes for the offender, such as restitution to be paid to the victim, that are enforceable by the court.

KEY CONCEPTS

avoidance behaviors (p. 84)
behavioral self-blame (p. 83)
capable guardianship (p. 88)
characterological self-blame (p. 83)
defensive or protective behaviors (p. 84)
diversion (p. 93)
economic costs (p. 79)
Family Justice Centers (p. 93)
family structure (p. 90)
hot spots (p. 89)
learned helplessness (p. 83)
motivated offenders (p. 88)
posttraumatic stress disorder (PTSD) (p. 82)
principle of homogamy (p. 89)
residential mobility (p. 90)
restorative justice (p. 94)
structural density (p. 90)
suitable targets (p. 88)
victim compensation (p. 91)
victim facilitation (p. 85)
victim impact statement (VIS) (p. 93)
Victim of Crime Act of 1984 (VOCA) (p. 91)
victim precipitation (p. 84)
victim provocation (p. 85)
victimization theory (p. 87)
victim–offender mediation program (p. 93)

REVIEW QUESTIONS

1. Who is the "typical" crime victim? Given the characteristics of the typical crime victim, why do you think these persons are more at risk than others of being victimized?
2. Have you been the victim of a crime? Has anyone you know been a victim of a crime? If so, think about the costs associated with the victimization. Had you considered all of these costs before? How did you or the person deal with the costs of being victimized? How should the criminal justice system deal with victim costs?

3. Using routine activities and lifestyles theory, evaluate your own risk of becoming a crime victim. What measures do you already take to avoid victimization? What don't you do, but could? Why do you not do these things? Is it fair to ask victims to change their habits and behavior to reduce victimization? Why or why not?
4. Investigate the rights given to crime victims in your home state. Is it clear what rights are given to victims? Who is responsible for notifying victims of their rights? What remedy do victims have in your home state if their rights are not being met?
5. In what other ways do you think the COVID-19 pandemic may have affected victimization? Are there other types of victimization that you think may have increased during this time? Why?

PART II

THEORIES OF CRIMINOLOGY

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Chapter 8	Sociological Critical Theories and Integrated Theories	185



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5 EARLY AND CLASSICAL CRIMINOLOGICAL THEORIES

LEARNING OBJECTIVES

- **5.1** Review the role of theory in criminology.
- **5.2** Describe how demonological theory is applied to control crime.
- **5.3** Identify the role of free will and rationality in explaining crime in classical theory.
- **5.4** Discuss how neoclassical theories emerged from classical theories.
- **5.5** Compare ecological theory to neoclassical and classical theories in how it explains crime.
- **5.6** Explain the influence of economic theory on early criminological theories.
- **5.7** Identify the connection between early criminological theories and crime policy.

In Chapter 1, theory was discussed as referring to a plausible explanation of reality, a reasonable and informed guess as to why things are as they appear. Theorizing represents a leap of faith, an élan vital (vital force) with which to shed light on the darkness of reality. The term *theory* is derived from the Greek *theoros*, to observe and reflect on the meaning of an event. Representatives from the city-states of Ancient Greece were sent by rival city-states to observe celebrations in honor of the gods. They were asked to attempt to separate themselves from their personal views and try to conceive of what the gods wished. Without incisive theories, a field or discipline becomes a hopeless catalog of random and seemingly unrelated facts. However, theories are not laws or facts, although this is sometimes forgotten by those who become convinced of the correctness of a particular theory that they have come to espouse. Thus, as powerful and persuasive as they may be, Freudian and Marxist theories, for example, are just that: theories—general or systemic models of how human personalities or societies function.

THEORY

Theory in criminology refers to efforts to explain or understand crime causation. It is often viewed as an attempt to justify and excuse crime or as being wholly inadequate in guiding practical, existing social policy. On the contrary, explaining why or how things happen should not be confused with justifying or defending them. If we ignore this obvious fact, we risk killing the messenger bearing bad (although possibly important) news. The uninitiated find review and critique of these theories a futile exercise in self-flagellation in which criminologists parade their dirty laundry in bitter debates between warring camps of theorists. High hopes are raised for the discovery of a key to explaining all crime and criminality, although no such breakthroughs have occurred in the parent social sciences themselves—sociology, psychology, political science, and economics—and many of the same competing schools do battle in these fields. Those who are uncomfortable with such a theoretical morass might best be advised to study chemistry or biology or auto mechanics—fields in which the theoretical and empirical turf is tidier; the subject matter of the social sciences is infinitely more complex and not likely to yield to a general and universally accepted theory in the near future.

In the meantime, what of the demands of applied theorists and practitioners for explanations with which to guide immediate policy? Some have abandoned pure theory as fruitless in providing guidelines for existing policy needs, yet they then propose therapies, treatments, and policies that surprisingly are based on one or the other of the pure theories they have rejected. In reality, criminology as an interdisciplinary field requires both pure and applied theory. The search for a basic, underlying cause is important in itself for the mature development of the discipline; obviously, applied theories need not and cannot wait until ultimate laws are discovered before attempting to advocate existing policy programs. Many fields of learning use workable applied theory without having resolved the issue of ultimate causal theory.

Table 5.1 presents an outline of the major theoretical approaches in criminology. The last type, sociological theory, is subdivided and described in more detail in Chapters 7 and 8. This division of

criminological theories into types or schools of thought is primarily for purposes of convenient presentation because, in fact, some theorists demonstrate evolution in their views and may in fact exhibit theoretical conceptions that meld different types or schools of thought. The primary theoretical approaches in criminology (as shown in Table 5.1) are the demonological, classical (neoclassical), ecological (geographic), economic, positivistic (biological and psychological), and sociological (the many subtypes of which will be discussed in Chapters 7 and 8). Discussion will begin with the demonological or supernatural approach to explaining crime causation, which is based in a superstitious and tradition-oriented past in which wrongdoers were perceived as controlled by otherworldly forces.

TABLE 5.1 ■ Major Theoretical Approaches in Criminology[a]

Theoretical School	Major Themes/Concepts	Major Theorists
Demonological	Criminal as evil, sinner, supernatural pawn	Traditional authority
Classical (neoclassical)	Criminal as rational, hedonistic, free actor	Beccaria, Bentham
	Incapacitation, punishment, deterrence	Wilson, Becker
Ecological (geographic)	Group characteristics, physical and social ecological impacts on criminality	Quetelet and Guerry
	Geographical and climatic impacts on criminality	Lieber and Sherin
Economic	Capitalism, social class inequality, and economic conditions cause crime	Marx, Bonger
Positivistic biological	Physical stigmata, atavism, and biological inheritance cause criminality	Lombroso, Ferri, Garofalo
	Mental deficiency	Goring
	Feeblemindedness	Goddard
	Physical inferiority	Hooton
	Somatotypes—mesomorphs	Sheldon
	Brain disorders, twin studies, XYY syndrome, physiological disorders	Moniz, Christiansen, Jacobs
Psychological	Unconscious repression of sexual instincts	Freud, Eysenck, Skinner
	Criminal personality, extroversion, inadequate behavioral conditioning, IQ	Hirschi, Hindelang
Sociological	Anomie, subcultural learning, and elite dominance cause crime	Durkheim, Sutherland, Quinney

[a] See Tables 7.1 and 8.1 for greater detail regarding sociological theory in criminology.

DEMONOLOGICAL THEORY

Demonological theory or supernatural explanations of criminality dominated thinking from early history well into the 18th century; modern remnants still survive (see Huff, 1990). In a system of knowledge in which theological explanations of reality were predominant, the person who committed a crime was viewed as a sinner who was possessed by demons or damned by otherworldly forces. Humankind was viewed as at the mercy of the supernatural: fates, ghosts, furies, or spirits. Felonies (mortal sins) were viewed as manifestations of basically evil human nature reflecting either allegiance to the "Prince of Darkness" or an expression of divine wrath. The Salem witch trials in Puritan New England and the Spanish Inquisition serve as examples of the torture, hanging, burning at the stake, and other grim

executions awaiting heretics, witches, and criminals. Such a worldview perceived the violator's actions as deterministically controlled by forces beyond the individual's mastery. In the Book of Genesis (22:1–12), Abraham was ordered by God to sacrifice his son Isaac, although he was later released from this injunction. Appeasement of God or the gods—a world beyond human cognition and interpretable only by the clergy, the shaman, and other emissaries to the supernatural—was supported by a traditional worldview that looked to the wisdom of the past rather than attempt a rational interpretation of the present for guidance (see V. Fox, 1976, pp. 7–12).



PHOTO 5.1 Groups such as ISIS demonstrate a theological approach to crime control by criminalizing actions that go against their purported religious values.

AP Photo/Sipa via AP Images

In the Middle Ages in Europe, feudal lords established various means of determining guilt and innocence. God could indicate who was guilty or not by giving victory to the innocent in a trial by battle. Later, trial by ordeal was instituted in which the accused was exposed to dangerous tests, and if the person survived they had been protected by God. Women accused of witchcraft were tied up and thrown in the water. If they floated rather than sank, and thus survived, they were innocent. Running the gauntlet and walking on fire were similar tests.

Application of the theological approach to crime control is not confined to the past but can be illustrated in the modern era by the *ecclesiarchy* (state–church fusion) in Iran under the Ayatollah Khomeini, in which people who committed crime or opponents of the state were summarily subjected to torture, death, or the "wrath of Allah."

The primary challenges to theological approaches to explaining reality were philosophical arguments that sought worldly, rational, secular explanations for human fate. The reasons for crime and criminality were to be found not in the supernatural but in the natural world. Table 5.2 provides a chronology of major developments in criminological theory.

CLASSICAL THEORY

Classical theory in criminology refers to an approach that emphasizes free will and rationality on the part of the criminal actor.

Prior to the formulation and acceptance of classical theory, the administration of criminal justice in Europe was cruel, uncertain, and unpredictable. In England alone in the early 19th century, there were more than 100 crimes punishable by the death penalty (Heath, 1963). Penal policy was designed to control the "dangerous classes," the mass of propertyless peasants, workers, and unemployed. Emerging liberal philosophies espoused by such writers as Locke, Hobbes, and Rousseau advocated the natural rights of man and reason as a guide to regulating human conduct. This Enlightenment of the 17th and 18th centuries questioned the power of the clergy and aristocracy and gave birth to the American and French Revolutions.

TABLE 5.2 ■ Chronology of Selected Important Developments in Criminological Theory

1750 BC	Hammurabi's Code	1950	Glueck and Glueck, *Unravelling Juvenile Delinquency*
AD 1766	Beccaria, *On Crimes and Punishments*	1951	Lemert, *Social Pathology*
1776	American Revolution	1955	Cohen, *Delinquent Boys*
1787	French Revolution	1958	Vold, *Theoretical Criminology*
1788	Bentham, *Moral Calculus*	1958	W. Miller, "Lower Class Culture and Delinquency"
1833	Guerry, *An Essay on Moral Statistics*	1964	Eysenck, *Crime and Personality*
1835	Quetelet, *Treatise on Man and the Development of His Faculties*	1967	Reckless, "Containment Theory"
1848	Marx, *Communist Manifesto*	1969	Hirschi, *Causes of Delinquency*
1859	Darwin, *Origin of Species*	1970	Quinney, *The Problem of Crime*
1863	Lombroso, *Criminal Man*	1971	Chambliss and Seidman, *Law, Order and Power*
1877	Dugdale, *The Jukes*	1973	Clinard and Quinney, *Criminal Behavior Systems*
1897	Durkheim, *Suicide*	1973	Bandura, *Aggression*
1913	Goring, *The English Convict*	1973	Taylor, Walton, and Young, *The New Criminology*
1916/1969	Bonger, *Criminality and Economic Conditions*	1975	Adler, *Sisters in Crime*
1920	Freud, *General Introduction to Psychoanalysis*	1979	Cohen and Felson, *Routine Activities*
1925	Park, Burgess, and McKenzie, *The City*	1980	Clinard and Yeager, *Corporate Crime*
1937	Tannenbaum, "Dramatization of Evil"	1984	Lea and Young, *Left Realism*
1937	Sutherland, *The Professional Thief*	1988	Daly and Chesney-Lind, *Feminist Theory*
1938	Merton, *Social Theory and Social Structure*	1991	Pepinsky and Quinney, *Peacemaking*
1939	Hooton, *Crime and the Man*	1992	Clarke, *Situational Crime Prevention*
1939	Sutherland, "Differential Association"	1992	Agnew, "General Strain Theory"
1940	Sheldon, "Somatotypes"	1993	Messner and Rosenfeld, *Crime and the American Dream*

Crime in Relation to Punishment: Cesare Beccaria

Italian Cesare Beccaria (1738–1794)—actually Cesare Bonesana, the Marquis of Beccaria—was, along with British philosopher Jeremy Bentham, the principal advocate of the classical school of criminological theory. Beccaria's (1963) essay *On Crimes and Punishments*, originally published in 1764, had a profound impact on continental European as well as on Anglo-American jurisprudence. Beccaria was only 26 years of age when he wrote his treatise. His essential point is expressed in the concluding paragraph of this work:

> From what has thus far been demonstrated, one may deduce a general theorem of considerable utility, though hardly conformable with custom, the usual legislator of nations; it is this: In order for punishment not to be, in every instance, an act of violence of one or of many against a private citizen, it must be essentially public, prompt, necessary, the least possible in the given circumstances, proportionate to the crimes, dictated by the laws. (p. 99)

CRIMINOLOGY IN CONTEXT 5.1 THE ORAL HISTORY OF CRIMINOLOGY PROJECT

Although not all criminological theories are still used today, the historical value they provide is still applicable today. Recognizing this concept, the Oral History of Criminology Project is an ongoing effort to preserve the accounts of prominent scholars and their role in shaping the evolution of the field. Through the use of taped interviews, an enduring record—an oral history—is established of how personal, social, historical, and professional influences intersected to give rise to criminology's landmark ideas and initiatives.

The Oral History of Criminology Project intends to conduct, and make available, interviews on a continuing basis. The generous participation of major figures in criminology—and of the scholars who volunteer to prepare for and conduct these interviews—promises to yield an invaluable living account of criminology and its impacts. Their intention is for the interviews to be used not only for research purposes but also in the classroom. The interviews offer students the opportunity to hear criminology from a scholar's own voice—including the voices of those who have since passed away.

In these oral history interviews, scholars are asked to reflect on the development of their careers, on their most significant writings, and on the developments in the field in general. The goal is to provide autobiographical context beyond what is captured in published texts, in order to explore the story behind their careers and contributions to research and practice. The oral history project can be accessed at http://oralhistoryofcriminology.org/about_the_project. One can sample interviews with a number of authors who are listed alphabetically, including Frank Hagan. Listen to Frank Hagan discuss his research.

Beccaria was appalled by the arbitrary nature of the European judicial and penal systems of his time, which were unpredictably harsh, exacted confessions by means of torture, and were completely subject to the whims of authorities. Because potential criminals had no way of anticipating the nature of the criminal law and its accompanying penalty if violated, punishment had little deterrent value. Beccaria was primarily interested in reforming the cruel, unnecessary, and unpredictable nature of punishment, feeling that it made little sense to punish lawbreakers with unjust laws (Vold et al., 2002). Beccaria was responsible for the abolition of torture as a legitimate means of exacting confessions. "Let the punishment fit the crime" is a succinct summation of Beccaria's argument.

Beccaria's work was radical for its time, and, fearing repercussions, he published it anonymously. Even though he defended himself in the introduction to the book, claiming that he was not a revolutionary or an unbeliever, the book was condemned by the Catholic Church in 1777 for its rationalistic ideas (Vold et al., 2002). It was placed on the Church's *Index of Forbidden Books* for more than 200 years. Beccaria proposed the following principles for the proper operation of the criminal justice system:

- Laws should be made by legislatures, and they should be specific.
- The role of judges is only to determine guilt and to follow strictly to the letter of the law in determining punishment. Judges should not interpret the laws.
- The seriousness of crime should be determined by the harm it inflicts on society and be based on the pleasure/pain principle.
- Punishment should be based on the seriousness of the crime and its ability to deter.
- Punishment should not exceed that which is necessary for deterrence.
- Excessive severity in punishment often increases crime that is then committed in order to avoid punishment.
- Punishment should be sure, swift, and certain.
- Capital punishment should be abolished as should the use of torture in order to gain confessions.

- Laws should be structured so as to prevent crime in the first place. It is better to prevent crimes than to punish them.
- All should be treated equally before the law (Beccaria, 1764/1963).

For Lombrosians and social Darwinists "Crime was not due to a sinful soul or chosen freely, but rather was predetermined by a person's constitutional makeup" (Lilly et al., 2015, preface). Lombroso was persuaded that criminals were similar to a lower species who were not as civilized as normal people (Cullen & Wilcox, 2015, p. xxxii). While criminology would reject his theory, it embraced his positivistic model of science.

Hedonism and Crime: Jeremy Bentham

Beccaria's British contemporary, Jeremy Bentham (1748–1832), borrowed from Beccaria the notion that laws should provide "the greatest happiness shared by the greatest number" (Beccaria, 1764/1963, p. 8). Bentham graduated from Oxford University at the age of 12. In his will, the eccentric Bentham gave all of his original book manuscripts to the University College of London on one condition: The administrators had to embalm his body and put it on display for all to see. Such a wooden and glass box with a sitting, fully clothed Bentham is on display to this day. He saw the purpose of punishment to be deterrence rather than vengeance and, similar to Beccaria, was more interested in the certainty of punishment than in its severity.

Bentham has been called an advocate of "utilitarian hedonism" or "felicific calculus" or "penal pharmacy." *Utilitarianism* is a practical philosophical view that claims "we should always act so as to produce the greatest possible ratio of good to evil for all concerned" (Barry, 1983, p. 106). One of Bentham's best-known contributions to criminology was his invention of the "panopticon" (from the Greek, meaning "all seeing"; Bentham, 1823). The panopticon, or "inspection house," was envisioned as a circular prison with a glass roof, featuring a central grand tower from which inspectors could observe all cells located around the perimeter. Although prisons incorporating this design were built in both England and the United States, the plans were later found impractical and were modified (F. E. Hagan, 1996).

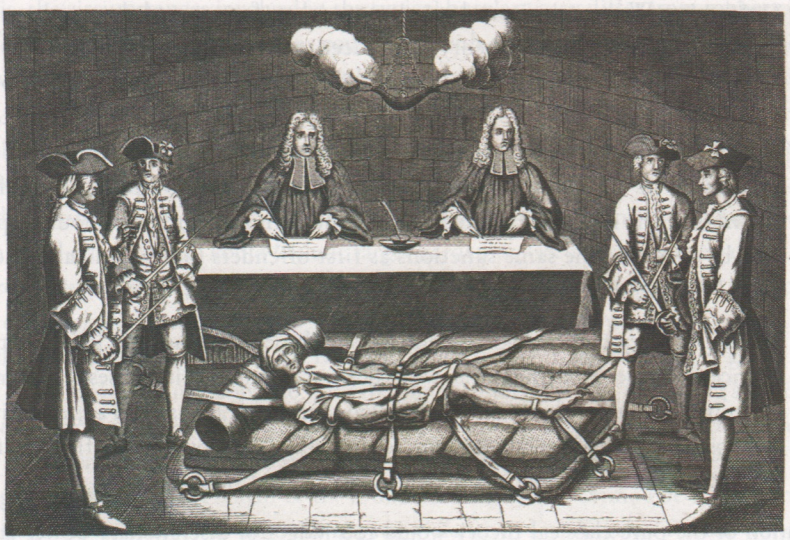


PHOTO 5.2 In 18th-century Europe, the administration of criminal justice was cruel, uncertain, and unpredictable. Line engraving of the Frenchman who, after attempting to assassinate King Louis XV, was shackled to an iron bed, on which he was tortured, before being drawn and quartered.

GRANGER / GRANGER— All rights reserved.

The classical theorists viewed individuals as acting as a result of free will and as being motivated by **hedonism**. The latter refers to a pleasure principle, the assumption that the main purpose of life

is to maximize pleasure while minimizing pain. Individuals are viewed as entirely rational in this decision-making process in which they will attempt to increase the experience of pleasure, even from illicit desires, until the anticipated pain to be derived from a particular activity appears to outweigh the expected enjoyment. In a work titled *Seductions of Crime: Moral and Sensual Attractions in Doing Evil*, Jack Katz's (1988) research based on interviews with career criminals supports Beccaria's notion of the pleasure or thrill of evil outweighing the fear of punishment. Image, danger, glamour, and the excitement of crime overshadow any desire for a successful life in straight society. In assessing Katz's theory, Bill McCarthy (1995) noted that such thrill-related property crime is influenced by age, gender, and strain associated with inadequate economic opportunities.

Critique of Classical Theory

The classical school and the writing of Beccaria in particular were to lay the cornerstone of modern Western criminal law as it became formulated from 1770 to 1812. The characteristics of Western criminal law—politicality, uniformity, specificity, and described penal sanctions—are in essence called for in Beccaria's essay. The *French Declaration of the Rights of Man* (cited in J. E. Jacoby, 2004), which was passed by the revolutionary National Assembly of France in 1789, included the statement, "The law ought to impose no other penalties but such as are absolutely and evidently necessary; and no one ought to be punished, but in virtue of a law promulgated before the offense, and legally applied" (p. 215). The Eighth Amendment to the U.S. Constitution, prohibiting cruel and unusual punishment, was also a Beccarian legacy.



PHOTO 5.3 Jeremy Bentham (1748–1832) borrowed from Beccaria the notion that laws should provide the greatest happiness shared by the greatest number.

Photo by Michael Reeve. Licensed under GNU Free Documentation License.

Some recent analysis suggests that the importance of Beccaria's works may have been exaggerated and that he was actually less important than other social reformers of the 18th century such as Voltaire and Bentham (Newman & Marongiu, 1990). Beirne (1991) claims that Beccaria's famous treatise *Dei Delitti e Delle Pene* (*On Crimes and Punishments*) was the application to crime policy not of rationality and humanism but of the Scottish-inspired "science of man," which emphasized utilitarianism and determinism. Beirne felt that Beccaria was less of an advocate of free will than has been supposed and that his writings exhibited much determinism.

The revolutionary and liberating impact of the ascendancy of classical theory in reforming Western jurisprudence is now taken for granted, but without the fundamental changes classical theory introduced, the remaining criticisms and subsequent modifications would not have been possible. However, classical theory contained the seeds of its own demise. Although Justitia, the blind goddess of justice, carefully weighing the evidence irrespective of the violator, is an appealing symbol, classical theory by its very insistence on equality of punishment proposes inequality: Should minors or the insane be treated in the same manner as others? Should repeat offenders be accorded the same sanctions as first offenders for an equivalent act? Thomas and Hepburn (1983) state,

> Contemporary criminologists tend to assign little importance to [classical theory's] concepts and ideas. Perhaps the two major reasons are that it focuses our attention on criminal law rather than criminal behavior and that it is based on a speculative set of philosophical premises rather than a sound theory that could be verified or refuted by the collection of systematic empirical evidence. (p. 137)

Application of the pure classical theory would rob judges of discretionary power and seems to rest on a simplistic assumption of the ability to exactly measure individual conceptions of pain and pleasure. Recent revivals in the United States of determinate sentencing and mandatory punishments for specific offenses are remnants of classical theory. Although theoretically appealing because of the essential cookbook application of graduated punishment reflecting the seriousness of crime, implementation becomes problematic for reasons already described: The quantification of such acts and their perpetrators defies such a simplistic scheme (Hagan & Tontodonato, 2004).

NEOCLASSICAL THEORY

Neoclassical theory basically admits environmental, psychological, and other mitigating circumstances as modifying conditions to classic doctrine. The beginnings of this approach can be found in the later writings of Cesare Lombroso (1835–1909) and in those of his students, Ferri and Garofalo, to be discussed shortly. Beginning in the late 1960s, particularly in the writings of economist Gary Becker (1968), James Q. Wilson (1983a, 1983b), and Ernest Van den Haag (1966), a resurgence in neoclassical doctrine can be noted. Becker advocated a cost-benefit analysis of crime, reminiscent of hedonistic doctrine. Becker argued that individuals freely choose crime based on their estimate of their likelihood of being caught. Disappointed with criminology's overconcern with the search for basic causes of crime, Wilson (1975) proposed a policy analysis approach, applied research that is less concerned with finding causes and more concerned with what works. These writers sparked an interest in the abandonment of treatment and rehabilitation and in a return to the classical punishment model. Often ignored by devotees of such theories are the very limited categories of crime such theorists, in fact, address. Wilson (1975), for instance, quite clearly indicates that this call for incapacitation of offenders (criminals in jail can no longer victimize) is applicable to what we have described as conventional property offenders or common burglars and thieves. Although a more practical, policy-oriented approach is needed, what is disturbing in such theories is the relatively conservative ignorance of criminogenic, social structural conditions, as well as an often cavalier disregard for theoretical approaches to crime causation. Neoclassicists argue that less theory and more action are needed but at times ignore the fact that the basic theoretical underpinnings of their own theories are rooted in assumptions of 18th-century hedonism, utilitarianism, and free will. On balance, however, they make a key point: that one need not have a basic explanation of cause to meet pressing policy needs that cannot wait for a final explanation.

Rational Choice Theory

In another neoclassical theory, Cornish and Clarke's (1986) *rational choice theory* proposes that offenders weigh the opportunities, costs, and benefits of particular crimes. The argument by rational choice theorists is not that individuals are purely rational in their decision making but rather that they do consider the costs and benefits. A number of factors may constrain choice, such as social factors, individual traits, and attitudes toward crime. Rational choice theorists also argue for a crime-specific approach to crime; that is, the circumstances involved in the typical burglary may differ from robbery or domestic assault. Offender characteristics are seen as combining with offense types in shaping offender choices. Rational choice theorists admit that much behavior is only partly rational but that most offenders know quite well what they are doing. The criminal justice system must make crime less rewarding by increasing the certainty and severity of punishment. Crime is viewed as a matter of situational choice, a combination of costs, benefits, and opportunities associated with a particular crime. Increasing prevention or decreasing the opportunity to commit crime is viewed as an important means of deterring crime. Situational crime control could include target hardening (securing of entries, doors, and locks), access control, entry screening, surveillance, better lighting, property identification, and other means of reducing criminal opportunity.

Research support has been mixed for rational choice theory. Consideration is given for the cost and benefit of crime, but many people do not carefully plan their crimes. Changing such opportunity structures (e.g., creating defensible space and target hardening) may discourage potential offenders. Analyses of offenders' motivations, however, have shown that many act impulsively and fail to fully consider negative possibilities (Piliavin et al., 1986; Tunnell, 1991). Crime File 5.1 presents an application of rational choice theory to controlling gang violence in Los Angeles. Recent work examining "near repeat" burglary suggests that some offending may in fact be at least in part rational. A near repeat burglary occurs when a target is burglarized initially, but then a nearby property is burglarized afterward (Johnson et al., 2007). The second burglary would be considered a near repeat burglary. The initial target may not be burglarized because the owners took precautions after the event; thus, the target has been "hardened." The offender choosing a nearby target rather than the one that has been hardened indicates some level of rationality.

Deterrence Theory

Other expressions of neoclassical theory can be found in the deterrence literature. Themes such as "just deserts," "three strikes and you're out," and mandatory sentencing policies all reflect the assumption that the criminal is a rational actor and will be deterred by more severe and certain punishment. The just-deserts concept assumes that individuals must pay for their wrongdoing and that they deserve or "have it (the punishment) coming." Reflected in the biblical *lex talionis* (law of the talons), an eye for an eye and a tooth for a tooth, proper retribution is to be exacted for the wrongdoing. Deterrence policy assumes rationality on the part of the actor, wherein specific deterrence serves to discourage a particular individual from repeating a crime and general deterrence targets others. Legislation such as "three strikes and you're out," in which third-time offenders receive very severe punishment, has been found not to work because juries are often reluctant to convict a third-time offender and judges oppose such limitations on their discretion.

CRIME FILE 5.1 "DESIGNING OUT" GANG HOMICIDES AND STREET ASSAULTS: SITUATIONAL CRIME PREVENTION

One of the leading theories of criminal opportunity is situational crime prevention. Developed by criminologist Ronald V. Clarke, the theory is based on the assumption that crime can be reduced by pinpointing and blocking the forces that facilitate would-be offenders' criminal acts. Would-be offenders, the theory proposes, make rational choices in planning their criminal acts. For example, gangs may choose a particular street on which to commit a crime because they rationally determine that the way the street is situated provides them with ready access and exit, thereby creating an opportunity to more easily elude arrest.

Applying the model to gangs, the LAPD (Los Angeles Police Department) assumed that gangs did in fact make a rational choice about whether to engage in a particular act of criminal violence and whether to do so in a particular neighborhood setting. Evidence to support the theory has come from studies of residential burglary, shoplifting, and other crimes, but OCDS (discussed shortly) was an initial attempt to apply situational crime prevention to gang violence.

Issues and Findings

Discussed in This Brief. The use of a deceptively simple tactic, traffic barriers, to block automobile access to streets as a way of reducing gang violence. The tactic was used in a crime-plagued area of Los Angeles that had experienced the city's highest level of drive-by shootings, gang homicides, and street assaults. The National Institute of Justice (NIJ)–sponsored evaluation of Operation Cul de Sac (OCDS), as the program was called, examined whether the tactic could reduce gang crime.

Key Issues. OCDS was based on the theory of situational crime prevention, which postulates that crime occurs partly as the result of opportunity and can be reduced by first identifying and then blocking these opportunities rather than attempting to eliminate root causes. The LAPD noted that in the OCDS target area, gang crime clustered on the periphery of neighborhoods linked to major roadways; police set up traffic barriers as a way to block the opportunities for crime the roadways created. The evaluation sought to determine whether these street closures could help to "design out" gang crime.

Key Findings. In its 2 years of operation, 1990 and 1991, OCDS appeared to reduce violent crime.

- The number of homicides and street assaults fell significantly in both years and rose after the program ended.
- Property crime decreased substantially during the first year of the program, but it also decreased in the comparison area where there was no OCDS, indicating that some factors other than the traffic barriers were responsible for the reduction in the OCDS site.
- In the second year of the program, property crime rose, suggesting the street closures affected only violent crime.
- Crime was not displaced to other areas. Violent crime fell, not only in the OCDS area, but also in contiguous areas. This may be because the areas of potential displacement are the turf of rival gangs. As such, they would be off-limits to gangs that might want to enter new territory when the traffic barriers reduced their opportunities to commit crime on their own turf.

- Traffic barriers can be used as part of an approach to maximize neighborhood residents' defensible space by increasing their span of control. Zones configured with the barriers heighten the visibility of suspect activities. They can be particularly effective when combined with "natural guardians"—people who serve as informal sources of surveillance and social control.
- Although these findings indicate traffic barriers may work to reduce violent crime, it should be kept in mind that the experiment was conducted at only one site. Replications of OCDS and further evaluations are needed to fully test the effectiveness of the tactic.

Target Audience. Police chiefs, sheriffs, urban designers and planners, crime prevention organizers.

For Further Thought

1. Use a search engine such as Google Scholar to locate recent developments on "designing out" crime.

Source: Lasley, J. (1998, November). "Designing Out" Gang Homicides and Street Assaults. *National Institute of Justice Research in Brief.*

Our use of punishment in the criminal justice system in part is based on ideas connected to classical and neoclassical explanations of crime. The punishment of criminals has at least four justifications: retribution, deterrence (including incapacitation), rehabilitation, and protection and upholding the solidarity of society (Sutherland & Cressey, 1974).

Retribution is the societal counterpart of individual revenge. When criminal laws were formulated, the state assumed responsibility for punishing offenders and forbade victimized parties from taking the law into their own hands. Criminals had to pay their debt to society, not to the harmed party. Beginning as early as *lex talionis*, "an eye for an eye and a tooth for a tooth," criminals have been viewed as having to suffer in some way for justice to be served. Retribution is a moral motive for punishment, not simply a utilitarian one. Nazi hunters who are still searching for war criminals decades after World War II, when asked, "What good does it do?" reply, "It does justice." So public sentiment and outrage are the guideposts for enforcement, rather than any direct effect on future crime commission.

Deterrence refers to the belief that perceived punishment will serve as a warning and inhibit individuals (*specific deterrence*) and groups (*general deterrence*) from involvement in criminal activity. Based on the classical school of criminology and the writings of Cesare Beccaria (discussed earlier), the deterrence model assumes that if the pain (clear, swift, and certain punishment) outweighs any pleasure to be derived from the criminal act, then crime will be prevented. *Incapacitation*, the prevention of crime by keeping criminals behind bars for longer periods, is an additional example of specific deterrence. In a revival of classical criminology, large and impressive bodies of literature have begun to accumulate on the issue of specific deterrence. Although inconclusive at this point, the research suggests the potentially positive impact of selective incapacitation of career criminals on lowering crime rates (S. H. Clarke, 1974; Greenberg, 1975).

Rehabilitation, which has been the watchword in the United States in the post–World War II period, assumes that the purpose of punishing criminals is to reform or resocialize them to conventional, law-abiding values. Even name changes indicate this philosophical shift: The field of penology is now called corrections, and prisons are correctional facilities. Nevertheless, there appears to be more talk about rehabilitation than programs to facilitate it. Martinson (1974), in "What Works?—Questions and Answers About Prison Reform," examined a large number of correctional programs and their claims of success in rehabilitation as well as their recidivism (repeating of crime) rates; he felt there was little evidence that any significant programs in corrections had an important impact on reducing recidivism. Only later ("Martinson Attacks His Own Earlier Work," 1978; Martinson, 1979) did he retract this devastating critique by admitting that he may have suffered from "methodological fanaticism," in which substance was overlooked in the name of method, and that some of the programs did have positive outcomes. With estimates of recidivism and reincarceration rates as high as 65%

(Greenberg, 1975), there seemed to be a decline in liberal optimism about the success of the rehabilitation model (Bayer, 1981). However, in defense of rehabilitation, some feel that it has never been given a decent chance. Badillo and Haynes (1972) indicate that in the early 1970s, only about 5% of correctional budgets was used for rehabilitation programs and that rehabilitation was often more a matter of talk than action (see Cullen & Gilbert, 1982). Glaser (1994) identifies a variety of programs that use penalties, fines, community services, restitution, and intermediate punishments that do indeed work. In examining "what works" in crime prevention, a large number of programs have been identified as either working or promising (Sherman et al., 1997).

Protection *(incapacitation) and the upholding of social solidarity* as a goal of punishment reflect Durkheim's (1950) point made in Chapter 1—that a society reaffirms its values in reacting to and punishing wrongdoers. In this justification, the purpose of punishment is not to obtain revenge or deter or change the person who commits a crime; rather, it is an attempt to protect society from people who commit crimes and, in so doing, to reinforce group solidarity.

ECOLOGICAL THEORY

Whereas some would point to Cesare Beccaria and his writing as the beginning point of criminology, his primary interest was not so much the analysis of crime and criminals as the reform of criminal law and punishment. Others point to the writings of Cesare Lombroso, to be discussed shortly, and view the century between the works of the two Cesares as a criminological Dark Age. On the contrary, the writings and research of A. M. Guerry (1802–1866) of France and Adolphe Quetelet (1796–1874) of Belgium qualify them as the fathers of modern criminology (Gibbons, 1982; Vold et al., 2002). Thomas and Hepburn (1983) best reflect this writer's view:

> It is hard to understand why so many criminologists persist in their apparent conviction that scientific criminology was not to be found until Lombroso. . . . Nevertheless, the wealth of scientific analyses published by those we can classify as members of the statistical [ecological] school are commonly ignored while the often absurd and poorly executed work of Lombroso is considered to be the first true criminological analysis. (p. 138)

Another explanation for the popularity and widespread acceptance of the Lombrosians and the relative obscurity of the early ecological theorists might be the fact that the latter were not translated into English until much later (Thomas & Hepburn, 1983).

The **ecological school** of criminological theory is also referred to as the statistical, geographic, or cartographic school. *Ecology* is that branch of biology that deals with the interrelationships between organisms and their environment. Human ecology deals with the interrelationship between human organisms and the physical environment. This school was called *statistical* because it was the first to attempt to apply official data and statistics to the problem of explaining criminality. The labels *geographical* and *cartographic* have been assigned because writers in this group tended to rely on maps and aerial data in their investigations.

Using Crime Statistics: Andre M. Guerry and Adolphe Quetelet

Sometime after 1825, Andre M. Guerry (1833) published what many regard as the first book in scientific criminology, *An Essay on Moral Statistics* (Vold, 1979, p. 167). Guerry was more cartographic in his approach, relying exclusively on shaded areas of maps to describe and analyze variations in French official crime statistics. Because he employed these sections of maps and used them as his principal units of analysis, he is often viewed as the founder of the ecological or cartographic school of criminology (Thomas & Hepburn, 1983). Comparing poverty with crime, Guerry found that the wealthier areas of France had higher property crime. Urban, industrial, northern regions had more property crime than rural, southern regions (Courtright & Mutchnick, 1999). He concluded that the higher rates were due to greater opportunity. Thus, burglary and theft occurred where more goods were available. Violent and personal crimes were higher in rural areas and southern regions. These rates were consistent annually.

Guerry was also credited with being a pioneer in comparative crime statistics in comparing English and French rates. Schafer (1969) indicated that Guerry was the first to use "moral statistics" in that he applied cartographic methods to the state of morals in terms of crime (Courtright & Mutchnick, 1999, p. 3). Another adherent of this school was Henry Mayhew (1862), who, in his *London Labour and the London Poor*, made extensive use of official statistics and aerial maps.

Lambert Adolphe Jacques Quetelet was the first to take advantage of the criminal statistics that were beginning to become available in the 1820s (Beirne, 1987; Radzinowicz & King, 1977). He was the first scientific criminologist, employing an approach to his subject matter that was very similar to that of modern criminologists, and is the father of modern sociological and psychological statistics (Mannheim, 1965; Schafer, 1969; Thomas & Hepburn, 1983). Challenging the classical school's view that individuals exercise free will in deciding their actions, Quetelet insisted on the impact of group factors and characteristics. In his *Treatise on Man and the Development of His Faculties* (1842/1969), written in 1835 and translated into English in 1842, Quetelet noted that there was a remarkable consistency with which crimes appeared annually and varied with respect to age, sex, economic conditions, and other sociological variables. This consistency in group behavior, in crime rates, and the like speaks against crime being solely a matter of individual choice. He argues,

> We can count in advance how many individuals will soil their hands with the blood of their fellows, how many will be swindlers, how many prisoners, almost as we can number in advance the births and deaths that will take place. . . . Society carries within itself, in some sense, the seeds of all the crimes which are going to be committed, together with the facilities necessary for their development. (pp. 299–308)

He described this constancy of crime as the annual "budget" of crime, which must be paid by society with remarkable consistency. In a sense, the stage and script are provided by society, and only the faces playing the individual characters change.

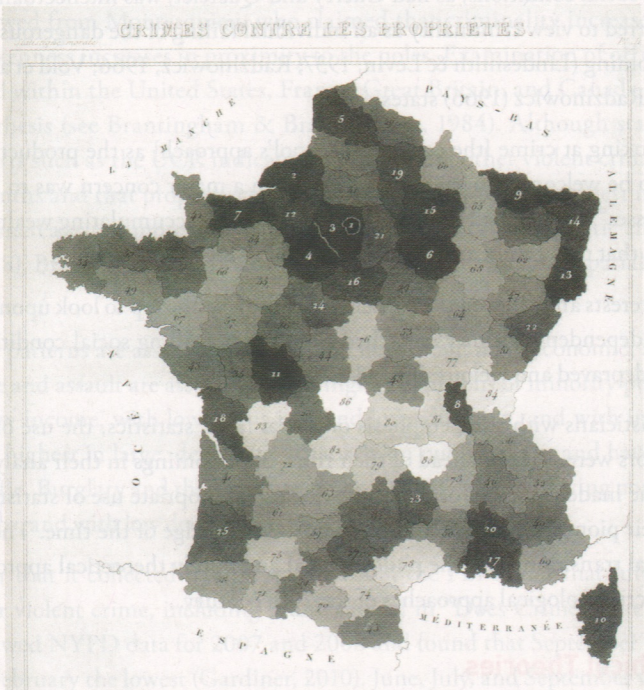


PHOTO 5.4 Andre M. Guerry used the criminal statistics that were beginning to become available in the 1820s to create early crime maps.

André-Michel Guerry (1802–1866)

In his *Research on the Propensity for Crime at Different Ages* (1831/1984), Quetelet viewed age as the greatest predictor of crime, with crime peaking at age 25. Courtright and Mutchnick (1999) point

out that, in examining poverty, relative economic inequality was the critical variable. According to Quetelet, crime increases when an individual "passes in an abrupt way from a state of ease to misery and to insufficiency in satisfying all the needs which he has created" (p. 67). Schafer (1969) even claims that, due to his extensive use of crime statistics and statistical predictions, Quetelet was recognized by some as the father of statistics.

Some of Quetelet's findings included the propensity for crime among younger adults and men and the tendency of crimes against persons to increase in summer and property crimes to predominate in winter. In what is called his **thermic law of crime**, he claimed that crimes against persons increase in equatorial climates, and property crimes are most prevalent in colder climates (cited in V. Fox, 1976). Social conditions such as heterogeneity of population tended to be associated with increased crime, as did poverty, although the latter not in the manner usually supposed. Noting that some of the poorest provinces of France also had very low crime rates, Quetelet (1842/1969) anticipated the concept of relative deprivation by suggesting not absolute poverty but a gap between status and expectation as a variable in crime causation.

Critique of Ecological Theory

The work of Guerry and Quetelet was done nearly a half-century before the writings of Lombroso, to be discussed shortly, who is often viewed ("the Lombrosian myth") as the father of criminology (Lindesmith & Levin, 1937). Lombroso's (1911a) principal work, *L'Uomo Delinquente* (*The Criminal Man*), first published in 1876, emphasized the notion of "born criminality." Rather than representing progress in criminological investigation, the dominance of the early positivists such as Lombroso may have set the field on a half-century (plus) journey guided by arcane and ultimately useless concepts. The superordination of the early positivists may have represented an ideological coup d'état in which medical concepts and psychologism (a reduction of analysis solely to the individual level) temporarily impeded the early mainstream sociological efforts of the ecologists. Pointing the finger at the individual, rather than social conditions, as had Guerry and Quetelet, was intellectually acceptable to the wealthy, who preferred to view criminality as an individual failing of the dangerous classes rather than as a societal shortcoming (Lindesmith & Levin, 1937; Radzinowicz, 1966; Vold et al., 2002).

On this point, Radzinowicz (1966) states,

> This way of looking at crime [the ecological school's approach] as the product of society was hardly likely to be welcome, however, at a time when a major concern was to hold down the "dangerous classes" . . . who had so miserable a share in the accumulating wealth of the industrial revolution that they might at any time break out in revolt in France. . . .
>
> It served the interests and relieved the conscience of those at the top to look upon the dangerous classes as an independent category, detached from the prevailing social conditions . . . a race apart, morally depraved and vicious. (pp. 38–39)

The social statisticians with their emphasis on social facts, statistics, the use of official data, and external social factors were perhaps ahead of their time. Shortcomings in their analysis, such as lack of full awareness of the inadequacies of official statistics and appropriate use of statistics themselves, are excusable given their pioneering efforts and the state of knowledge of the time. The ecological school represented a critical transition from the philosophical and purely theoretical approach of Beccaria to the more scientific criminological approaches of the 20th century.

Other Geographical Theories

The ancient origin of human interest in astrology and the assumed effect of astrological bodies on human behavior represent just one of many attempts to predict human emotion and activity on the basis of outside physical forces: the moon, the weather, climate, and the like. The word *lunatic*, from the Latin word *luna*, or moon, indicates the belief that human minds can be affected by phases of the moon. This is illustrated by legends and myths such as those about *les lupins* (werewolves) in French folklore. These creatures supposedly appeared on moonlit nights (D. Cohen, 1979) and were dramatically presented in fiction in the opening lines of the popular 1943 Universal Pictures film *The Wolf Man:*

Even a man who is pure in heart

And says his prayers by night

Can become a wolf when the wolfbane blooms

And the moon is full and bright.

Daniel Cohen (1979) cites studies of mental hospital records that claim more admissions of mental patients during new and full moons, as well as a study by a suicide prevention center and one by a coroner's office, both indicating more successful attempts at suicides around the full-moon period. The most frequently cited study of this type is Lieber and Sherin's (1972) research on lunar cycles and homicides. They note that synodic cycles (phases of the moon) influence physical variables such as gravitation and atmospheric pressure that, in turn, influence human behavior. For instance, tidal periodicity is greatest during the new and full moon because of stronger gravitational influences. Assuming such forces may also affect human behavior, Lieber and Sherin analyzed homicide statistics for Dade County (Miami), Florida, and Cuyahoga County (Cleveland), Ohio, and found a statistically significant difference at full and new moon periods for the Dade County figures and a high, but not statistically significant, relationship for Cuyahoga County. Indicating that a lunar influence may exist, they explain that the differences could be due to the fact that Florida is closer to the equator and would be more influenced by the gravitational pull of the moon. Other analyses of these same correlations, however, fail to support their hypothesis (Nettler, 1982; Pokorny & Jachimczyk, 1974). Most such studies do not show a relationship, and, although more replications are needed, criminological interest in this line of investigation has waned. Criminologists interested in geographical and ecological impacts on criminality have focused their attention instead on the social as well as artificial environment. The Chicago school of sociology and its contribution to U.S. criminology is detailed in Chapter 7 as an illustration of such an approach.

In examining a related line of inquiry, V. Fox (1976) tells us that Quetelet's thermic law of crime was actually borrowed from Montesquieu, who claimed that criminality increases as one nears the equator, and drunkenness increases in proximity to the poles. Examination of official statistics both internationally and within the United States, France, Great Britain, and Canada seems to generally support this hypothesis (see Brantingham & Brantingham, 1984). Although statistical analysis of official crime reports such as the UCR indicates that rapes and other violent crimes are more prevalent in warmer months and that property crimes such as shoplifting are heaviest in December (holiday season), these increases are more likely due to cultural rather than climatic effects (Cheatwood, 1988; LeBeau, 1988). Brantingham and Brantingham (1984), in analyzing spatial patterns in crime, indicate that

> different crime patterns are associated with different demographic, economic, and social profiles. Homicide and assault are associated with high proportions of minority population, with poverty and low income, with low-status jobs and low education, and with income inequality. Robbery is highest in large, dense cities that rely on public transit and have high levels of pedestrian traffic. Burglary and theft rates are highest in cities with growing populations, with growing suburbs, and with low density. (p. 296)

In the last year that it collected monthly data, 2008, the FBI found that July and August were the top months for violent crime, including murder (cited in "Does Crime Spike," 2010). The *Wall Street Journal* reviewed NYPD data for 2007 and 2008 and found that September was the highest for index crimes and February the lowest (Gardiner, 2010). June, July, and September were the highest for homicide. James Alan Fox's study of Columbus, Ohio, found that violent crime was highest when the temperature reached the mid-80s but dropped when the mercury climbed past 90 degrees Fahrenheit (Gardiner, 2010).

The findings that link high levels of pollution with crime do fit into the growing knowledge that, in the long run, many chemicals can cause nerve damage and behavioral changes. For example, scientists have known for years that mercury causes brain damage: the 19th-century "mad hatters" stammered, twitched, and trembled from inhaling mercury vapors in London hat factories. Today, many factories

use masks and protective hoods to shield workers from the worst effects of chemicals (Londer, 1987). Others have shown that exposure to lead is linked to delinquency and crime (Wright et al., 2008).

Although increased social interaction during warmer months in part explains increased violent crime, the most pronounced effect appears during heat waves, which might suggest that heat itself promotes aggression (Gladwell, 1990). C. R. Block and Block (1988) found that the rate of violent crime in the Uniform Crime Reports showed a stronger seasonal variation than that in the National Crime Victimization Survey. This may be because such incidents are less private and more likely to come to police attention in warmer months. E. G. Cohn (1990) found that assaults, burglary, collective violence, and rape increased along with a temperature up to about 85 degrees Fahrenheit. The relationship with homicide was uncertain, and there was no relationship between temperature and robbery, larceny, or motor vehicle theft.

While recognizing that climate itself is not a major factor but rather a precipitating or mitigating circumstance in deviant behavior, Lab and Hirschel (1988a, 1988b) emphasize studying the impact of the actual weather rather than seasonal or monthly data. After examining precipitation, humidity, temperature, and barometric pressure, they indicate that "not a single text or journal article substantiates the lack of a relationship between weather and crime" (1988a, p. 282). They conclude that the potential for weather conditions playing a part in criminal activity is related to the perspective of routine activities (LeBeau & Langworthy, 1986), in which criminal behavior is viewed as part of normal, everyday behavior. These social-ecological impacts on criminal behavior are discussed and critiqued in greater scope in the discussion of the Chicago school in Chapter 7.

In a meta-analysis of heat and violence, researchers found that hotter temperatures produced an increase in conflict. Global warming may spell problems in the future for increased violence. In war-torn Africa, every added degree of temperature increases conflict by 11% to 14%. For the United States, every increase of 5.4 degrees finds violent crime increasing by 2% to 4% (Hsiang et al., 2014). This was found to be the case when examining 60 primary studies involving 45 different conflicts since 10,000 BC.

ECONOMIC THEORY

The three thinkers who would have a critical impact on the shaping of social ideas, as well as criminological inquiry, in the 20th century did not even specifically address the issue of crime. Their ideas, however, would influence criminological theorists in a profound manner. The first figure was Karl Marx (1818–1883), whose *Communist Manifesto* (1848) and *Das Kapital* (1868/1967), the former coauthored with Friedrich Engels, emphasized the economic basis of societal conflict and would give birth to the economic school of criminology. The second was Charles Darwin (1809–1882), whose *On the Origin of Species* (1859) and *The Descent of Man* (1871) contained theories of evolution, natural selection, and survival of the fittest that would heavily inspire the biological positivists, to be discussed shortly. The third was Sigmund Freud (1856–1939), whose many volumes dealing with unconscious sexual motivation would influence not only psychiatry but also the psychological positivists. These themes of economics, biology, and sex underlie a large number of the criminological theories to be discussed.

Class, Crime, and Capitalism: Karl Marx

Karl Marx, the inspirational figure behind the **economic theory** of crime, was an economic determinist. He insisted that the economic substructure determines the nature of all other institutions and social relationships in society. In his view, the emergence of capitalism produces economic inequality in which the **proletariat** (workers) is exploited by the **bourgeoisie** (owners or capitalist class). This exploitation creates poverty and also is at the root of other social problems. Because Marx did not specifically address the issue of crime, Marxist criminologists draw on his economic and philosophic writings and apply them to the crime issue.

Marx viewed the history of all existing societies as one of class struggle. Influenced by the writings of the German philosopher Hegel, Marx described this conflict as a dialectical process in which theses

(existing ideas or institutions) spawn their opposites, or antitheses, until a final synthesis (new idea or social order) emerges. Thus, for Marx, capitalism (thesis) breeds its own destruction by giving birth to a proletarian revolution (antithesis) and finally a new world order of socialism (synthesis). Because Marx applied Hegel's theory to the material world, this is often described as Marx's *theory of dialectical materialism*. For Marx, the resolution of social problems such as crime would be achieved through the creation of a socialist society characterized by communal ownership of the means of production and an equal distribution of the fruits of labor.



PHOTO 5.5 An elderly homeless man shuffling past a Barclays Bank cash dispenser and a successful businessman depicts income inequality in a capitalist society, which Marxists cited as a source of criminality.

RichardBakerStreetPhotography / Alamy Stock Photo

Criminal Law and Class: Willem Bonger

The foremost early Marxist criminologist was the Dutch philosopher Willem Bonger (1876–1940), whose most noted work was *Criminality and Economic Conditions* (1916/1969). Bonger viewed the criminal law as primarily protecting the interests of the propertied class. In contrast to precapitalist societies, which he claimed were characterized by consensus and altruism, capitalist societies emphasized egoism (selfishness). Capitalism was viewed as precipitating crime by creating unequal access to the necessities of life as well as by viewing success in economic competition as a sign of status (Turk, 1969b). Bonger's work provides a very detailed review of a large number of works of the era that examined the impact of economic conditions on crime, a persistent theme since early times. In referring to the early Marxist orientation, Schafer (1969) indicates,

> Napoleone Colajanni, Enrico Ferri and Willem Bonger and a number of others in the last 150 years represented the same "new" trends that our radicals seem to claim as their invention. The classical authors presented these proposals in a scholarly fashion quite often superior to that of our modern radicals; in fact almost nothing is said today in this line that was not already written in criminology a century ago. (p. 76)

Greenberg (1981) points out that a large number of early Marxist thinkers did not seriously consider the crime issue, viewing it with typical "Marxian contempt for the lumpen proletariat the beggars, pimps and criminals" in capitalist society (p. 11). Many writers with a distinctive Marxian or economic view of criminality are cited in the Bonger (1916/1969) work, although as Greenberg correctly indicates, Bonger is often mistakenly viewed as the only early Marxist criminologist.

According to Turk (1969b, pp. 7–12), some of the basic claims made by Bonger regarding criminality included the following:

- Notions of what constitutes crime vary among societies and reflect existing notions of morality.
- Criminal law serves the interest of the ruling class in capitalist systems and is enforced by force rather than by consensus.
- Hedonism (pleasure seeking) is natural among people, but capitalism encourages egoism (selfish individualism) to an extreme and to the disadvantage of the society and the poor.
- All groups are prone to crime in capitalist society, but seldom are the crimes of the wealthy punished.
- Poverty resulting from capitalism encourages crime. The unequal distribution of rewards and encouragement of egoistic material accumulation encourage crime.
- Most crimes (other than those due to mental problems) would be eliminated in a socialist system in which the goods and wealth of a society would be equally distributed.

The writings of the early Marxist criminologists were more historical, analytic-inductive, and descriptive than empirical. The early Marxist theorists had the luxury of making theoretical predictions without empirical referents at the time. Marx and Bonger predicted the hypothetical benefits of a socialist state, comparing these with the evils of early capitalism, which were a grim reality. Shortcomings of socialism could not be observed. Modern radical and Marxist criminologists no longer have this luxury, as will be shown later in discussing the conflict and radical schools of criminology.

APPLYING THEORY 5.1

You may have heard about a female serial killer named Aileen Wuornos—or you may have seen the movie *Monster* in which the actress Charlize Theron portrays her. On October 9, 2002, she was executed for the killings of six men in Florida that spanned about a year. The bodies that were discovered had been shot. Aileen claimed that the men had tried to rape her while she was working as a prostitute. She also, however, claimed that she killed the men during robberies because she did not want to leave witnesses. Although the exact reasons for Aileen's killings are unknown, criminological theories can help us understand why she killed these men. To do so, a description of her background and experiences is warranted.

Aileen Wuornos was born on February 29, 1956. Her parents did not raise her, as her father was in prison when she was born and Diane, her mother, left her when she was not even 1 year old to be raised by her maternal grandparents. Aileen's childhood started rough, as was her life even before birth. Diane was severely beaten when she was 1 to 2 weeks pregnant with Aileen, and she smoked "less than a pack of cigarettes a day" (p. 98) while pregnant. Aileen was born breech and she was described as being a fretful, unhappy, colicky baby.

This beginning proved to be fortuitous in that before splitting up, her biological father, Leo, used to beat her mother and would force her to stay at home with the shades drawn. Leo was an alcoholic who did poorly in school and engaged in crime himself. Life did not get much better for Aileen once her grandparents took over. She suffered severe abuse at the hands of her grandfather, Lauri. Lauri was an alcoholic who was known to have a frightening temper. She experienced beatings by him with leather straps in which she had to lie face down without any clothes on and spread-eagled. Perhaps most notably, Lauri drowned a kitten who had been living in the attic and made Aileen watch.

Aileen was certainly influenced by her turbulent childhood. At age 11, she began to engage in prostitution, providing sexual favors for cigarettes or change to neighborhood boys. They in turn would call her names like "cigarette pig," "slut," and "whore." By all accounts, she did not really have any friends and had a viciously bad temper. Those around her noted that she was preoccupied with money and wanted to be rich, despite her having very bad grades in school and low verbal and performance IQs, as well as routinely running away from home. She began to use drugs and drink alcohol, and at age 14, she became pregnant. Her grandparents sent her away during her

pregnancy, and she gave birth at a home for unwed mothers. Her child was given up for adoption. After returning home, she dropped out of school. At the age of 15, she was effectively homeless, sleeping in the woods or abandoned cars. Aileen drifted around the country in her late teens and early 20s. She engaged in low-level offending, used drugs, and drank and continued prostituting herself. She met Tyria Moore, with whom she had a 4.5-year relationship. It was during this time that she killed her victims.

Question: Theory helps us understand why individuals commit crime. In this way, a criminological theory should be able to be applied to criminals like Aileen Wuornos. Using the above scenario, choose one theory presented in this chapter and explain how that theory would explain why she killed. When applying theory, consider the following:

1. What types of crimes does the theory explain? You would only want to select a theory that can explain violent crime for the case of Aileen Wuornos.
2. To whom does the theory apply? If theory only explains crimes by youth, it would not be appropriate for explaining why Aileen Wuornos committed crime.
3. According to the theory, what are the main causes of crime? That is, what are the theory's propositions? Once you have identified these propositions, you must see how they apply (or not) to your case. In this instance, the propositions must be something applicable to Aileen Wuornos.
4. Explain how the theory can be used by using its propositions and how the causes of crime apply to the case of Aileen Wuornos.

You can use these same steps to explain crime causation through other case studies. We will, however, be using the case of Aileen Wuornos in several chapters, so do not forget to come back to this case!

Go to the end of the chapter to see an example answer to Applying Theory.

Sources: Shipley, S. L., & Arrigo, B. A. (2003). *The female homicide offender: Serial murder and the case of Aileen Wuornos.* Prentice Hall; Myers, W. C., Gooch, E., & Meloy, J. R. (2005). The role of psychopathy and sexuality in a female serial killer. *Journal of Forensic Science, 3,* 1–6.

THE THEORY–POLICY CONNECTION

Crime policies, various programs and activities aimed at controlling crime, do not occur in a vacuum but are guided by contemporary theory. Explanations of the cause of criminal behavior (theory) set the context of efforts to deal with crime and criminal behavior (policy). Often, the reaction to discussions of theory is, "So what?" Of what use are these theories? Even those who oppose theories as impractical are themselves espousing theories in their day-to-day operations. Table 5.3 outlines this theory and policy connection.

TABLE 5.3 ■ The Theory and Policy Connection

Theory	Key Notions of Crime Causation	Policies
Demonological	Supernatural forces (demons) determine criminality.	This theory includes torture, exorcism, and brutality.
Classical/neoclassical	Criminals are rational actors and responsible for their actions (free will).	This is the keystone of our criminal justice system, which assumes individual responsibility for one's actions. Let the punishment fit the crime.
Ecological	Group characteristics and social and physical environment affect crime.	Improvement of physical and social environment will decrease crime.
Economic	Capitalism and inequality cause crime.	Reduction of inequality and poverty will reduce crime.

Demonological theory involved unpredictable, cruel, and inconsistent criminal justice policy. The writings of Beccaria, Bentham, and the classical school brought about a revolution in criminal justice policy and became the basis of judicial policy in the Western world. Beccaria's insistence that the person who commits a crime is rational, operates out of free will, and is responsible in deciding their fate is a basic assumption of Western criminal law. Law and punishment are viewed as most effective if they are sure, swift, and certain; graduated according to the seriousness of the offense; and the least necessary in the given circumstance. Neoclassical theory refined and further articulated these assumptions, which was reflected in mandatory sentencing policies and attempts to develop stricter deterrence policy. Neoclassical theory supported policies such as target hardening, creating defensible spaces, and deterrence. Policies such as "just deserts," "three strikes and you're out," and mandatory sentences all assumed a rational actor as criminal. Ecological theories posed a challenge to classical theories, viewing the latter as simplistic and solely concerned with the individual. It asked for theories and policies that would take into account higher or lower crime rates depending on differing social and physical environments. Similarly, early economic theories targeted differential crime rates due to poverty and inequality. Both ecological and economic theory proposed policies to fight crime by improving social and physical environments that may be criminogenic.

Policy efforts are guided by theoretical as well as methodological findings. Whereas theory addresses issues such as why and how crime takes place, method involves itself with providing accurate facts regarding crime and criminal behavior and attempts to address how accurate these theories are. The results of these efforts are to inform policies that attempt to address the crime problem.

CRIME & THE MEDIA 5.1 ECOLOGICAL THEORY

You may be familiar with the HBO hit series *The Wire*, created by David Simon, which aired from 2002 to 2008 (and if you are not, then you have missed out!). In this show, the lives of youth who live in impoverished Baltimore and its "ravished landscape" (Moskos, 2013, p. xiii) are depicted along with the police responsible for investigating the drug networks present in the city. The city is shown gritty and real—it is almost a character in itself. At the heart of the show is how people are affected by their circumstances, particularly where they live. It depicts how the war on drugs has affected urban America. In this way, *The Wire* shows how a person's environment shapes their behavior, just as ecological theories emphasize how geography influences crime.

Efforts to explain crime and criminal wrongdoing may direct themselves to examining deviant behavior of the individual as well as social disorganization of the society. In investigating the former, the patient is the individual wrongdoer and the question asked is why this person deviates from society. In the latter, the patient is the society and the question asked is why some societies have so much more crime than others.

SUMMARY

A *theory* is a plausible explanation of a given reality. The major theoretical approaches in criminology are the demonological, classical, ecological, economic, positivistic (biological and psychological), and sociological approaches.

The earliest theories of crime causation were demonological in nature, seeking supernatural explanations for criminality. The criminal was viewed as possessed, sinful, or evil. The classical school of criminological theory, which developed in the 18th century, was reflected in the writings of Beccaria,

Bentham, and later Garofalo and Ferri. Seeking rational explanations, classical theorists viewed the person who commits a crime as exercising free will, as motivated by hedonism (pleasure seeking), and as carefully weighing potential pleasure versus pain to be derived from an activity. Attacking the cruel and unpredictable penal methods of the time, classical theory inspired the reform of Western criminal law. Neoclassical theory admits extenuating circumstances (insanity, age, and the like) to the equal treatment for equivalent-offense notions of the classical school.

Ecological theory (sometimes called statistical, geographic, or cartographic) is concerned with the impact of groups and social and environmental influences on criminality. The earliest writers, Guerry and Quetelet, could be regarded as the fathers of modern criminology in that they employed statistics and scientific analysis in the investigation of their theories. Quetelet's thermic law hypothesized that violent crimes predominate in warmer climates, and property crimes increase in colder zones. Because he and Guerry extensively employed maps in their analyses, they are sometimes called the *cartographic school.* The work of this school was interrupted and for a time forgotten as a result of the popularity of the Darwin-inspired biological positivism of Lombroso (discussed in the next chapter). Other geographic theories relating to moon cycles, climate, weather, and the like have attracted considerable interest, but research verification has been inconclusive.

Three major thinkers who have inspired much criminological theory have been Marx (*economics*), Darwin (*evolution*), and Freud (*unconscious sexual motivation*). Early economic theories, based on Marx's writings, view the economic system of capitalism as creating inequalities that in turn produce crime. Socialism is viewed as the solution to the crime problem. Bonger, a Marxist criminologist, suggests that egoism (selfishness), developed as a result of capitalism, causes criminality.

The four justifications for punishment are retribution, deterrence (including incapacitation), rehabilitation, and protection and maintenance of social solidarity.

KEY CONCEPTS

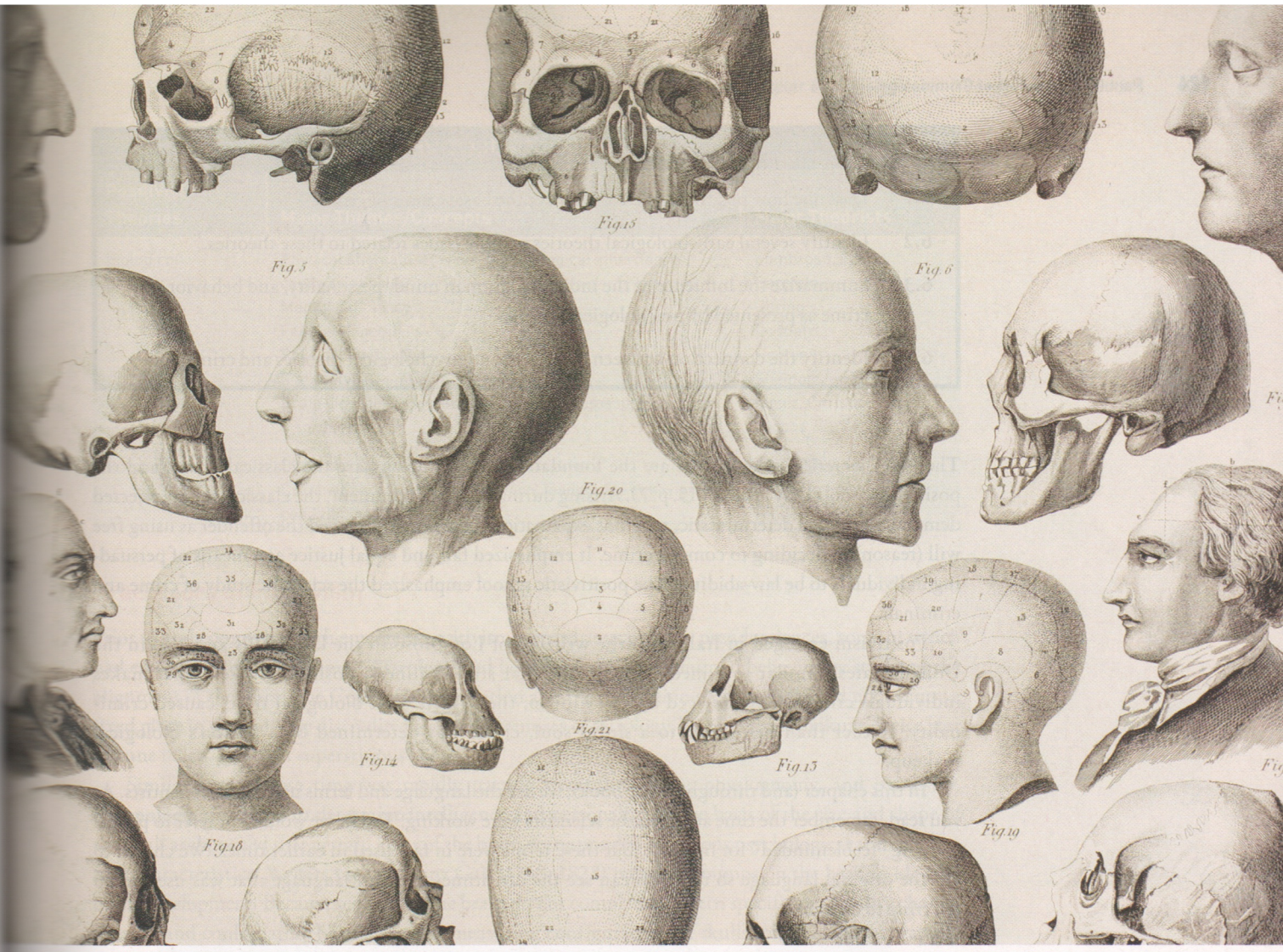
bourgeoisie (p. 116)
classical theory (p. 104)
demonological theory (p. 103)
ecological school (p. 112)
economic theory (p. 116)
hedonism (p. 107)
neoclassical theory (p. 109)
proletariat (p. 116)
thermic law of crime (p. 114)

REVIEW QUESTIONS

1. What are some of the basic concepts of the classical school of criminological theory? What is your opinion of the pros and cons of this theory?
2. What are some primary ideas of the Marxist approach to criminology?
3. What are some basic findings of Quetelet and Guerry and their ecological approach to criminology?
4. Who were the Nacirema? Do you think that their behavior is bizarre? Why or why not?
5. What are some of the major points raised by economic theory in explaining crime?
6. What was the rational choice theory of crime causation? What implications does this theory have for explaining crime?
7. Are there any parallels between demonological theories of crime and current society?
8. What is neoclassical theory, and of what relevance is it to modern concepts of corrections?
9. What is the current status of geographic theories in criminology?

EXAMPLE OF APPLYING THEORY

You may argue that Aileen Wuornos committed her crimes because of hedonism. According to Bentham, people choose actions that maximize pleasure and minimize pain. This theory applies to anyone capable of making rational calculations and pleasure and pain. Crime is caused accordingly, by choice to engage in crime because it brings the greatest amount of pleasure while minimizing pain. For Aileen, then, if applying hedonism to the murders she committed, her actions were caused by her desire to maximize pleasure and minimize pain. This explanation is plausible in that she robbed the men (thus getting money and/or valuables) and killed them (thus preventing them from identifying her and minimizing the chances she could be caught). If you take Aileen's word, she also minimized the pain of being raped by fighting back (maximizing pleasure or benefit, while minimizing pain).



Universal Images Group/Getty Images

6 BIOLOGICAL AND PSYCHOLOGICAL THEORIES

LEARNING OBJECTIVES

6.1 Describe how positivists seek to uncover the basic causes of crime.

6.2 Identify several early biological theories and the issues related to these theories.

6.3 Summarize the influence of the individual human mind, personality, and behavior on crime as presented by psychological theories.

6.4 Identify the connection between biological and psychological theories and crime policy.

The two theoretical schools that are the foundation of criminology are the classical school and the positivist school (Lilly et al., 2015, p. 7). Arising during the Enlightenment, the classical school rejected demonological and deterministic, religious explanations of crime and viewed the offender as using free will (reason) in deciding to commit crime. It emphasized fair and equal justice as a means of persuading individuals to be law-abiding. The positivistic school emphasized the scientific study of crime and criminals.

Positivism emerged in Italy with the writings of Lombroso in the late 1800s and also in the United States. Similar to a medical approach that studies illness, positivists asked what makes individuals criminal. Influenced by Darwinism, they asked what biological traits caused criminality. Rather than being due to a sinful soul, crime was determined by a person's biological makeup.

In this chapter (and throughout the book), we use the language and terms used by the scientists. As you read, remember the time at which the scientists were working! Today, we would not refer to people as being "feebleminded" for instance, but these terms were in fact used in earlier times. We choose to use the original language so that you can see the oftentimes harmful language that was used when referring to criminals.

POSITIVIST THEORY

Positivism is a philosophical approach proposed by French sociologist Auguste Comte (1798–1857) and stated in the title of his work *A System of Positive Polity* (1877), originally published in 1851. Comte proposed the use of empirical (quantitative) or scientific investigation for the improvement of society. Taylor, Walton, and Young (1973) indicate that the basic premises of **positivism** are measurement (*quantification*), objectivity (*neutrality*), and causality (*determinism*). In applying Comte's approach, criminological positivists emphasize a consensus worldview, a focus on the criminal actor rather than the criminal act, a deterministic model (usually biological or psychological in nature), a strong faith in the scientific expert, and a belief in rehabilitation of "sick" offenders rather than punishment of "rational" actors. There are three elements to the positivistic approach, which stresses a scientific rather than a philosophical orientation:

1. Application of the scientific method
2. Discovery and diagnosis of pathology (sickness) that underlies the criminal's actions
3. Treatment (therapy or corrections)

Through the systematic application of the scientific method, the positivists seek to uncover the basic cause of crime and then to prescribe appropriate treatments to cure the individual deviant. This section examines precursors to positivism as well as the major types of positivism: early biological positivism, recent biological positivism, and psychological positivism. Table 6.1 outlines the major positivist theories presented in this chapter.

TABLE 6.1 ■ Major Biological and Psychological Theories

Positivist Theories	Major Themes/Concepts	Major Theorists
Biological	Physical stigmata, atavism, and biological inheritance cause criminality Mental deficiency Feeblemindedness Physical inferiority Somatotypes—mesomorphs Brain disorders, twin studies, XYY syndrome, physiological disorders	Lombroso, Ferri, Garofalo Goring Goddard Hooton Sheldon Moniz, Christiansen, Jacobs
Psychological	Unconscious repression of sexual instincts Criminal personality, extroversion, inadequate behavioral conditioning, IQ	Freud, Skinner Eysenck, Hirschi, Hindelang

Precursors of Positivism

Prior to and competing with emergent positivism were various popular pseudosciences, some of which had existed since ancient times. **Astrology** had been used to predict human behavior by studying the alignment of the stars. The Copernican revolution and the realization that the earth did not occupy a fixed place in the universe discredited the basic premises of astrology, leaving it as a "hokum device" for fortune tellers and their superstitious clients.

Similar ideas whose time was rapidly passing were phrenology, physiognomy, and palmistry. **Phrenology** attempted to determine intelligence and personality on the basis of the size and shape of the skull and posited that certain areas of the brain corresponded to various psychological and intellectual characteristics. Writers such as Franz Gall (1758–1828) measured bumps on the head to identify brain development. Because sections of the brain do not completely govern specific personality characteristics and could hardly be analyzed by measuring configurations of skulls, phrenology was rapidly replaced by the more scientific methods of emergent positivism.

Physiognomy involved measuring facial and other body characteristics as indicative of human personality, and **palmistry** was concerned with palm reading, analyzing a person's character and future by examining the lines on the palm. The fact that palmistry is not dead is illustrated by a brochure this writer received advertising a book by Paul Gabriel Tesla titled *Crime and Mental Disease in the Hand: A Proven Guide for the Identification and Pre-Identification of Criminality, Psychosis and Mental Defectiveness.* These theories have been discredited simply because their proponents were unable to provide any proof of accuracy in their forecasts and were rapidly overtaken by developments in modern biology and the social sciences.

BIOLOGICAL THEORIES

As previously indicated, the works of Charles Darwin, beginning in the mid-19th century, had a profound impact on theory in the social sciences as well as on criminology. Concepts such as evolution, natural selection, survival of the fittest, and human genetic connections to a savage past captured the imaginations of theorists in the young social sciences, including criminology (see Table 6.1).

Biological Positivism: Cesare Lombroso

Cesare Lombroso (1835–1909) is sometimes called the father of criminology. Although that title is up for debate (Lindesmith & Levin, 1937; Mannheim, 1965; Thomas & Hepburn, 1983), he was certainly the most influential figure in **biological positivism**. Although he is best known for his early work, which gives an overly simplistic picture compared with his later, more sophisticated writing, Lombroso's ideas are important because of the large number of adherents and subsequent research he

inspired. His most important work was *L'Uomo Delinquente* (*The Criminal Man;* Lombroso, 1911a), first published in 1876. Lombroso was highly influenced by Darwin's theory of evolution, and this led him to the development of his theory of **atavism**, that people who commit crimeswere throwbacks to an earlier and more primitive evolutionary period. Such born criminals could be identified by certain physical stigmata, outward appearances, particularly facial, which tended to distinguish them from noncriminals. He claimed to have made his discovery almost by serendipity during an autopsy of a criminal that he was performing in the course of his duties as a prison physician:

> This was not merely an idea, but a revelation. At the sight of that skull, I seemed to see all of a sudden, lighted up as a vast plain under a flaming sky, the problem of the nature of the criminal—an atavistic being who reproduces in his person the ferocious instincts of primitive humanity and the inferior animals. Thus were explained anatomically the enormous jaws, high cheek-bones, prominent superciliary arches, solitary lines in the palms, extreme size of the orbits, handle-shaped or sessile ears found in criminals, savages, and apes, insensibility to pain, extremely acute sight, tattooing, excessive idleness, love of orgies, and the irresistible craving for evil for its own sake, the desire not only to extinguish life in the victim, but to mutilate the corpse, tear its flesh, and drink its blood. (Lombroso, 1911a, quoted in Wolfgang, 1960, p. 184)



PHOTO 6.1 In January 1937, a phrenologist demonstrated techniques used to "read" the bumps on a person's head to determine character. Phrenology attempted to determine intelligence and personality based on the size and shape of the skull.

Reg Speller/Hulton Archive/ Getty Images

Some examples of **physical stigmata** provided by Lombroso sound similar to characteristics Hollywood directors would search for in casting the villain on the silver screen: heavy jaw and cheek-bones, eye defects, large or small ears, strange nose shape, protruding lips, sloped forehead, and the like. Early biopositivism saw people who committed crimesas a separate group of people who were defective and biologically inferior. Classical prescriptions such as sure and certain punishment were seen as inapplicable with this group who were natural-born criminals (Akers & Sellers, 2004). Even though his analysis was sexist and flawed, Lombroso was also one of the first criminologists to address women and crime. In 1895, in his *The Female Offender* (Lombroso & Ferrero), he described women as inferior to men and even more likely to be atavistic. They were, however, more passive and less prone to crime. He saw women as less developed than men and criminal women as more masculine than other women. For Lombrosians and Social Darwinists, "Crime was not due to a sinful soul or chosen

freely, but rather was predetermined by a person's constitutional makeup" (Lilly et al., 2015, preface). Lombroso was persuaded that criminals were similar to a lower species who were not as civilized as normal people (Cullen & Wilcox, 2015, p. xxxii). While criminology would reject his theory, it embraced the positivistic model of science.

Although Lombroso's early work was well received at the time, it is not seriously regarded today. What remains, however, is his emphasis on observation, data collection, and the need to obtain positive facts to support theory. When his theories of atavism came under attack from mounting evidence to the contrary, Lombroso modified his theories, although maintaining that atavism existed in about a third of all criminals. His other categories were the insane criminal, the epileptic criminal, and the occasional criminal, hardly an exhaustive, comprehensive list of criminal types.

Lombroso's notions of biological determinism of criminality were very compatible with the ideological climate of the late 19th century, in which the philosophy of social Darwinism provided intellectual backing to the harsh realities of emergent industrial capitalism. **Social Darwinism** claimed that there is a survival of the fittest among human beings and social institutions. The success or failure of individuals competing in society was not to be interfered with, because success or failure was all part of a natural system of societal evolution. The Lombrosian model, which minimized the importance of social conditions such as inequality and ignored the extensive literature of the ecological school, blamed criminality on the individual rather than the society. This triumph of Lombrosian theory represented a "seizure of power of the medical profession who viewed criminology as a branch of medicine" (Lindesmith & Levin, 1937, p. 669). Criminal behavior was viewed as the actions of "defective" individuals who were unable to adjust to an otherwise healthy society; people who committed crimes were the unfit in the struggle for survival. This social Darwinism applied Darwin's principles to human society.

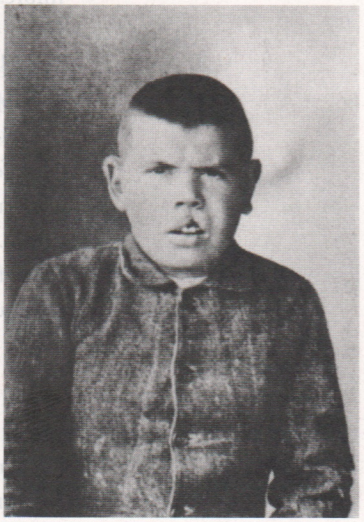


PHOTO 6.2 Cesare Lombroso believed that physical deformities often accounted for criminal tendencies. Depicted here is one of his patients.

Science History Images / Alamy Stock Photo

The other two important figures in the Italian or continental school of positivists were Lombroso's students Enrico Ferri (1856–1929) and Raffaelo Garofalo (1852–1934). Ferri's *Criminal Sociology* (1917) was first published in 1878, and Garofalo's *Criminology* (1914) was originally published in 1884. Lombroso, Ferri, and Garofalo have been called "the holy three of criminology" by Stephen Schafer (1969, p. 123).

Enrico Ferri proposed five types of criminals: insane, born, habitual, occasional, and criminal by passion. He proposed a multiple-factor approach to crime causation, admitting both individual and environmental factors. Specifically, he noted that the causes of crime are anthropological (e.g., sex, social class), physical (e.g., race, climate), and social (e.g., migration, family). Often ignored in considering the diversity of Ferri's views was the fact that long before 20th-century criminologists began to consider the shortcomings of official statistics, Ferri (1917, cited in Vold et al., 2002) proposed his saturation theory of crime. Ferri suggested that crime expands to fit the amount of control machinery assigned to it – when rapid social change occurs and social control mechanisms break down, crime is likely to increase. Ferri advocated for social changes to reduce crime such as advocating for subsidized housing and believed in treatment for offenders. Traveling widely as a visiting professor throughout Europe and South America and spreading the evangelism of the new positivism, he later became a supporter of Mussolini. Vold (1979) indicates, "The end of Ferri's career, ascent to Fascism, highlights one of the problems of positivistic theory, namely, the ease with which it fits into totalitarian patterns of government" (p. 42). Raffaelo Garofalo argued that people who commit crimeswere lacking in pity (revulsion against people being made to suffer voluntarily) and probity (respect for others' property rights). Because he thought criminals could not live according to what is needed for a society to survive, he strongly advocated social Darwinism and the physical elimination of the "unfit" and their offspring and also became a supporter of Mussolini's fascist regime.

Early positivism contributed theoretically to a scientific approach to criminology and inspired others to study the subject, but otherwise little remains of it in current criminological theory. Lombroso and his colleagues used poor sampling techniques, their findings were statistically insignificant, and they ignored the fact that physical stigmata were most likely environmental defects (due to poverty and malnutrition). Moreover, modern genetics negates their atavism theory. Their findings have been refuted by later investigators, particularly by their earliest and most vehement critic, Charles Goring.

Feeblemindedness: Charles Goring

Charles Goring (1870–1919) in 1913 published *The English Convict*, the results of a study begun in 1902 of 3,000 English convicts and comparison groups of college students, hospital patients, and soldiers. He compared these "criminals" and "noncriminals" with respect to physical characteristics, personal histories, and mental qualities. The only differences he was able to discover were that the people who committed crimes in general were shorter and weighed less and, most important, were "mentally defective." While refuting Lombroso's theory of distinctive physical characteristics, he launched yet another search for hereditary mental deficiency as the cause of crime.

Although Goring refuted Lombroso's notion of physical differences, his own methodology was critically flawed. Eschewing the then-available Simon-Binet tests of mental ability, he used his own impressions to operationalize the mental ability of his subjects (S. T. Reid, 1982). The nail in the coffin of Goring's theory was the advent of widescale mental testing of U.S. military conscripts during World War I. Using Goring's definitions of **feeblemindedness**, nearly one third of the draftees would have been so classified; the standards for such tests were modified as a result. Other studies comparing mental age found no difference in performance between people in prison and the draft army, and one even found that the former performed better. As a result, the notion of feeblemindedness as a cause of criminal behavior was interred in the graveyard of outmoded criminological concepts (Vold et al., 2002). However, later we examine modern psychometric approaches to crime and current efforts to identify and measure the criminal personality that represent more sophisticated revivals of this line of inquiry.

Heredity: The Jukes and Kallikaks

Other attempts to stress heredity as a source of criminality appeared in two case studies of generations of criminals who were claimed to be examples of degeneracy and depravity. Published only a year after Lombroso's *The Criminal Man*, Robert Dugdale's (1841–1883) *The Jukes* (1877) was a case study of generations of an American family. Tracing more than 1,000 descendants of Ada Jukes (a pseudonym), he found 280 paupers, 60 thieves, 7 murderers, 140 criminals, 40 venereal disease victims, and 50 sex workers, as well as various other deviants—proof positive, he claimed, of inherited criminality.

A similar case study was conducted by Henry Goddard in his *Kallikak Family* (1912), which dealt with the offspring of one Martin Kallikak, a militiaman during the American Revolutionary War. Kallikak fathered a child out of wedlock to a "feebleminded barwench," a large number of whose descendants were feebleminded or deviant. The offspring of his marriage to a "respectable" woman were, on the other hand, all of the highest moral and mental standards. Goddard took these findings as proof positive of the real cause of crime: feeblemindedness, or low mentality. He also was the first to use the term *moron*. The misreading of Darwin's evolutionary theory led to many perverse policies in Nazi Germany as well as in the United States. The IQ test movement, led by psychologists such as Goddard, fueled fears of high birth rates of Mediterranean immigrants to the United States and that the feebleminded would erode the U.S. genetic stock. *Eugenics* (scientific breeding), compulsory sterilization, and restrictive immigration policies attempted to control this perceived onslaught of feeblemindedness (Gamble & Eisert, 2004). You may be surprised to learn that forced sterilization of people who committed crimes was widely conducted in the United States. Some 31 states had government-run programs, with tens of thousands of people sterilized by the 1960s. In North Carolina, 7,600 people—85% women and 40% nonwhite—were sterilized between 1929 and 1974. Even more recently, California is alleged to have authorized the sterilization of 150 female inmates in prison between 2006 and 2010. At least some of these women have said that they were coerced into getting the procedure done (Ko, 2016).

J. D. Smith (1985) took a close look at Goddard's Kallikak research and reported that the photographs included in Goddard's book of the "bad" Kallikaks were touched up to make them appear more evil, that the research methodology was unscientific, and that the historical data were simply not correct (Haas, 1985). Rafter (1988) in *White Trash: The Eugenic Family Studies, 1887–1919*, as well as S. J. Gould in *The Mismeasure of Man* (1981), document Goddard's deceptions. Gould went to New Jersey and found some of the "bad" Kallikaks, who turned out not to be so bad after all. The popularity of this

type of research can be explained by the fact that "it makes society's so-called superiors feel better about themselves" (Haas, 1985, p. 74). Fancher (1985) indicates, "The science of intelligence and its measurement has from the start been dominated by men who have been eager to show that the disenfranchised of society are at the bottom rung of the ladder because they are inherently inferior" (quoted in Haas, 1985, p. 74). A more detailed critique of biological positivism follows shortly.

Physical Inferiority: Earnest Hooton

Goddard attracted a major critic in the form of a neo-Lombrosian, Earnest Hooton (1887–1954), a Harvard anthropologist who in *Crime and the Man* (1939) claimed, on the basis of a very detailed and extensive study of physical differences between criminals and noncriminals, that he had discovered the cause of criminality: physical inferiority. His 12-year study of 14,000 prisoners and 3,200 college students, firemen, and others led him to conclude,

> Criminals are organically inferior. Crime is the resultant of the impact of environment upon low grade human organisms. It follows that the elimination of crime can be effected only by the extirpation [eradication] of the physically, mentally, and morally unfit, or by their complete segregation in a socially aseptic environment. (p. 309)



PHOTO 6.3 As recently as 50 years ago, the United States was practicing eugenics. Elaine Riddick (center) was one of the 7,600 people who were sterilized by choice, force, or coercion between 1929 and 1974 in North Carolina.

Raleigh News and Observer/Tribune News Service/Getty Images

Some physically distinguishing characteristics of Hooton's criminals included the following: tattooing, thin beard and body hair but thick head hair, straight hair, red-brown hair, blue-gray and mixed eye color, thin eyebrows, low and sloping foreheads, thin lips, pointed and small ears, and long, thin necks with sloping shoulders. These findings and their interpretations were in line with works such as Lombroso's 1876 work, but these were released in 1939 by a professor from one of America's finest universities. Positivism's compatibility with totalitarianism was again illustrated. In the same year that Hooton's work appeared, Hitler had already built experimental gas chambers in mental hospitals and in a 2-year period "extirpated" (murdered) 50,000 non-Jewish Germans, a grim prophecy of what was in store for millions of Jews, Eastern Europeans, and groups the Nazis considered to be *Untermenschen* ("subhuman").

Hooton predicted a decline in civilization and its social, political, and genetic doom (Rafter, 2004). The only solution he saw was eugenics—birth control, sterilization, and euthanasia of morons and criminals and a curtailment of welfare that he felt encouraged the unfit to breed. Hooton endorsed eugenics but separated himself from racial extremism.

Because many criticisms of biological positivism apply in general to all such theories, a detailed critique is presented at the conclusion of this section.

Body Types

Imagine that, as part of your college freshman orientation, you were asked to report to the college infirmary and have nude photographs taken as part of a research project. From the 1940s through the 1960s, all freshmen at many Ivy League and other prestigious universities complied with just such a request as part of a study on body shape and intelligence. The Smithsonian Institution as late as 1995 was in possession of such photographs, which most likely included former secretary of state Hillary Rodham Clinton, ABC's Diane Sawyer, former New York governor George Pataki, and former president George W. Bush.

Advocates of attempts to discover distinctive body types and relate them to crime include Ernst Kretschmer (1926), William Sheldon (1940), and Sheldon and Eleanor Glueck (1950). In the best known of these efforts, Sheldon proposed three **somatotypes**, body builds that relate to personality characteristics (temperaments). *Endomorphs* have soft, round, plump physiques and tend to be relaxed, easygoing, and extroverted; *mesomorphs* are hard and muscularly built and are aggressive, assertive, extroverted, and action seekers; and *ectomorphs* are thin and fragile of form as well as introverted, sensitive, and subject to worrying. Comparing judgmental samples of "problem" youth with college men, Sheldon claimed that the problem youth tended to be mesomorphic.

Similar studies by the Gluecks (1956) found delinquents to be more mesomorphic than nondelinquents and suggested that this body type may be more suited to the delinquent role, whereas endomorphs were too slow and ectomorphs too frail to occupy it. In similar research, Cortés (1972) found 57% of his delinquent sample to be mesomorphic, whereas only 19% of nondelinquents had such body builds. However, McCandless, Persons, and Roberts (1972) were unable to find any relationship between body type and self-reported delinquency.

Describing much of biocriminology as a "frightening slice of historical criminology," McCaghy (1976b) points out,

> Today scarcely a year goes by without some revelation concerning the possible connection between a biological characteristic and human behavior. In fairness to the scientists of today they are generally far less sweeping in their claims than were the researchers of a few decades ago. But the probing of every nook and cranny of the human system goes on. One can only sense the public's anticipation that someday a pill or a swipe of a scalpel will put an end to thievery, homosexuality, and all sorts of behavior. (p. 11)

G. K. Chesterton (1935) felt that such early positivism gave draconian powers to control agents who could use such theories as weapons against the poor (Jenkins, 1982). Jenkins (1982) quotes Chesterton and offers a summary of his position:

> Eugenics, psychology and criminology were pseudo-sciences, and were class ideologies which obviously ignored the interests of the poor. "Crime is not a disease," he wrote. "It is criminology that is a disease." The methodological foundations of the new penology were especially shoddy. Criminal anthropology meant "that very poor men, and especially poor men more or less in the hands of police, can safely have their ears pulled, their skulls measured, their teeth counted, tested or pulled out, so as to establish by scientific methods a sort of composite photograph of all criminals, which was really a composite photograph of all very poor men." He imagines what might happen if a criminologist attempted to apply the same methods to a corrupt American millionaire. The "galleries of criminal types" therefore lacked something vital; "the defect being the entire absence of any types of anti-social activity [among those] who had ever [earned] more than £ 200 a year." This class bias made criminology and sociology no more valid than astrology or alchemy. (n.p.)

The fact that the search goes on can be illustrated by means of a brief treatment of more recent examples of biological positivism. But first a critique of early biological positivism from Lombroso to the Gluecks is in order.

Critique of Early Biological Theories

Here are some common problems that nearly all of the early biological theories share:

- They suggest that one can genetically inherit a trait or propensity (to violate criminal laws) that is socially defined and culturally relative.
- Any biological differences that are found are likely to explain only a minor proportion of criminal behavior compared with social and cultural factors.
- The biological theories seem to share a conservative consensus worldview, an unquestioned acceptance of official definitions of criminality, and the social class bias that crime is primarily to be found among "the dangerous class."
- Most of these studies reflect Reid's "dualistic fallacy" notion, which assumes the mutual exclusivity of criminals (defined as prisoners) and noncriminals (defined as nonprisoners).
- Most of their analyses are plagued by weak operationalization of key concepts such as feeblemindedness, inferiority, and crime.
- Not all biological differences are inherited; many may be due to prenatal environment, injury, and inadequate diet (Vold et al., 2002).
- Modern genetics has simply bypassed many of these simplistic theories. Most modern biologists speak against notions of the inheritance of acquired characteristics, emphasizing instead selective adaptation and mutation (Vold et al., 2002).
- Many of these studies are based on small or inappropriate samples.
- As a result of the dominance of this approach, criminological theory was very likely led down the wrong path. The popularity of many of these theories related to their conservative and individualistic emphasis and to their compatibility with authoritarian and simplistic solutions to the crime problem.

Biology applied to human behavior has a disturbing legacy of misuse. Social Darwinism borrowed portions of evolutionary theory and twisted them into justifying class differences (Goode, 2000). Social Darwinists argued that the struggle for power and wealth was, to use the words of sociologist Herbert Spencer, "a survival of the fittest." Associations of such theories with Nazi genocide and racist propaganda also led to disrepute.

On balance, however, it should be pointed out that the early biological theorists made some important contributions:

- The commitment of the early positivists to testing their theories by means of experiments, the collection of empirical data, and the employment of statistics is a continuing feature of modern criminology.
- As the following discussion of modern biological (biosocial) theories illustrates, one cannot rule out the biomedical approach simply because of this school of thought's association in the past with simplistic theories or the political abuse of such theories by fascist regimes.
- The early positivist approach did influence Western criminal codes and led to modifications in the classical model. Special treatment of juvenile offenders, indeterminate sentences for career criminals, extension of the insanity ruling, probation, corrections, and rehabilitation were all positivist contributions (Radzinowicz & King, 1977).

Pierre Van den Berghe, in an article titled "Bringing Beasts Back In" (1974), argued that modern criminology, in rejecting early positivism, had swung the other way and was ignoring the biological basis of human behavior. A brief examination of some of the research of modern biological theorists may provide some support for his point. Modern biological theories replace simplistic biological

determinism with approaches that take into account the interplay of biological and socioenvironmental factors (Shah & Roth, 1974). Whether criminality can be explained by human nature (genetics, inherited characteristics) or nurture (environment, learning, socialization) is a continuing debate among criminological thinkers.

More Recent Biological Theories

Shah and Roth (1974), in their review of criminology's **nature versus nurture controversy** (whether criminality is explained by genetics or environment), detail a variety of research including biochemical effects, brain disorders, endocrine and hormonal problems, nerve disorders, and other factors that can hardly be ignored in explaining at least some individual cases of criminality (Marsh & Katz, 1985).

The newest biological theories (some advocates prefer the name *biosocial* theories) focus on a broad range of biological factors, including genetic and environmental. Factors such as head injuries, diets, exposure to toxins such as lead, and birth complications are viewed as affecting the nervous system. "No one argues that there is a gene leading directly to crime" (Cullen & Agnew, 2003, p. 3). Most of these theories recognize that interaction exists between biological factors and the environment and suggest that some biological factors partially account for some crime in some types of offenders.

Brain Disorders

Although early phrenologists were convinced of their ability to map areas of the brain that controlled aspects of personality, modern attempts to probe the brain were begun by the Portuguese physician Antonio Moniz, who, beginning in 1935, performed prefrontal **lobotomy** (destruction of portions of the frontal lobes of the brain) as a last resort for nonresponsive mental patients. McCaghy (1976b) reports,

> His subjects were twenty mental patients who had been unaffected by other treatments; according to Moniz fifteen showed some degree of improvement as a result of the operation. One lobotomized patient was later to pump five bullets into Dr. Moniz, but the operation and variations of it were widely hailed as the answer to many behavioral problems. (p. 28)



PHOTO 6.4 A guard at Vacaville State Prison prepares a prisoner for a lobotomy in 1961. The warden at that time was a psychiatrist who was convinced that "criminality" was lodged in certain areas of the brain, and so lobotomies at Vacaville became routine.

Ted Streshinsky Photographic Archive/Corbis Historical/Getty Images

An American version used ice picks inserted through eye sockets to destroy brain tissue.

Psychosurgery, surgical alterations of brain tissue in order to alter personality or behavior, became quite popular. Roughly 50,000 such operations were performed in the United States alone from the mid-1930s to the mid-1950s (McCaghy, 1976b). Lobotomized patients were indeed more controllable with respect to behavior but were often described as resembling hollow shells of human beings, zombies, or human vegetables, devoid of a full range of normal emotions. The impact of lobotomies was illustrated by the fate of the hero in Ken Kesey's novel *One Flew Over the Cuckoo's Nest* (1962).

Vernon Mark and Frank Ervin, in *Violence and the Brain* (1970), proposed the use of psychosurgical procedures to control brain malfunctions, particularly those that may trigger aggressive behavior. Although such procedures have been known to produce some positive results (Brown et al., 1973), surgical approaches to criminality are not a general solution to the crime problem.

By the 1950s, drug therapy began to replace lobotomies. A more sophisticated form of psychosurgery called *cingulotomy* was used on a selective basis with consenting patients after other treatments were exhausted. The procedure involves passing an electrode needle through two small holes in the skull and searing a tiny lesion in the cingulum, a bundle of nerve fibers linking the emotional centers of the brain with the thought centers in the cortex (Beck & Cowley, 1990).

Twin Studies

In one of the more celebrated cases of researcher fraud, Sir Cyril Burt, a British psychologist, conducted studies of twins that claimed to prove the inherited nature of intelligence. After his death, researchers discovered that he had faked his data (N. Wade, 1976), although others have charged that his critics were guilty of character assassination (Fletcher, 1991). Studies of twins and adoptees are ingenious ways of attempting to address the nature versus nurture debate, that is, whether criminality is inherited or learned. Such studies are ex post facto (meaning "after the fact") in nature. They begin with criminals who have a twin and then attempt to find that twin to discover whether they have also committed crimes (Christiansen, 1968; Dalgard & Kringlen, 1975; Lange, 1931; Rosanoff et al., 1934). Such studies often compare monozygotic (MZ) with dizygotic (DZ) twins. *Monozygotic* (identical) twins are produced by a single egg and therefore exhibit the same hereditary features (they are 100% genetically related on average), whereas *dizygotic* (fraternal) twins are produced by separate eggs and reveal less biological similarity (they are 50% genetically related on average).

Although findings have been mixed, Dalgard and Kringlen's (1975) study of all twins born in Norway between 1900 and 1935 concluded that the significance of hereditary factors in registered crime is nonexistent. They examined 33,000 twins to turn up 139 pairs in which one or the other committed crime as measured by a national crime registry. Their study and others found greater *concordance* (similar patterns with respect to criminality) among monozygotic than among dizygotic pairs. Other research using the twin-study format have found similar results. Christiansen's (1977) study of Danish twins found that the concordance rate for crime (assessed through penal and police records) in MZ twins was .35 as compared to the concordance rate of .13 in DZ twins. They concluded that there was some genetic basis for crime. A review of studies conducted from 1929 to 1961 by Mednick and Volavka (1980) found roughly 60% concordance among MZ twins and about 30% among DZ pairs. Christiansen's (1968) study of 3,586 male twins found 52% **monozygotic concordance** and 22% among dizygotics.

Adoption Studies

Related in design and execution to twin studies are adoption studies. The assumption underlying such studies is that, if the behavior of children more closely matches that of their biological parents than that of their adoptive parents, this finding would support the argument for a biological basis of human behavior. Schulsinger (1972), for instance, found criminality in adopted boys to be higher when biological fathers had criminal records. Hutchings, Mednick, and Sarnoff (1977) studied 1,145 male adoptees born in Copenhagen from 1927 to 1941; they found 185 adoptees with criminal records and determined that the criminality of the biological father was a major predictor of the child's behavior. Crowe (1974), however, discovered no differences between adoptees and a control group, except that

the former demonstrated a higher proportion of psychopathic personalities. However, he admits problems with small samples as well as the fact that other environmental influences may have been responsible for the higher psychopathy among adoptees.

Recent Findings From Twin and Adoption Studies

More recent research using the twin method examining the heritability of criminality has focused not on assessing criminal behavior directly but rather on identifying the genetic basis of factors that lead to crime (i.e., precursors). This large body of research has established that there is a genetic basis of several outcomes important for crime. For example, affective disorders such as depression and anxiety are at least partially driven by genetics. In addition, IQ and other cognitive abilities have been tied to genetics (Plomin, 1990). Some personality characteristics that may be tied to crime also have a genetic basis. Psychopathy has been shown to be related to genetics, and research demonstrates the link between psychopathy and crime (Douglas et al., 2006). Finally, behaviors that are linked to crime have also been found to be rooted in genetics. Hyperactivity, conduct disorder, and attention-deficit/hyperactivity disorder (ADHD) all have genetic ties (Silberg et al., 1996) as do externalizing behaviors in childhood (Van Hulle et al., 2007). We discuss how genes work to influence behavior in a later section.

Problems With Twin and Adoption Studies

There are a number of methodological problems associated with twin and adoption studies, despite painstaking research and admirable scholarship on the part of those who have conducted them:

- Most studies involve a small number of cases, because they attempt to combine two phenomena: twins or adoptees and crime.
- Some studies are subject to unsystematic and uncontrolled samples (Dalgard & Kringlen, 1975).
- Often the operationalization of DZ and MZ relies on official records rather than on blood serum group samplings. The latter is a far more accurate means of distinguishing between identical and fraternal twin patterns.
- Official records are the major source of data on the dependent variable (crime commission).
- A shift of only a few cases (which may have been misdiagnosed) can erase the DZ-MZ differences.
- Higher concordance among MZs (identical twins) may still be due to more similar environmental treatment, because identical twins are likely to be treated the same.

XYY Syndrome

In the late 1950s in England, speculation began regarding men who possessed an XYY chromosome pattern, that is, an extra male chromosome. Of the 46 chromosomes most humans possess, menreceive an X chromosome from their mother and a Y chromosome from their father, whereas women receive two X chromosomes, one from each parent. Beginning with papers by Jacobs, Brunton et al. (1965), in which a large number of the 197 Scottish inmates they studied were found to be "double Ys," the hypothesis was proposed of a "double male" or "supermale syndrome." This theory held that the possession of an extra Y chromosome caused men to be unusually tall, to suffer severe acne as adolescents, and to be predisposed to aggressive and violent behavior. During the late 1960s, defense attorneys for brutal murderers in France and Australia and for Richard Speck, the murderer of eight Chicago nurses, employed as part of their defense the claim that their clients were XYYs. Only in the Australian case was the accused acquitted (Sarbin & Miller, 1970).

Although early research suggested that a larger proportion of XYYs could be found in prisons than among the general public (less than 1 double Y per 1,000 live male births), further research has found no difference (Shah & Roth, 1974; Witkin et al., 1976). Because of the relative rarity of the syndrome, studies demonstrating a large number of cases are difficult. A Danish study by Witkin et al. (1976) did

not support the aggression hypothesis and even found that incarcerated XYYs showed less aggression while in prison than did the other inmates. Earlier reviews of the research by R. G. Fox (1971) and Sarbin and Miller (1970) essentially agreed with these findings and found XYYs when institutionalized to have less serious offense records than others. Although more research is required in this area, the negative findings have considerably lessened interest in the **XYY syndrome** as a cause of criminality.

Gamble and Eisert (2004), in addressing the controversy surrounding the application of biological and psychological approaches to crime and delinquency, note that it is obvious that all human behavior has a biological base; without sensory surfaces, the environment could not affect us. "How could it be that psychology, the science of behavior and mental processes—how people learn, behave and think—is not relevant to understanding delinquency?" (p. 43). Sex and age are two of the strongest predictors of crime, and they are biological constructs. There is little comparison between early biopositivism, such as the work of Lombroso, and the work of modern biological researchers who examine very complicated connections among hormones, brain chemistry, and other physiological processes that affect personality, learning, and delinquency (J. Pollock, 1999).

Other Biological Factors

Further theoretical and empirical work in the tradition of biological criminology continues to raise interesting hypotheses and some explanations of individual cases of criminality (see Fishbein, 1990; A. Walsh, 2002; Walters & White, 1989a).

In the 1970s, ideas proposed by Edward Wilson (1975) in his book *Sociobiology* attracted adherents. Basically, the sociobiological perspective insists on the genetic basis for human behavioral differences. Individuals are born with different potentialities; their reactions to the social environment are modified by biochemistry and the cellular reactions of the brain. Each individual's unique genetic code and nervous system react differently to the same environmental stimuli (Jeffrey, 1978). A variety of biological factors have been explored, primarily by means of the limited case study approach, and require more study before definitive conclusions can be drawn.

Endocrine System and Crime

Variables such as diet, environmental pollution, allergies, and endocrine imbalance have been claimed to have criminogenic influence. In the "Twinkie defense," we see claims that sugar consumption (too little or too much) is a causal agent in crime. Hypoglycemia (low blood sugar) also has been claimed to be linked to impaired brain function and violent crime.

Explorations of endocrine imbalance have found an obvious connection with sexual functioning, but the role that they play in crime is less clear. Testosterone has been linked to crime in a variety of studies, with higher levels being related to crime (Raine, 2013). Higher levels of testosterone have also been linked to risk-taking behaviors, further suggestive of its link to crime (Wright et al., 2014). In further support of the possible link between hormones and crime, injection of the female hormone estrogen has been found to decrease male sexual potency (Mednick & Volavka, 1980). Dalton's (1961) study "Menstruation and Crime" found that nearly half of the crimes of her sample of female inmates had occurred during menstruation or premenstruation. The PMS (premenstrual syndrome) defense emerged in the early 1980s when two women had their murder charges reduced to manslaughter on the basis that severe PMS reduced their mental capacity (Rittenhouse, 1991). Despite its use, reviews of the science connecting the menstrual cycle to crime reveal little evidence that fluctuations in hormones during the menstrual cycle is actually linked to criminal behavior (Harry & Balcer, 1987).

In addition to sex hormones, cortisol has also been implicated in criminal behavior. Cortisol is released by the adrenal glands in response to stress. Stress (or trauma) can create a biological flight-or-fight response, which results in the body responding by such things as increasing heart rate and blood pressure. If the hypothalamus (the area of the brain that produces cortisol) is not working normally, it may cue excess production of chemicals that tell the adrenal gland to release cortisol. This production of cortisol is in part a reaction to stress or arousal. Levels of cortisol have been linked to aggressive and violent behavior. Some studies suggest an association between low cortisol levels and antisocial and violent behavior (Raine, 2002). This link has been found for chronic violent offenders and children and adolescents with conduct disorders (Raine, 2002). Other studies suggest that high levels of cortisol

are linked to such behaviors (Vaillancourt & Sunderani, 2011), often interacting with testosterone or substance use (Dabbs et al., 1991).

Cerebral and neuroallergies to food substances have also been suggested as potential criminogenic factors (Schauss, 1980; Wunderlich, 1978). In Schauss's study comparing nutritional differences between delinquents and nondelinquents, the surprising major difference was that delinquents drank more milk. Others have suggested a link between consuming diets high in simple carbohydrates and violence (Raine, 2013). Similar investigations of the effects of environmental pollution on aberrant behavior indicate that lead, mercury, and other poisonous substances can adversely affect human behavior and health.

The Brain and Crime

Many characteristics of the brain and brain functioning have been studied for their potential relationship to crime. Although too many to identify here, one of the most well-developed areas of research is on the link between frontal lobe functioning and criminal behavior. The frontal lobe is responsible for executive cognitive functioning–higher order thought, problem-solving, abstract reasoning, concentration, and goal-directed behaviors. Given its role, it probably makes sense to you that problems with frontal-lobe functioning may be linked to crime in that people who commit crimes often operate with a "here-and-now" orientation rather than being able to restrict their impulses. Those with frontal-lobe dysfunction may be unable to effectively problem-solve or consider the complex consequences associated with antisocial behavior. One study of over 2,100 people who committed crimes revealed that those who engaged in the most serious, chronic, violent offenses had the greatest degree of problems in the frontal lobe (Pallone & Hennessy, 1998). Interestingly, the frontal lobe is the last part of the brain to develop (not until mid-20s), which may explain why teens and young adults engage in delinquency and crime at higher rates than older adults. Injury to the frontal lobe is likely to influence behavior as well. Injury to this area of the brain is linked to impulsivity and inability to control emotional impulse. Those with frontal lobe injury frequently find that their personalities shift, whereby they are more aggressive and short-tempered (Raine, 1993). Perhaps the most famous case of frontal lobe injury resulting in drastic personality change is that of Phineas Gage (1823–1860). While working on railroad construction, a large iron rod shot through his head, damaging his frontal lobe. Phineas survived the accident, but his personality and behavior changed dramatically.

Neurological studies have suggested that people who commit crimes are more likely to exhibit abnormal electroencephalogram (EEG) patterns (a measurement of brain waves), although studies of association of such patterns with criminality have presented mixed findings (K. E. Moyer, 1976). Denno (1985) reports,

> Considerable evidence indicates that many biological and developmental disorders associated with delinquency (for example, learning and reading disabilities) may be attributable, in part, to minor central nervous system (CNS) dysfunction which is linked, most predominantly, to complications occurring before and after birth. (p. 713)

In addition to brain wave patterns, other factors related to the brain have been studied. Exposure to lead and other heavy metals influences how the brain operates. Lead has effects on the brain when exposure happens prenatally or during early childhood. Lead exposure has been linked to issues with the functioning of the serotonergic and dopaminergic systems (systems related to serotonin and dopamine production and synthesis). Glutamine synthesis is also influenced by lead exposure. Glutamine is important for learning and sensory processing. Lead may also reduce brain volume in areas linked to executive cognitive functioning, regulation of mood, and behavioral control. Given these links, lead has been investigated as a culprit of crime. Indeed, lead exposure has been linked to delinquency and crime (Wright et al., 2008). Recently, the city of Flint, Michigan, discovered that lead levels in the water supply were excessively high after the city began to use the Flint River as a water source in 2014. Tests by the Environmental Protection Agency showed that the levels of lead in the water of residents' homes were dangerous. What do you think the long-term implications may be for the people of Flint and their behavior?

It is important that criminologists keep an open mind on this matter and not view such studies as a taboo area (Sagarin, 1980) or mistake more modern biological studies for their more primitive Lombrosian ancestors. Lee Ellis (1982), in his review of the genetics and criminal behavior literature of the 1970s, offers prudent conclusions:

> Sensing the weight of this accumulating evidence, especially throughout the past decade, along with several other types of less direct evidence not treated in this article (e.g., the discovery of a growing number of neurological and neurochemical correlates of criminal and psychopathic behavior), many scientists have concluded since the start of the 1970s that some significant genetic factors are probably, or at least very possibly, causally involved in criminal behavior variability. . . . However, it seems important to quickly insert and underscore the point that none of these scientists in any way excluded the possibility of environmental factors also being involved. (pp. 57–58)

In fact, nearly all of them specifically entertained hypotheses about which of those environmental factors might be involved, within the very same reports in which they acknowledge possible or probable genetic influences. Rocque and Posick (2017) argue that biosocial criminology remains a fringe field within criminological theory, but rather than representing a radical shift in analysis it embodies a maturing field.

In the past 20 years, new developments in genetics and molecular science have further argued that biology has some impact on the way people behave. Evolutionary psychology might involve laboratory experiments, cross-cultural studies, and other approaches. Such researchers approach the mind as an ancient engineering project, developing and testing out hypotheses about what "design problems" needed solving and what universal mental structures might have been designed, by the pressures to survive and reproduce, to solve them (Goode, 2000).

Lee Ellis and Anthony Walsh (1997) reviewed evolutionary theories of criminality. These all assert that humans (and other biological organisms) are designed to act in ways to ensure successful reproduction. According to evolutionary principles, natural selection operates to favor certain tendencies that lead to successful reproduction. Some of these evolutionary theories are outlined below.

Cheater theory claims that some men have been naturally selected to make lower parental investment than women by seeking numerous partners. Cheater theory views more deviant men as developing an alternative reproduction strategy to support their reproduction. "Cads" use force or deception to impregnate women and produce a greater number of offspring. Their approach to women reflects a "born to take advantage" view of male sexual involvement.

1. The *r*–*K* continuum theory of crime indicates that criminals and psychopaths are at one end of a continuum of reproduction. The *K* end (qualitative end) has persons who proliferate their genes by major investment in a small number of offspring, whereas the *r* end (quantitative end) proliferates offspring and neglects them (Lilly et al., 2007). The latter propagates criminals and psychopaths.

2. The cultural adaptation theory of crime asserts that antisocial behavior is a consequence of adapting to unstable environments, whereby ensuring reproduction. Individuals living in hostile environments will begin puberty earlier and engage in sex earlier than others—which can lead to reproduction.

These approaches attempt to use human evolution to explain human behavior and crime. Various traits that underlie criminal behavior are adaptations developed during human evolution. The specific criminal acts are of course not the adaptation. There are no criminal genes for burglary or car theft. Evolutionary psychologists use the term *cheating* to refer to criminal, deviant, or antisocial behavior. Cheating involves defaulting on rules of cooperation in society (Walsh & Hemmens, 2008). Parenting and mating are important parts of evolution. Rowe (2002) tells us that the most useful traits for parenting are altruism, empathy, nurturance, and intelligence. Mating behavior, including the maximization of partners, is more typical of men, whereas parenting effort is more typical of women. Ellis and Walsh

(2000), in a review of 51 studies relating number of sexual partners to criminal behavior, found 50 of them to be positive. That is, a high number of sexual partners were related to higher rates of criminal behavior. Furthermore, cultures that emphasize mating efforts exhibited low-level parental care, hypermasculinity, and transient bonding, which are viewed as antisocial traits in Western cultures.

Gender is the single most important trait in distinguishing violence in individuals. This is an international phenomenon. Bjorklund and Pellegrini (2002) argue that human women may have evolved superior inhibitory capabilities in the aggression domain. This may have arisen out of the gender differences in parental investment in offspring. Whereas men achieved reproductive success by impregnating as many women as possible, women have far greater responsibilities in rearing offspring. This is a greater investment in reproduction. Women may have evolved greater inhibitory capacity that would affect aggressive behavior.

Ellis and Walsh (1997) indicate that the theories are too new to have been fully tested. They have, however, received much play in the media. They note that "decades of careful empirical testing will be required to assess the merit of many of these hypotheses" (p. 229). Ellis and Walsh (2000) summarize, "perinatal, health, morphologic and internal biological correlates of crime that they maintain are well established or established variables correlated with crime commission" (pp. 302–303). These are low birth weight and shorter gestation, minor physical anomalies, maternal smoking during pregnancy, accidental injuries, hypoglycemia, premenstrual syndrome, body type, physical attractiveness (lack of), and skin conductivity (less perspiration under threatening conditions).

Ellis and Walsh (2000) also summarize well-established hormonal, neurotransmitter and miscellaneous biochemical, and neurological correlates of crime. These include serotonin levels (lower neurotransmitter activity), cholesterol (lower for criminals), monoamine oxidase (MAO, an enzyme that is lower among criminals), abnormal brain patterns, slow brain response to external stimuli, and greater pain tolerance.

Persons prone to violence, psychopathy, or substance use disorder have low levels of central nervous system and autonomic nervous system activity (Fishbein, 2002). Imaging studies suggest that people exhibiting inappropriate behavior may have prefrontal brain function deficits. Such insufficient control over emotions may encourage deviant behavior. The human prefrontal cortex is involved in planning, the inhibition of behavior, and the maintenance of attention. It examines the long-term consequences of behavior. Impulsive actions may occur when the prefrontal cortex is not sufficiently active. ADHD may be due to deficits in the prefrontal cortex. Serotonin, dopamine, and norepinephrine affect the brain operations that are relevant to antisocial behavior.

Biosocial criminologists argue that it is time to abandon the "naive" nature versus nurture debate and view human behavior as an interaction between biological and environmental factors. The argument is not whether these biological factors influence human behavior; they do. The issue is whether they influence not just antisocial behavior but criminal behavior as well, and also to what extent they influence which types of crime. Biosocial criminology has three broad areas: behavioral genetics, evolutionary psychology (discussed above), and neuroscience (Walsh & Hemmens, 2008).

Behavioral Genetics

This area examines the degree to which genetics and environment influence various human characteristics. Genes, of which all healthy humans have 22 pairs and two sex-determining genes, contain hereditary information. You inherit your genes from your biological mother and father (50% from each). Genes do not cause behavior; rather, they code for the amino acid sequences of proteins that are responsible for regulating cell activity, constitute cell structure, and make up hormones and neurotransmitters. Proteins influence the way a person responds to environmental cues, but they do not directly cause behavior. Instead, proteins (or genes) create a tendency to behavior in certain ways. In short, "there are no genes for criminal behavior, but there are genes that lead to particular traits such as low empathy, low IQ, and impulsiveness that can increase the likelihood of criminal behavior when combined with the right environments" (Walsh & Hemmens, 2008, p. 274). Behavior geneticists use twin and adoption studies to examine the influence of genes and environment.

It is also important to consider that genes that have been implicated in criminality are not deterministic. That is, possession of a gene (or a variant of a gene called an allele) itself does not determine

criminal behavior. Instead, a person must have environmental cues that trigger the gene into action. Another feature of genes that is important to consider is that they can interact with the environment—called a **gene–environment interaction**. What this means is that a person's genes may make them more sensitive to certain environmental characteristics. For example, a person may experience child abuse and also have genes that make it more difficult for them to handle traumatic events. This person may experience more severe consequences from the abuse than a person without those genes. Regardless, individual genes have indirect effects on behavior by way of their effects on traits. Individual genes account for only a small effect on criminal behavior but contribute to traits linked to criminality, not directly to criminality itself. A literature review by Ellis and Walsh (2000) found that 93% of the 72 studies they reviewed determined that genes affected criminal behavior. Other studies found that the influence of genes on antisocial behavior was modest. Although the majority of delinquents had little genetic vulnerability, a small minority were particularly vulnerable, with both environmental and genetic risk factors. Chronic offenders with early onset of delinquent or criminal behavior were most likely to exhibit genetic effects (Moffitt & Walsh, 2003). Genetic theories are viewed as possibly underpinning many more environmentally oriented, mainstream criminological theories. Recent work has also focused on **epigenetics**, which is the study of how genes are expressed and the changes to this expression. Rather than focusing on different gene variants, epigenetics focuses on how genes are turned on and off over time in response to environmental triggers. It is these changes in genetic expression that differentiate people from one another. There also may be epigenetic forces that contribute to behaviors that underlie crime.

The Neurosciences

Whereas our more primitive brain networks are inherited at birth, higher development depends on environmental developments after birth. Positive and negative experiences affect brain development. As Fishbein (2002) explains, "There are many aspects of biochemistry that influence human behavior, and each one operates through effects of the central nervous system (CNS), which comprises the brain and spinal cord and the peripheral autonomic nervous system (ANS)" (p. 111). Neurotransmitters act as chemical messengers conveying information in the form of electrically charged signals. They regulate emotion, mood, hunger, thirst, and a number of behavioral and psychological processes. The neurotransmitter dopamine system is involved with aggression or violent behavior. Its overproduction has been known to trigger antisocial behavior and violence. Low serotonin levels also affect impulsive-aggressive behavior. "Put simply, a deficit in serotonin activity jeopardizes the ability to inhibit urges, increasing the likelihood that underlying hostility or negative mood will lead to aggression or another inappropriate behavior" (Fishbein, 2002, p. 112). A number of other hormones and enzymes have been targeted as influencing behavior, such as the neurotransmitter norepinephrine, the enzyme monoamine oxidase, and hormones as discussed earlier.

Differences in the physiological activity of the nervous system have been found to be associated with violence and substance use disorder. Stimulation seeking, impulsiveness, aggressiveness, ADHD, and lack of empathy are often associated with serotonin and dopamine system abnormalities.

Childhood Mental Disorders. There is little relationship between mental disorders and crime and delinquency; however, there are three disorders for which a clear link between mental disorder and delinquency exists. These are ADHD, oppositional defiant disorder (ODD), and conduct disorder (Gamble & Eisert, 2004). Antisocial personality disorder could also be added to this list. ADHD involves developmentally inappropriate inattention, hyperactivity, and impulsiveness. ODD involves defiant, disobedient, and hostile behavior toward authorities, whereas conduct disorders involve the violation of age-appropriate societal rules. The *comorbidity* (having both or all three) among these disorders is high. Comorbidity of youth with ADHD and conduct disorder presents a strong prognosis for antisocial behavior.

Critique of Neobiological Theories

Although recent biological positivistic research is more sophisticated and less grandiose than the early theories discussed previously, most examples given are from limited case studies. Illustrative cases can be found that show connections with criminality, but often just as many cases can be brought forth of

individuals with the same claimed causative agent whose behavior is normal. Much of this research is limited by small samples, is prone to the dualistic fallacy, is overreliant on incarcerated subjects, and often employs poor sampling procedures. Although biological factors undoubtedly have an impact on particular individuals and their commission of certain crimes, biological explanations tend to be limited and appear to offer less exposition than social and cultural factors. Goldkamp (1987) noted that once taboo biological explanations have enjoyed a resurgence of respectability and that "the long frustrated ghost of Lombroso must be smiling at last" (p. 129).

Neobiological research that continues attempts to draw such literature into the criminological mainstream, such as Wilson and Herrnstein's *Crime and Human Nature* (1985), has not received the same laudatory reviews in criminology and criminal justice as it has in the popular press (Austin, 1986; Gibbs, 1985).

In 1992, a National Institute of Mental Health–sponsored conference on genetics and crime scheduled to take place at the University of Maryland was canceled when protesters threatened to disrupt the proceedings. The conference later took place at a rural conference center on Maryland's eastern shore, despite being disrupted by protesters who accused the conference of being racist and of condoning genetic research on criminal behavior (Wheeler, 1995). This concern regarding such theories is that they attempt to provide scientific justification for conservative ideological policies current at a given time. Such findings of a biological cause of violence support a political climate in which the blame for crime, poverty, and other social ills is placed solely on the individual and not on national social policies. Nelkin (1995) indicates,

> The idea of a criminal gene also implies a hope of controlling crime, not through the uncertain route of social reform, but through biological manipulation. . . . But, at its core, the debate over crime has more to do with social than biological causes; we must deal with the real sources of crime: social conditions that are so strongly associated with violence. Biological predisposition is not necessary to explain why a child who suffers racism and violence, without much hope of escape, might become indifferent to human life. (p. A17)

The ghost of Lombroso and the extremes of fascist genocide still haunt biocriminology, painting it with a tarred brush. Fear still exists that repressive policies may emerge from the use of these theories, and vigilance is warranted. Fishbein (2001) indicates that in order for the biological perspective to be fully evaluated, four things must be accomplished: First, an estimation must be made of the extent of biological disorders in the antisocial population. Then, an identification of causal mechanisms must take place, as well as an assessment of the biological and environmental factors and a determination as to whether therapy works. In speaking to this, Lilly et al. (2007) point out that although evidence exists that both biological and social disadvantage are high among people who commit crimes, differences from the general population are unclear. Do the physiological characteristics cause the antisocial behavior, or are they merely associated with it? Correlation does not prove causation. Perhaps the relationship is in reverse, in that the antisocial behavior produces the physiological characteristic. Taking a probability approach rather than a cause–effect approach may make more sense. That is, biological factors may examine vulnerabilities that may amplify the antisocial effects of certain environments. According to Lilly et al. (2007), biosocial theories have the most immediate promise in dealing with substance use disorder.

Following labeling theory, the study of biosocial factors could just as easily focus on the labelers or law constructors as the violators. Biosocial approaches may have more success in explaining alcoholism than white-collar crime. Focusing on specific categories of behavior may prove more successful than attempting to describe all antisocial behavior. The fear still remains that success in areas most explainable by genetic and biological theories will support policies that ignore the role of social conditions and crime. Success of the biological model may move the field closer to a medical model than a criminal justice model. Identification of people who commit crimes as biologically different from the rest of us has the repressive potential to suggest that people with bad biology are causing all the trouble (Lilly et al., 2007). It also, however, has the potential for us to use biological information in screening people who commit crimes that may be useful in designing intervention or prevention programs. Consider that research on psychopaths (which may be at least in part biologically driven) shows that they are more

responsive to rewards than punishments and are harder to condition than nonpsychopaths (Lorber, 2004). This finding is rooted in biological differences that can then be used to design effective interventions with this population. It is reasonable to believe that other biologically driven characteristics related to criminality may also show promise if used in treatment or rehabilitation.

It should be said that an appreciation of these biosocial theories is necessary if we are to understand all factors having an impact on crime. Explanation of crime requires a consideration of biological, psychological, and sociological factors. It is clear that biological and psychological factors play a role in some crime, especially in understanding the behavior of chronic offenders.

PSYCHOLOGICAL THEORIES

Various psychological, psychiatric, and psychoanalytic theories of criminality have in common the search for criminal pathology in the human personality. Although the approaches overlap, *psychology* is the study of the individual human mind, personality, and behavior, whereas *psychiatry* is a branch of medicine that deals with the diagnosis and treatment of mental disorders. Psychoanalysis, originally based on the writings of Sigmund Freud, is an applied branch of psychological theory that employs techniques such as free mental association and dream therapy to diagnose and treat mental problems; the therapist assists the patient in probing the unconscious in search of sources of mental pathology. Most such theories tend conservatively to take for granted the existing social order and to scrutinize the human psyche for explanations of individual deviation. Much of this approach can be illustrated with the continual quest for the criminal personality, measurable traits that enable the distinguishing of criminals from noncriminals. Many adherents of this approach also concentrate more on applied therapy and rehabilitation of identified criminals and less on pure theoretical explanations of crime causation (see Bartol & Bartol, 1986; Hollin, 1989).

Freudian Theory

Charles Darwin was the intellectual forefather of many biological positivistic theories, but other early psychological and psychoanalytic approaches were based on the writings of Sigmund Freud (1856–1939). Although Freud did not address his writings specifically to the crime issue, his theories of personality as well as psychopathology have been applied to explanations of criminal behavior. He emphasized the instinctual and unconscious bases of human behavior.

Freud viewed the human personality as being made up of three parts: id, ego, and superego. The *id* is the instinctive, natural, or animalistic self. It is totally selfish and seeks to maximize pleasure. Expressions of this pleasure principle (or libido) are the life or love instinct (Eros) as well as the death instinct (Thanatos). The *superego* is the socialized component of the personality, the part developed to function and gain acceptance in human society. Repressing the pleasure-seeking instinct, the superego is in constant conflict with the id. The *ego* is the mediator or "referee" in this contest (Freud, 1930). It is the executive function component of personality.

Psychoanalytic adherents of Freudian theory view much criminality as unconsciously motivated and often due to repression (hiding or sublimation into the unconscious) of personality conflicts and unresolved problems experienced in early childhood. Hostility to male authority symbols (the Oedipus complex) originates when the male child's id, desiring sexual relations with the mother, is blocked by the father. Overly harsh toilet training, premature weaning, or other unpleasant sex-related episodes contain the seeds of unconscious motivation for later adult criminality. Some hold that the inability to control instincts due to inadequate ego and superego development causes criminality (Friedlander, 1947). Crime represents a substitute response (displacement reaction); that is, when original goals are blocked, they are sublimated (displaced) and replaced by substitute goals. Crime may be committed because of the unconscious desire to be caught and punished (an expression of the Thanatos complex, or death wish).

Relying extensively on case studies, Freudians document examples of the operation of the Oedipus or Electra complex, the death wish, inferiority complex, frustration-aggression, birth trauma, castration fears, and penis envy, in which crime is a substitute for forbidden acts (Vold et al., 2002). Although

it has had a profound impact on Western thought, Freudian theory, dealing as it does with abstract notions of the human psyche, has not lent itself well to empirical analysis. Most of Freud's hypotheses have been neither verified nor refuted. Cullen and Agnew (2003) indicate that there are two general types of psychological theory in criminology: those that focus on traits and those that focus on learning theory. The former searches for individuals with certain traits that cause them to be more prone to crime, whereas the latter examines crime as a learning process.

Psychometry

Psychometry is the field that seeks to measure psychological and mental differences between criminals and noncriminals. This search for the distinctive criminal mind or personality could also be described as taking the form of a criminological wild goose chase. Although it originates in the work of Goddard, described earlier, modern and more sophisticated tests have been employed in the attempt to discern basic mental and psychological differences. In an early literature review, Schuessler and Cressey's (1953) examination over a 25-year period of such studies was unable to find conclusive evidence of specific personality characteristics related to criminality. Later reviews by Waldo and Dinitz (1967) of the literature from 1950 to 1965 confirmed Schuessler and Cressey's conclusion, as does a later survey by Tennenbaum (1977).

In this tradition of mental testing, or searching for traits in people who commit crimes, Glueck and Glueck (1950) conducted a survey of 500 delinquent boys and 500 nondelinquent boys and found the former to be more assertive, defiant, destructive, hostile, and ambivalent toward authority. Even these differences were small and may have been an illustration of post hoc error, where differences observed after the fact (the official labeling of delinquency) are assumed to be the cause of behavior. Similarly, some research suggests that people who are incarcerated suffer greater emotional disorders than the general population, a likely reaction to confinement. Other studies attempting to link psychopathology and crime have also been inconclusive. Inheriting this tradition of identifying psychological traits and behavioral characteristics has been crime profiling, which is described in Criminology in Context 6.1.



PHOTO 6.5 Protesters holding signs and pictures of George Floyd march arm in arm in a single line as they pass Bryant Park in New York City on June 14, 2020. Protesters took to the streets across America and around the world after the killing of George Floyd at the hands of white police officer Derek Chauvin. In a video that went viral, Chauvin was seen kneeling on Floyd's neck for eight minutes during his arrest as Floyd pleaded, "I can't breathe."

Ira L. Black/Corbis via Getty Images

Profiling gone awry is illustrated in the now famous Trayvon Martin case. On February 12, 2012, in Sanford, Florida, a Neighborhood Watch volunteer, George Zimmerman, made a call to the local police describing Trayvon Martin's behavior as suspicious. Martin, a 17-year-old African American

boy, had been visiting his father's residence and was returning that evening from a local convenience store. After receiving Zimmerman's call, the police dispatcher had instructed Zimmerman not to confront the suspect and to wait for the police. Ignoring this advice, he confronted Martin anyway and ended up shooting him at close range and killing him. Alleging that Martin had attacked him, Zimmerman claimed self-defense.

Under Florida's "Stand Your Ground" law, a person does not have to retreat before using deadly force if they believe that it will prevent personal harm or death. The police did not charge Zimmerman for 44 days. Zimmerman was finally charged with second-degree murder and turned himself in to local police. The case became a national issue and raised major civil rights concerns regarding racial profiling and vigilantism in the name of Neighborhood Watch efforts.

Extroverts Versus Introverts: Hans Eysenck

Hans Eysenck in *Crime and Personality* (1964/1977) merged a number of streams in social scientific thought in proposing a theory of criminality. Borrowing from psychologist B. F. Skinner (1971), as well as from the classical school of criminology, he views human conscience and guilt as merely conditioned reflexes, simple reactions to the apprehension of pleasure and pain. Eysenck claims the extroverted (outgoing) personality is more delinquent or criminal than the introverted (inhibited) personality. His disciple, Gordon Trasler (1962), felt that conditioned anxiety reaction (fear of punishment) inhibits individuals from crime. Extroverts, however, are less responsive to this conditioning. Viewing the labeling of deviant acts as nonproblematic, Eysenck felt that society is too permissive in its child-rearing practices and is unwilling to rationally apply the knowledge of modern psychology in the area of **behavioral modification**, which attempts to encourage positive behavior through the application of pleasure and pain (Taylor et al., 1973). Kraska (1989) explains,

> Eysenck's theory could best be termed as a "biologically rooted conditioning theory" (Eysenck, 1980). He maintains that individuals *refrain* from law breaking to the extent that they are adequately socially conditioned and acquire an internalized conscience. This conditioning takes place in early childhood when one learns moral habits and develops a conscience governing his or her conduct. Thus, the undersocialization of the conscience is the key to antisocial and criminal behavior. (p. 2)

Hindelang's (1971) self-report survey of 234 high school boys supported Eysenck's theory that extroverts are more delinquent, particularly among the most normal or middle-neurotic group.

Conditioning: B. F. Skinner

Perhaps the most influential proponent of the branch of applied theory called behavioral psychology is B. F. Skinner, who in his *Science and Human Behavior* (1953) views behavior as primarily a response to consistent conditioning or learning reinforced through expected rewards and punishments. Through behavioral modification (sometimes in laboratory settings called operant conditioning), which is widely used in juvenile corrections, unacceptable behavior can theoretically be engineered toward acceptable behavior. Although an apparently effective therapeutic strategy, Skinner's is a pure behaviorist approach: That is, it says behavior causes behavior; it is less concerned with addressing the issue of the underlying origin of crime, criminal law, or conditions in the social order that act as prior conditions for the transmission of behavior. As an applied theory or therapeutic strategy, it is attractive, despite its shortcomings as pure theory.

CRIMINOLOGY IN CONTEXT 6.1 CRIME PROFILING

Crime profiling refers to attempts to construct typical characteristics of certain offenders. Also called psychological profiling or crime investigation analysis, it has been produced on various levels in the social sciences for years. Mystery writers from Agatha Christie to Sir Arthur Conan Doyle had their detectives surmise behavior of typical offenders on the basis of past cases. Profilers of figures such as Hitler, the Boston Strangler, and the Mad Bomber also systematically applied, with

various levels of success, crime profiling. Many people became fascinated with profiling as a result of Hollywood depictions, particularly of the work of the FBI Behavioral Science Unit. Retired members of this unit wrote books and novels telling of their successes. Robert Ressler and Thomas Schachtman's *Whoever Fights Monsters* (1992) and John Douglas and Mark Olshaker's *Mindhunter* (1995), *Journey Into Darkness* (1997), and *Obsession* (1998) all piqued the interest of the public in the subject.

Profiling involves three goals according to R. M. Holmes and Holmes (1996):

1. A social and psychological assessment of the offender
2. A psychological evaluation of the suspected offender's belongings
3. Suggestions for the most efficient way for police to go about interviewing the subject once they are apprehended

Crime profiling has been found to be particularly useful in investigating arsons, bombings, kidnappings, murders, child molestations, and serial murders and rapes. Although success in many high-profile cases has added to the mystique, hype, and public fascination with crime profiling and it is a very useful investigative tool, care must be taken in assuming greater precision and predictability than the technique is capable of at this time.

For Further Thought

1. Visit the companion website and read the article by Kocsis titled "Criminal Psychological Profiling: Validities and Abilities." Does the author see any problems with criminal profiling?

Sources: Whoever Fights Monsters, by R. K. Ressler and T. Schachtman (St. Martin's Press, 1992); *Mindhunter*, by J. Douglas and M. Olshaker (Simon & Schuster, 1995); *Journey Into Darkness*, by J. Douglas and M. Olshaker (Simon & Schuster, 1997); *Obsession*, by J. Douglas and M. Olshaker (Simon & Schuster, 1998); *Profiling Violent Crimes* (2nd ed.), by R. Holmes and S. Holmes (SAGE, 1996).

Social Learning Theory: Albert Bandura

Albert Bandura's (1973) social learning theory looks at the thought processes of the person and external sanctions. By observing others, individuals "learn" how to engage in aggression. This might include exposure to aggressive models, aversive treatment by others, or positively anticipating participation in such actions. The reinforcement or punishment of such actions is important (Cullen & Agnew, 2003). Positive reinforcement occurs when a reward is given in response to behavior, while negative reinforcement occurs when something negative is removed in response to behavior. For reinforcement to work to create similar behavior in the future, it must be meaningful to the recipient. If a person is given ice cream as a reward but is allergic to milk and cannot eat it, the ice cream is unlikely to serve as an effective positive reinforcer. In social learning models, not only is a person's own behavior important but how others are treated matters as well. In this way, a person learns by doing but also by observing the consequences of others' actions.

The Criminal Personality: Samuel Yochelson and Stanton Samenow

More recent advocates of the existence of a distinctive *criminal personality* are psychiatrist Samuel Yochelson and clinical psychologist Stanton Samenow (1976) who, on the basis of their 14-year therapeutic work with 240 hard-core criminal and delinquent subjects at St. Elizabeth's Hospital for the criminally insane in Washington, DC, claim to have challenged prevailing sociological and economic theories of crime causation. In a revival of early biological and psychological positivism, they argued that socioenvironmental constraints on individual criminality are irrelevant, that there is a criminal personality, and that such individuals freely choose to become criminal (p. 199). Feeling that their criminal patients were conning them by using current theories in the social sciences to rationalize their criminality, they claimed that people who commit crimes were victimizers of society rather than its victims (Vold, 1986).

Proposing a therapeutic treatment technique rather than a theory of crime causation, Yochelson and Samenow (1976) made some of the following points:

- The criminal personality is imprinted at birth and is relatively unaffected by the family.
- Criminal personalities seek the excitement of crime.
- They are exploitative and selfish in interpersonal relationships.
- They are amoral, untrustworthy, intolerant of others, and manipulative; lack empathy; and are in a pervasive state of anger.
- They lack trust and refuse to be dependent.
- In all, Yochelson and Samenow claimed to have discovered 52 criminal thinking patterns.

Yochelson and Samenow (1976) proposed a treatment program similar to programs like Alcoholics Anonymous (AA), Synanon, the Delancey Street Foundation (V. Fox, 1985), and the program proposed in William Glasser's *Reality Therapy* (1965), in which criminals must confront their antisocial thoughts. AA calls this a rejection of "stinkin' thinkin,'" in which the subjects abandon past excuses and rationalizations. People who committed crimes are expected to totally reject their former criminal personalities and assume personal responsibility for their wrongdoing.

Despite its promise as a behavioral therapy, Yochelson and Samenow's theory has a naive old-wine-in-new-bottles flavor about it; it seems a revival of the biological "grunts and bumps" theories of the past. They cite little convincing empirical evidence of success for their treatment and fail to refute evidence regarding environmental and social influences. Among their methodological problems, their operationalization of basic terms is unclear. In response to Yochelson and Samenow's (1976) claim that they have refuted criminological theory of environmental influences on crime, Vold et al. (2002) retort,

> It does not appear, however, that the study demonstrates that point. It is certainly possible that providing a criminal with insight into the root causes of his behavior does not change that behavior. That is very different than saying crime does not have root causes. (p. 159)

Rather than restricting its focus to specific types of offenders, the search for the criminal personality, of which Yochelson and Samenow's theory is an example, is too globally ambitious in trying to explain all types of criminals. A related example of the attempt to identify personality traits associated with criminality appears in the writings of Glen Walters and his lifestyle theory (Walters & White, 1989b). Criminal lifestyles represent a choice by individuals reflecting three elements: conditions, choice, and cognition. These choices reflect limits placed by biological and environmental conditions. Criminal behavior is a general pattern of life expressed in characteristics such as impulsiveness, irresponsibility, and a continuing willingness to violate societal rules. Conditions such as impulsiveness and low IQ interact with environmental situations such as attachment to significant others. Cognitive styles as a result of conditions and choice include many thinking errors, disregard for one's victims, a sense of entitlement, present orientation, and discontinuity in thinking patterns. Such patterns produce behavioral styles that conflict with the law such as rule breaking, intruding into the lives of others, self-indulgence, and irresponsibility (Walsh & Hemmens, 2008). Walters's theory very much contains the same problems as Yochelson and Samenow's detailed earlier. Even if there is not one single criminal personality, it is well established that certain features are related to crime. Andrews and Bonta (2010) identified the "big four" criminogenic needs—or factors that lead to crime. One of these is having an antisocial personality or temperament. Another is possessing antisocial cognition, which deals with how a person processes information.

Intelligence and Crime

The first intelligence tests were developed in France at the beginning of the 20th century by Alfred Binet. He assembled a series of tasks involving basic reasoning skills and assigned an age level to each in terms of its difficulty. The age associated with the most difficult task became the mental age, and general intellectual ability was calculated by subtracting the chronological age. If the mental age was behind the chronological age, the child was identified for special education programs. German psychologist Wilhelm Stern revised the method by dividing mental age by chronological age and multiplying

the score by 100, thus creating the intelligence quotient (IQ). The test gained wide popularity, particularly with Henry Goddard (Curran & Renzetti, 2001). Hirschi and Hindelang (1977) charged that, because of the discrediting of much of the early work on intelligence and crime by Goddard, Goring, and others, the field of criminology has ignored the strong evidence of a link between IQ and crime. On the basis of an extensive literature review, they argued that the textbooks have been wrong on this subject and that

- IQ is more important in predicting official delinquency among white boys than is social class;
- IQ is a better predictor of delinquency than is the father's social class, especially among Black boys;
- all other things being equal, the lower the IQ, the higher the recidivism; and
- there is a roughly 9-point deficit in the IQs of delinquents compared to nondelinquents.

Unable to find contrary conclusions in current research of the time, Hirschi and Hindelang (1977) concluded that IQ is at least as good a predictor of delinquency as race and social class. Wolfgang et al.'s (1978) study found arrested juveniles in their Philadelphia cohort to have lower IQs but also found that race was a more important predictor, whereas the contribution of IQ to criminality, independent of race and class, was also indicated in a literature review of such studies by Herrnstein (1983). Research by R. A. Gordon (1987) similarly claims to have demonstrated that Black–white differences in juvenile delinquency rates were best predicted by IQ rather than by socioeconomic variables. IQ, similar to race, is a slippery concept.

Richard Herrnstein and Charles Murray in *The Bell Curve* (1994) once again resurrected this theme of IQ. Using data from the National Longitudinal Survey of Youth, they reported that IQ was linked to self-reported crime and engagement in the criminal justice system, with those with lower IQs having a greater chance of engaging in crime and interacting with the criminal justice system. Although they reported a link, the amount of variation explained by IQ in crime perpetration and criminal justice system involvement is quite small (1% and 3% respectively). Further, they did not account for other factors that could explain the link between IQ and crime and criminal justice involvement and when they were in subsequent analyses, the relationships became statistically insignificant (Cullen et al., 1997). Another criticism of Hernstein and Murray's work is that they view IQ as predominantly genetically caused and contend that it is relatively unaffected by social programs or public policy.

Modern advocates of a relationship between IQ and delinquency and crime do not, as did earlier writers, insist that intelligence potential is entirely inherited, viewing it rather as an acquired as well as inherited trait. Given criticisms of cultural bias in intelligence testing, they insist that, although no test is culture free, one obtains similar results from a variety of measures. IQ remains a critical variable in explaining traditional crime and delinquency and may even shed light on white-collar crimes, whose perpetrators are likely to have higher IQs. Little research, however, has taken place with respect to the latter.

One of the better explanations for the IQ–delinquency relationship examines school failure due to lower IQ, which breeds frustration and humiliation. Alienation from school and its prosocial influences increases delinquency. Lynam et al. (1993) found that 75% of the relationship between IQ and delinquency was mediated by school failure. Gamble and Eisert (2004) argue that schools should be made as rewarding for lower IQ students as they are for higher IQ ones. This contrasts sharply with the current emphasis on school performance and testing, which will probably alienate low-IQ students even further from school settings.

A full and detailed account of modern psychological and psychiatric approaches to crime exceeds the intentions of this volume. Much of this literature, which has often been given short shrift by criminological theorists, is important, but it also has been of an applied theoretical or clinical nature, proposing treatment rather than postulating causes (see Kutchins, 1988). Schafer (1976) provides excellent coverage of such work by Erik Erikson (1950) on identity crisis, family therapy, reality therapy (W. Glasser, 1965), gestalt therapy (Perls, 1970), and other important therapeutic approaches. Similarly, Jacks and Cox (1984) provide an excellent anthology of psychocriminology. On this point, V. Fox (1976) states,

> Crime is so complex that a single theory or small constellation of theories is difficult to operationalize and evaluate through controlled research. There is disagreement between the research and the clinical viewpoints, most graphically demonstrated by the demand for solid research by (pure research) sociologists and experimental psychologists, on the one hand, and the more pragmatic clinical viewpoint (applied research) held by psychiatrists, clinical psychologists, and social workers on the other. . . . These disparate viewpoints will probably never become congruent. It is apparent that both are needed. (p. 416)

Some more recent promising psychological research on crime examines the role of ADHD and delinquency. Other research points to the presence of nonsecure parental attachment in childhood and psychological risk for negative development outcomes such as aggression and delinquency. Childhood oppositional defiant disorder and conduct disorders have also been found to contain predictive power. Kenneth Dodge (1991) has examined the role of hostile attributional bias (attributing hostile intent to others) as related to aggression.

It is important that, in explaining the forest (environmental and sociological influences, to be discussed in the next chapter), we do not ignore the individual trees (biological and psychological differences among individuals). Monahan and Splane (1980) indicate, "What the field of criminology needs, it appears to us, are sociologists who use psychological intervening variables without embarrassment and psychologists who are aware of the social roots of the individual processes they study" (p. 42). Psychological theories are very important in explaining microcriminology. Why do some individuals respond to the same environment differently from others? Nicole Rafter, in *The Criminal Brain: Understanding Biological Theories of Crime* (2008), reviews the new biocriminology and argues that the new writers view biology and environment as interdependent (Beaver, 2009; A. Walsh, 2009; Walsh & Beaver, 2008). Mainstream criminologists are still not eager to embrace the new biocriminology (Monaghan, 2009).

CRIME FILE 6.1 THE TWINKIE DEFENSE

"You are what you eat!" "Be careful not to eat too many Twinkies, or you might become a killer!" In San Francisco, a riot resulted when under a diminished-responsibility argument, a jury found Dan White not guilty of first-degree murder in the 1978 killing of that city's mayor, George Moscone, and Harvey Milk (a gay city supervisor). Despite the fact that White gave a full confession, psychiatrists convinced the jury that his overindulgence in junk food (Twinkies and Cokes) diminished his ability to premeditate (National Broadcasting Company [NBC], 1983).

Growing steroid (synthetic growth hormone) abuse by athletes and bodybuilders to bulk up has led to the increasing documentation of adverse side effects, including "bodybuilder's psychosis," which involves bizarre and violent behavior. It has led some to speculate on yet another tool for defense attorneys—"the dumbbell defense" (Monmaney & Robins, 1988, p. 75).

In 1988, a New York jury ruled that Reuben Pratts, a Vietnam veteran, was not guilty of a murder he confessed to because he suffered from chronic posttraumatic stress disorder (PTSD) resulting from traumatic experiences in Vietnam. Pratt had experienced flashbacks to his wartime experiences (L. French, 1989; Palmer, 1990). In 1990, lawyers first began using the "Prozac defense" to argue that their clients were not legally responsible for their crimes. Prozac, an antidepressant drug, was blamed for, among other things, a mass murder-suicide in Louisville, Kentucky. The first trial resulted in reduced charges because the jury believed that the accused was suffering from side effects of Prozac. So far, the success in other cases has been mixed (R. Marcus, 1991). Similar defenses arguing that drugs such as Halcion, a widely used sleep remedy, were responsible for violence and murder have been unsuccessful (Cowley, 1992).

A related defense strategy has been called the "abuse excuse" (Dershowitz, 1994). In the celebrated case of Lorena Bobbitt, a physically abused wife who cut off her husband's penis, the defendant was found not guilty by reason of insanity because of her history of having been abused. "'Roid rage" (due to steroids), "Black rage" (due to racism), "fetal trimethadione syndrome" (due to a mother's use of a drug during pregnancy), "adopted child syndrome," and "abused child syndrome" (used in the Menendez trial) have all become part of the "I am a victim of _____" excuse (Slade, 1994, p. B12). In a claimed "cultural insanity" defense, a Black bank robber standing trial claimed that he was the victim of long-term exposure to white racism that drove him insane. He claimed he

was a victim of posttraumatic stress disorder due to unwarranted exposure to, victimization from, and repetitive confrontation with white racism. The first use of this defense was by two Black men on trial for the beating of white truck driver Reginald Denny during the 1992 Los Angeles riots. The men claimed that pent-up rage due to racism caused them to attack Denny (Forsthoffer, 1999).

Despite the bizarre nature of these and similar cases and the media attention they arouse, the reader should be aware that such cases are rarities and attract interest for that very reason. Morris (1987) points out that another reason for the rare use of the insanity defense is that a person found not guilty by reason of insanity may be held in a mental hospital longer than they would be imprisoned if convicted. The insanity defense is raised in only 1% of all felony cases, and in only about a quarter of these is it successful.

Mental Illness and Psychopathy

Earlier in the chapter, we discussed childhood mental disorders and their link to delinquency. Mental illness has also been linked to crimes committed by adolescents and adults. Indeed, certain mental disorders have been shown to elevate the risk for crime commission. Schizophrenia (He et al., 2022; Taylor & Gunn, 1984) psychosis (Taylor & Gunn, 1984), bipolar disorder and major depression (Link et al., 1992) have been linked to violence. A link between violence and mental illness has also been established among those with co-occurring substance usedisorders (Monahan et al., 2001).

It is important to note that there are many reasons why those suffering from a mental illness may engage in crime and subsequently be involved in the criminal justice system. One reason for this link in the United States is tied to a lack of available and affordable mental health care. During the 1970s, the U.S. adopted a policy of deinstitutionalization, which effectively closed many of the residential mental-health care facilities. Persons in need of this care really had no way to get it. As a result, those with untreated disorders were in the community often without the care and support these needed. Another consequence of deinstitutionalization is that without the ability to receive residential care many found themselves homeless. Being without a home comes with its own set of problems, which may include engaging in crime to survive. Without care they need, those with mental illness may act in ways that violate social norms and others may try to take advantage of them or control them, which may lead to retaliatory violence or self-defense. Many who are homeless find themselves brought into the criminal justice system for behaviors such as loitering and public indecency, effectively criminalizing being homeless. In fact, research has found that of those in jails and prisons, those with mental illness report a greater likelihood of being homeless at the time of their arrest (Markowitz, 2011). Law enforcement are not necessarily trained to respond to calls involving people with mental illness; thus, behaviors that are manifestations of mental illness often become criminalized. Incarceration that often then results can further undermine mental health, as prisons and jails are not designed to treat serious mental illness and the conditions therein can exacerbate underlying issues.

A specific form of mental illness often connected to criminal behavior is psychopathy. **Psychopath** refers to the inadequately socialized personality. Although at one time such persons were viewed as having innate psychological defects, the concept of psychopath implies that such personalities are learned through socialization. Harrington (1972) describes the roots of psychopathy in the following manner:

> Persons diagnosed as psychopathic begin as rejected, cruelly or indifferently treated children, or may possibly have suffered early brain damage, detected or not. They strike back at the world with aggressive, unrestrained, attention-drawing behavior. (Why one person emerges from a disordered childhood inhibited and neurotic and another, the psychopath, with the opposite tendencies remains unclear.) Since conscience is instilled by early love, faith in the adults close by, and desire to hold their affection by being good, the child unrewarded with love grows up experiencing no conscience. Uncared for, he doesn't care, can't really love, feels no anxiety to speak of (having experienced little or no love to lose), does not worry about whether he's good or bad, and literally has no idea of guilt. (p. 15)



PHOTO 6.6 Lorena Bobbitt during her trial in Manassas, Virginia, January 1994. Bobbitt was on trial for cutting off her husband's penis; she was acquitted by reason of temporary insanity related to her history of repeated domestic assault.

Consolidated News Pictures/Hulton Archive/Getty Images

A psychopath never really develops the full range of human emotions. Some general characteristics linked with the phenomenon include the lack of inhibition, guilt, fear, conscience, and superego. Such individuals' lack of empathy is illustrated by mass killers such as Charles Manson, who was described as viewing other people as furniture or objects in the world around him.

Hervey Cleckley, in *The Mask of Sanity* (1988), identifies the following traits as characteristic of psychopathy: unreliability, insincerity, superficial charm, inability to learn from mistakes, impersonal sexual behavior, and an incapacity to love. Given these characteristics, it is not surprising that psychopathy is linked with crime, particularly violence. Researchers have concluded that people who score high on psychopathic personality traits are more likely than others to violently recidivate (Douglas et al., 2006). The background of Charles Manson is instructive. Manson was born to a 16-year-old sex worker who did not know the identity of the father. She was sent to prison when he was 4, and he spent the next 4 years with relatives who gave little love or affection. His mother finally returned but was unable to provide a stable home. At the age of either 9 or 12, he was sent to a reform school; by age 32, he had spent nearly his entire life in correctional institutions in which he had been exposed to a considerable amount of violence. He had become totally socialized to prison. When he was finally eligible for release on parole, he pleaded with officials to permit him to remain in prison (Scheflin & Opton, 1978).

The following description of Adolf Hitler by Albert Speer, his armaments minister, illustrates both the shallowness and the inexplicable charm of the psychopath:

> Hitler could fascinate, he wallowed in his own charisma, but he could not respond to friendship. Instinctively, he repelled it. The normal sympathies that normal males and females enjoy were just not in him. At the core, in the place where the heart should be, Hitler was a hollow man. He was empty . . . the man's drive—his iron will, his demonism—fascinated even while it repelled. . . . I was enthralled. (quoted in Harrington, 1972, p. 32)

In October 1999, Luis Garavito confessed to killing 140 children over a 5-year period in Colombia. Donald Black in *Bad Boys, Bad Men: Confronting Antisocial Personality Disorder* (1999) describes Columbine killers Eric Harris and Dylan Klebold as antisocial personalities, cold and calculating, with no regard for the consequences. Others who have been described as fitting the mold are Ted Bundy, who murdered 50 women, and Andrew Cunanan, who killed 5, including designer Gianni Versace (Barovick, 1999).

The actual definition and diagnosis of psychopathy are elusive; there is considerable disagreement and confusion within the psychiatric profession itself regarding the concept. Many critics view it as a

"wastebasket concept," a catch-all, a diagnosis of convenience or of last resort. If some inexplicably horrible crime defies our sensibilities, the person who commits it is labeled a psychopath.

Tom Gamble and Amy Eisert (2004) note that biopsychological explanations of criminal behavior are, unfortunately, often viewed as politically regressive compared to social explanations. If such approaches do lead to regressive policies, then they are being used inappropriately. Biopsychological approaches can have positive policy consequences. Because a disorder has biological roots does not mean that it is more difficult to alter the behavior than for those having social roots. Nearsightedness and mental disorders are two examples. The fact that many mental disorders are not the fault of the individual or their family reduces the stigma attached to the illness. Likewise, the fact that some addictions and sexual preferences may be biologically based rather than lifestyle choices may prove the way to greater acceptance or toleration. Biopsychological approaches will never replace social etiology. As Gamble and Eisert (2004) conclude,

> Looking into the next century, the question that remains is not whether biological or psychological or sociological approaches will be most successful in understanding crime and delinquency, but rather how successful will we be in describing how biological, psychological and sociological factors interact to produce delinquent behavior. (pp. 64–65)

APPLYING THEORY 6.1

Using the scenario in Chapter 5, page 118, about the life of Aileen Wuornos, pick one theory discussed in this chapter and explain how that theory would explain the murders she committed. Remember to consider the following:

1. What types of crimes does the theory explain? You would only want to select a theory that can explain violent crime for the case of Aileen Wuornos.
2. To whom does the theory apply? If theory only explains crimes by youth, it would not be appropriate for explaining why Aileen Wuornos committed crime.
3. According to the theory, what are the main causes of crime? That is, what are the theory's propositions? Once you have identified these propositions, you must see how they apply (or not) to your case. In this instance, the propositions must be something applicable to Aileen Wuornos.
4. Explain how the theory can be used by using its propositions and how the causes of crime apply to the case, Aileen Wuornos.

THE THEORY–POLICY CONNECTION

The most obvious policy outcome of biological and psychological theories in criminology was the shift in focus from wondering why there is crime in society to wondering why someone is a criminal. The criminal as patient and crime as a disease became predominant, and rehabilitation became the emphasis. Table 6.2 outlines some elements of this theory–policy connection.

The policy implications of these theories, which were heavily influenced by the writings of Charles Darwin, were conservative (Lilly et al., 2007). Positivism, with its emphasis on scientific investigation, also helped sponsor a reform orientation. Rehabilitation and reformation replaced punishment as the primary motive of corrections. In fact, the very terminology changed from penology to corrections. Its emphasis on therapy and treatment and scientific evaluation was a positive development. **Psychological positivism** placed a greater emphasis on counseling and improving the lot of potential criminals. The paradigm was shifted from punishing the person who committed the crime to rehabilitating them. The creation of a separate juvenile court system recognized the redemptive possibilities of criminal justice policies. An increase in discretion and individualized treatments reflected this rehabilitation orientation. Biopsychological explanations of criminal behavior are often viewed as politically and socially repressive. If the use of such findings leads social policy away from improving environmental conditions, then the approaches are being used for repressive ends (Gamble & Eisert, 2004). Although the notion of biological determinism might diminish notions of free will and criminal responsibility, it also

TABLE 6.2 ■ The Theory–Policy Connection

Theory	Basic Assumptions About Crime Causation	Policies
Early positivism	Social Darwinism Born criminals Feeblemindedness	Emphasis on treatment and rehabilitation Psychosurgery Sterilization Eugenics
Recent biological	Crime as a medical problem Genetic predisposition Biological determinism Physical inferiority	Emphasis on treatment and rehabilitation Restricted immigration
Recent psychological	Crime as a medical problem Psychological determinism Criminal personality IQ	Emphasis on treatment and rehabilitation Juvenile court Indeterminate sentencing Probation Counseling

could be used to suggest that people who commit crimes are incurably wicked and beyond the powers of therapeutic interventions to save. Were this mode of thinking to prevail, it could have disquieting implications, given that the correctional system is disproportionately populated by the nation's poor and minority citizens (Lilly et al., 2007).

Seeing the disadvantaged as biologically deficient risks acquitting "the rest of us" of any responsibility for social inequality and the role it plays in fostering criminogenic conditions (Lilly et al., 2007). Biopsychological explanations can also have positive consequences. Many mental disorders with strong biologically based causation can be effectively treated. Biopsychological explanations will never replace social etiology. The question becomes, how do psychological, biological, and sociological factors interact to produce crime and delinquency?

Public reactions to the policy implications of genetic and biological theories remain somewhat suspicious. Although clearly biological and psychological factors play a role in human behavior and crime, the fear is that blaming the victim of racism, inequality, and attendant policies that result in social disorganization frees the society from responsibility for social inequality. The concern is that crime is conveniently converted into an individual problem, while ignoring the context of criminality.

CRIME & THE MEDIA 6.1 BIOLOGICAL AND PSYCHOLOGICAL THEORIES

The media often focus on features of a person that are easily identifiable when depicting a criminal. Women who are incarcerated face this scrutiny as well. In fact, when a female offender violates gender norms or is not feminine, those "facts" may be used to explain her criminality, much like Lombroso did in describing offenders as atavistic throwbacks. Consider how the media described Tracey Wigginton, who, along with Lisa Ptaschinksi and two other women, drove Edward Baldock to a park on the banks of the Brisbane River in Australia. Once there, Wigginton stabbed the man 27 times so severely that his head was almost severed. The women said that they killed Baldock so that they could drink his blood. As sensational as this story was, the media used descriptions of the women's physical appearance to explain their crime. Wigginton was described as having "huge buttocks and thighs" and a "personality to match her 240 pound frame—big." Ptaschinski was described as "heavily-built," "her face fixed in a malevolent glare," and "short and stocky" (as cited by Jewkes & Linnemann, 2017, p. 130). Interestingly, one of the women who was acquitted was regarded as being a faux-lesbian, demure, and pretty.

SUMMARY

Positivistic theory was based on three elements: (1) use of the scientific method to (2) diagnose individual pathology and thus enable (3) the prescribing of treatment. The criminal is viewed as sick. Precursors to positivism included astrology, phrenology, physiognomy, and palmistry, none of which criminologists take very seriously today.

Biological positivism proposed the notion of the "born criminal." Lombroso viewed criminals as atavistic beings (savage "throwbacks" to earlier human ancestors); he proposed the identification of physical stigmata as a means of identifying such persons. *Social Darwinism* is a philosophy that posits a survival of the fittest in society among human groups and their institutions. Ferri and Garofalo extended and modified the biopositivist tradition, which was well accepted by conservative and totalitarian political structures, because the blame for crime rested on the individual and not society. The text presented a critique of early positivism. Goring's research, which was highly critical of Lombrosian theory, proposing instead inherited mental deficiency (*feeblemindedness*) as the explanation for crime, has been discredited by more sophisticated mental tests. Other biopositivist theories include case studies of the Jukes and the Kallikaks, Hooton's notion of physical and mental inferiority of criminals, and Sheldon's somatotypes (body types). The text also presented a more detailed critique of early biological positivism.

More recent biological positivism is more sophisticated in addressing the nature versus nurture argument; it generally views criminality as produced by a combination of genetics and environment. Such research includes variables such as brain disorders, biochemical effects, endocrine and hormonal abnormalities, and nerve disorders. Twin and adoption studies have produced mixed findings but suggest that monozygotic (identical) twins are more similar (concordant) in their criminal behavior than are dizygotic (fraternal) twins. A critique of such studies includes the point that many twins experience similar environmental influences. The XYY syndrome (supermale phenomenon) has been largely discredited. Other areas of inquiry in this tradition include sociobiology (which insists on the genetic basis of human behavior). Three broad areas of biosocial criminological theory were presented: behavioral genetics, evolutionary psychology, and neuroscience. Cheater theory holds that men have a greater interest in mating and little interest in child rearing and that they use illegitimate means to maximize their offspring.

Psychological positivism reflects psychological, psychiatric, and psychoanalytic theory; much of the early work was based on Freud's writings. The latter includes a tripartite personality system consisting of the id (instinctual self), ego (mediator), and superego (socialized self). According to Freudian theory as applied to criminology, the basis of deviance can be found in repressed sexual motivations deeply hidden in the individual's subconscious.

Many U.S. states, in reaction to cases such as Hinckley's attempted assassination of President Reagan, are passing guilty but mentally ill laws and abolishing NGRI. The "Twinkie defense" (poor nutrition obviates guilt) was briefly discussed as yet another bizarre defense. The concept of psychopath-sociopath-antisocial personality is used as a catch-all constructed to describe individuals who exhibit a variety of characteristics that include the lack of empathy, guilt, fear, conscience, and superego. Actual diagnosis of psychopathy has been unreliable and of questionable validity.

Psychometry (mental testing) attempts to discover personality characteristics of people who commit crimes. Various literature reviews of these efforts find the evidence inconclusive. Research by the Gluecks suggests that differences do exist between delinquents and nondelinquents, as does Eysenck's research, the latter attributing crime to extroverted personalities who lack adequate societal conditioning (training).

Skinner's theory of behavioral modification (modeling behavior by means of rewards and punishments) has had a major impact on clinical programs in corrections. The continual search for a distinctive criminal personality is illustrated in the work of Yochelson and Samenow, who on the basis of their clinical studies identify specific traits and propose a therapeutic technique similar to that of

Alcoholics Anonymous in which people who commit crimes are challenged to take personal responsibility for their actions and to reject rationalizations. Although perhaps clinically useful, as a theory of crime causation, it leaves much to be desired.

Hirschi and Hindelang revive the IQ controversy by insisting that, on the basis of their literature review, criminologists have been too unappreciative of the role of IQ in crime and delinquency.

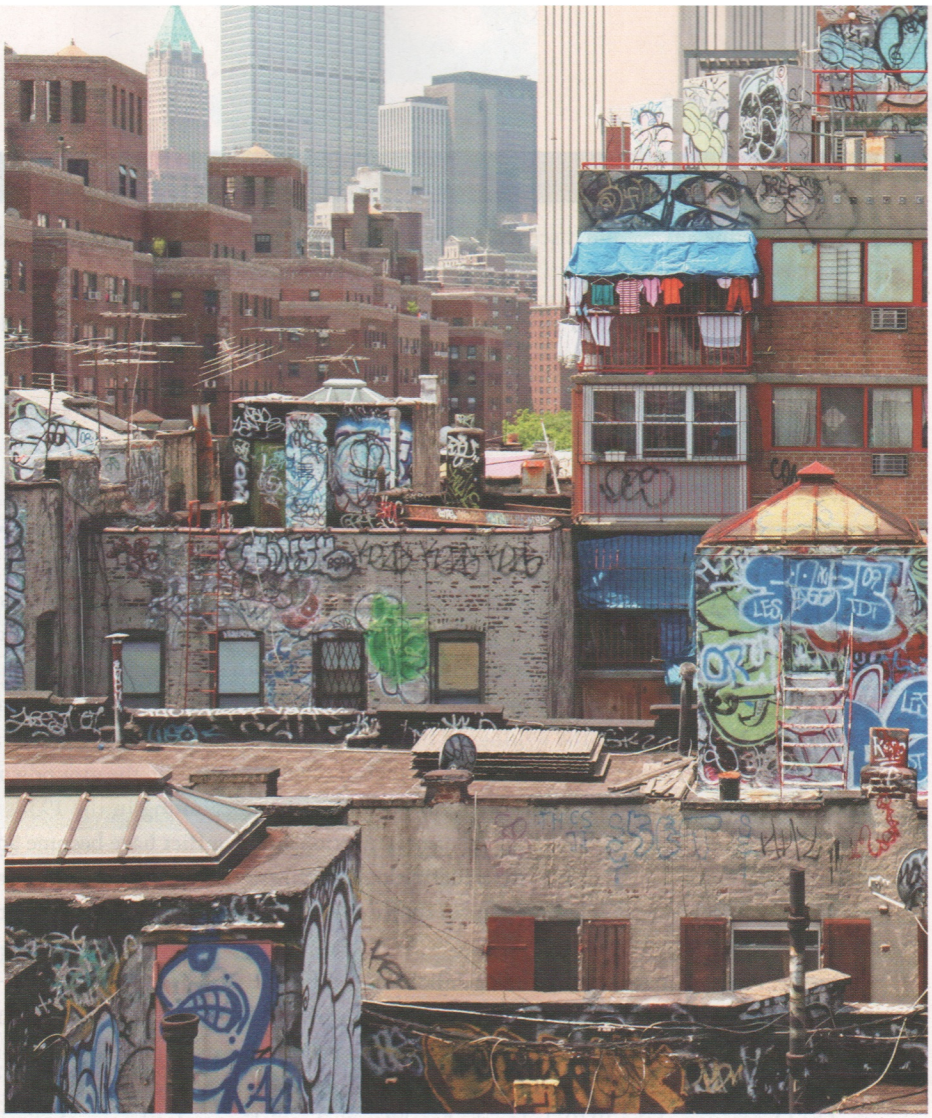
The text provides a critique of psychological positivism, along with a rejoinder that criminologists, although concerned with sociological forces in crime causation, cannot afford to ignore individual factors.

KEY CONCEPTS

astrology (p. 125)
atavism (p. 126)
behavioral modification (p. 143)
biological positivism (p. 125)
cheater theory (p. 137)
epigenetics (p. 139)
feeblemindedness (p. 128)
gene-environment interaction (p. 139)
lobotomy (p. 132)
monozygotic concordance (p. 133)
nature versus nurture controversy (p. 132)
palmistry (p. 125)
phrenology (p. 125)
physical stigmata (p. 126)
physiognomy (p. 125)
positivism (p. 124)
psychological positivism (p. 151)
psychometry (p. 142)
psychopath/sociopath/antisocial personality (p. 148)
social darwinism (p. 127)
somatotypes (p. 130)
XYY syndrome (p. 135)

REVIEW QUESTIONS

1. You have been exposed to a brief historical account of early theories in criminology. What do you consider to be the beginnings of criminology and who is or are the parent(s) of criminology: Beccaria, Quetelet and Guerry, or Lombroso?
2. Some feel that modern sociobiology is a far cry from the primitive early biological positivism. Do you agree or disagree? Defend your answer.
3. What theories do you feel were influenced by the forerunners of modern criminological thought?
4. What are the basic elements of the positivist approach? How does this differ from classical theory?
5. Positivism, particularly early biological positivism, has been described as a "frightening slice of American criminology." G. K. Chesterton described early criminology as a pseudoscience. Explain why there has been such a strong reaction to biological positivism by such critics. What do you think about these criticisms?
6. What is the nature versus nurture controversy, and how are twin and adoption studies designed to address this issue? What has been resolved by research?
7. What is the claimed relationship between intelligence and crime according to Hirschi and Hindelang? What are some criticisms of this claimed relationship?
8. What are some characteristics of a psychopath?
9. How has the guilty but mentally ill standard affected the insanity defense?



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7 SOCIOLOGICAL MAINSTREAM THEORIES

LEARNING OBJECTIVES

7.1 Define *anomie* and discuss how it is used in various sociological theories to describe causes of crime.

7.2 Identify examples of social process theories and criminality as a learned or culturally transmitted process.

7.3 Discuss how society maintains or elicits social control and criminality as deviance within the context of social control theories.

7.4 Summarize how criminality changes over the life course.

The early classical, biological, and psychological traditions in criminology theory were similar in their relatively conservative view of society (the consensus model) as well as in their search for the cause of crime in the lack of fear of deterrence, individual features, or the psyche. The individual person who committed a crime was the unit of analysis. The only departures from this deviant behavior approach to criminality were found in the writings of the economic theorists (Marx and Bonger) and the ecologists (Quetelet and Guerry). Economic and ecological theories constitute the groundwork for the preeminence of sociological approaches to criminological theory beginning in the 1930s in the United States. Societal conditions, groups, social disorganization, and conflict have become additional units of analysis. Crime is perceived as a status (definition) as well as a behavior (pathology), and sociological criminology in general takes a more critical stance toward the society itself as a generator of criminal conduct.

In the 1930s, American criminology took on a different path from the classical and positivist schools of criminology (Lilly et al., 2015, p. 7). Moving from a deviant behavior approach that asks why do individuals deviate from societal norms, the focus switched to asking what social conditions cause crime. The Chicago school of criminology arose to study urban areas and crime.

The Depression of the 1930s led to the breakdown of social controls, the rise of criminal traditions, and barriers to the American dream of success (Lilly et al., 2015, p. 18). At this time, three core ways of explaining crime emerged: (1) Crime takes place when social controls break down, (2) differential association theory where individuals learn definitions favorable to criminal conduct, and (3) anomie-strain theory where crime takes place when people are blocked in their efforts to achieve success. The three mainstream theories were called that because they were not radical or extreme in their analysis or in their policy prescriptions. They favored reform of the status quo rather than their radical transformation (Lilly et al., 2015, p. 9).

Table 7.1 is a more detailed outline of the sociological theories that were briefly presented in Table 5.1, Major Theoretical Approaches in Criminology. These include mainstream sociological theories: anomie, social process, social control, and developmental and life course theories.

Discussion begins with the mainstream tradition and the views of late 19th-century sociologist Émile Durkheim and the anomie theories that he inspired. Other representatives of this approach are Robert Merton, Richard Cloward and Lloyd Ohlin, and Albert Cohen.

TABLE 7.1 ■ Major Theoretical Approaches in Mainstream Criminology (Sociological)[a]

Theoretical School	Major Themes/Concepts	Major Theorists
Sociological mainstream	Crime reflects consensus model	
Anomie theory	Anomie (normlessness) lessens social control	Durkheim
	Anomie (gap between goals and means) creates deviance	Merton
	Differential social opportunity	Cloward and Ohlin
	Lower-class reaction to middle-class values	Cohen

Theoretical School	Major Themes/Concepts	Major Theorists
Social process	Social disorganization and social conditions	Shaw and McKay
	Routine activities	Cohen and Felson
	Crime is learned behavior, culturally/subculturally transmitted	Sutherland
	Local concerns of lower class	Miller
	Subterranean values, drift techniques of neutralization	Matza
Social control	Containment theory	Reckless
	Social bonds weakened, reducing individual stakes in conformity	Hirschi
	Low self-control and self-interest	Gottfredson and Hirschi
Developmental/life course	Antisocial potential	Farrington
	Longitudinal studies	Blumstein
	Life course criminality	Sampson and Laub

*See Table 8.1 for other theoretical approaches in criminology.

ANOMIE THEORIES

Anomie: Émile Durkheim

The writings of French sociologist Émile Durkheim (1858–1917) were in sharp contrast to the social Darwinist, individualist, and psychological and biological positivist theories dominant in the late 19th century. The works of Durkheim represented a return to the thinking and orientation of the statistical and ecological theories advocated by Quetelet and Guerry, an approach that had been preempted by the popularity of Lombroso and the early biological positivists.

In his works, which included *The Division of Labor in Society* (1964), originally published in 1893, and *Suicide* (1951), first released in 1897, Durkheim insisted on the primacy of groups and social organizations as explanatory factors of human misconduct. As discussed in Chapter 1, he viewed crime as a normal phenomenon in society because group reactions to deviant actions assist human groups in defining their moral boundaries. In his doctoral dissertation, *The Rules of Sociological Method* (1950), which was completed in 1893, Durkheim defined the sociologist's role as that of a systematic observer of social facts, empirically observable group characteristics that affect human behavior. Durkheim's analysis of suicide clearly demonstrated his hypothesis of group influences on individual propensity to suicide. In *Suicide*, he identified several types, which included altruistic ("selfless" suicide), egoistic (self-centered suicide), and anomic (suicide due to anomie or a state of normlessness in society). The latter concept is Durkheim's principal contribution to the field of criminology.

The term **anomie** appeared in the English language as early as 1591 and generally referred to a disregard for law (V. Fox, 1976). Anomie, from the Greek *anomia* ("without norms"), as used by Durkheim involves a moral malaise, a lack of clear-cut norms with which to guide human conduct (normlessness). It may occur as a pervasive condition because of a failure of individuals to internalize the norms of society, an inability to adjust to changing norms, or even conflict within the norms themselves.



PHOTO 7.1 The American dream is not available to all. This veteran stands in a park asking for help by his shopping cart.

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Social trends in modern urban-industrial societies result in changing norms, confusion, and lessened social control over the individual. Individualism increases and new lifestyles emerge, perhaps yielding even greater freedom but also increasing the possibility for deviant behavior. The close ties of the individual to the family, village, and tradition (what Durkheim calls mechanical solidarity—people feel connected because of their similarities), although confining to the individual, maintained social control. In modern societies (characterized by organic solidarity—social cohesion that develops because of society's interconnectedness even when people have different values and contributions), constraints on the individual weaken. In a theme that would influence many later criminological theories, Durkheim (1951) viewed anomie in modern societies as produced by individual aspirations and ambitions and the search for new pleasures and sensations that are beyond achievement even in times of prosperity.

This notion of anomie would influence a number of criminological theories, constituting a theoretical school of thought within mainstream or conventional criminology that began with the work of Robert Merton in the late 1930s and continued with Richard Cloward and Lloyd Ohlin, as well as Albert Cohen, in the post–World War II period. Chronologically preceding these later developments in the anomie tradition were the work of the Chicago school of sociology and another major approach, the social process school of thought. These theories were less concerned with the origin of crime in society and concentrated instead on the social process (learning, socialization, subcultural transmission) by which criminal values were transmitted to individuals by groups with which they were affiliated.

Merton's Theory of Anomie

As part of the jointly sponsored American Society of Criminology and Academy of Criminal Justice Sciences' (2004) Criminology and Criminal Justice Oral History Project, Robert Merton described how he developed some of his theories. He was interested in examining "what is it about our society and cultural institutions, not just individual characteristics such as feeblemindedness, that causes deviance?" (n.p.). There is a dysfunction between the American dream (a cultural value) of success and social structure (means of achieving success). Class and ethnic structures provided differential access. Merton wanted to look at deviance in addition to conformity in society and explain differential rates.

Merton's biography is very interesting. He was the son of Eastern European Jewish immigrants. His original name was Meyer R. Schkolnick, and he was raised in the poverty-stricken areas of Philadelphia. After winning a college scholarship to Temple University, he received a graduate assistantship to Harvard (Lilly et al., 2015, p. 71).



PHOTO 7.2 J. K. Rowling, author of the Harry Potter series, has had a "rags to riches" experience. She went from living on welfare to becoming a multimillionaire within 5 years.

Toby Canham/Getty Images Entertainment/Getty Images

Robert Merton's theory of anomie first appeared in 1938 in an article titled "Social Structure and Anomie." Modifying Durkheim's original concept, Merton (1957) viewed anomie as a condition that occurs when discrepancies exist between societal goals and the means available for their achievement. This discrepancy or "strain" between aspirations and achievement has resulted in Merton's conception being referred to as strain theory. According to this theory, U.S. society is firm in judging people's social worth on the basis of their apparent material success and in preaching that success is available to all who work hard and take advantage of available opportunities. In reality, the opportunities or means of achieving success ("the American dream") are not available to all. Merton (1938) states,

> It is only when a system of cultural values extols, virtually above all else, certain common symbols of success for the population at large while its social structure rigorously restricts or completely eliminates access to approved modes of acquiring these symbols for a considerable part of the same population, that antisocial behavior ensues on a considerable scale. (p. 78)

Thus, according to Merton's theory of anomie, antisocial behavior (crime) is produced by the very values of the society itself in encouraging high material aspirations as a sign of individual success without adequately providing approved means for all to reach these goals. This discrepancy between goals and means (strain) produces various **modes of personality adaptation**, different combinations of behavior in accepting or rejecting the means and goals. Given this high premium placed on individual success without concomitant provision of adequate means for its achievement, individuals may seek alternate (nonapproved) means of accomplishing this goal. American fiction, the Horatio Alger stories of rags to riches, the media, and other literature constantly pound home the theme of success. Social Darwinism (the theme that the capable or fit will succeed) and the Protestant work ethic (the attachment of religious value to work) have been persistent philosophies. These values are generally accepted by persons of all social classes.

One of the essential premises of this approach is that organization and disorganization in society are not mutually exclusive, but rather, many of the cultural values that have desirable consequences (manifest functions) often contain within them or produce undesirable consequences (latent functions; Merton, 1961).

Modes of Personality Adaptation

Merton describes five possible modes of personality adaptation that represent types of adjustments to societal means and goals: the conformist, the innovator, the ritualist, the retreatist, and the rebel. All except the conformist are deviant responses. He argues that the primary mechanism through which crime and deviance occurs is through an incongruence between societal goals and the legitimate means to achieve those goals. The *conformist* accepts the goal of success in society and also the societally approved means of achieving this status, such as through hard work, education, deferred gratification, and the like. Acceptance of the goals does not indicate that all actually achieve such satisfactory ends but that they have faith in the system.

The *innovator* accepts the goal of success but rejects or seeks illegitimate alternatives to the means of achieving these aims. Criminal activities such as theft and organized crime could serve as examples, although societally encouraged activities such as inventing could also provide illustrations. An interesting example is the case of Fred Demara Jr., well known through the book *The Great Imposter* (Crichton, 1959). A high school graduate, Demara was disappointed that people had to spend much of their lives preparing usually for only one occupation. Forging credentials and identities, he launched into careers as a college professor, Trappist monk, penitentiary warden, and surgeon in the Canadian Navy, to mention just a few. Murphy and Robinson (2008) propose that Merton's categories of conformist and innovator are not mutually exclusive and that some combine both in pursuing the American dream.

The *ritualist* is illustrated by the "mindless bureaucrat" who becomes so caught up in rules and means to an end that they tend to forget or fail to place proper significance on the goal. This individual will compulsively persist in going through the motions with little hope of successful achievement of goals.

The *retreatist* represents a rejection of both societally approved means and ends. This adaptation might be illustrated by the advice of Timothy Leary, the prophet of psychedelic drugs in the 1960s,

who preached, "tune in, turn on, and drop out." People with chronic substance use disorder may eventually reject societal standards of jobs and success and choose the goal of getting high by means of begging, borrowing, or stealing.

The *rebel* rejects both means and goals and seeks to substitute alternative ones that would represent new societal goals as well as new methods of achieving them, such as through revolutionary activities aimed at introducing change in the existing order outside normal, societally approved channels. See Table 7.2 for a classification of each adaptation regarding goals and means to achieve those goals.

TABLE 7.2 ■ Adaptations to Strain as They Relate to Goals and Means in Society

	Cultural Goals (Material Success)	Culturally Approved Means to Achieve Goals
Conformist	Accepts	Accepts
Innovator	Accepts	Rejects
Ritualist	Rejects	Accepts
Retreatist	Rejects	Rejects
Rebel	Rejects/Creates New	Rejects/Creates New

A Critique of Merton's Theory

Merton's theory, well received in sociology and in criminology, became the basis of a number of subcultural theories of delinquency, to be discussed shortly. Criticisms of the theory include the following:

- His assumption of uniform commitment to materialistic goals ignores the pluralistic and heterogeneous nature of U.S. cultural values.
- The theory appears to dwell on lower class criminality, thus failing to consider lawbreaking among the elite. Taylor et al. (1973) express this point: "Anomie theory stands accused of predicting too little bourgeois criminality and too much proletarian criminality" (p. 107).
- The theory is primarily oriented toward explaining monetary or materialistically oriented crime and does not address violent criminal activity.
- If Merton is correct, why does the United States now have lower property crime rates than many other developed countries?

Although many writers (Hirschi, 1969; R. E. Johnson, 1979; Kornhauser, 1978) have concluded that Merton's theory does not hold up empirically, later research by Farnworth and Leiber (1989) argues in favor of its durability. They indicate that strain (anomie) theory combines psychological and structural explanations for crime and thus avoids purely individualistic explanations and that the research of the critics failed to examine the gap or strain between economic goals and educational means. Farnworth and Leiber (1989) found this a significant educational predictor of delinquency in their sample of juveniles and concluded that the theory is "a viable and promising theory of delinquency and crime" (p. 273).

Classic strain theory (as it is sometimes called, given the strain or discrepancy between goals and means) has had additional conflicting support. Research did not find higher delinquency among those with the greatest gap between aspirations and expectations. Those with low aspirations and low expectations had the highest offense rates. Other studies, however, have shown support (Agnew et al., 1996; Cullen & Agnew, 2003).

There have been a variety of efforts to revise strain theory. One revision involves using the concept of relative deprivation, one's felt sense of deprivation relative to others, such as a reference group. Another alteration is to view adolescents as pursuing a number of goals besides those involving money and status. These might include popularity with peers and romantic partners, good grades, athletic prowess, and even positive relationships with parents (Agnew et al., 1996; Cullen & Agnew, 2003).

Robert Agnew's General Strain Theory (GST)

A persistent writer in the strain tradition has been Robert Agnew (1992, 1995, 1997). He views strain as due to negative relationships in which individuals feel that they are being mistreated. These negative relationships may take a variety of forms: others preventing the achievement of goals such as monetary success; activities that threaten to remove valued relationships, such as the loss or death of a significant other; and the threat of negatively valued stimuli such as insults or physical assault. For some, such activities increase the likelihood for anger and frustration, as well as the likelihood that crime becomes a means of resolving these emotions. In other words, if a person experiences a form of strain and responds with negative emotionality without having good coping resources, they are more likely than others to engage in crime. Strains are most likely to result in offending when they are high in magnitude, are viewed as being unjust, are linked to low social control, and can be resolved through offending (Agnew, 2001). Agnew's contribution to theory was to specify that Merton's theory was limited. Agnew (1992) saw Merton as identifying one type of criminogenic strain relationships that prevent an individual from achieving valued goals such as economic success and status. Agnew identified other negative relations that create strain and called this general strain theory. These include status frustration experienced by students with their peers, being physically abused by a peer, or having a serious argument with a family member (Lilly et al., 2015, p. 77). Agnew and White (1992) claimed that delinquency was higher among those experiencing negative life events, for example, parental divorce or financial problems. It was also higher for those with interactional problems with teachers, parents, and others. Why some react to the strain by committing crime and others do not still needs to be specified.



PHOTO 7.3 According to Cohen, crime and delinquency among lower class youth is a reaction against middle-class values.

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Agnew (1992, 1994) has revised traditional anomie (strain) theory by going beyond Merton's presumed economic strain and identifying other sources of strain. His general strain theory (GST) views strain as a more general phenomenon than the discrepancy between aspirations and expectations. Strain can also take place when others take something of value from us or when one is confronted with negative circumstances. A psychological state of negative affect is critical and includes disappointment, frustration, and anger. Delinquency becomes a means to regain what one has lost or been prevented from obtaining (instrumental), retaliatory (a means of striking back), or escapist (a means of getting away from anger and strain). Thus, Agnew identifies three major types of strain. Thus, strain is experienced when

- a person is prevented from achieving positively valued goals,
- positively valued stimuli are removed or threatened to remove, or
- a person is presented or threatened to with noxious or negatively valued stimuli.

According to GST, when faced with one of these strains, psychological responses occur, along with the use of coping mechanisms. If these psychological responses include anger and anxiety, and if a person has maladaptive coping strategies, they may then engage in delinquency. In this way, GST may be used to explain violent as well as economically motivated crimes. For example, a person may lose their job at work and feel anger at being fired. They respond to this anger by drinking to excess at a bar. They then proceed to get into a fight with a person at the bar after that person accidentally hits them when they walk by. The strain of losing the job, coupled with anger and alcohol use produced a violent (and criminal) response.

In a test of GST, Paternoster and Mazerolle (1999) obtained mixed findings. Negative relationships with adults, dissatisfaction with friends, and school life and stress were related to delinquency. Such strain may, however, be managed by other strategies such as drug use, compensatory success in school, athletics, or afterschool jobs. Strain does weaken conventional social bonds and strengthen unconventional bonds.

An extension of Merton's theory has been offered by Steven Messner and Richard Rosenfeld in their *Crime and the American Dream* (2013) and their institutional anomie theory. This theory is designed to explain crime at the macro-level, rather than explaining why one person engages in crime. Thus, communities that experience anomie will have higher rates of crime than others. The hunger for wealth is viewed as insatiable, and all social institutions become subservient to the economic structure. Culturally induced pressure to accumulate material rewards combined with weak controls by noneconomic institutions produces an institutionalization of anomie (Chamlin & Cochran, 1995) and an institutionalization of the use of deviant means for success. The unimpeded pursuit of monetary success is the American dream. Economic institutions predominate, subordinating all other institutions such as the family, church, or school, reducing their power particularly in the socialization of children.

Subcultural Theories

Merton's modification of Durkheim's notion of anomie began the anomie tradition in U.S. criminology, with further influential theoretical work by writers such as Richard Cloward and Lloyd Ohlin, as well as Albert Cohen, that directed itself toward **subcultural theories** of delinquency.

Merton's theory had a major impact on many of the more sociologically oriented theories of crime and delinquency. A major area of theoretical focus from the 1930s through the 1960s in U.S. criminology related to juvenile gangs, as studies of citations in criminology textbooks (Schichor, 1982) and frequently cited books and journal articles (Wolfgang, 1980) from that era show.

Cohen's Lower Class Reaction Theory

Albert Cohen was an undergraduate student of Robert Merton and later a graduate teaching assistant for Edwin Sutherland at Indiana University. In the Oral History Project tapes (American Society of Criminology & Academy of Criminal Justice Sciences, 2004), he explains that, despite having been a 1939 Phi Beta Kappa graduate of Harvard, he had been turned down for aid in graduate schools because he was Jewish. He even received a letter from a department chair of a state university saying it was not their policy to hire Jews. Fortunately, Sutherland had offered him a teaching assistantship at Indiana.

Albert Cohen's (1955) *Delinquent Boys* presents a theory about lower class subcultural delinquency. According to his **lower class reaction theory**, delinquency is a lower class reaction to middle-class values. Lower class youth use delinquent subcultures as a means of reacting against a middle-class–dominated value system in a society that unintentionally discriminates against them because of their lower class lifestyles and values. Unable to live up to or accept middle-class values and judgments, they seek self-esteem by rejecting these values. Cohen carefully qualifies his remarks by indicating that this theory is not intended to describe all juvenile crime.

He views much lower class delinquency as nonutilitarian, malicious, and negativistic. Much theft, for instance, is nonutilitarian, performed for status purposes within the gang rather than out of need. Maliciousness is expressed in a general disdain for middle-class values or objects and a negative reaction to such values. The delinquent gang substitutes its own values and sources of self-esteem for the middle-class values it rejects. Some examples of middle-class values include ambition, individual responsibility, verbal skills, academic achievement, deferred gratification (postponement of rewards), middle-class manners, nonviolence, wholesome recreation, and the like. The gang subculture, as depicted in Photos 7.4 and 7.5, offers a means of protection and of striking back against values and behavioral expectations the lower class youth are unable to fulfill.

A Critique of Cohen's Theory

Major criticisms of Cohen's theory relate to

- His overconcentration on lower (working) class delinquency
- His assumption that lower class boys are interested in middle-class values (Kitsuse & Dietrick, 1970)
- The fact that, like other subcultural theorists, he fails to address ethnic, family, and other sources of stress as well as the recreational ("fun") aspects of gang membership (Bordua, 1962)
- His emphasis on the nonutilitarian nature of many delinquent activities, which tends to underplay the rational, for-profit nature of some juvenile criminal activities

Cohen's theory fits into the anomie tradition in that he views lower class delinquency and gang membership as a result of strain or a reaction to unfulfilled aspirations. A related subcultural theory by Walter Miller disagrees with this strain hypothesis and argues instead, in the social process tradition of Shaw, McKay, and Sutherland, that lower class delinquency represents a process of learning and expressing values of one's membership group. Miller's theory is discussed in detail shortly.

Cloward and Ohlin's Differential Opportunity Theory

An extension of the works of both Merton and Sutherland (to be discussed) appeared in Richard Cloward and Lloyd Ohlin's *Delinquency and Opportunity: A Theory of Delinquent Gangs* (1960). According to their **differential opportunity theory**, working-class juveniles will choose one or another type of subcultural (gang) adjustment to their anomic situation depending on the availability of illegitimate opportunity structures in their neighborhood. Borrowing from Merton's theme, Cloward and Ohlin view the pressure to join delinquent subcultures as originating from discrepancies between culturally induced aspirations among lower class youth and available means of achieving them through legitimate channels. In addition to legitimate channels, Cloward and Ohlin stress the importance of available illegitimate opportunities, which may also be limited, depending on the neighborhood. Neighborhoods with highly organized rackets provide upward mobility in the illegal opportunity structure. Individuals occupy positions in both legitimate and illegitimate opportunity structures, both of which may be limited. Illegitimate opportunities are dependent on locally available criminal traditions.

Delinquent Subcultures

Cloward and Ohlin (1960) identified three types of illegitimate juvenile subcultures: criminal, conflict, and retreatist. The criminal subculture occurs in stable neighborhoods in which a hierarchy of available criminal opportunities exists. Such a means of adaptation substitutes theft, extortion, and property offenses as the means of achieving success. Disorganized areas (ones undergoing change due to the effects of immigration on the social structure) are characterized by a conflict subculture. Such groups, denied both legitimate and illegitimate sources of access to status, resort to violence, "defense of turf," "bopping," or "the rumble" as a means of gaining a "bad rep" or prestige. The retreatist subculture is viewed by Cloward and Ohlin as made up of "double failures." Unable to succeed either in

> and more general significance. They not only tell us what the facts are in regard to conditions in any given region, but insofar as they characterize an area that is natural and typical, they establish a working hypothesis in regard to other areas of the same kind. (p. 198)

This empirical orientation, as opposed to armchair theorizing, was the chief contribution of the Chicago school. Among the students inspired to perform field research were Clifford Shaw and David McKay, as well as Edwin Sutherland.

Shaw and McKay's Social Disorganization Theory

Ironically, although Clifford Shaw and Henry D. McKay are pointed to as members of the Chicago school, they never enjoyed faculty status at the University of Chicago but performed their research while employed by the Illinois Institute for Juvenile Research in Chicago. Snodgrass (1972) indicates that neither Shaw nor McKay received his doctorate because of foreign language requirements, but they worked closely with many faculty and students from the university (J. T. Carey, 1975). The lasting contribution of Shaw and McKay's ecological studies in the 1930s was their basic premise that crime is due more to social disorganization in pathological environments than to the deviant behavior of abnormal individuals (Gibbons, 1979).

In the tradition of the statistical school of criminological theory, Shaw and McKay made extensive use of maps and official statistics to plot the ecological distribution of forms in their **social disorganization theory**, such as juvenile delinquency (C. R. Shaw, 1929; Shaw & McKay, 1942). Using Burgess's concentric zone theory as a schema, as well as Park's notion of natural areas, they were able to document the ecological impact on human behavior. For instance, one transitional area (an area undergoing change due to population shifts and change in cultural norms—called invasion/succession) was shown to exhibit very high crime rates despite considerable change in its ethnic makeup. Such areas breed criminogenic influences that predispose occupants to crime and social disorganization. In other research, Shaw used ethnographic and autobiographical field methods to provide case studies of people who commit crimes and exhibit delinquent behavior (C. R. Shaw, 1930; Shaw et al., 1938). Imposing concentric circles on mapped areas of Chicago on which rates of social disorganization had been plotted, Shaw (1930) was able to demonstrate the highest rates of truancy, crime, delinquency, and recidivism in Zone II (area of transition), and such rates declined as one moved farther out from the rings. Shaw and McKay, coming from rural Midwestern roots, saw urban neighborhoods as producers of crime—social disorganization, criminal attitudes, and social pathology were viewed as culturally transmitted within the social environment. That is, in transitional zones, there is little neighborhood organization. Institutions like the family are strained and thus are unable to sufficiently perform social control functions. Thus, youth lack control and supervision. These youth may then band together or seek networks of older residents who have committed crimes and then adopt criminal values.

A Critique of Social Disorganization Theory

The human ecologists' insistence on ecological and social conditions having criminogenic impacts on otherwise normal individuals would inspire later criminologists such as Sutherland. Their stress on field studies and an empirical orientation would provide credibility to the fledgling disciplines of sociology and criminology and win them greater academic acceptance. A number of shortcomings, however, have been identified:

- Their theories at times border on ecological determinism, asserting that an area or physical environment causes social pathology. Concentration on the geophysical environment tends to make the social structure and institutions secondary.
- The attempt to borrow an organic analogy and adapt biological concepts, such as competition, invasion, succession, and the like, to criminology saddled the field with unnecessarily primitive concepts.

- Some of the studies tend to commit the **ecological fallacy** (Robinson, 1950), in which group rates are used to describe individual behavior. Aggregate statistics do not yield accurate estimates if the intended unit of analysis is the behavior of individuals.
- Although Shaw and McKay studied other cities, the theories and conceptions of the Chicago school (such as the concentric growth of cities) were perhaps applicable to Chicago, a city undergoing fantastic urbanization during the 1920s and 1930s, but may not apply to other urban communities, particularly since the post–World War II period.
- These theories assume stable ecological areas, which in fact do not exist. Such areas disappeared in the post–World War II decentralization of urban areas (Bursik, 1988; Schuerman & Kobrin, 1986).
- Problems in operationalizing (measuring) key concepts, such as delinquency rate and disorganization, arise when there is a heavy reliance on official statistics (Pfohl, 1985).
- There is an overemphasis on consensus in community and a lack of appreciation of political conflict (Bursik, 1988).

In defense of Shaw and McKay, Brantingham and Brantingham (1984) point out that they were not as guilty of falling into the ecological fallacy trap as many of their followers because they supplemented many of their statistical studies with case studies. This was illustrated by ethnographic works such as Shaw et al.'s *Brothers in Crime* (1938) and Shaw's *The Jack-Roller* (1930). Focusing on group or social process, urban ecologists Shaw and McKay in particular were influential in shifting criminological analysis from an overconcentration on the individual and instead toward the criminogenic influences of social environments.

Routine Activities Approach

A resurgence and rediscovery of interest in the ecological and social disorganization theories of crime occurred as a result of formulations such as Cohen and Felson's (1979) and Felson's (1983) routine activities approach to crime causation. This approach says that "the volume of criminal offenses will be related to the nature of normal everyday patterns of interaction. . . . There is a symbiotic relationship between legal and illegal activities" (Messner & Tardiff, 1985, pp. 241–242). In summarizing the routine activities approach, Felson (1987) indicates,

> (1) It specifies three earthy elements of crime: a likely offender, a suitable target, and the absence of a capable guardian against crime. (2) It considers how everyday life assembles these three elements in space and time. (3) It shows that a proliferation of lightweight durable goods and a dispersion of activities away from family and household could account quite well for the crime wave in the U.S. in the 1960s and 1970s without fancier explanations. Indeed modern society invites high crime rates by offering a multitude of illegal opportunities. (p. 911)

Koenig (1991) explains that one of the origins of this theory was the Hindelang et al. (1977) lifestyle exposure theory, which proposes that the probability of crime varies by time, place, and social setting. An individual's lifestyle places them in social settings with higher or lower probabilities of crime. For a more thorough description of routine activities theory and lifestyle exposure theory, see Chapter 4.

Other works that illustrate the reaffirmation of social disorganization theory are by Simcha-Fagan and Schwartz (1986), who include social disorganization and subcultural approaches in explaining urban delinquency. Similarly, Byrne and Sampson (1986) indicate that the social-ecological model is based on the premise that community has independent impacts on crime that are not able to be separated from the individual level. G. White (1990) found that neighborhood burglary rates varied by highway accessibility; ease of entry increases both familiarity with escape routes and vulnerability. In "Deviant Places," Stark (1987) argues that "kinds of places" explanations are needed in criminology in addition to the "kinds of people" explanations. He codified 30 propositions from over a century of ecological explanations of both the Chicago school and the moral statisticians of the 19th century.

Stark identified five aspects of high-deviance areas: density, poverty, mixed use, transience, and dilapidation. These elements create criminogenic conditions for crime. His propositions included that density is associated with interaction between least and most deviant populations, higher moral cynicism, overcrowding, outdoor gatherings, lower levels of supervision of children, poorer school achievement, lower stakes in conformity, and increased deviant behavior. Crowding will increase family conflict, decrease the ability to shield wrongdoing, and thus increase moral cynicism. Although Stark's hypotheses are too numerous to cover here, his systematic extraction of propositions from over a century of social disorganization and ecological research represented a reaffirmation and resurgence of such literature (see also Taylor & Harrell, 1996). Criminology in Context 7.1 reports on environmental crime prevention and "designing out" crime.

Sutherland's Theory of Differential Association

Perhaps the most influential general theory of criminality was that proposed by Edwin Sutherland (1883–1950) in his **differential association theory**. Simply stated, the theory indicates that individuals become predisposed toward criminality because of an excess of contacts that advocate criminal behavior. Due to these contacts, a person will tend to learn and accept values and attitudes that look more favorably on criminality.

Sutherland's theory was strongly influenced by Charles Horton Cooley's (1964) theory of personality, the "**looking-glass self**." Cooley viewed the human personality as a social self, one that is learned in the process of socialization and interaction with others. The personality as a social product is the sum total of an individual's internalization of the impressions they receive of the evaluation of others—or "mirror of alters." Significant others, people who are most important to the individual, are particularly important in this socialization process. Sutherland was also influenced by Shaw and McKay's (1942) notion of social disorganization and cultural transmission of crime, as well as by French sociologist Gabriel Tarde's (1912) concept of imitation as the transmitter of criminal values. Similarly, in Sutherland's explanation of criminality, crime is a learned social phenomenon, transmitted in the same manner in which more conventional behavior and attitudes are passed on.

In explaining how he developed the theory, Sutherland indicated that he was not even aware that he had done so until, in 1935, Henry McKay referred to "Sutherland's theory": "I asked him what my theory was. He referred me to pages 51–52 of my book" (Sutherland, 1956b, p. 14). The first edition of Sutherland's text, *Principles of Criminology*, was published in 1924; although the 1934 edition to which McKay referred contained the nexus of a theory, it was in the 1939 edition that Sutherland outlined its major propositions. These were slightly modified in the 1947 edition and have remained essentially the same in subsequent editions, which have been coauthored or (since Sutherland's death in 1950) authored by Donald Cressey.

The nine propositions of the differential association theory are these:

1. Criminal behavior is learned.
2. Criminal behavior is learned in interaction with other persons in a process of communication.
3. The principal part of the learning of criminal behavior occurs within intimate personal groups.
4. When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very simple, and (b) the specific direction of motives, drives, rationalizations, and attitudes.
5. The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.
6. A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law.
7. Differential association may vary in frequency, duration, priority, and intensity.

8. The process of learning criminal behavior by association with criminal and anticriminal patterns involves all of the mechanisms that are involved in any other learning.
9. Although criminal behavior is an explanation of general needs and values, it is not explained by them because noncriminal behavior is an expression of the same needs and values. (Sutherland, 1947, pp. 6–7)

Differential association theory is not directed at the issue of the origin of crime in society but concentrates instead on the transmission of criminal attitudes and behavior. It is a behavioristic theory—previous behavior causes subsequent behavior—and contains elements of a soft social determinism; that is, exposure to groups does not cause but predisposes individuals to criminal activity or causes them to view it more favorably. Why, then, do not all people with similar exposure become similarly criminal? Sutherland's notion of variations in contacts provides for individual reaction to social groups and exposures.

Contacts in Differential Association

Contacts in differential association vary according to frequency, duration, priority, and intensity. *Frequency* deals with the number of contacts and *duration* with the length of time over which an individual is exposed to such contacts. The sheer length and volume of association with criminogenic influences affect different people in different ways. Humans are not robots responding in a predictable manner to a given number of influences. *Priority* refers to the preference individuals express toward the values and attitudes to which they are exposed, and *intensity* entails the degree of meaning the human actor attaches to such exposure. Although Sutherland (1947) admits an inability to reach a quantitative or exact measurement of these modalities, a general example should illustrate their operation: What explains the good child in the bad environment? Despite a great frequency and long duration of exposure to criminal attitudes, such individuals fail to prefer such values and attach greater meaning to noncriminal attitudes that, although less frequently available, may be found in significant others, perhaps role models such as teachers, coaches, peers, and the like.

CRIMINOLOGY IN CONTEXT 7.1 DESIGNING OUT CRIME

Our failure to bring crime under control through a wide range of modifications to the criminal justice system has blinded us to the successful efforts continuously being made by a host of private and public entities—municipalities, schools, hospitals, parks, malls, bus companies, banks, department stores, taverns, offices, factories, parking lots—to bring a wide range of troublesome and costly crimes under control. In most cases, these successes are achieved by identifying ways to reduce opportunities for highly specific kinds of crime, the approach advocated by environmental crime prevention.

The essential tenets of environmental crime prevention, of which Crime Prevention Through Environmental Design (CPTED) and Situational Crime Prevention are the best known examples, are to

- increase the difficulty of committing crime (e.g., credit card photos),
- increase the perceived risks (e.g., burglar alarms),
- reduce the rewards associated with criminal acts (e.g., PIN for car radios), and
- reduce the rationalizations that facilitate crime (e.g., simplify tax forms).

Although the federal government gave some support to CPTED in the 1970s, interest in environmental crime prevention has languished in our country. One reason for this loss of support was the concern that blocking opportunities for crime would result in its displacement to some other target, time, or place (i.e., the net amount of crime would remain the same, although its manifestations would be different). This belief was bolstered by criminological theories that generally failed to recognize important situational determinants of crime, such as the availability of tempting goods to steal and the absence of adequate guardianship of vulnerable property and persons.

In recent years, however, new criminological theories have emphasized the role of opportunities in crime causation. These theories, which include routine activity theory and rational choice

theory, argue that as the number of opportunities for crime increases, more crimes will be committed; conversely, as opportunities are reduced, so crime will decline. Whether or not displacement takes place depends on the ease with which people who commit crimes can obtain the same criminal rewards without greatly increased effort or risks. Somebody who has developed the habit of shoplifting from the supermarket will not inevitably turn to some other form of crime, involving greater risk of detection and more severe penalties, if the store takes effective preventive action. In fact, particular crimes serve special purposes for the offender. A thwarted rapist will not turn to mugging or drug dealing.

Policy Recommendations

Federal Crime Prevention Department. A crime prevention department should be established in the Department of Justice along the lines of similar units now functioning in a number of European countries. This unit would have a research and dissemination role and would also initiate action to "design out crime" that more naturally falls to central government than to state or local agencies. For example, the department could ensure the security of the phone system, of credit cards, or of ATM cards through federal influence on manufacturers and service providers at an industry level. Important preventive initiatives that currently need federal government sponsorship include development of effective personal alarms for repeat victims of domestic violence.

Crime Prevention Extension Service. A Crime Prevention Extension Service, linked to local universities, along the lines of the successful agricultural model, should be developed within the Department of Justice. Its mandate should be to deliver expert crime prevention advice to small businesses and local communities. Such a service would complement rather than compete with the work of the police, especially as community policing ideas take hold.

For Further Thought

1. Search online for the name "Oscar Newman." What is his main thesis regarding the impact of defensible space on crime?

Source: American Society of Criminology Task Force Report to Attorney General Janet Reno, *The Criminologist* (Special Issue), *20*, 6, November/December 1995. Task force members on "Designing Out Crime" included Ronald V. Clarke (chair), Patricia Brantingham, Paul Brantingham, John Eck, and Marcus Felson.

A Critique of Differential Association

Because it is a general theory of criminality and is relatively compatible with many other explanations of crime, differential association theory enjoyed widespread acceptance in the field. It was not, however, without critics. Donald Cressey, Sutherland's coauthor, explains that because Sutherland's principal propositions are presented in only two pages in his textbook, the theory is often misinterpreted by some critics, most notably Vold (1958). Among these claimed errors of interpretation, Cressey (Sutherland & Cressey, 1974, pp. 78–80) mentions the following:

- The theory is concerned only with contacts or associations with criminal or delinquent behavior patterns. (It actually refers to both criminal and noncriminal behavior, as demonstrated by the use of terms such as *differential* and *excess* of contacts.)
- The theory says persons commit crimes because of an excess of associations with other people who commit crimes. (It actually says that criminal attitudes can be learned from the unintentional transmission of such values by people who do not commit crimes.)
- Using the 1939 version of the theory, critics believe the theory refers to "systematic criminals." (This has been modified since the 1947 version to refer to all criminal behavior.)
- The theory fails to explain why persons have the associations they have. (It does not pretend to do so.)

Cressey (1960) also addresses other criticisms that he feels are misinterpretations; however, a number of shortcomings have been identified:

- Whereas Sutherland traces the roots of criminality to culture conflict and social disorganization, a comprehensive theory of criminality should provide more explanation of the origin of crime.
- Because it is a general theory, it is difficult to either empirically prove or disprove it by means of research, and reformulations are necessary to permit testing (see Burgess & Akers, 1966; DeFleur & Quinney, 1966).
- The theory fails to account for all forms of criminality.
- The theory fails to acknowledge the importance of non–face-to-face contacts such as media influences (Radzinowicz & King, 1977).

Despite these and other criticisms, differential association remains important as a useful general theory of criminality, even though it may fail to specify the process for each individual case of criminality. The theory of differential association is one of the most cited theories in modern criminology and will probably remain so until a more acceptable general theory of criminality appears.

A variation of differential association can be found in Robert Burgess and Ronald Akers's (1966) differential reinforcement (social learning) theory.

> "Differential reinforcement" refers to the balance of anticipated or actual rewards or punishments that follow or are consequences of behavior. Whether individuals will refrain from or commit a crime at any given time . . . depends on the past, present, and anticipated future rewards and punishments for their action. (Akers, 1994, p. 98)

Burgess and Akers's (1966) theory combines Sutherland's concept with behavioral conditioning and even classical concepts of rewards and punishments and has found considerable empirical support. Specifically, they argue that criminal behavior is learned through differential reinforcement. People can learn by engaging in behavior or by witnessing behavior—when behaviors are punished, they are unlikely to be engaged in again or imitated. If behaviors are rewarded or reinforced, on the other hand, they are likely to be repeated or imitated. Reinforcement can be either positive or negative. Positive reinforcement occurs when a reward or positive reaction occurs after a behavior, whereas negative reinforcement occurs when negative stimuli are removed. Both lead to a person learning that the behavior being reinforced results in positive outcomes. Behavior in the future is then shaped by the perceived consequences of their actions, based on these prior experiences. What people are learning in this process is the values and attitudes about what is and what is not acceptable behavior.

Miller's Focal Concerns Theory

Walter Miller's (1958) ideas appeared in an article titled "Lower Class Culture as a Generating Milieu of Gang Delinquency." Miller limited the applicability of his theory to "members of adolescent street corner groups in lower class communities" (p. 5). Unlike Albert Cohen, who viewed such delinquency as a lower class reaction to middle-class values, Miller views such activity as a reflection of the **focal concerns** of dominant themes in lower class culture. These are "areas or issues that command widespread and persistent attention and a high degree of emotional involvement" (p. 7). Faced with a chasm between aspirations and the likelihood of their achievement, lower class youth seek status and prestige within one-sex peer units (gangs) in which they exaggerate focal concerns already in existence in lower class culture. Thus, gang delinquency, rather than representing an anomic reaction to unobtainable middle-class goals, represents, in the tradition of social process theory, a pattern of subcultural transmission or learning of values prevalent in the local environment.

The focal concerns of lower class culture emphasize trouble, toughness, smartness, excitement, fate, and autonomy. Getting into *trouble* often confers prestige and a means of obtaining attention. The "class clown" and the "bad dude" become attention-getting roles. *Toughness,* "machismo," having physical prowess, and being able to handle oneself are highly prized characteristics among lower class men. The "hard guy" is preferable to the "chump," or "wimp." *Smartness* "involves the capacity to outsmart, outfox, outwit, dupe, 'take,' or 'con' another" (W. Miller, 1958, p. 7).

The theme of *excitement* emphasizes the quest for skill, danger, risk, change, or activity. Rather than a subject of control and planning, the future is perceived as a matter of *fate*, luck, or good fortune. *Autonomy* (independence) looms as a dominant concern in lower class culture, particularly among men, even though it is less likely to be achieved given their narrow occupational and life options. "Being one's own man," that is, being free from authority, "the man," and external constraint, is a strong value.

A Critique of Miller's Theory

- Like the other subcultural theories, Miller's theory also ignores middle- and upper class delinquent and criminal activity.
- By focusing exclusively on the lower class, Miller and others in this tradition are perhaps most responsible for the criticism that mainstream sociology ignores deviance of the powerful.
- Miller's theory rests heavily on the assumption of the existence of a distinctive lower class culture that holds values and attitudes distinct from, if not at odds with, dominant middle-class values. The pluralistic nature of U.S. society makes it quite uncertain that such a distinctive value system, solely based on class, indeed exists.

Miller's theory views criminogenic influences as learned or transmitted as part of subcultural values. Similarly, the writings of David Matza present delinquency as part of a general social process of learned cultural values rather than as an anomic reaction to unobtainable goals.

Matza's Delinquency and Drift Theory

The theories of David Matza are presented in his book *Delinquency and Drift* (1964) and in a coauthored article with Gresham Sykes (Sykes & Matza, 1957), titled "Techniques of Neutralization." Matza's theories, including that of **delinquency and drift**, are an example of **soft determinism**, which holds that, although human behavior is determined to some extent by outside forces, there still exists an element of free will or individual responsibility (Matza, 1964). Humans are neither entirely constrained nor entirely free, nor is the individual entirely committed to delinquent or nondelinquent behavior. Matza explains the drift theory of delinquency:

> The delinquent exists in a limbo between convention and crime responding in turn to the demands of each, flirting now with one, now the other, but postponing commitment, evading decision. Thus he drifts between criminal and conventional action. (p. 28)

Subterranean Values

Rather than being wholly committed to delinquency, most delinquents are dabbling in it and are acting out **subterranean values** (Matza, 1964) that exist alongside more conventional values in a pluralistic society such as the United States. Conventional society attempts to control the expression of these values and reserve it for the proper time and place; in a sense, it is the practice of "morality with a wink." A person who exhibits delinquent behavior, rather than being committed to goals that are alien to society, exaggerates society's subterranean values and acts them out in caricature. Sykes and Matza (1957) explain,

> The delinquent may not stand as an alien in the body of society but may represent instead a disturbing reflection or caricature. His vocabulary is different, to be sure, but kicks, big time spending and rep have immediate counterparts in the value system of the law abiding. The delinquent has picked up and emphasized one part of the subterranean values that coexist with other, publicly proclaimed values possessing a more respectable air. (p. 717)

Thus, whereas conventional mores disapprove of subterranean values, they often represent "hidden" patterns or themes in the culture. Illicit sexual behavior, slick business practices, a dislike of work, heavy substance use, and media violence as a popular form of entertainment are examples. People who are involved in delinquency simply have poor training and timing in the expression of subterranean

values. The pervasiveness of subterranean values might be illustrated by the attempt of conventional members of "straight" society to appear "hip," "with it," and "streetwise."



PHOTO 7.4 The site where teenager Junior Guzman-Felix was brutally attacked and stabbed to death by a local street gang on July 7, 2018, in the Bronx, New York, attracts mourners.

Andrew Lichtenstein/Corbis News/Getty Images

Techniques of Neutralization

Sykes and Matza's (1957) term **techniques of neutralization** refers to rationalizations or excuses that juveniles use to neutralize responsibility for deviant actions. In drift situations, people who commit crimes can lessen their responsibility by exaggerating normal legal defenses (e.g., self-defense or insanity) or by pointing to the subterranean values prevalent in society. Sykes and Matza identify five techniques of neutralization:

1. Denial of responsibility, such as appeals based on one's home life, lack of affection, and social class
2. Denial of harm to anyone, such as defining stealing as "borrowing" or substance use as harming no one but the offender
3. Denial of harm to the victim, in which the assault is justified because the person harmed hadalso committed crimes
4. Condemning the condemners, reversing the labeling process by claiming that authorities are more corrupt than the offender and are hypocritical as well
5. Appeal to higher authority, which claims that the offense was necessary to defend one's neighborhood or gang

As an illustration of the techniques of neutralization, the song "Gee, Officer Krupke" from the musical *West Side Story* has members of the gang the Jets arguing that they are victims of "a social disease."

Sykes and Matza (1957) explain,

> The delinquent both has his cake and eats it too, for he remains committed to the dominant normative system and yet so qualifies its imperatives that violations are "acceptable" if not "right." Thus the delinquent represents not a radical opposition to law abiding society but something more like an apologetic failure, often more sinned against than sinning in his own

eyes. We call these justifications of deviant behavior techniques of neutralization; and we believe these techniques make up a crucial component of Sutherland's "definitions favorable to the violation of the law." It is by learning these techniques that the juveniles become delinquent, rather than by learning moral imperatives, values or attitudes standing in direct contradiction to those of the dominant society. (p. 668)

Techniques of neutralization are connected to beliefs about crime that may allow individuals to perpetrate crime. One connection is discussed in Crime File 7.1.

CRIME FILE 7.1 RAPE MYTHS AND SEXUAL ASSAULT

When trying to understand why rapists commit their sexual assaults, researchers have identified that some people believe "rape myths" that allow or justify rape to occur (Burt, 1980). These beliefs serve to blame the victim, minimize injury, and deny offender responsibility. You may have even heard some of these "rape myths" such as a woman deserves to be raped if she was dressed provocatively or that men simply cannot control themselves once sexual activity has begun. How do these "rape myths" align with the techniques of neutralization proposed by Sykes and Matza? Do you think they are simply a subset of broader beliefs in the acceptance of violence?

Burt, M. R. (1980). Cultural myths and supports of rape. *Journal of Personality and Social Psychology, 38*, 217–230. https://doi.org/210.1037/0022-3514.1038.1032.1217

A Critique of Matza's Theory

Matza provides a transition between Sutherland's social process theories and the social control theories to be discussed next. By combining deterministic models with the notion of free will, he avoids the overly deterministic nature of many earlier theories and explains why the majority of individuals who find themselves in criminogenic settings do not commit crime. His concept of neutralization enables him to escape the problem inherent in previous subcultural theories of delinquency, which rested on the premise that delinquent values were at variance with conventional values. Some possible shortcomings of Matza's views include the following:

- Although some research has shown people who commit crimes to be prone to rationalizing their behavior (R. Ball, 1980; Regoli & Poole, 1978), Hindelang (1970) found different value systems among delinquents. Obviously, more research is needed.
- In order for his theory to be correct, empirical evidence must demonstrate that Matza's neutralization takes place during the period of drift preceding the act, a concept that may be difficult to operationalize.

Hamlin (1988) argues that the notion of rational choice in neutralization theory has been misplaced and that such rationalizations are used after the fact only when behavior is called into question (see Minor, 1981, 1984, for additional analysis).

The transitional nature of Matza's theories with social control approaches can be found in his notion of drift, in which individuals become temporarily detached from social control mechanisms. This release from group bonds is the basic unit of analysis in social control theories.

APPLYING THEORY 7.1

Recall the terrible story of Aileen Wuornos from Chapter 5, page 118. Using this case study, apply one of the anomie theories, differential association, or focal concerns theory to explain why she killed seven men.

Remember to consider the following:

1. What types of crimes does the theory explain? You would only want to select a theory that can explain violent crime for the case of Aileen Wuornos.
2. To whom does the theory apply? If theory only explains crime by youth, it would not be appropriate for explaining the crimes of Aileen Wuornos.
3. According to the theory, what are the main causes of crime? That is, what are the theory's propositions? Once you have identified these propositions, you must see how they apply (or not) to your case. In this instance, the propositions must be something applicable to Aileen Wuornos.
4. Once you have identified these propositions, explain how they apply (or not) to the case of Aileen Wuornos.

SOCIAL CONTROL THEORIES

The final grouping of mainstream sociocriminological theories to be discussed is referred to as *social control theories* and is represented by the work of Walter Reckless and Travis Hirschi.

Social control theories address the issue of how society maintains or elicits social control and the manner in which it obtains conformity or fails to obtain it in the form of deviance. Social control theories ask why it is that people do not engage in crime and deviancy rather than trying to explain why people do. These theories are based on the assertion that motivation to commit crime does not need explanation – instead they argue that controls exist to reduce the likelihood that people engage in crime. Without these controls, people would be free to act on their impulses and commit crime. Although a number of writers have contributed to social control theories, this presentation concentrates primarily on the formulations of Walter Reckless and his associates (Reckless, 1961; Reckless & Dinitz, 1967; Reckless et al., 1956) and Travis Hirschi (1969).

Reckless's Containment Theory

One of the earliest and best known examples of social control theory was Walter Reckless's (1961) containment theory. Like his contemporary Sutherland, Reckless was a product of the Chicago school of sociology and one of the mainstream pioneers in U.S. criminology (Gibbons, 1979). Reckless wrote an early textbook, *The Crime Problem* in 1940, and, in a much later edition, began to state his theories. **Containment theory** basically holds that individuals have various social controls (containments) that assist them in resisting pressures that draw them toward criminality. This theory attempts to account for social forces that may predispose individuals to crime as well as for individual characteristics that may insulate them from or further propel them toward criminality. Various social pressures, treated in previously discussed deterministic theories, exert pushes and pulls on the individual; these pressures interact with containments (protective barriers), both internal and external to the individual, and these containments add the element of free will in resisting criminality. Thus, the presence or absence of social pressures interacts with the presence or absence of containments to produce or not produce individual criminality.

The basic elements of Reckless's containment theory (Reckless & Dinitz, 1967; Reckless, Dinitz, & Kay, 1957) can be summarized as follows.

Layers of Social Pressures

- External pressures push an individual toward criminality. Variables impinging on an individual include poor living conditions, adverse economic conditions, minority group membership, and the lack of legitimate opportunities.
- External pulls draw individuals away from social norms and are exerted from without by bad companions, deviant subcultures, and media influences.
- Internal pressures push an individual toward criminality; they include personality contingencies such as inner tensions, feelings of inferiority or inadequacy, mental conflict, organic defects, and the like.

Containments

- Inner containments refer to the internalization of conventional behavioral values and the development of personality characteristics that enable one to resist pressures. Strong self-concept, identity, and strong resistance to frustration serve as examples.
- Outer containments are represented by effective family and near support systems that assist in reinforcing conventionality and insulating the individual from the assault of outside pressures.

Reckless and his colleagues felt that the theory was helpful in explaining both delinquency and nondelinquency, as indicated by the title of one article, "The 'Good Boy' in a High Delinquency Area" (Reckless, Dinitz, & Murray, 1957). Individuals may become predisposed toward criminality because of strong external pressures and pulls and weak inner and outer containments, whereas others with these same pressures may resist because of a strong family or through a strong sense of self. Weak containments plus strong external pressures provide the conditions for individual criminality. The attractiveness of containment theory is its general ability to subsume variables discussed in other more specific theories as well as its attempt to link the deterministic and free will models and to intersect socioeconomic factors, as well as biological and psychological factors, with individual biography.

A Critique of Containment Theory

Reckless and associates (Reckless, Dinitz, & Kay, 1957; Reckless, Dinitz, & Murray, 1957; Scarpitti et al., 1960) have attempted to verify his theory. In one study, they had teachers in a high-delinquency area nominate "good boys"; they found strong self-images as well as more conventional behavior among this group 4 years later. But critics called for more research, indicating that poor operationalization and weak methodology had plagued these studies (Schrag, 1971; Schwartz & Tangri, 1965). As a very general sensitizing theory that attempts to account for both criminogenic forces and individual responses, the containment theory is a useful descriptive model, but actual empirical specification of the process is problematic.

Hirschi's Social Bond Theory

Travis Hirschi (1969) in *Causes of Delinquency* presented his **social bond theory**, which basically states that delinquency takes place when a person's bonds to society are weakened or broken, thus reducing personal stakes in conformity. Individuals maintain conformity for fear that violations will rupture their relationships (cause them to "lose face") with family, friends, neighbors, jobs, school, and the like. In essence, individuals conform not for fear of prescribed punishments in the criminal law but rather from concern with violating their group's mores and the personal image of them held by those groups. These bonds to society consist of four components: attachment, commitment, involvement, and belief.

Attachment refers to a bond to others (such as family and peers) and important institutions (such as churches and schools). Weak attachment to parents and family may impair personality development, and poor relationships with the school are viewed as particularly instrumental in delinquency. *Commitment* involves the degree to which an individual maintains a vested interest in the social and economic system. If an individual has much to lose in terms of status, job, and community standing, they are less likely to violate the law. Adults, for instance, have many more such commitments than do juveniles. *Involvement* entails engagement in legitimate social and recreational activities that either leaves too little time to get into trouble or binds one's status to yet other important groups whose esteem one wishes to maintain. Finally, *belief* in the conventional norms and value system and the law acts as a bond to society. Like Reckless's containment theory and Matza's delinquency and drift, Hirschi's social bond theory combines elements of determinism and free will; individual choice still enters the equation.

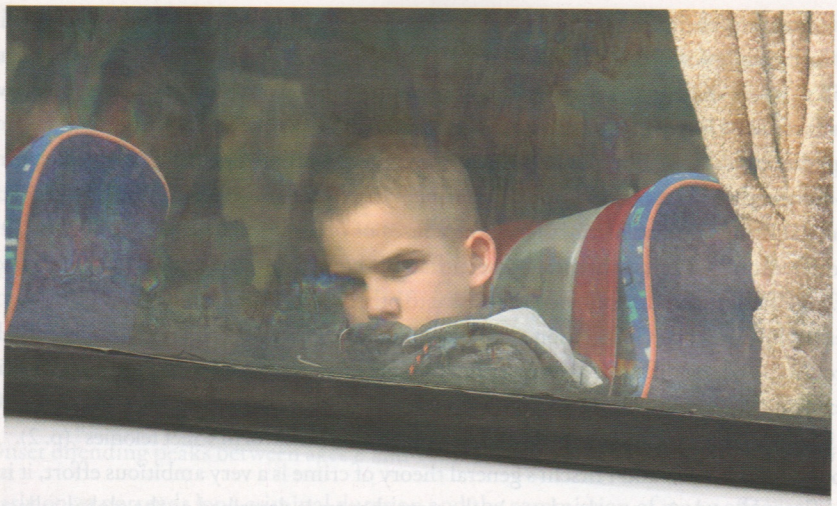


PHOTO 7.5 Many Ukrainian children are facing ruptured social bonds with family, friends, and school due to the war with Russia. A boy sits on an evacuation bus as residents of foster homes from Dnipropetrovsk Region are set to travel to the border with Romania, Mukachevo, Zakarpattia Region, western Ukraine.

Vyacheslav Madiyevskyy/Ukrinform/Future Publishing via Getty Images

A Critique of Social Bond Theory

Social bond theory has been relatively well received because as a general theory, it subsumes and is supported by many more specific findings with respect to relationships between crime or delinquency and particular variables. School performance, family relationships, peer group attachments, and community involvement as predictors of norm violation have been stock items in criminological research. Research by Hirschi (1969), a partial replication by Hindelang (1973), and a review of studies by Bernard (1987) provide some strong support for control theory. Strong parental attachments, commitment to conventional values, and involvement in conventional activities and with conventional peers were found to be predictive of nondelinquent activity. Whereas Agnew (1985) found that social control variables explained only 1% to 2% of future delinquency and that cross-sectional studies exaggerated the importance of Hirschi's theory, Rosenbaum (1987) found that the theory explained some types of delinquency better than others. The theory accounted for more crimes committed by men than women and for more substance use than violence or property offenses. Variations of social control theory have been offered by Briar and Piliavin (1965), who theorize that individuals evaluate the risk of being caught and punished once bonds are weakened, and Glaser (1978), who combines elements of differential association, control, and classical theory. Although Hirschi's social control appears to be quite useful in explaining the general process of commitment or noncommitment to delinquency, more research is certainly needed to specify and modify it. Hirschi's theory is not concerned with societal origins of crime but with individual deviation from given societal norms.

Gottfredson and Hirschi's General Theory of Crime

As a successor to his social bond theory, Hirschi joined with Michael Gottfredson in proposing another theory. Combining elements of classical, positivistic, and social control theories, (Gottfredson & Hirschi, 1990; Hirschi & Gottfredson, 1990) claim to have developed a general theory of crime. This general theory is that low self-control in the pursuit of self-interest causes crime. People low in self-control are said to be risk takers, to prefer physical to mental activities, to be short-sighted, to be aggressive, to be impulsive, to be insensitive to others, and to be risk-taking. According to Gottfredson and Hirschi, self-control is developed through socialization, specifically through parenting. Parents

who fail to monitor their children, who fail to recognize misbehavior, and who fail to punish this misbehavior create low self-control levels in their children. Low self-control is argued to cause crime in addition to other analogous behaviors such as promiscuous sex and substance use. Those with high self-control would be less likely to become involved in such activities. This theory is a general theory in that it supposed to explain all types of crimes. For instance, Hirschi and Gottfredson claim that this same self-control theory explains white-collar crime (Hirschi & Gottfredson, 1987) and that the causes of white-collar crime are not distinct from the causes of other crimes (see Cullen et al., 1991; Daly, 1989). Gottfredson and Hirschi further assert that self-control levels are stable once formed, in that those low in self-control will remain lower relative to others across time.

Glaser (1990) notes that Gottfredson and Hirschi's general theory of crime is "usefully complemented, and not contradicted, by differential association, deviant subculture, and social learning theories. These theories explain why socially disorganized neighborhoods provide the greatest opportunities, social support, and learned rationalizations for persons to express low self-control in street felonies" (p. 2).

Although Gottfredson and Hirschi's general theory of crime is a very ambitious effort, it is regarded as severely flawed in relation to what later in the next chapter is described as the global fallacy, the tendency to make a useful specific theory of crime explain all crime. Is this theory intended to explain corporate price fixing, insider trading on Wall Street, or international terrorism? Hirschi and Gottfredson also rely on the Uniform Crime Reports for their measurement of white-collar crime. This is a "baffling" (Reed & Yeager, 1991) error because, as any student of criminology is aware, the Uniform Crime Report (UCR) measures only the white-collar crimes of fraud, forgery, and embezzlement, and even these tend to be less serious cases (Steffensmeier, 1989b). The UCR is a worthless measure of white-collar crime. Reed and Yeager (1996) further point out that Hirschi and Gottfredson test their theory by focusing on white-collar crimes that most resemble conventional crimes. When Reed and Yeager examined the theory using organizational (corporate) offenders, they found it inadequate. Finally, as discussed in Chapter 3 in the section on the family, there is a tendency in this theory to commit what Currie (1985) calls the "fallacy of autonomy" (p. 185), to assume that what happens in the family (poor parenting creating low self-control) is somehow separate from other social policies, inequality, racism, unemployment, and social neglect. Despite these flaws, there is a body of research that supports the link between low self-control and a range of criminal and antisocial behaviors. A meta-analysis of work published between 1992 and 1999 revealed that low self-control was a strong predictor of crime (Pratt & Cullen, 2000) and another based on work published between 2000 and 2010 supports this finding (Vazsonyi et al., 2017).

John Hagan's Power-Control Theory

John Hagan (1989), in his **power-control theory** of crime, attempts to rectify a major shortcoming in delinquency theory: its almost total ignoring of female offenders. Viewing much delinquency as risk taking or fun, children who are exposed to strong parental controls will avoid risk, which lessens delinquency. According to John Hagan, power relationships between father and mother influence the control exercised over sons and daughters.

In traditional patriarchal households, boys are exposed to fewer controls than girls and are, therefore, greater risk takers and more delinquent than girls. In more egalitarian family structures, both sexes are subject to similar social controls and have more similar delinquency levels. Cullen and Agnew (2003) indicate that the empirical validity of John Hagan's thesis is still in doubt. The theory does not appear to address single-parent families or more serious, violent crime.

DEVELOPMENTAL AND LIFE COURSE (DLC) THEORIES

Developmental and life course (DLC) theories address three ideas:

1. The development of offending and antisocial behavior
2. Risk factors of delinquency or committing crime at different ages
3. Effects of life events on life course development (Farrington, 2003)

David Farrington (2003), one of the leading advocates of these theories, carefully delimits their purpose when he indicates that the theories are intended to explain "crimes of theft, burglary, robbery, violence, vandalism, minor fraud and drug use" as exhibited in official records and self-reports (p. 225). Thus, DLC theories are intended to apply to offending by lower class, urban men in Western society (Farrington, 2003). Developmental theories in criminology began in the 1980s with the work of Alfred Blumstein and associates (Blumstein et al., 1986) and their longitudinal studies of criminal careers. Large-scale longitudinal studies during the 1990s supplied the raw material for developmental theories. These included studies in Denver, Pittsburgh, Rochester, New Zealand, and Montreal (Huizinga et al., 2003).

Farrington (2003, pp. 223–224) identifies 10 assumptions about offending that DLC theories must explain:

1. Offending prevalence peaks between 15 and 19 years of age.
2. Onset offending peaks between ages 8 and 14, and desistance occurs between ages 20 and 29.
3. Early onset portends long criminal duration and the commission of many offenses.
4. There is continuity in offending from childhood to adolescence to adulthood. High offenders in one period tend to be high offenders in the next, even though most eventually desist from crime.
5. Chronic offenders have an early onset, high offense frequency, and long criminal careers.
6. Offenders are versatile rather than specialized, with violent offenders indistinguishable from other frequent offenders.
7. Offenders are versatile at crimes as well as antisocial behavior such as bullying, truancy, and heavy drinking.
8. Crimes in the teenage years tend to take place in groups, whereas offenses after age 20 are committed alone.
9. Prior to age 20, revenge, excitement, or anger may motivate offenders; after this age, utilitarian motives predominate.
10. The onset of different types of offenses occurs at different ages. Shoplifting takes place sooner than burglary, which occurs before robbery. Diversification in crime increases to age 20, after which specialization increases (Piquero et al., 1999). Gang membership has its onset in the teens and desistance in the early 20s.

Desistance (quitting criminal activity) after age 20 is predicted by life events such as marriage, employment, military service, and better residential environments. The task of DLC theories is to specify risk factors and protective factors for persistence or desistance after age 20. Farrington (2003) denotes a variety of DLC theories that are too detailed to cover other than in a cursory manner in this text. This includes Farrington's integrated cognitive antisocial potential (ICAP) theory, which features his key variable of antisocial potential (AP).

Farrington's Antisocial Potential (AP) Theory

As one example of a developmental theory, Farrington's ICAP **antisocial potential (AP)** theory posits that relatively few people have high AP or potential to commit antisocial acts. Long-term AP involves impulsiveness, strain, and life events, whereas short-term AP depends on situational and motivating factors. Desires for material goods, peer status, excitement, and sexual experience combined with antisocial means of satisfying these needs that are denied legitimately result in high AP. Attachments, the socialization process, and other factors associated with the individual and their social environment affect AP.

Other DLC theories include Catalano and Hawkins's (1996) social development model (SDM), which explores the balance between antisocial and prosocial bonding. The prosocial pathway rewards

prosocial behavior, whereas the antisocial pathway leads to antisocial bonding. Offending in teenage years is affected primarily by bonding to antisocial peers, and life events such as marriage and moving out of the city lead to desistance. Terrie Moffitt (1999) distinguishes between life course persisters (LCP) and adolescence-limited offenders (AL). She posits that LCP offenders begin engaging in delinquency at an early age, engage in serious offending, and persist in their offending into adulthood. AL offenders, on the other hand, dabble in delinquency during adolescence but do not engage in serious, violent offending. They age-out of offending as they enter adulthood. LCP is predicted by neuropsychological problems such as hyperactivity, impulsivity, low self-control, and childhood temperament (Farrington, 2003). LCPs fail to learn prosocial behavior, whereas AL offending is only temporary.

Marc LeBlanc (1996) proposed an integrated control theory, which argues that bonding and personality affect modeling and constraints that influence offending. Social disorganization, rational choice, self-control, and opportunities all influence crime commission. Terence Thornberry and Marvin Krohn's (2001) interactional theory sees offending (onset, duration, and desistance) as affected by other life course trajectories such as attachment to parents and commitment to school and work. Social class, race, and neighborhood influence behavioral trajectories. Causal processes (poverty, ineffective parents) interact with negative temperament and neuropsychological defects. Rolf Loeber et al. (1993), on the basis of their Pittsburgh longitudinal study, suggest different pathways to crime and delinquency. These include an "authority conflict pathway," which features stubborn behavior that leads to disobedience and defiance, and a "covert pathway" characterized by lying, property destruction, and street crime. The "overt pathway" involves aggressive acts. Perhaps the best known of recent DLC theories is found in the writings of Robert Sampson and John Laub.

Sampson and Laub's Life Course Criminality

Robert Sampson and John Laub, in "Life-Course Desisters?" (2003), look at social bonds as they affect adult offending and examine continuities and change in criminality over time. What accounts for persistence or desistance in adult criminal behavior? Sampson and Laub find the answer in social interaction with adult institutions of social control, particularly jobs and marital relations that serve as inhibitors of crime. The life course is defined as pathways through the age differential life span, during which events take place that influence life stages, transitions, and turning points. Trajectories and transitions are key components in life course theory. The timing and ordering of significant life events affect criminality. A trajectory is a long-term pathway such as work life, marriage, parenthood, self-esteem, and criminal behavior. Transitions are specific events that take place in these trajectories such as a first job or first marriage. The same event followed by adaptations may lead to different trajectories (Sampson & Laub, 2003).

Sampson and Laub contend that childhood antisocial behavior is associated with a variety of later adult misconduct, such as offenses in the military, educational failure, employment instability, and marital discord. Furthermore, they posit that "social bonds to adult institutions of informal social control (e.g., family, education, neighborhood, work) influence criminal behavior over the life course despite an individual's delinquent and anti-social background" (Sampson & Laub, 2003, p. 562). The importance of social controls varies across the life course. In childhood and adolescence, family, school, and peer groups are important; in early adulthood, higher education, training, work, and marriage take precedence; and in later adulthood, work, marriage, parenthood, and community become important.

In developing their theory, Sampson and Laub did a secondary analysis (reanalysis) of longitudinal data gathered by Sheldon and Eleanor Glueck (1950), which had begun in the 1930s. The Gluecks had followed matched cohorts of 500 delinquent and 500 nondelinquent boys. Involving detailed follow-up with parents, teachers, and officials, the boys were interviewed at age 14, age 25, and age 32 and measured on a wide range of variables, including biological, sociological, and psychological. In examining the Glueck data, Sampson and Laub found that, when social bonds are weakened, delinquency increased. In addition, adult bonds such as marriage and jobs also explained criminality beyond earlier delinquency. Strong social relationships were also found to build social capital (what Hirschi called stakes in conformity) that inhibit deviance.

In 2003, Sampson and Laub published the longest longitudinal study in criminological history. The follow-up on the Gluecks' data tracked their cohort from age 7 to age 70. Examining whether they

could identify a distinct offender group whose crime persisted with increasing age and the effect of individual, childhood, and family background on offending trajectories, they came up short, finding that crime declined with age eventually for all offenders. Desistance worked for even the most active offenders and life course persisters. Even childhood background predictors were ineffective in predicting long-term offending trajectories. All offenders were life course desisters in that all desisted but at different times in the life course.

Recent work has built off of the ideas put forth by the Gluecks and Sampson and Laub to try to explain why people age out of crime. Some of this work argues that moving away from a life of crime is tied to identity changes (Maruna, 2001) or cognitive shifts that make people more open to change (Giordano et al., 2002). Others note that psychosocial maturity is tied to desistance. As people develop the ability to rely on themselves and to take others point of views into account, along with changes in temperance, they are likely to desist from crime (Giordano et al. 2002). Still others note that civic engagement influences desistance or that desistance is tied to prefrontal lobe development that finalizes during people's 20s. These concepts related to development and maturation have been combined into an integrated maturation theory to explain why some people desist from crime (Rocque, 2021).

DLC theory has been very popular and influential both in the field of criminology and in juvenile justice policy making. It has been endorsed by the Office of Juvenile Justice and Delinquency Prevention as a component of its comprehensive plan for delinquency prevention. It has also been adopted by states such as Washington and Pennsylvania.

The Theory–Policy Connection

Mainstream sociological theories are primarily concerned with how criminal values are transmitted. For Merton, crime originates in the American dream itself, a strain between generally accepted criteria for success and the lack of adequate means for many to achieve this success. This permeates American society and its institutions. Criminality is learned and culturally transmitted. It is due to social disorganization in pathological environments. Routine activities theory became popular as an explanation in the field of private security. By reducing and guarding targets better, crime is, we hope, reduced. Table 7.3 outlines some of these theory–policy connections.

TABLE 7.3 ■ The Theory–Policy Connection

Theory	Basic Assumptions About Crime Causation	Policies
Anomie	Anomie lessens social control and creates deviance	Policies to create greater opportunities and to improve neighborhoods
Social process	Social disorganization, routine activities, subculturally transmitted, subterranean values	Eradication of slums, War on Poverty
Social control	Containment theory, weakened social bonds, and poor self-control	Programs to strengthen the family, Head Start Job Corps, Comprehensive Employment and Training Act
Developmental/ life course	Crime over the life course: onset, persistence, desistance	Expand opportunities, strengthen institutions

As socially disorganized urban areas were believed to cause crime, policy strategies to eradicate such blight and to improve community in such settings became predominant. Johnson's War on Poverty was heavily based on strain theory. Increasing opportunity was emphasized. Cloward and Ohlin, whose writings heavily influenced the Kennedy administration, developed a Mobilization for Youth Program that emphasized improving opportunities for disadvantaged youth. The programs were all optimistic and assumed that crime could be stamped out if only more opportunities could be created. Other programs of this era were Head Start, Job Corps, the Comprehensive Employment and Training Act, and

affirmative action. Programs to strengthen the family derived from social control theories. The emphasis was on strengthening institutions rather than punishment and deterrence.

Mainstream sociological theories are highly optimistic and assume that social policies that address poverty, the lack of opportunities, better neighborhoods, education, families, unemployment, and other factors of social disorganization will reduce crime. Crime is viewed as a presenting problem for other deeper, underlying problems in society, and the belief is that addressing crime alone without examining the social system as a whole will be ineffective.

CRIME & THE MEDIA 7.1 SOCIOLOGICAL MAINSTREAM THEORIES

Despite theories and research testing theories providing guidance as to who is most likely to commit crime and where crime is likely to occur, the media do not always give coverage to those stories that actually represent these "typical" crimes and people who commit them. Instead, research by Sorenson and colleagues (1998) revealed that homicides occurring in neighborhoods with the highest income level were about two times as likely to be covered by the media than homicides occurring in the lowest income areas. Paulsen (2003) furthered this research by investigating not just coverage but also the length of coverage. This research found that neighborhood income levels were positively associated with word count and the number of articles homicides received. This focus on serious crime events that happen in neighborhoods that are likely socially organized may influence how people perceive crime risk and where resources should be concentrated. What do you think this coverage means for people's understanding of how neighborhoods influence crime?

SUMMARY

Theory is necessary for capturing the essence of criminology. The major mainstream sociological theoretical approaches in criminology are mainstream theories (anomie, social process, and social control approaches).

Émile Durkheim is the father of the anomie tradition, which also includes Merton's notion of anomie and personality adaptations, Cloward and Ohlin's differential social organization, and Cohen's theory that delinquency is a lower class reaction to middle-class values. Whereas Durkheim viewed anomie as a state of normlessness, a moral malaise experienced by individuals when they lack clear-cut guidelines, later theorists such as Merton adapted the theory to refer to a situation that results from a gap between societal goals and the means provided to achieve them. This, according to Merton, results in modes of personality adaptation: conformity, innovation, retreatism, ritualism, or rebellion. Cloward and Ohlin argued that the juvenile subculture gang response to anomie depends on the differential social organization (legal and illegal opportunity structures) in the neighborhood. Depending on the type, one of three juvenile delinquent subcultures may emerge: the criminal, conflict, or retreatist. Cohen's theory of delinquency presents it as lower class reactions to unobtainable or rejected middle-class values such as ambition, verbal skills, nonviolence, and the like. He views much delinquency as nonutilitarian, malicious, and negativistic.

The *social process tradition* concentrates on learning, socialization, and subcultural transmission of criminal values. Originating in the work of the Chicago school of sociology in the 1920s and 1930s, particularly with the works of Burgess (concentric zone model), Park (natural areas), and Wirth (urbanism as a way of life), human ecology was seen, at least initially, as an organizing perspective. This approach examines the interrelationship between humans and their physical and social environment. Included among better known Chicago school criminologists are Clifford Shaw, David McKay, and Edwin Sutherland.

Making extensive use of maps and official statistics, Shaw and McKay viewed delinquency as reflecting the social disorganization of areas in which individuals lived, so delinquency was less a matter of individual abnormality and more a matter of cultural transmission or social learning. Concern that Shaw and McKay committed the ecological fallacy (attributed group characteristics to individuals) may be alleviated by the fact that they performed a number of case studies of criminals. Cohen and Felson's routine activities approach views crime as related to everyday, normal activities such as the proliferation of consumer goods and the lack of guardians. Sutherland's differential association theory, probably still the most popular theory in U.S. criminology, states that individuals become predisposed toward criminality because of an excess of contacts that advocate criminal behavior, contacts that vary according to frequency, priority, intensity, and duration. Differential association aims at describing the process by which crime is transmitted but does not address itself to origins of crime. Miller's theory of delinquency views it as reflecting the focal concerns of the lower class, such as an emphasis on trouble, toughness, smartness, excitement, fate, and autonomy.

David Matza's delinquency and drift theory claims that individuals are often in limbo or an uncommitted status between delinquent and nondelinquent behavior. He and Gresham Sykes view people involved in delinquency as acting out subterranean values (underground values that exist along with more conventionally approved values) and using techniques of neutralization (rationalizations) to justify their behavior.

Social control theories argue that individuals deviate when removed or weakened. Reckless's containment theory views containments (Walter Reckless) or social bonds (Travis Hirschi) as individuals resisting or giving in to various pressures based on social controls (self-concept or close support systems). Hirschi's social bond theory states that delinquency arises when bonds to society are reduced and the individual has fewer stakes in conformity. These bonds consist of attachment, commitment, involvement, and belief.

Developmental and life course criminality theories are an attempt to track the onset, persistence, and desistance of criminal behavior. They represent an effort to track crime commission longitudinally.

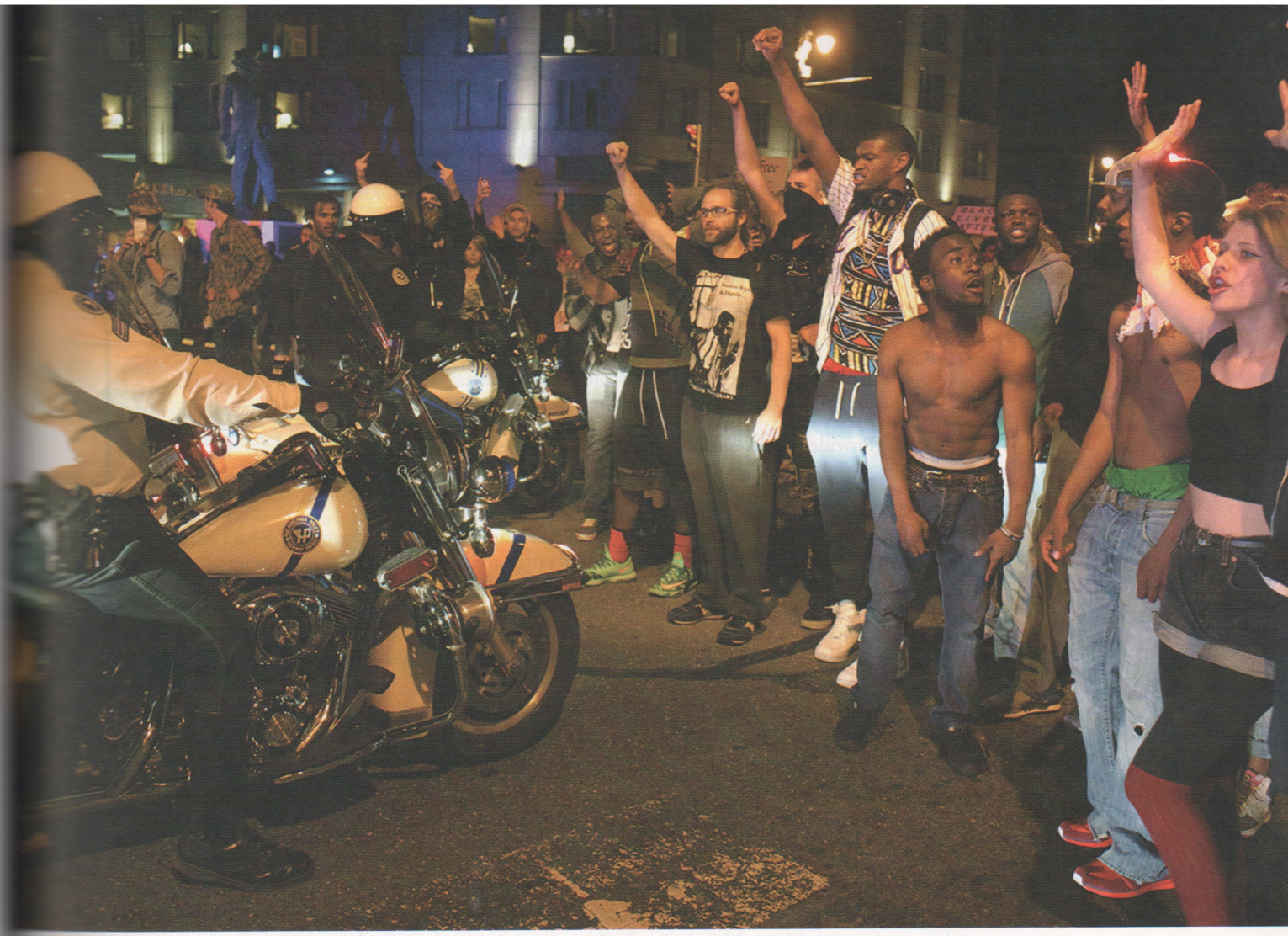
KEY CONCEPTS

anomie (p. 157)
antisocial potential (AP) (p. 179)
Chicago school (p. 164)
containment theory (p. 175)
delinquency and drift (p. 172)
desistance (p. 179)
developmental and life course (DLC) theories (p. 178)
differential association theory (p. 168)
differential opportunity theory (p. 163)
ecological fallacy (p. 167)
focal concerns (p. 171)
human ecology (p. 165)
looking-glass self (p. 168)
lower class reaction theory (p. 162)
modes of personality adaptation (p. 159)
natural areas (p. 165)
power-control theory (p. 178)
social bond theory (p. 176)
social control theories (p. 175)
social disorganization theory (p. 166)
soft determinism (p. 172)
subcultural theories (p. 162)
subterranean values (p. 172)
techniques of neutralization (p. 173)

REVIEW QUESTIONS

1. How does Merton's concept of anomie differ from that of Durkheim? What is your assessment of the usefulness of Merton's anomie or strain theory in explaining crime in the United States?
2. What contribution did the Chicago school of sociology make to the study of criminology?

3. What are Sutherland's differential association theory's assumptions regarding crime causation?
4. What is Miller's notion of delinquency, reflecting the focal concerns of the lower class? How does this differ from Albert Cohen's notion of delinquency being a lower class reaction to middle-class society?
5. David Matza had three important concepts: delinquency and drift, subterranean values, and techniques of neutralization. Discuss each of these and explain how they explain delinquency and crime.
6. Discuss Reckless's containment theory. What are some containments that enable individuals to overcome the various layers of social pressures?
7. What is the major premise of social bond theory? How do these bonds vary for each individual? What have been some criticisms of this theory?
8. What is your assessment of Gottfredson and Hirschi's general theory of crime?
9. How do mainstream sociological theories differ from the earlier classical, economic, ecological, and positivistic theories?
10. What is routine activities theory? Give an example of the practical application of this theory.



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8 SOCIOLOGICAL CRITICAL THEORIES AND INTEGRATED THEORIES

LEARNING OBJECTIVES

8.1 Compare and contrast critical and mainstream theory.

8.2 Discuss labeling theory and the concept of secondary deviance.

8.3 Summarize the basic elements of conflict criminology.

8.4 Compare feminist criminology with mainstream criminology.

8.5 Identify the emerging perspectives in new critical criminology.

8.6 Describe radical criminology's view on capitalism and crime.

8.7 Provide examples of how theories of crime can be integrated.

8.8 Describe the importance of crime typologies and the influence they have on criminology.

8.9 Evaluate the limitations of theoretical range and criminological explanations.

8.10 Identify the connections between sociological critical and integrated theories on crime policies.

MAINSTREAM VERSUS CRITICAL CRIMINOLOGY

The general characteristics of mainstream criminology, although subject to variation in individual anomie, social process, or social control theories, include the following (Gibbons, 1979; Gibbons & Garabedian, 1974):

- An emphasis on criminal behavior rather than on the criminalization of behavior. Emphasis had been on the person who committed crimes rather than on the social control machinery.
- A consensus worldview in which the existing society and its operations are perceived as relatively viable or unquestioned.
- A critical, sometimes cynical stance with respect to societal institutions, combined with a liberal optimism on reform measures.
- A mild pessimism regarding the perfectibility of the criminal justice system but willingness to work within the established social order.
- Advocating the rehabilitation of offenders and their adjustment to the status quo.
- A positivistic orientation that stresses objectivity and empirical analysis.

Much contemporary criminological theory fails to address the full range of criminal behavior and confines its theorizing to the measurable, official crime and delinquency and lower level white-collar crimes. It is unclear whether John Gotti, Bernard Madoff, Oliver North, or Osama bin Laden lacked self-control, had no bonds to society, or experienced strain, and it is unclear whether executives at General Electric, North American Rockwell, Volkswagen, General Motors, or Ford fit traditional "lambda" profiles (rates of offending), have certain personalities, or should be the subjects of "three strikes and you're out" provisions.

Critical criminology consists of a variety of perspectives that challenge basic assumptions of mainstream criminology. It is espoused by a group of U.S. thinkers who emerged in the 1960s and 1970s and who have been variously labeled as representatives of "conflict," "radical," "new," "critical," or "Marxist" criminology. Inciardi (1980) explains,

> The perspective is new and radical in that it departs somewhat from the mainstream or traditional criminological emphases on the nature and etiology of criminal behavior; it is conflict

> oriented and critical in that it focuses more fully on value and cultural differences, social conflicts, racism, and sexism in the mid-sixties, as sources of crime and deviance in contemporary society; and it is Marxist in that a number of its representatives argue that law and, by extension, crime and the structure of individual and group interactions which support legal codes flow from the manner in which the relations of economic production are organized (p. 7). Beginning in the mid-sixties, critical criminologists sought to examine how conflict and power were involved in bringing about crime and inequities in the criminal justice system (Lilly et al., 2015, preface).

Critical criminology consists of fivemajor types of theoretical approach (each detailed shortly): the labeling (societal reaction) perspective, conflict theory, and the feminist, new critical, and radical (Marxist) viewpoints. Here are some common characteristics of critical criminology:

- Crime is a label attached to behavior, usually that of the less powerful in society.
- More powerful groups in society control this labeling process to protect their vested interests.
- The conflict model rather than the consensus model explains the criminalization process.
- Crime is often a rational response to inequitable conditions in capitalistic societies.

More extreme statements advocate a critical philosophy and **praxis (practical critical action)** as opposed to value-free scientific inquiry.

Although views of critical criminologists diverge, making it difficult to identify unitary themes, critical criminologists perceive themselves as making a radical break with a consensus, ameliorative (to reduce negative effects of environment), and essentially conservative worldviews. Critical criminologists view their mainstream counterparts as handmaidens or social technicians for the status quo and see themselves as champions of the underdog and sometimes as prophets of a new social order. They feel that mainstream theories seem to ignore economic, racial, and sexual inequality. Milovanovic (1996) sees more recent critical criminology as an outgrowth of radical and feminist criminology of the 1970s and 1980s. Table 8.1 outlines the major approaches to critical theory. It also includes an outline of integrated theories.

The discussion of critical criminology begins with labeling (societal reaction) theory, followed by conflict, feminist, new critical, and radical criminological theory.

LABELING THEORY

Although there were precedents, labeling theory (sometimes called the societal reaction perspective) became a major criminological approach in the 1960s, primarily in the United States. Labeling theorists base their point of view on *symbolic interactionism*, a school of thought that emphasizes the subjective and interactional nature of human experiences. Derived from the writings of George Herbert Mead and Charles Horton Cooley and expressed later in the work of Herbert Blumer, George Homans, and Harold Garfinkel, with variations called exchange theory, ethnomethodology, and role theory, the emphasis in symbolic interactionism is on analysis of subjective meanings of social interaction as perceived from the standpoint of the actor. Individuals perceive the meaning of their activity through the reaction of others.

Labeling theory says that individuals are deviant mainly because they have been labeled as deviant by social control agencies and others. The notion of deviance is not inherent in the act itself but rather in the reaction and label attached to the actor; that is, crime is a label and not an act. Frank Tannenbaum (1938) called the process of attaching a label to deviants "the dramatization of evil." He viewed this criminalization process as a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits complained of (pp. 19–20).

TABLE 8.1 ■ Critical and Integrated Criminological Theories

Theoretical School	Major Themes/Concepts	Major Theorists
Critical		
Labeling	Societal reaction Crime as label, status	
	Secondary deviance	Lemert
	Dramatization of evil	Tannenbaum
	Shaming theory	Braithwaite
Conflict	Numerous groups competing for power, influence, and dominance	Dahrendorf
	Pluralistic model	Vold
	More powerful groups define criminal law	Turk
	Race is a factor in the application of criminal justice	Du Bois
	Social class is a factor in the application of criminal justice	Reiman
Feminist	Feminist criminology	Daly
	Androcentric bias	Chesney-Lind
	Patriarchy	Messerschmidt
New critical	Left realism Realistic social policy	Young, DeKeseredy
	Peacemaking	Quinney, Pepinsky, Henry, Pfoh
	Postmodernism	Milovanovic
Radical (Marxist)	Capitalism causes crime	Quinney, Chambliss
Integrated		
Integrated theory of juvenile delinquency	Combines strain, social control, and learning theories	Elliott
Interactional theory of delinquency	Combines social structure, social control, and social learning theories	Thornberry

Note: See Tables 5.1, 6.1, and 7.1 for other theoretical approaches in criminology.

Along with Edwin Lemert (1951), Howard Becker (1963, 1964), Edwin Schur (1969, 1971), and others, Tannenbaum and the labeling theorists attempted to shift criminological inquiry from the deviant act to the machinery of social control and societal reaction. In a sense, this reverses the usual process of analysis; rather than assuming that criminal behavior causes societal reaction, it posits that societal reaction causes criminal behavior.

Schrag (1971) summarizes some of the basic assumptions of labeling theory:

- No act is intrinsically criminal.
- Criminal definitions are enforced in the interests of the powerful.
- A person does not become a criminal by violation of the law but only by the designation of criminality by authorities.

- Due to the fact that everyone both conforms and deviates, people should not be dichotomized into criminal and noncriminal categories.
- The act of getting caught begins the labeling process.
- Getting caught and decision making in the criminal justice system are a function of the offender as opposed to offense characteristics.
- Age, socioeconomic class, and race are the major offender characteristics that establish patterns of differential criminal justice decision making.
- Labeling is a process that eventually produces identification with a deviant image and subculture and a resulting "rejection of the rejecters."

Lemert's Secondary Deviance

Two important concepts in labeling theory are Edwin Lemert's (1967) notions of primary deviance and secondary deviance. **Primary deviance** refers to the initial deviant act itself, whereas **secondary deviance** is concerned with the psychological reorganization the individual experiences as a result of being caught and labeled as a deviant. Once this stigma or discrediting mark or status is attached, the individual may find it very difficult to escape the label and may come to identify with this new deviant role.

Deviant behavior, then, is viewed as having been created in society by control agencies representing the interest of dominant groups (Piven, 1981). For Lemert (1967), the usual approach to analyzing deviance is reversed. He states,

> This is a large turn away from the older sociology which tended to rest heavily upon the idea that deviance leads to social control. I have come to believe that the reverse idea, i.e., social control leads to deviance, is equally tenable and the potentially richer premise for studying deviance in modern society. (p. v)

Cullen and Agnew (2003) give the example of sexual assault on women. In the past, designation of rape was reserved for victimizations by strangers in which physical injuries have occurred—what Estrich (1987) said the criminal justice system at the time considered to be "real rape." Women's rights groups challenged this and broadened the label to include date rape, or sexual assaults committed in intimate relationships. A new reality was constructed, and rape was broadened to include a wider range of victimizations.

Sociologist Howard Becker (1963) has coined the term *moral entrepreneurs* to describe agents or officials who are concerned with creating and labeling new categories of deviance to expand the social control function of their organization. In Becker's view, deviance, rather than being inherent in the quality of the act, is so designated only by societal reaction and the subsequent labeling or stigmatization process.

A Critique of Labeling Theory

Some of the criticisms of the labeling perspective include the following:

- Labeling theory is overly deterministic and denies individual responsibility. Akers (1967) dramatically states,

> Those of this school come dangerously close to saying that the actual behavior is unimportant. . . . One sometimes gets the impression from reading this literature that people go about minding their own business, and then "wham," bad society comes along and slaps them with a stigmatized label. Forced into the role of deviant the individual has little choice, but to be deviant. This is an exaggeration of course, but such an image can be gained easily from an overemphasis on the impact of labeling. (p. 46)

- Violators of societal rules are not passive robots of societal reaction.

- Some acts are universally regarded as intrinsically "wrong" (C. Wellford, 1975). Although labeling theorists have concentrated on public order crimes where the model may be more appropriate, they tend to generalize to all forms of deviance. Murder, forcible rape, aggravated assault, and robbery are more universally regarded as mala in se (wrong in itself). Schur (1971) observes, "Borderline forms of deviance seem to be especially good candidates for labeling analysis and those deviations on which widespread consensus exists (homicide, incest, and so on) less promising candidates" (p. 14).
- The societal reaction approach pays inadequate attention to the causes of the initial deviant act, almost as if to say that the social control agencies cause crime.
- Although labeling theorists citing self-report surveys argue that nearly everyone commits crime, their argument seems to suggest that labels are attached capriciously, almost randomly. In fact, offenders involved in serious crimes are more likely to be labeled.
- C. Wellford (1975), on the basis of a review of Schrag's assumptions and the existing empirical evidence in criminology and the social sciences, concluded, "The assumptions underlying the theory are at significant variance with the data as we now understand it, or are not crucial to the labeling perspective" (p. 343).

Robert Bohm (1997) offers some additional criticisms of labeling theory:

- In siding with the "underdog," labeling theorists tend to romanticize the offender as someone reacting to an unjust society. Most of these offenders are victimizing others from the same social group and are committing real harm and suffering.
- Labeling is not a theory but a "sensitizing concept."
- It does not explain primary deviance. The label does not create the initial act. In some instances, people develop criminal self-images without ever being labeled. Bohm (1997) indicates, "Furthermore, if the delinquent label is so stigmatizing, why do most delinquents not engage in adult criminality. . . . Why do most criminals stop their illegal activities when they reach middle age?" (p. 117).
- Labeling theory ignores individual differences among people who commit crimes, for example, low-risk versus high-risk criminal activity.
- The theory has a simplistic view of the criminalization process and the differential power of label makers.
- Does the process of labeling create more crime than it prevents? The answer is unknown.

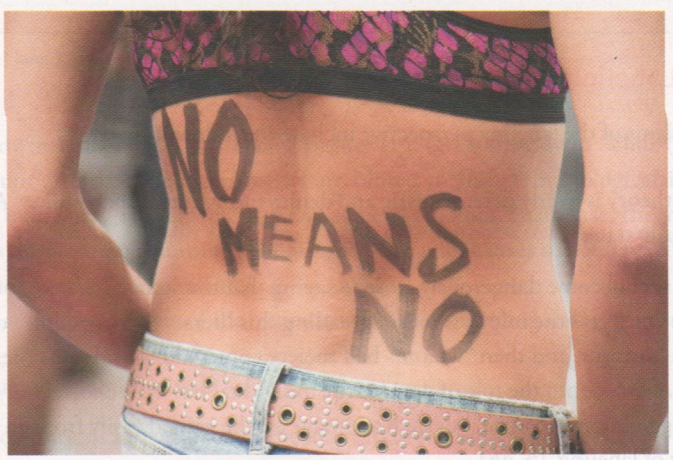


PHOTO 8.1 A female protester with "No Means No" written on her back broadens the definition of rape to include date rape or sexual assaults committed in intimate relationships.

John Cornicello/Alamy Stock Photo

By focusing primarily on the social control machinery, labeling theory has obvious inadequacies as a general theory of criminality, but this focus on societal reaction corrected an overly conservative, positivistic approach to criminological theory, a tradition to be even further challenged by conflict criminology. Although critics are correct that studies of the enforcement laws and administration of justice for traditional crimes (murder, rape, and the like) do not indicate bias (C. Wellford, 1975), this does not therefore repudiate the labeling point of view because it still does not speak to the conflict perspective that acts committed by the poor are more likely to be labeled criminal than acts committed by the wealthy. Labeling theory appears to have some validity with respect to areas of deviant behavior, such as mental illness, and in highlighting the lack of stigmatization in many areas of organizational and occupational crime, but it has clearly been repudiated when attempts have been made to apply it to traditional and universally condemned crimes such as murder.

John Braithwaite's Shaming Theory

John Braithwaite's (1989a) **shaming theory** argues that stigmatizing shaming of offenders makes matters worse and increases crime. Such a process makes the offender an irredeemable outlaw, irreconcilable with the community. In a sense, the person is made into a permanent persona non grata and has little choice but to associate with similarly stigmatized persons. Braithwaite calls for "reintegrative shaming," efforts to reintegrate the offender back into the community. He claims that this is practiced in Japan and is one of the reasons for that country's low crime rate. Significantly, Braithwaite (1989b) applies his theory to organizational offenders, an admirable effort given criminological theory's obsession with juvenile delinquency. Acceptance back into the conventional society reinforces conventional social bonds and reduces recidivism.

CONFLICT CRIMINOLOGY

Conflict theory in sociology has a long tradition, beginning with Georg Simmel (1955) in his *Conflict and the Web of Group Affiliations*, originally published in English in 1908. Criminological expressions of this tradition can be traced to Marx and Bonger, discussed in Chapter 5, and later to Ralf Dahrendorf (1959) and George Vold (1958). In Chapter 1, we made a distinction between the consensus model, which views criminal law as originating in agreement of the majority, and the conflict model, which points to a conflict of interest among groups in which the dominant group controls the legal machinery of the state. The initial edition of Vold's *Theoretical Criminology* (1958) was the first to be extensively based on the conflict approach. Thorsten Sellin's (1938) notion of culture conflict as an explanation of crime is also part of this tradition. Sellin viewed criminal law as originating in cultural or normative conflict in which more powerful groups in society are able to make laws that reflect their norms and values.

Ralf Dahrendorf reformulated Marxian theory in *Class and Class Conflict in Industrial Society* (1959), proposing a more pluralistic conflict theory that depicts numerous groups competing for power, influence, and dominance. Although Dahrendorf did not specifically speak to the crime issue, his theoretical work influenced much of the conflict tradition in criminology.

George Vold's *Theoretical Criminology* (1958), subsequent editions of which were posthumously updated by Thomas Bernard (Vold, 1979, 1986; Vold et al., 2002), builds on the work of Dahrendorf. Vold (1979) proposed that society is made up of a variety of continually competing interest groups and that conflict is one of its essential elements, with more powerful groups able to have the state formulate laws in their interests. In Vold's view, many criminal acts represent challenges by subordinate groups to the existing dominant group's control, although he seems to restrict this explanation to issues related to political-ideological conflicts such as political reform movements, union conflicts, civil rights disputes, and the like. Crime, then, can be explained as a product of intergroup conflict that expresses the political struggle of these groups. Although Vold's theory does not adequately explain irrational, personal, violent acts, his emphasis on the conflict basis of criminal law had a profound impact on later theories.

As indicated previously, a number of tags are used to refer to the "new" or emergent conflict criminology in the 1970s. It is at times difficult to distinguish between conflict criminology (which, as

expressed by Vold and Dahrendorf, proposes a pluralistic model with a variety of competing groups) and radical criminology (which generally espouses an orthodox, neo-Marxian ideological view). Austin Turk has been one of the more persistent advocates of conflict criminology. Many figures to be discussed, particularly William Chambliss and Richard Quinney, demonstrate theoretical evolution from early conflict orientation to later, more Marxian conceptions. The pluralistic conflict approach assumes that different class, racial, ethnic, and subculturally distinct interest groups vie for political dominance and the assistance of the legal machinery of the state to protect their interests. Unlike the situation with the Marxian model, no one group dominates completely.

The Political Nature of Criminal Law: Austin Turk

Austin Turk (1969a, 1972, 1980) has been a prolific writer in the conflict perspective. His view can be summarized in the following propositions:

- Individuals are different in their understandings and commitments.
- Divergence leads to conflict.
- Each conflicting party tries to promote his or her own views.
- This leads to a conscious struggle over the distribution of resources.
- People with similar beliefs tend to join forces and develop similar understandings and commitments.
- Continuing conflicts tend to become routine and develop into stratification systems.
- Such systems exhibit economic exploitation, sustained by political domination in all forms.
- The relative power of conflicting parties determines their hierarchical position as well as changes in the distribution of power.
- Human understandings and commitments are dialectical, characterized by continual conflict (Turk, 1980, pp. 82, 83).

Turk's theory, although abstract, alerts us to the political nature of criminal law as well as to the pluralistic conflict basis of such norms.

Conflict Theory: William Chambliss and Richard Quinney

Other statements of conflict theory are in the early works of William Chambliss (Chambliss & Seidman, 1971) and Richard Quinney (1970a, 1970b); their later writings would evolve into more radical perspectives. Chambliss and Seidman viewed criminal law as representing the interests of the most powerful forces in society and deviance as a political rather than moral question. Richard Quinney in *The Social Reality of Crime* (1970b, pp. 15–23) presented six propositions describing the relationship between crime and the social order:

1. Crime is a definition of human conduct created by authorized agents in a politically organized society.
2. Criminal definitions describe behaviors that conflict with the interests of segments of society that have power to shape public policy.
3. Criminal definitions are applied by segments of society that have power to shape the enforcement and administration of criminal law.
4. Behavior patterns are structured in segmentally organized society in relation to criminal definitions, and within this context, persons engage in actions that have relative probabilities of being defined as criminal.

5. Conceptions of crime are constructed and diffused in the segments of society by various means of communication.

6. The social reality of crime is constructed by the formulation and application of criminal definitions, the development of behavior patterns related to criminal definitions, and the construction of criminal conceptions.

Critics of Quinney's formulations argue that his propositions oversimplify reality and that many represent statements rather than necessarily empirically supported propositions (Manning, 1975). A more detailed critique is provided at the conclusion of this chapter.

Conflict Criminology and Race: W. E. B. Du Bois

Chambliss, in a classic study in conflict criminology, examined the vagrancy laws in 14-century England that made it illegal to give alms to anyone who was able but unemployed. Due to the plague, there was a vast need for labor. W. E. B. Du Bois, pictured in Photo 8.2, did a similar analysis, and as pointed out by Gabbidon (1999), he represents a neglected conflict criminologist. Although most of his activities were associated with civil rights activity, Du Bois's academic publications included his book *The Philadelphia Negro* (1973). As Gabbidon indicates, his most important work concerning conflict theory was "The Spawn of Slavery: The Convict-Lease System in the South" (Du Bois, 1901). According to K. K. Russell (1992), Du Bois may also be considered the founder of Black criminology. Similar to Chambliss's study of vagrancy laws, Du Bois discussed the enactment of the Black Codes and convict lease system by the Southern oligarchy as a means to compensate for lost labor and profits as a result of emancipation. The courts meted out two forms of justice: different sentences for white and Black people. As Gabbidon (1999) indicates, "African-Americans were criminalized to secure the necessary labor for aristocracy" (p. 4). The fact that Du Bois's work may have represented one of the earliest scientific works on crime but was ignored by early American criminology illustrates the Eurocentric bias, or the dominance of criminological discourse by writers of European descent and the ignoring of works by those of African descent (H. T. Green, 1979; Ross & Edwards, 1998; Unnever & Gabbidon, 2011; Young & Sulton, 1991).



PHOTO 8.2 W. E. B. Du Bois (1868–1963) may be considered the founder of Black criminology.

GL Archive / Alamy Stock Photo

Conflict Criminology and Social Class: Jeffrey Reiman

In *The Rich Get Richer and the Poor Get Prison*, Jeffrey Reiman (1998) argues a conflict perspective that includes the following propositions:

- Acts that are not treated as crimes pose at least as great a danger to the public as those that have been criminalized.
- Acts that are criminalized are generally those of the poor.
- The system often fails to treat as criminal the dangerous acts of the wealthy and powerful.
- The failure of the criminal justice system in fighting street crime conveys an important ideological message, that the greatest danger to the average citizen is from below them on the economic ladder.
- Crime in the suites should be prosecuted in the same manner as crime in the streets, and all acts should be prosecuted in proportion to the actual harm they produce.

Reiman (1984) concludes, "Every step toward economic and social justice is a step that moves us from a system of *criminal* justice to a system of criminal *justice*" (p. 162).

FEMINIST CRIMINOLOGY

Feminist criminology comes in a variety of forms but shares in common the general theme that "malestream" (male mainstream; McDermott, 1979; Renzetti, 1993) approaches to criminology express an androcentric bias and exclude women from their analysis. Emphasizing various perspectives including Marxist, interactionist, and critical theory, feminist writers view dominant empirical positivism as failing to include gender as a central force, blind to its ideological bias, and ignoring women. Their view is that much nonfeminist research is sexist due to cultural beliefs and to a preponderance of perspectives that assume traditional gender roles. This bias expressed itself in the past, particularly on topics such as rape and domestic violence.

A huge literature now exists on feminist theory in criminology (see Belknap, 1996; Bowker, 1998; Chesney-Lind & Shelden, 1998; Daly & Tonry, 1997; Dobash et al., 1995; Messerschmidt, 1997; S. L. Miller, 1998; Muraskin, 2000; Rafter & Maher, 1995; Simpson & Ellis, 1995). Three general areas of crime have received the most attention in feminist theories: the victimization of women, gender differences in crime, and gendered justice (the differential treatment of women in the justice system; Bohm, 1997). Crime is examined as it is related to gender-based inequality. There are a variety of approaches under the rubric of feminist criminology.

The publication of Freda Adler's *Sisters in Crime: The Rise of the New Female Criminal* (1975) was a landmark in criminology. Merlo and Pollock (2013) point out that the important difference between Adler's work and that of earlier work was the notoriety it obtained. *Sisters in Crime* moved the agenda on female crime. Adler represented women who were engaged in research before national media outlets gave voice to the study of female criminality. She enhanced the status of such research.

A leader in feminist criminology, Meda Chesney-Lind explains that the earliest feminist criminology dealt with victimization issues, for example, sexual assault (American Society of Criminology & Academy of Criminal Justice Sciences, 2004). Feminist criminology "created" new crimes and criminals to study. Later added as a topic were women as workers in the system. This was an outgrowth of the civil rights movement and increasing numbers of women in policing. Women in corrections and the courts were other concerns, as were women offenders. The field had ignored gender in early theories and currently is incorporating it into theory in a big way.

A basic distinction can be made between liberal feminists and critical or radical feminists. Liberal feminists are represented by pioneering works in the 1970s such as Rita Simon's *Women and Crime* (1975) and Freda Adler's *Sisters in Crime* (1975). Simon predicted an increase in female crime as opportunities increased. Adler also foresaw an increase in female criminality. She predicted that, as women assumed more assertive positions in society, they would participate in more previously "masculine" activities, including crime. Although the relationship appears logical, little support for this thesis was found. This liberation thesis was additionally not supported in that the greatest increase in female offenders was among those not achieving greater occupational equality. Radical feminists argued that liberal feminists understated the role of patriarchy (male dominance) and its ability to continue to control and victimize women (Cullen & Agnew, 2003).

Radical feminism is the dominant approach today in feminist criminology. Its major theme is patriarchy (male power and domination in society). "Patriarchy defines women as subjects, with men having the right of control. Sexism defines the value of women in terms of the family (unpaid housework as natural) and gives men control over reproduction" (Williams & McShane, 1994, p. 236). Male violence against women, especially domestic violence and rape, was traditionally ignored and helped bolster the patriarchal system (Danner, 1989). To overcome the androcentric (male-centered) bias in criminological theory, it was deemed necessary to develop gender-specific theories.

In what is called the generalizability problem, the question is raised as to whether theories of men's behavior apply to women (Daly & Chesney-Lind, 1988). Reviews of the criminological literature suggest that the answer is in the affirmative. This does not mean that gender-specific theories are not needed (Cullen & Agnew, 1999). A "gendering" of traditional crime theories with larger structural (patriarchal) conditions holds promise.

James Messerschmidt in *Masculinities and Crime* (1993) claims that, even though feminists brought gender to the center of criminological theory, their vision of men is stereotypical. He views crime for

some men as a way of "doing gender," exerting their manliness when other means are unavailable. This exertion of masculinity varies by age, class, race, and the like. Critics ask how this relates to female crime. Although certainly a long overdue development, feminist criminology has been criticized for overfocusing on gender as its central theme. What about differences between white and Black women? More research is needed, but feminist criminology will remain an active subject of inquiry and a permanent fixture in the field of criminology.



PHOTO 8.3 Women who work in the criminal justice system as police officers are a topic of interest to feminist criminologists.

REUTERS/Mike Blake

Encouraging women to examine crime through their own experiences with sexism, feminist research is at times in opposition to the scientific method. Although liberal feminism emphasizes affirmative action, it is viewed as not challenging white, male, capitalist privilege (Daly & Chesney-Lind, 1988). Socialist feminism sees capitalism and patriarchy as creating inequality and crime (Messerschmidt, 1986). Radical feminism views male aggression and control of female sexuality as the basis of patriarchy and the subordination of women. *Rape*, for example, is defined as a crime of male power and the use of violence to control and dominate women. Cook (2016) asks, "Has Criminology awakened from its 'androcentric bias'?" She argues that criminologists still underestimate the importance of gender. Burgess-Proctor (2006) points out that feminist criminology is more and more common and can be noted by two recent important events: the creation of the American Society of Criminology's Division of Women and Crime and its official publication *Feminist Criminology*.

Queer Criminology

An even more recent development in criminology is queer criminology. This area of criminology acknowledges that mainstream criminology and criminal justice has relatively ignored the issues and interests of lesbian, gay, bisexual, transgender, and queer people. Much like feminist criminologists argued that simply examining women without paying particular attention to the specific concerns of women, queer criminologists argue that the LGBQT+ community needs to be centered in research, theory, and practice. Calls for queer criminology were first made in the 1990s, but it was not until the 21st century has serious development taken place (Ball et al., 2016; Panfil, 2018).

Queer criminology focuses on at least four main issues. First, queer criminologists argue that specific attention must be paid to labels, definitions, and measures used in criminology. Much research that purports to explore gender differences in crime and criminal justice really are examining the difference between men and women and often do not distinguish other genders. Further, mainstream

criminology has not included sexual orientation as a centering concept. This being the case, much is unknown about the prevalence of crime and victimization among the LGBQT+ community, although research suggests that LGBQT+ people experience heightened rates of multiple types of victimization (Katz-Wise, & Hyde, 2012). Second, queer criminologists argue for the inclusion of theories specifically developed to explain crime and criminal justice system involvement among LGBQT+ people. Third, the unique lived experiences of LGBQT+ people involved in the criminal justice system must be explored and incorporated into programming, including prevention. (Buist & Lenning, 2015). Fourth, how LGBQT+ people experience criminal justice is worthy of further exploration. Research in this area suggests that LGBQT+ people may perceive law enforcement differently than others (Owen et al., 2018) and that victims may be differentially inclined to report to law enforcement (Felix et al., 2021).

NEW CRITICAL CRIMINOLOGY

New critical criminology includes emerging perspectives such as left realism (DeKeseredy, 1988), peacemaking, and postmodernism (Schwartz & Friedrichs, 1994). Such perspectives view the causes of crime as due to class, ethnic, and patriarchal (male-dominant) relations endemic in society (DeKeseredy & MacLean, 1993).



PHOTO 8.4 One of the basic elements of left realism is community participation in the formulation of crime prevention schemes. At Pine Ridge Education Center in Fort Lauderdale, Principal Belinda Hope talks with teachers Geraldine Bartelle and Laura Kolo about Browards PROMISE program, which aims to keep students out of trouble while being disciplined for bad behavior. It stands for Preventing Recidivism through Opportunities, Mentoring, Interventions, Support & Education.

CHARLES TRAINOR JR Miami Herald/TNS via Getty Images

Left Realism

Left realism questions the conservative approaches to crime control that emphasize prisons, more police, and longer sentences and argues instead for greater public access to, and involvement with, the police (DeKeseredy, 1988; Kinsey, Lea, & Young, 1986). Unlike Marxists, left realists accept the reality of street crime and do not view it as a sort of revolutionary activity of the oppressed. With its primary expression in Britain (Jock Young) and Canada (Walter DeKeseredy), left realism attempts to translate radical ideas into realistic social policy (Williams & McShane, 1994). Realists recognize that crime is a real problem that exists in socialist as well as capitalist societies but insist on social justice as an important policy objective.

The term *realism* comes from the attempt to translate radical ideas into realistic social policy. Williams and McShane (1994) indicate that work by Tony Platt (1985) in the United States also

reflected the attempt to make the perspective of practical use to policy makers without losing a critical perspective. Realists also believe that crime control is something to be taken seriously because it affects all social classes, including the poor and working class. Proposals for police initiatives have included democratic forms of control over the police and community participation in the formulation of crime prevention schemes.

Proposals of Lea and Young (1984) contain some of the basic elements of left realism:

- Demarginalize people experiencing the criminal justice system and instead of prisons, emphasize community service and restitution.
- Use preemptive deterrence (before the fact) through citizen groups.
- Make minimal use of prisons.
- Transform the "police force" into a "police service."
- Criminologists should be realistic about crimes (Beirne & Messerschmidt, 2000).

Peacemaking

A traditional role of policing has always been peacekeeping. Advocates of what we will call peacemaking theory go beyond this and propose that crime can be eliminated once we establish peace and justice. **Peacemaking theory** or the peacemaking movement has its origins in the writings of Richard Quinney (1980, 1988) and Harold Pepinsky (Pepinsky & Quinney, 1991) and combines criminology with a transcendental or religious approach (Martin et al., 1990). In *Providence* (1980), Quinney's thinking moved to a theological level. For example, he states, "Our historical struggle is thus for the creation of a social and moral order that prepares us for the ultimate of divine grace—the kingdom of God fulfilled. Peace and justice through the Kingdom of God" (p. 114).

In arguing for a peacemaking approach, Quinney (1988) states, "Crime can be ended only with the ending of suffering (only when there is peace) through the love and compassion found in awareness" (p. 67). Peace can end suffering, which can end crime. Peacemaking is also a nonviolent approach to criminal justice. It assumes that violence cannot be overcome with more violence. Pepinsky (Pepinsky & Quinney, 1991) calls for an "'expressive criminology' of compassion, forgiveness and love . . . a continuing movement for a world of peace and social justice" (p. ix).

Quinney's (1991) progression to spiritualism as an approach to crime views social justice as the solution to the crime problem. Individuals must transcend their selves and understand that there is suffering in the world and that crime is suffering. Crime will cease when social justice is accomplished and suffering ended. Programs such as restorative justice fit with the peacemaking theme very well. Such an approach seeks to mediate conflict, assist victims, and reintegrate people who have been incarcerated into the community (Cullen & Agnew, 2003). Criminology in Context 8.1 describes some restorative justice programs.

It is as difficult to critique peacemaking theory as it is to criticize the religious beliefs of others. In a way, the field of criminological theory has come full circle from theological to philosophical to scientific and now back to a less demonological, humanistic theological approach. The message is the same as that of prophets of old: love one another and do God's work. But it is a theme that underlies much sociological thinking regarding crime and deviance; a more just social order (justice) is necessary before one can achieve law and order. In this writer's opinion, peacemaking in the final analysis is an admirable social movement, a utopian *Weltanschauung* (worldview), more than it is an attempt to explain specific types of crime.

Postmodernism

Postmodernism is a movement that attacks modernity. Bohm (1997) tells us that postmodernism began in the late 1960s as a rejection of "modern" or Enlightenment scientific rationality as the predominant philosophy for gaining knowledge and achieving progress. Unconscious, free-floating signs and images, as well as the rejection of knowledge and languages' ability to create hierarchy and

domination, were viewed as critical. Postmodernists argue for a plurality of interpretations of the law and an abandonment of standard theories of crime causation (Bohm, 1997). The latter assumes that people can control objects, nature, and reality, whereas the former assumes that objects now have more and more control over us (Schwartz & Friedrichs, 1994). Having originated in the field of literary and linguistic analysis, postmodernism in criminology examines how knowledge is constituted, the significance of language and signs, and how metaphors and concepts capture reality and set the context and conditions in which crime occurs. Media and technology create a hyperreality in which simulations and reality become confused. Modernity has become a force not for liberation but subjugation, oppression, and repression.

Criminologists who have been identified with postmodernism are Dragan Milovanovic, Stuart Henry (Henry & Milovanovic, 1993), and Stephen Pfohl (1993). Stuart Henry and Dragan Milovanovic (1996) describe three elements of postmodernism in criminology:

- Crime is the ability to impose one's will on others.
- Some persons construct harms to others in the expression of power and control in which others are objectified as "separate, dehumanized entities" (p. 175).
- Law definers must be provided with "liberating life narratives" (p. 224).

Postmodernism has generated controversy and empirical research, and its literature has been described as "gratuitously obscure, incoherent, and undisciplined" (Schwartz & Friedrichs, 1994, p. 228; see also Michalowski, 1993).

CRIMINOLOGY IN CONTEXT 8.1 INCORPORATING RESTORATIVE AND COMMUNITY JUSTICE INTO AMERICAN SENTENCING AND CORRECTIONS

Programs based on restorative and community justice principles have proliferated in the United States since the 1990s in concert with tough-on-crime initiatives like three-strikes, truth-in-sentencing, and mandatory minimum laws. Restorative justice and community justice represent new ways of thinking about crime. The theories underlying restorative justice suggest that government should surrender its monopoly over responses to crime to those most directly affected—the victim, the offender, and the community. Community justice redefines the roles and goals of criminal justice agencies to include a broader mission—to prevent crime, address local social problems and conflicts, and involve neighborhood residents in planning and decision making. Both restorative and community justice are based on the premise that communities will be strengthened if local citizens participate in responding to crime, and both envision responses tailored to the preferences and needs of victims, communities, and persons accused of committing crimes.

What Is Restorative Justice?

Most advocates of restorative justice agree that it involves five basic principles:

1. Crime consists of more than violation of the criminal law and defiance of government authority.
2. Crime involves disruptions in a three-dimensional relationship of victim, community, and accused.
3. Because the crime harms the victim and the community, the primary goals should be to repair the harm and heal the victim and the community.
4. The victim, the community, and the accused should all participate in determining the response to crime; government should surrender its monopoly over that process.
5. Case disposition should be based primarily on the victim's and the community's needs—not solely on the needs or culpability of the accused, the dangers they present, or their criminal history.

The original goal of restorative justice was to restore harmony between victims and offenders. For victims, this meant restitution for tangible losses and emotional losses. For the accused, it meant taking responsibility, confronting shame, and regaining dignity.

This notion has evolved with the incorporation of a role for the community in criminal justice. Many people still associate restorative justice primarily with victim–offender mediation or, more broadly (but mistakenly), with any victim-oriented services. The more recent conceptualization—that offenses occur within a three-dimensional relationship—may change the movement.

All three parties should be able to participate in rebuilding the relationship and in deciding on responses to the crime. The distinctive characteristic is direct, face-to-face dialogue among the victim, the accused, and—increasingly—the community.

Restorative Justice Practices

Victim–Offender Mediation. Victim–offender mediation is the most widespread and evaluated type of restorative program. Offenders and victims meet with volunteer mediators to discuss the effects of the crime on their lives, express their concerns and feelings, and work out a restitution agreement. The agreement is often seen as secondary to emotional healing and growth. Victims consistently report that the most important element of mediation is being able to talk with the offender and express their feelings, and offenders also emphasize the importance of face-to-face communication. Advocates believe that developing an offender's empathy for the victim has preventive effects.

Advocates are beginning to challenge the assumption that mediation is not suitable for violent or sexual crimes. Increasingly, in the United States and Canada, for example, victims and offenders meet in prisons. These meetings are not oriented to a tangible goal such as a restitution agreement, nor does the offender obtain benefits like early release or parole consideration. Usually the meetings are held because the victim wants to meet the offender and learn more about what happened to reach beyond fear and anger and facilitate healing. The results of a Canadian survey indicated that 89% of victims of serious, violent crimes wanted to meet the offender.

Family Group Conferencing. Family group conferencing is based on the same rationales as victim–offender mediation, with two main differences. Conferencing involves a broader range of people (family, friends, coworkers, and teachers), and family members and other supporters tend to take collective responsibility for the offender and for carrying out their agreement. The other difference is that conferencing often relies on police, probation, or social service agencies for organization and facilitation.

There is evidence that conferencing can be successful. An evaluation of the Bethlehem, Pennsylvania, Police Family Group Conferencing program revealed that typical police officers were able to conduct conferences in conformity with restorative justice and due process principles if adequately trained and supervised and that very high percentages of offenders, victims, and other participants were pleased with the process.

Sentencing Circles. Sentencing circles originated in traditional Native Canadian and Native American peacemaking. They involve the victim and the offender, their supporters, and key community members, and they are open to everyone in the community. They attempt to address the underlying causes of crime, seek responses, and agree on offenders' responsibilities. The process is based on peacemaking, negotiation, and consensus, and each circle member must agree on the outcomes.

In Minnesota, sentencing circles are used not only in Native American communities but also in rural white, suburban, and inner-city Black communities. Community justice committees, established by citizen volunteers, handle organizational and administrative tasks and provide "keepers" who lead the discussions. Judges refer cases, and the committees make the final decision on acceptance. The agreements reached are presented to the judge as sentencing recommendations. In some cases, the judge, prosecutor, and defense attorney participate in the circle, and then the agreement becomes the final sentence.

Reparative Probation and Other Citizen Boards. Reparative probation involves a probation sentence ordered by a judge, followed by a meeting between the accusedand volunteer citizen members of a reparative citizen board. Together they draw up a contract, based on restorative principles, which the accused agrees to carry out. Fulfilling the contract is the only condition of probation.

Manitoba's Restorative Resolutions Project offers an alternative to custodial sentences for offenders who otherwise are likely to face a minimum prison sentence of 6 months. Offenders and project staff develop sentencing plans, and victims are encouraged to participate. The plans are presented to judges as nonbinding recommendations. Most plans require restitution, community service, and counseling or therapy. An evaluation revealed that offenders who participate have significantly fewer supervision violations and slightly fewer new convictions than those in comparison groups.

The Future of Restorative and Community Justice

How deeply restorative and community justice ideas will penetrate the traditional justice system remains to be seen. So far, restorative justice approaches are used much more for juveniles than for adults and for minor offenses rather than for serious crime. Experience with community justice has consistently shown that generating citizen involvement and building relationships with the community are a challenge. Both movements have spread rapidly, however, and both are increasingly reaching out to encompass adult offenders, more serious crime, and disadvantaged urban communities where, arguably, the need is greatest.

For Further Thought

1. Explore the Restorative Justice website, www.rjonline.org. What are some current developments in restorative justice?

Source: "Incorporating restorative and community justice into American sentencing and corrections (Sentencing and corrections issues for the 21st century)," by L. Kurki, *National Institute of Justice Research in Brief*, Papers from the Executive Sessions on Sentencing and Corrections No. 3, September 1999.

RADICAL MARXIST CRIMINOLOGY

Radical Criminology: Richard Quinney

Perhaps the foremost spokesperson for **radical Marxist criminology** is the same Richard Quinney who was at one time a more moderate conflict theorist and is now a peacemaker. For Quinney, then an orthodox Marxist, crime was the result of capitalism, and the crime problem could be resolved only by the establishment of a socialist state (Quinney, 1974a, 1974b, 1974c, 1977). In his critical theory of crime control in the United States, he provides the following propositions:

- U.S. society is based on an advanced capitalist economy.
- The state is organized to serve the interests of the dominant economic class, the capitalist ruling class.
- Criminal law is an instrument of the state and the ruling class to maintain and perpetuate the existing social and economic order.
- Crime control in capitalist society is accomplished through a variety of institutions and agencies established and administered by a governmental elite, representing ruling class interests, for the purpose of establishing domestic order.
- The contradictions of advanced capitalism, the disjunction between existence and essence, require that the subordinate classes remain oppressed by whatever means necessary, especially through the coercion and violence of the legal system.
- Only with the collapse of capitalist society and the creation of a new society based on socialist principles will there be a solution to the crime problem.

For Quinney and other Marxist criminologists, crime is a necessary outcome of inequality in capitalistic societies. Criminal law originates in conflict of interest in which the most powerful ruling class (capitalists or bourgeoisie) makes the laws and controls the criminal justice machinery. Marxist criminologists often reject the positivistic tradition of analyzing crime causation through objective and empirical analysis. Instead, they advocate an ideological commitment to Marxist philosophy wherein their task is to provide descriptive and analytical examples to serve as evidence for a preconfirmed social reality that capitalism causes crime.

Capitalism and Crime: William Chambliss

Radical criminologists argue that, by concentrating on the crimes of the poor rather than on racism, imperialism, and inequality, criminologists become conservative handmaidens of state repression (Platt, 1985). Advanced industrial capitalism creates "surplus people" (S. Spitzer, 1975), an underclass that is unneeded in the system of production. Among William Chambliss's (1975b) later views regarding capitalism and crime are these:

- As capitalist societies industrialize and the gap between the bourgeoisie and the proletariat widens, penal law will expand in an effort to coerce the proletariat into submission.
- Crime diverts the lower classes' attention from the exploitation they experience and directs it toward other members of their own class rather than toward the capitalist class or the economic system.
- Crime is a reality that exists only as it is created by those in the society whose interests are served by its presence.
- Crime is a reaction to the life conditions of a person's social class.
- Socialist societies should have much lower rates of crime because the less intense class struggle should reduce the forces leading to the functions of crime.

Similar perspectives have been enunciated by many others, including D. M. Gordon (1973), Krisberg (1975), and Taylor et al. (1973, 1975). In their *Critical Criminology,* Taylor et al. (1975) called for the use of Marxism as the method of analysis in a "materialistic criminology" whose purpose is to expose the basis of social control in capitalistic societies (p. 49). The tenets of Marxist theory, rather than representing subjects for empirical analysis, now become foregone conclusions, ideological dictates requiring illustration rather than proof.

Radical or Marxist criminologists view praxis (practical critical action) as more important than the objective analysis of their theoretical formulations. "They view 'intellectualism' as a negative quality due to the 'academic repression' and 'elitism' associated with intellectuals. Praxis is then the most important factor in the struggle to replace capitalism with socialism" (Pelfrey, 1980, p. 96).



PHOTO 8.5 A grandfather, who is incarcerated, visiting with his granddaughter illustrates the principle of restorative justice.

Michael Macor/The San Francisco Chronicle via Getty Images

Cullen and Agnew (1999) do a nice job of reviewing other writers who, although they are not Marxists, support the general theme of the harmful impacts of economic structure on youth opportunities. David Greenberg (1993), for example, indicates that an economic system that is unable to provide full-time jobs for teenagers consigns them to schools and prolonged adolescence. Peer group activities requiring consumption increase adolescent theft. "Masculine status anxiety" strikes those young men who are unable to gain employment and assume traditional male roles. Structural conditions of the economy may block the American dream (Cullen & Agnew, 2003). Colvin and Pauly (1983) argue that parents' class position influences how they discipline their children. Those in dead-end jobs are more coercive in socialization, often alienating their children and reducing parental bonds.

John Hagan in *Crime and Disrepute* (1994) views the capital disinvestment in inner-city minority neighborhoods as creating what William Julius Wilson (1987) calls "the truly disadvantaged." Such neighborhoods rob their youth of opportunities for legitimate advancement and push them toward criminal subcultural adaptations such as drug markets. Inequality and racism in postindustrial capitalism present no solution to the crime problem unless there is large-scale investment in such inner-city neighborhoods (Cullen & Agnew, 2003).

Conflict Versus Marxist Criminology

Although the two are often confused, conflict criminology posits a pluralistic conflict model (a diversity of conflicting parties), places less emphasis on capitalism alone as the source of crime, favors objective research, does not reject the legal order, and advocates reform rather than revolution. Marxist or radical criminology, on the other hand, advocates a singularistic conflict model (capitalistic class control), names capitalism and inequality as the sources of crime, holds Marxist theory as a fact to be illustrated rather than a subject for empirical investigation, rejects the legitimacy of the existing legal order, and advocates revolutionary overthrow of the system (Bohm, 1982; Friedrichs, 1980b).

Critiques of Radical Criminology

Although conflict criminology has done much to reverse overconcentration on criminal actors and unquestioned acceptance of the consensus model of criminal law and to point to the criminal justice system as a possible transgressor, it has been criticized for ignoring the consensual basis of much criminal law and for assuming rather than demonstrating discrimination in traditional law enforcement.

Radical (Marxist) criminology has attracted a barrage of critics. In Geis and Meier's (1979) survey of leading criminologists, nearly 40% of the respondents indicated the emergence of Marxist ideology in criminology as a "less healthy development" in the field. Comments such as "ideology whether in theory or method is pretentiously seen as 'new paradigms,' 'theories,' 'methods'"; "the substitution of ideology for science"; "nonscientific voices"; and "Marxist rhetoric and ideological narrowness" (Geis & Meier, 1979, pp. 180–181) were offered. Toby (1980) states that much of "the New Criminology is the Old Baloney," that this tradition, "far from being new, is the explicit assertion of a relativism and a sentimentality that is as old as sympathy for members of the oldest profession" (p. 131). Sparks (1980) criticizes radical criminologists for the lack of attention to solid research that would critically test their theoretical assumptions.

The definitive, although most controversial, critique of Marxist criminology appears in Carl Klockars's (1979) "The Contemporary Crisis of Marxist Criminology," which in turn has stirred considerable commentary (Akers, 1980; Friedrichs, 1980a; Mankoff, 1980). Klockars's critique can be paraphrased in the following way:

- Marxist criminology resembles an untrustworthy social movement because it ignores Russian gulags (Solzhenitsyn, 1975), Cuban domestic repression, and other abuses within socialist states. By giving a social movement a higher priority than academic inquiry, Marxist criminologists abandon science for ideology and are untrustworthy as objective scholars.
- Marxist criminology as a social movement operates on predictable, orthodox lines. After class, the legal order and capitalism are blamed for everything; these themes are reiterated ad nauseam.

- In their subjective zeal for advocating social revolution, Marxist criminologists find evil in everything associated with the American state, legal, and economic system, ignoring good laws. In their mystical transcendence of reality, they destroy their academic credibility. They dramatize and stress issues (e.g., that politicians are corrupt or businesses dishonest, as if these were startling revelations), insulting the intelligence of the general public.
- All of the problems of justice are collapsed into the economic interest of classes.
- American Marxist criminologists criticize society from "a moral ground set so high and so far removed from any extant social reality that it loses all perspective" (Klockars, 1979, p. 484).
- They elevate Marx from a social philosopher to the status of prophet or saint. By describing the ideal of Marxism, they avoid responsibility for the present depredations of existing Marxist states.
- Marxist criminology resembles a new religion in which its "true believers" are unwilling to test, evaluate, or objectively examine their theories or beliefs.

Although the Klockars critique pulls no punches, it is difficult to apply these points to all writers within the Marxist tradition, although his criticisms appear on target on the whole. As Akers (1980) states,

> Compared to a socialist ideal system, the real American system looks unjust, repressive, and controlled by a tiny capitalist elite. Compared to the Soviet Union, China, Vietnam, North Korea, East Germany or Cambodia, to name some socialist alternatives, or to Iran, South Korea or Chile, to name some nonsocialist alternatives, American society looks pretty good. (p. 138)

The collapse of Soviet communism may have in part reduced interest in Marxism.

INTEGRATED THEORIES OF CRIME

A primary criticism of most theories that have been discussed is their tendency to associate crime with a single cause, for example, some biological or psychological defect. Critics of these approaches merely had to demonstrate the presence of these conditions in equal proportions among noncriminals to refute these assumptions. This single-factor deficiency has led some writers (Glueck & Glueck, 1950; W. Healy, 1915) to propose a multifactor approach in which crime is assumed to be produced by multiple factors (biological, psychological, and sociological) with different combinations of variables coming into play, depending on the type of crime being examined. This approach is appealing in that multiple factors are indeed involved in any causal explanation of criminality; however, the identification of factors associated with a process does not constitute a causal theory. In that sense, the multifactor approach is atheoretical (without theoretical content).

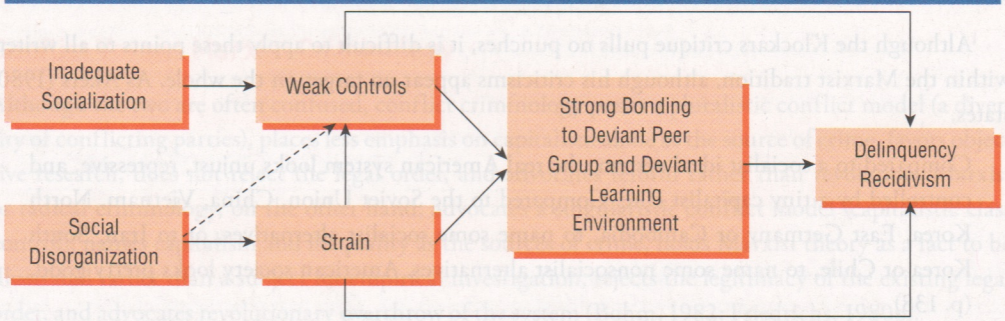
Albert Cohen (1955) has provided a succinct critique of the multifactor approach, which may be paraphrased as follows:

- Advocates of this approach confuse causal theories that employ a single variable with those that propose a single theory. Simply listing correlations of factors associated with crime does not represent a theory, and a single theory may use multiple factors.
- Due to the emergence of easily available, sophisticated statistical programs that enable the calculation of multiple correlations, researchers forget that correlation does not equal causation. Although variables account for a certain proportion of variance in crime, this does not mean that they substantively cause that amount of crime.
- This approach falls into the "evil causes evil" fallacy: Evil outcomes require evil causes, which represents a conservative, consensus view of crime as an evil intrusion into an otherwise healthy society.

Integrated theories attempt to combine various theoretical traditions into one theory. Such integrated theories are more than the identification of factors involved in crime but attempt to theoretically link these factors into theories that explain crime. Messner, Krohn, and Liska, in *Theoretical Integration in the Study of Deviance and Crime* (1989), were very influential in identifying this genre of theories. Cullen and Agnew (2003) tell us that the most common strategy for formulating integrated theories is to temporally order theories "end to end" (p. 207). That is, a theorist might link theories by showing how a high level of strain may lead individuals to join subcultures, which then leads to crime. Lee et al. (2013), in profiling weapons used in domestic violence incidences, used an integrated approach in which they combined routine activities theory with social disorganization theory.

To illustrate the usefulness of theories, Figure 8.1 presents an intensive aftercare model used in research sponsored by the Office of Juvenile Justice and Delinquency Prevention for guiding serious, chronic juvenile offenders. This particular model links strain (anomie) theory, social learning theory, and social control theory.

FIGURE 8.1 ■ Integrated Control/Strain/Social Learning Model



Source: Intensive Aftercare for High-Risk Juveniles: Policies, Procedures, by D. Altschuler and T. L. Armstrong, Office of Juvenile Justice and Delinquency Prevention, September 1994, pp. 3–4.

Cullen and Agnew (2003) also point out that many theories, although not specifically identified as integrated, possess that quality in attempting to link different theories. Shaw and McKay of the Chicago school attempted to bring together elements of strain, learning, and social control theory. Cohen's lower class reaction theory tried to tie together strain and differential association, as did Cloward and Ohlin. Although most of the integrated theories have been at the micro level attempting to explain individual deviance, some have also been at the macro level looking at the impact of cultural and social structural forces. A number of theories have been identified as examples of integrated theories (see Akers, 1994), but two examples that are on nearly every list are Delbert Elliott et al. (1979) integrative theory of juvenile delinquency and Terence Thornberry's (1987) interactional theory of delinquency.

Delbert Elliott's Integrative Theory

Delbert Elliott and Suzanne Ageton (1980) combine strain (anomie), social control, and learning theory. Delinquency (as measured by self-reports in the National Youth Survey) is affected by

1. The gap between aspirations and achievements as well as other sources of strain such as the family and school (strain theory)
2. Attachment and commitment to family and school, or lack thereof (social control or bonding theory)
3. Exposure to, preference for, and identification with deviant peers (learning theory)

Elliott has found support for his theory using the National Youth Survey. In it, he found that bonding and strain variables had little effect themselves on delinquency. Bonding to delinquent peers had

the major effect. Thus, social learning appeared most significant (Akers, 1994). Social learning rather than social bond theory was most predictive. According to Akers (1994), "The social bonding proposition that strong attachment to others prevents delinquent behavior, even when that attachment is to unconventional peers, is not supported" (p. 190). Thus, in an attempt to integrate social control with social learning theory, only the latter survives. More research, of course, is still needed.

Terence Thornberry's Interactional Theory

Thornberry's (1987) interactional theory attempts to combine social structure, social control, and social learning theories. Social structure, such as race, social class, and community, affects social control and learning. The weakening of bonds to society predisposes adolescents to delinquency. Now the learning factor occurs, in which identification and association with delinquent peers happen. These relationships are reciprocal and not unilinear (one way); that is, family attachment may affect school commitment, but the opposite is also true (Cullen & Agnew, 2003). Thornberry also adds a life course dimension to his theory, indicating that the importance of different variables changes over the life course. Akers (1994) tells us that Thornberry et al. (1991) did not find support for their hypothesis about reciprocal relationships between parental attachment and school commitment.

In *Integrative Criminologies*, Barak (2002) indicates the following:

> Integration involves connecting, linking, combining and/or synthesizing the relations and fragments of other models and theories into formulations of crime and crime control that are more comprehensive than the more traditional and one-dimensional explanations that have been perpetually elaborated on for some forty years. (p. 904)

He views integrative theories or integrating criminological perspectives as not a particularly new endeavor. It dates back as far as Merton (1938), Sutherland (1947), and Albert Cohen (1955). In the 1970s and 1980s, integrative models began to challenge one-dimensional theories and models of crime or punishment. By the turn of the 21st century, the integrative paradigm had become the newly emerging paradigm in criminology and penology. Barak (2002) hopes that criminology may become the truly interdisciplinary enterprise it has always claimed to be.

Figure 8.2 illustrates the usefulness of integrative theories by presenting an intensive aftercare model used in research, such as by the Office of Juvenile Justice and Delinquency Prevention for guiding serious, chronic juvenile offenders. This particular model links strain (anomie) theory, social learning theory, and social control theory (Altschuler & Armstrong, 1994).

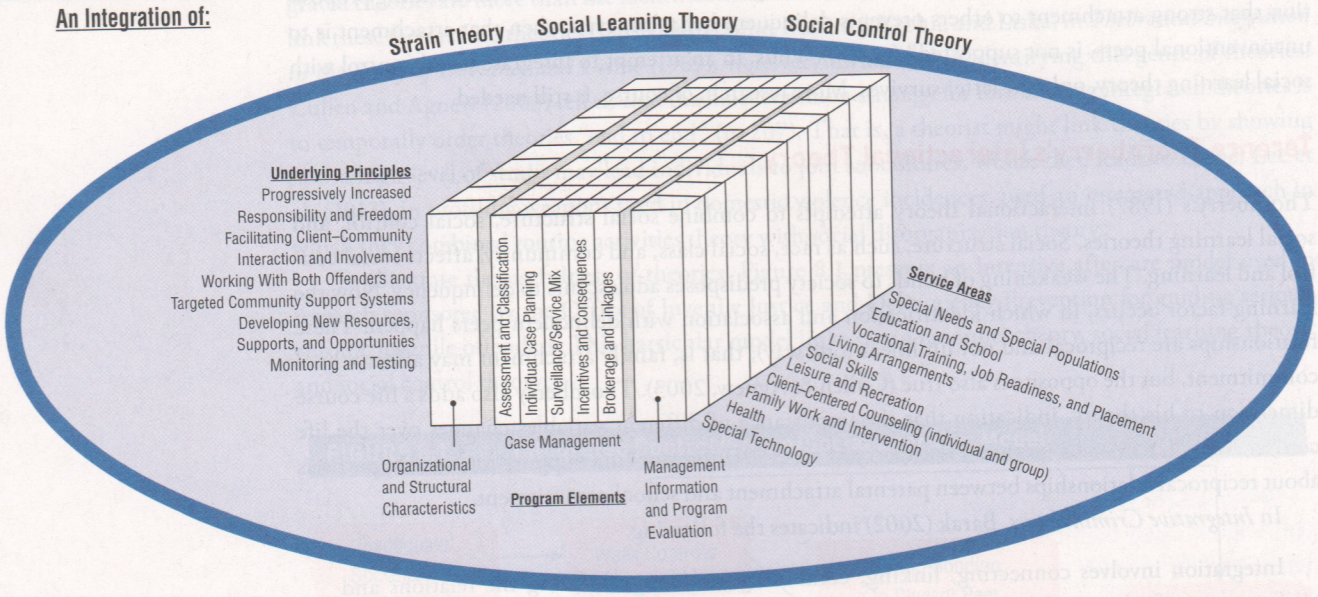
APPLYING THEORY 8.1

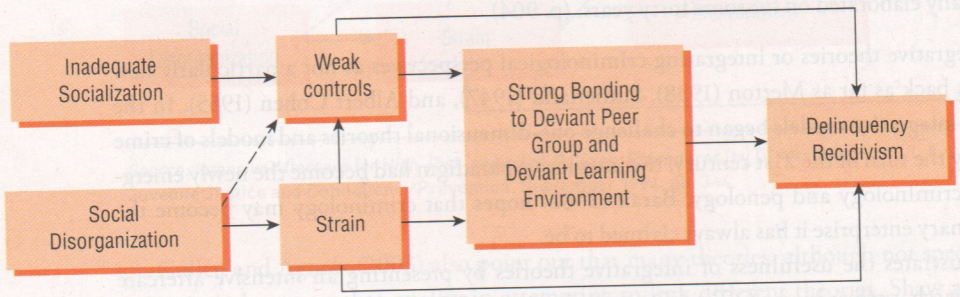
Think back to the description of Aileen Wuornos in Chapter 5 (see page 118). Her early life is described, as well as the murders that she committed. After reading about critical and integrated theories, how may one of them help explain why she killed those men? Although you are free to choose any theory discussed in this chapter, you may find feminist theory or integrated theories most useful.

Remember to consider the following:

1. What types of crimes does the theory explain? You would only want to select a theory that can explain violent crime for the case of Aileen Wuornos.
2. To whom does the theory apply? If theory only explains crimes by youth, it would not be appropriate for explaining why Aileen Wuornos committed crime.
3. According to the theory, what are the main causes of crime? That is, what are the theory's propositions? Once you have identified these propositions, you must see how they apply (or not) to your case. In this instance, the propositions must be something applicable to Aileen Wuornos.
4. Explain how the theory can be used by using its propositions and how the causes of crime apply to the case, Aileen Wuornos.

FIGURE 8.2 ■ Intervention Model for Juvenile Intensive Aftercare Model





Source: Intensive Aftercare for High-Risk Juveniles: Policies, Procedures, by D. Altschuler and T. L. Armstrong, Office of Juvenile Justice and Delinquency Prevention, September 1994, pp. 3–4.

CRIMINAL TYPOLOGIES

One limitation of many discussions of crime and of theories of crime causation is the global manner in which the concept of crime is employed. To expect criminologists to address the question of what causes crime is comparable to asking medical pathologists to answer what causes sickness. Asking what *type* of sickness or what *type* of crime is the next logical step in approaching these questions. Whereas the only thing most sicknesses have in common is that they have produced an unhealthy biological state, the only thing most crimes have in common is that they are, in a given place, at a given time, a violation of criminal law. Thus, cancer, polio, and the common cold probably have about as much in common as shoplifting, embezzlement, and murder.

Although it is important that the field of criminology continue the theoretical work of explaining crime and criminal behavior as a whole, it is also important and perhaps more expeditious in the short run to explain particular criminal behaviors. Until an acceptable general theory is developed, it is desirable to delimit the specific areas to which a theory is applicable, to coordinate these theories, and to try to build a general theory. We need both general and specific theories and must avoid confusing the two.

Criminal typologies are attempts to classify types of crimes and people who commit them. These attempts may represent one of the oldest theoretical and practical approaches to crime. Although the work of Lombroso (discussed in Chapter 6) is often pointed to as the beginning of criminal typologies, the tradition of attempting to classify people who break laws precedes him (Schafer, 1969, 1976).

Criminal typologies are based on various criteria. Criminology in Context 8.2 outlines a few of the better known efforts to develop typologies of criminal behavior. These typologies are not intended to be memorized; they merely serve as an exhibit of the many attempts to classify criminal behavior.

A Critique of Typologies

Typologies can have two purposes: to be used as a scientific classificatory system or to be used as an educational tool. The former effort is exemplified by taxonomical classifications in biology where life forms are sorted into categories such as phylum, species, and the like on the basis of physical characteristics. Related to this tradition are prison classification systems (V. Fox, 1976) that attempt to line up criminal offense records with treatment regimens. This effort has obviously been limited by inadequacies of offense records themselves for the purposes of classifying individuals. Many critics of the typological approach expect typologies to meet rigorous taxonomical refinement. Their critiques of typologies include the following:

- Specific offenses vary according to time and place.
- Some offenders exhibit great diversity, participating in more than one behavior system, or may in fact change their offense profiles.
- No typology can contain purely homogeneous types.
- The number of people specializing in one type of offense is smaller than has been suggested by the typologies developed thus far (V. Fox, 1976).
- Some typologies attempt to make types of crimes and people who commit them more distinct from each other than they really are, thus oversimplifying reality (Conklin, 1972).
- No single typology is useful to group all offenders (Thomas & Hepburn, 1983).
- Typologies overemphasize unique aspects and minimize similarities among types (Thomas & Hepburn, 1983).

A Defense of Typologies

The real value of criminal typologies is their educational benefit in providing a useful, illustrative scheme, a practical device that, although subject to abstraction and overgeneralization, enables us to simplify and make sense of complex realities. Any ideal types are prone to oversimplification, but without them, the categorical equivocations in discussing reality become overwhelming. The first purpose of typologies as classificatory systems requires empirical verification using actual quantitative research, and the second purpose recognizes that concepts or typologies as ideal types have qualitative, heuristic value. They sensitize or alert us to and are useful in explaining critical features of reality, even though as ideal or constructed types, they obviously oversimplify that same reality.

Criminal Behavior Systems

As an organizing scheme, this text makes use of a variation of a typology of **criminal behavior systems** originally developed by McKinney (1966) and elaborated on by Clinard and Quinney (1986) in their now-classic work, *Criminal Behavior Systems: A Typology.* This typology is based on constructed types "that serve as a means by which concrete occurrences can be compared and understood within a system of characteristics that underlie the types" (p. 15). Clinard and Quinney identify nine types of criminal behavior:

1. Violent personal crime
2. Occasional property crime
3. Occupational crime

4. Corporate crime (added to the typology later)
5. Political crime
6. Public-order crime
7. Conventional crime
8. Organized crime
9. Professional crime

These types are based on four characteristics:

1. The criminal career of the offender
2. Group support of the criminal behavior
3. Correspondence between criminal and legitimate behavior
4. Societal reaction and legal processing of offenders

Clinard and Quinney admit that there are undoubtedly other ways of delineating crime into types, taking into account these four characteristics; however, the typology serves useful purposes that permit the ordering of presentation of research on various forms of crime. Rather than using legal categories for the organization of materials, the purpose is to derive as few categories of crime, based on behavior similarities, as possible, to simplify analysis. Chapters 9 through 14 concentrate on crime and criminal activity, making use of a variety of elements of this typology.

THEORETICAL RANGE AND CRIMINOLOGICAL EXPLANATION

This presentation of theories in criminology can only introduce major themes and schools of thought, leaving more formalized and sophisticated exposition to upper level theory texts (see Vold et al., 2002); detailed explication of the general theories' applications to types of criminal behavior would require far more space than is possible in this volume. However, to summarize the interrelationship among descriptions, criminal behavior typologies, and general theory, some final points may prove fruitful.

Theoretical range, or scope in this writer's view, refers to the unit(s) of analysis and levels of explanation that may be sought in a particular theory. In their *New Criminology,* Taylor et al. (1973) provide an example of theoretical range when they describe the formal requirements or scope of a general theory in criminology. Such a model must describe the following:

1. The wider origins of the deviant act
2. The immediate origins of the deviant act
3. The actual act
4. The immediate origins of the societal reaction
5. The wider origins of the deviant reaction
6. The outcome of the societal reaction on the deviant's further action
7. The nature of the deviant process as a whole

Allen, Friday, and Roebuck (1981) address this issue of theoretical range:

> What has been, and is, remiss in theoretical criminology in the opinion of many, is the spurious attempt to explicate all crime on the basis of one unitary, universal theory. Any theory that attempts to explain all crime, it is charged, cannot escape being a general theory of all human

behavior, because criminal behavior encompasses a wide and divergent body of conduct. A general theory of crime would have to explain too much and therefore would explain too little. The essential questions are these: What kinds of criminals and what kinds of circumstances result in the commission of what kinds of crime? In short, the development of criminal typologies, in this view, offers the most plausible approach to the etiology of crime. (p. 39)

The Global Fallacy

Williams and McShane (1988) point out,

> The sheer variety of behavior defined as criminal also presents a problem. When we use the term "crime," the reference is often to a wide range of illegal behavior. . . . Thus, theories of crime and criminal behavior must encompass a wide range of human activity. This is the reason that some criminologists advocate the limiting of theories to a very specific behavior. (p. 134)

A long-recognized limitation of many discussions of crime as well as theories of crime causation, particularly early ones, relates to the global (or broad) manner in which the concept of crime is employed. The only thing most crimes hold in common is the fact that they are at a given time defined or viewed as violations of criminal law. The **global fallacy** refers to the tendency to attempt to generalize relatively specific explanations to all types of crimes (F. Hagan, 1987b). Many individual theories are not invalid in themselves but are either too globally ambitious or are interpreted as such. A perfectly appropriate theory for explaining burglary may not apply at all to insider trading, nor should it be expected to do so.

Ferdinand (1987) calls this the domain of theory or the area of crime or delinquency that a theory intends to explain. An excellent illustration of the global fallacy is the neoclassical general theory of crime proposed by Gottfredson and Hirschi (1990). (See also Hirschi & Gottfredson, 1987, 1989.) They maintain that all crime is due to an individual's lack of self-control and that white-collar crime (defined solely as the Uniform Crime Reports' inadequate measures of only embezzlement, fraud, and forgery) does not require any different explanation than street crime. This is a "baffling" (Reed & Yeager, 1991) disregard of elementary research findings on white-collar crime, which is discussed in Chapter 11. Do corporations, state terrorists, the Mafia, or Iran-Contra conspirators all lack self-control?

The range of theories may be at the general (macroscopic) level, addressing a broad issue, such as how crime originates in society, or at the specific (microscopic) level, addressing a question such as what causes specific individuals to commit specific crimes. Merton (1968) advocates development of "theories of the middle range," proposing explanations aimed at describing specific activity between macroscopic and microscopic levels (p. 45). Gibbons (1992) also argues that "progress lies in the direction of theories focused on specific forms of lawbreaking" (p. 8). All of the major theoretical views in criminology in these last two chapters were seen as subject to certain shortcomings; in many instances, the criticisms were as much based on what the theories failed to cover as they were on what they did address.

Figure 8.3 presents a summary schema that compares the major theoretical views in criminology in terms of whether they address the following range of activities:

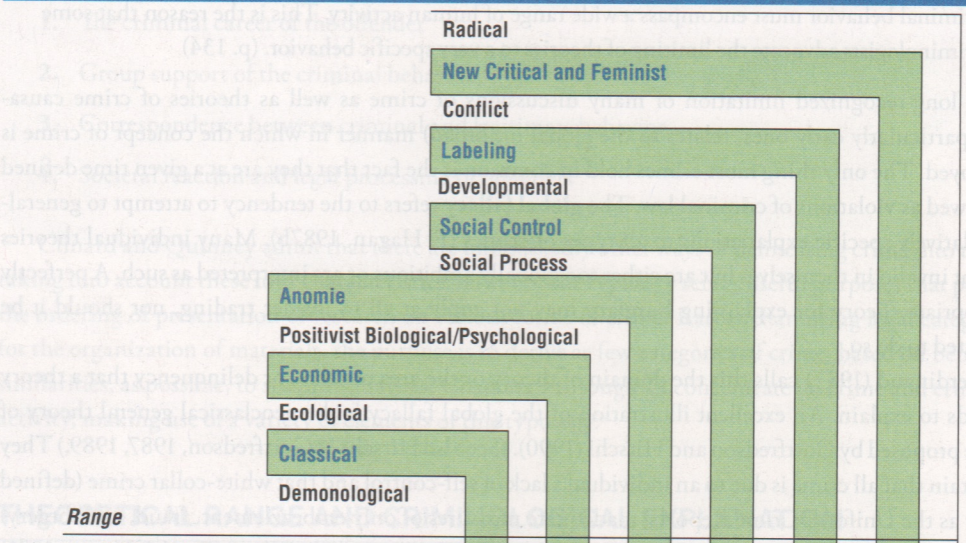
1. Origin of crime in society
2. Immediate factors of transmission of criminal values
3. Individual criminality
4. Prevention of individual criminality
5. Prevention of crime in society

In addition, Figure 8.3 indicates types of criminal behavior addressed by each theory discussed in this book.

Although the author's analysis of the presence or absence of features of each theory may be debated, and you can judge for yourself as we examine each type of criminal behavior, none of the general

theories applies to all of the types of criminal behavior. Many specific theories discussed, such as Wolfgang and Ferracutti's subculture of violence and Cressey's theory of embezzlers, represent theories of the middle range, more of which are needed to build more crime-specific explanations. Until more all-encompassing, all-purpose theories concerned with all types of crimes are developed, the middle-range, crime-specific theories appear to be taking a fruitful direction. In the discussion of typologies, it was suggested that the first response to the question of what causes crime is to ask what type of crime. Perhaps a criminological Einstein or Galileo will yet arrive to provide an acceptable general theory. Until then, more Sutherlands, Mertons, and Hirschis will hopefully provide needed middle-range theoretical explanations.

FIGURE 8.3 ■ Range of Major Theoretical Views in Criminology



Range													
(1) Origin of Crime in Society				X		X				X	X	X	
(2) Immediate Factors of Transmission			X		X	X	X	X	X	X			
(3) Individual Criminality	X	X	X		X	X	X	X	X	X			
(4) Prevention of Individual Criminality	X	X			X		X	X	X				
(5) Prevention of Crime in Society				X		X			X		X	X	X
Types of Criminal Behavior Addressed													
Organizational/Occupational							X				X		X
Violent	X		X		X	X						X	
Conventional Property	X	X	X	X	X	X	X	X	X		X	X	X
Occasional Property	X	X	X	X	X	X	X	X	X		X		X
Public Order	X					X				X			
Political	X					X					X		X
Organized						X							
Professional							X						

Source: Theoretical Range in Criminological Theory, paper presented by Frank E. Hagan at the Academy of Criminal Science Meetings, Las Vegas, Nevada, April 1995.

The purpose of the four theory chapters in this text is a modest one and that is to acquaint the beginning student with criminological theory. More detailed exposition would require too much space here and would be more appropriate in a course on theory. The reader is referred to some excellent works on this subject by Akers (1994), Curran and Renzetti (2001), Lilly et al. (2007), Vold et al. (2002), Williams and McShane (1994), and Cullen and Agnew (1999).

THE THEORY–POLICY CONNECTION

Critical theories share in common their critical view of society as responsible for causing, creating, and defining crime. Their focus is on the society rather than the individual, and they ask why some societies or groups have higher crime rates than other groups. Labeling (societal reaction) theory assumes that crime is a label and reflects societal reaction to crime. The impact of Prohibition or the later War on Drugs indicates the criminalization or decriminalization of activities. Conflict theory posits that the enforcement of laws is influenced by the values and interests of the most powerful groups and asks the question of whose behavior is singled out for attention (criminalization). The weak penalties and nonenforcement of white-collar crimes illustrate policies that reflect this perspective. Table 8.2 outlines some of the policy implications of critical theories and integrated theories.

TABLE 8.2 ■ The Theory–Policy Connection

Theory	Basic Assumptions About Crime	Policies
Critical	Crime reflects the conflict model.	
Labeling	Crime is a label and reflects societal reaction to crime.	Reversal of normal assumption that crime causes societal reaction; rather, societal reaction creates crime. New labels lead to criminalization or decriminalization (e.g., Prohibition, War on Drugs).
Conflict	Enforcement of laws is influenced by values and interests of the most powerful groups.	Weak penalties and nonenforcement of white-collar crimes. Whose behavior is targeted?
Feminist	Androcentric bias	Incorporation of greater female roles in criminal justice
New critical	Left realism Peacemaking Postmodernism	Attempts to elicit citizen participation in programs (e.g., community policing)
Radical	Marxism Capitalism causes crime	Laws reflecting class inequality
Integrated	Crime is explained by a combination of various theories.	BARJ (Balanced and Restorative Justice) programs involve restoring the offender to good standing in society.

Critical theories assume that the distinguishing of crime itself is problematic. Perhaps a policy of deregulation of drugs, as well as removal of the deviance and illegal label, may result in greater harm reduction than a continual, apparently ineffectual, war on drugs. The crime problem is viewed as more than a waging of war on street crime by low-income minorities and should also encompass the far more costly white-collar crime.

Other critical theories such as feminist theory, left realism, peacemaking, and postmodernism have all been reflected in policy proposals and changes. Feminist theory, charging androcentric bias in criminal justice, has successfully changed a lot of thinking in criminal justice, and this has been reflected in a greater female presence in the field. Left realism, peacemaking, and postmodernism have fostered a variety of reforms that question traditional conservative approaches to criminal justice. Community policing and community corrections reflect peacemaking policies that make use of the community to fight crime.



PHOTO 8.6 A well-known white-collar crime case is that of Martha Stewart, who was convicted of insider trading. She served 5 months in prison and an additional 5 months of house confinement.

Don Emmert/AFP/Getty Images

CRIME & THE MEDIA 8.1 PORTRAYAL OF WHITE-COLLAR OFFENDERS

It is important to remember that the mass media are owned by large, powerful organizations that may lead to reporting that reflects their interests. When examining how the media depict some white-collar offenders, it raises the question as to how the media help construct what is labeled criminal. As conflict theorists would suggest, showing that "real criminals" are street offenders while white-collar criminals "made a mistake" is reflective of crime being defined by the powerful and used to keep those without power in their place. Take, for example, an online news story about South Carolina representative Rick Quinn. Quinn had been accused of working with his father to funnel business to his father's firm from corporations. Quinn failed to disclose that some $4 million was paid to his father's firm from clients with lobbyists, which violated state law. Now this behavior may not seem that bad, but Quinn was facing a charge of "severe misconduct in office" and a count of conspiracy as well as another misconduct in office charge. Originally, he was facing prison time of up to 15 years. He was instead ordered to pay a $1,000 fine and serve 2 years of probation along with 12 weeks of community service. In response to this sentence, one news source ran the headline "Of course Rick Quinn shouldn't go to prison" (Scoppe, 2018). What do you think about such a headline regarding a politician who committed a crime? Does this support the conflict perspectives you have read about in this chapter? Do you think a similar headline would be written about a burglary offender who is a first-time offender?

Radical crime theory assumes that capitalism and class inequality cause crime. Chambliss's (1964) analysis of English vagrancy laws claims they were passed to provide a pool of cheap labor. Similarly, W. E. B. Du Bois saw enactment of the Black Codes and the convict lease system in the South as a means of compensating for lost labor and profits as a result of emancipation.

Integrated theories are not critical theories. They assume that crime causation is explained by a combination of various theories. One example of an ambitious policy initiative based on an integrated theory is BARJ (pronounced "barge"). BARJ (Balanced and Restorative Justice) has been embraced by Pennsylvania's juvenile justice system. In this program, community justice programs use citizen involvement and community building in addition to the traditional victim–offender relationship as a means of restoring justice in the juvenile justice system.

SUMMARY

Mainstream criminology (anomie, social process, and social control theories) has been viewed as emphasizing the study of the criminal rather than of social control agencies, thus stressing positivism, a consensus worldview, and liberal reformism. In response to this, in the 1960s and 1970s in the United States, critical criminology emerged, which consists of the labeling, conflict, and radical perspectives. Critical criminology stresses the conflict model, inequality, the process of assigning criminal labels, and, in some cases, ideology.

Labeling theory (societal reaction approach) is derived from symbolic interactionism (a stress on subjective meanings of social interaction). Labeling theory assumes that individuals are criminal because they have been labeled as such by social control agencies; that is, societal reaction causes criminality. Schrag's summary of the basic assumptions of this school of thought was presented along with Lemert's concept of secondary deviance; the latter refers to continued deviance once an individual has been caught and labeled.

Conflict theory advocates a pluralistic conflict model of criminal law. It is represented in the writings of Dahrendorf and Vold and, in conflict criminology, in the works of Austin Turk and the early work of Richard Quinney and William Chambliss, as well as that of Jeffrey Reiman. According to conflict criminology, a variety of groups compete for control of the lawmaking and enforcement machinery to protect their vested interests. New critical theories include left realism, peacemaking, and postmodernism. Feminist theory represents a large and growing theoretical perspective in criminology.

Radical Marxist criminology, as presented in the later writings of Quinney and Chambliss, views crime as a result of capitalism, with the criminal law representing the interests of the capitalist class. The Marxist prescription for solving the crime problem is the collapse of capitalism and the creation of a socialist state. Major critiques of radical criminology, as well as of each of the other theoretical approaches, were presented in this chapter.

Criminal typologies (attempts to classify criminals or criminal behavior) have two purposes: to function as a scientific classification system and as a heuristic (practical) scheme. Although many criticisms have been levied against such typologies as pure scientific classes, the heuristic benefit of using criminal typologies as organizing schemes for presentation or discussion purposes remains. After a brief review of other typologies, Clinard and Quinney's typology of criminal behavior systems was presented. This examined nine criminal behavior systems: violent personal, occasional property, occupational, corporate, political, public order, conventional, organized, and professional crime from the standpoints of criminal career, group support, correspondence with legitimate behavior, societal reaction, and legal processing.

Theoretical range refers to the units of analysis and level of explanation that may be sought in a particular theory. This range may focus on the macroscopic level—for example, general theories of the origin of crime—or on the microscopic explanations of individual criminality. Merton's concept of theories of the middle range argues for explanations aimed at describing specific activity between the macro- and microscopic.

The range of major theoretical views attempts to summarize the theoretical range (origins, immediate factors, individual criminality, individual prevention, and societal prevention) of each theory and its ability to address different types of criminal behavior. This illustrates the view that the question of what causes crime must first be met with the question of what *type* of crime. The answer to the first question awaits the development of an acceptable general theory of criminology.

KEY CONCEPTS

criminal typologies (p. 206)
criminal behavior systems (p. 207)
critical criminology (p. 186)
feminist criminology (p. 194)
global fallacy (p. 209)
labeling theory (p. 187)
left realism (p. 196)
peacemaking theory (p. 197)
postmodernism (p. 197)
praxis (practical critical action) (p. 187)
primary deviance (p. 189)
radical marxist criminology (p. 200)
secondary deviance (p. 189)
shaming theory (p. 191)
theoretical range (p. 208)

REVIEW QUESTIONS

1. How do critical criminological theories differ from mainstream criminological theories? What do you see as the strengths and weaknesses of each?
2. How does labeling theory reverse the usual approach to crime and criminality? What are some pros and cons of this societal reaction approach to crime?
3. Compare conflict criminology with radical criminology. What is the major difference between the two?
4. Discuss feminist criminology. What is the difference between liberal and more radical feminist criminology?
5. How do the concepts of malestream, androcentric bias, and patriarchy influence traditional criminology according to feminist criminologists?
6. What is the basic assumption of left realism?

7. Discuss the notions of peacemaking and restorative justice. How do these approaches differ from "just deserts," "retributive justice," and "three strikes and you're out" approaches?
8. What are postmodernism and postmodernist criminology?
9. What is the goal of integrated theories in criminology? Give an example of one.
10. What is the global fallacy in criminological theory?

CRIME TYPOLOGIES

PART III

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9 VIOLENT CRIME

LEARNING OBJECTIVES

- **9.1** Assess how the history of violence in America demonstrates a violent cultural tradition.
- **9.2** Describe the major types of multiple murder: serial murder, mass murder, and spree murder.
- **9.3** Identify patterns and trends in homicide and assaults.
- **9.4** Discuss patterns and trends evident in violent crime.
- **9.5** Describe how society responds to violent crime.
- **9.6** Assess how criminological theories apply to violent crime.

HISTORY OF VIOLENCE IN THE UNITED STATES

Violence by human beings against other human beings has a scarred history from the earliest times. In addition to hundreds of smaller conflicts, the 20th century witnessed two major world wars with casualties in the millions and devastation, such as that at Hiroshima and Nagasaki, unparalleled in human history. Mass genocide of populations by the Nazis, human purges in which millions disappeared as in Stalin's Russia, and continued torture of political opponents in many countries throughout the world made it a frightening century indeed. The first decade of the 21st century found that such activities have not abated. We witnessed terrorism on a massive scale, genocide in Darfur, and threats of chemical, radiological, and nuclear violence, none of which suggests that the human capacity for violence is lessening.

Although writers such as Konrad Lorenz (1966) and Robert Ardrey (1963) argue that humans have a "killer instinct," a natural predisposition toward violence and aggression, most social scientists reject this view, arguing instead that individuals learn violence, like nonviolence, through socialization. Anthropological studies have discovered wide variations in the degree of violence prevalent in human cultures, with a few cultures in which violence is unknown. Japan's transition from a violent, warlike society before and during World War II to a pacifist society in the postwar period suggests that violence is not an inevitability. Just as violence can be learned and assumed to be a natural part of a culture, it probably also can be unlearned.

In their report to the National Commission on the Causes and Prevention of Violence, titled *Violence in America: Historical and Comparative Perspectives*, Hugh Davis and Tedd Gurr (1969) indicate that we ignore history when we view our present levels of violence as unusual. They claim that violence in the United States is rooted in six historical events that are deeply imbedded in our national character:

1. A revolutionary doctrine expounded in the Declaration of Independence
2. A prolonged frontier experience, which tended to legitimize violence and vigilante justice
3. A competitive hierarchy of immigrants that has been highly conducive to violence
4. A pervasive fear of governmental power, which "has reinforced a tendency to define freedom negatively as freedom from" (p. 772)
5. The Industrial Revolution and the great internal migration from countryside to city, which has produced widespread social dislocation
6. Unmatched prosperity combined with unequal distribution and unequal opportunity, which has produced a "revolution of rising expectations" in which improved economic rewards can coincide with relative deprivation, generating frustration and violence

Glaringly absent from this list is the bitter legacy of slavery and subsequent racially motivated violence against Black people. The burning cross of the KKK (Ku Klux Klan) symbolized the bombings, lynchings, murders, shootings, arsons, mutilations, and other violent tactics used against African Americans as well as others. In the 1950s and 1960s, the bombing of churches and murders of civil rights workers, often in collusion with local police officers, aroused the United States to oppose racism (Revell, 1988; W. C. Wade, 1987). The second item in the previous list mentions frontier violence; elaboration of this theme would note that the almost eternal war by white settlers against Native American tribes was of genocidal proportions, a holocaust that wiped out entire tribes as part of stealing their land.



PHOTO 9.1 Concertgoers run from the Route 91 Harvest country music festival after a gunman opened fire on October 1, 2017, in Las Vegas, Nevada. This was the deadliest mass shooting in American history to date, leaving 58 killed and 500 wounded.

David Becker/Getty Images News

Historian Richard Brown (1969) sums up much of this:

> Violence has formed a seamless web with some of the noblest and most constructive chapters of American history: the birth of the nation (Revolutionary violence), the occupation of the land (Indian wars), the stabilization of frontier society (vigilante violence), the elevation of the farmer and the laborer (agrarian and labor violence), and the preservation of law and order (police violence). The patriot, the humanitarian, the nationalist, the pioneer, the landholder, the farmer, and the laborer (and the capitalist) have used violence as a means to a higher end. (pp. 69–70)

Violence may indeed reflect a society's values. For example, Americans value "life, liberty, and the pursuit of happiness," whereas their less violent next-door neighbors, the Canadians, reflect a less revolutionary view of society and applaud "peace, order, and good government." The United States has inherited a violent cultural tradition, but as a relatively young country, its tradition may not be that much different from the early histories of older civilizations of Europe and Asia. The United States is not alone in being plagued by violent crime.

MURDER

On August 8, 1969, devotees of a cult mesmerized and run by Charles Manson brutally murdered pregnant actress Sharon Tate and four other guests at her home and 2 days later murdered two members of the La Bianca family in an apparent attempt to foment a race war. Particularly frightening in the incident was Manson's Rasputin-like ability to inspire undying devotion in his followers, most of them young female drifters.

After the dismembered remains of 11 victims were found in his apartment in July 1991, Jeffrey Dahmer admitted killing 17 boys and young men, primarily in the Milwaukee area, over a 13-year period. After luring victims to his apartment to take nude pictures, watch videos, and have sex, he drugged, killed, and dismembered them. He often took pictures of his victims and boiled some of their skulls in order to preserve them.

On February 14, 2018, a former student at Marjorie Stoneman Douglas High School in Parkland, Florida, murdered 17 before being stopped by the police. In 2012, after murdering his mother, a gunman entered Sandy Hook Elementary School in Newtown, Connecticut, and fatally shot 20 children and six teachers before turning the gun on himself. The Virginia Tech shooting in 2007 saw Seung-Hui Cho, a student at the university, kill 32 people and wound 17 (Effron, 2012).

Each of these cases is an example of multiple murders. Although cases such as these attract much public attention, they are relatively rare and make up only a very small proportion of the incidents of violent crime. Media, fictional, and popular accounts of violent crime tend to focus on the dramatic tales of murder and mayhem that make our blood curdle as much as the latest Stephen King novel. The post–World War II period has had no shortage of material for such chronicles.

Holmes and DeBurger (1988) estimate that between 3,500 and 5,000 persons may be slain per year in the United States by multiple murderers and that even though such killings are not new, they appear to have increased since the 1960s. They far outnumber the total number of such murders in all other developed countries combined and make mute the argument that the greater number of firearms in civilian hands makes a country safer. Much of the gap in our academic knowledge of multiple murder is being addressed by continual research in this area (Egger, 1984; Fox & Levin, 1985; Hickey, 2006; Jenkins, 1988; Leyton, 1986). Criminologists agree that at least three types of multiple murder (multicide) exist: serial murder, mass murder, and spree murder (Bureau of Justice Statistics [BJS], 1988).

Serial Murder

Serial murder is the killing of several victims in three or more separate incidents over weeks, months, or even years. In April 1989, the 13th victim of cult slayings was discovered in Matamoros, Mexico, the work of cult "godfather" Adolpho de Jesus Costanzo and cult "witch" Sara Aldrete, who allegedly ritualistically sacrificed victims to "provide a 'magical shield' for members of a drug-smuggling ring" ("13th Victim of Cult Discovered," 1989, p. A1). In Philadelphia in 1987, police arrested Gary Heidnik and an accomplice, charging them with running a "Little Shop of Horrors" (T. Johnson, 1987, p. 29). Heidnik, who had a history of psychiatric problems, attracted women to his house and imprisoned, tortured, sexually abused, murdered, and cannibalized them. Police have accounted for at least six victims. In 2007, Buffalo, New York's, infamous "bike path rapist," Altemio Sanchez, was arrested, convicted, and sentenced to 75 years to life in prison. He was so named because many of the numerous murders and rapes he committed happened on bike paths (Staba, 2007).

From 1982 to 1984, the bodies of 48 women, mostly prostitutes, were found along the banks of the Green River near Seattle. In November 2003, the "Green River killer" was finally caught. Gary Ridgway pleaded guilty to strangling 48 young women and was sentenced to life without parole. Similarly, it is estimated that from 1955 to 1966, the "Zodiac killer" in San Francisco killed more than 50 people in the Bay Area. No one was ever prosecuted in these cases. The Green River and Zodiac killers terrify the public, which seems transfixed by Hollywood movies such as *Silence of the Lambs* and characters such as Hannibal Lecter. In 2019, Samuel Little (sometimes named Samuel McDonald) claimed to have killed 90 women which if true would make him the biggest serial murderer in American history (Horton, 2019).

A variety of typologies (taxonomies) of serial killers have been proposed. One of the most accepted is that of Holmes and DeBurger (1988), who identify the following types:

1. *Visionaries.* Believed to be suffering from some sort of psychosis, they kill in response to voices or visions.
2. *Mission oriented.* Their mission in life is to rid society of "undesirables," for example, sex workers.
3. *Hedonists.* These are thrill seekers who murder for creature comforts, profit, or pleasure in life, as well as lust murderers.
4. *Power/control.* These killers enjoy power and control over helpless victims and enjoy watching them suffer and beg for mercy.

The FBI Behavioral Science Unit, which has conducted extensive investigations and crime profiling of such murderers, indicates that the victims often represent someone in the killer's adolescence who inflicted some perceived pain on them (Douglas & Olshaker, 1995, 1997).

Some common characteristics of serial murderers include (https://www.drphil.com/advice/fourteen) the following:

Over 90% are men.

They have IQs in "the bright normal range."

They do poorly in school.

Their families often have criminal, psychiatric, and alcoholic histories.

They often hate their fathers and mothers.

They are commonly abused as children by a family member and have trouble keeping jobs.

They come from unstable families.

As children, they are often abandoned by their fathers and raised by domineering mothers.

Many spend time in institutions as children and have records of early psychiatric problems.

More than 60% wet their beds.

They suffer high rates of suicide attempts.

From an early age, many are interested in voyeurism, fetishism, and sadomasochistic pornography.

Many are fascinated by fire-starting.

Many are interested in torturing small creatures.

Organized serial killers usually plan their offenses, transport their victims, and keep "trophies" (victim belongings); they are normal in appearance and socially competent. *Disorganized serial killers* are usually socially and sexually incompetent. Both types often return to the gravesite or dumpsite, often to satisfy their sexual fantasy through masturbation.

Many serial killers have displayed what is called *the terrible triad* as children: bedwetting, fire-starting, and cruelty to animals. Most were products of dysfunctional families.

Mass Murder

Mass murder is the killing of four or more victims at one location on a single occasion. On average, there are 19 mass shootings alone in the United States each year (Everytown Research & Policy, 2021). Thomas Hamilton (who in 1996 slaughtered 16 kindergartners and their teacher in Scotland),

Richard Speck (who murdered eight Chicago nurses), James Huberty, Charles Whitman, and George Hennard are examples of mass murderers. In 1984, Huberty killed 21 and wounded a dozen others at a McDonald's restaurant in San Ysidro, California. In 1991, Hennard drove his pickup truck through the windows of Luby's Cafeteria in Killeen, Texas, and at point-blank range shot and killed 22 and wounded 23, making the Killeen massacre the worst in U.S. history at that time (although 87 died in an arson fire at the Happy Land nightclub in New York City in 1990). Nine people were murdered in 2015 in a shooting at a historic Black church in Charleston, South Carolina, the Emmanuel African Methodist Episcopal Church. The church members were shot at a bible study and prayer meeting. The victims, all Black, were killed by a young white man, Dylann Roof. He sat with the victims for about an hour before killing them as an expression of racism and hate.

Among the deadliest mass murders have been the following:

- *February 14, 2018, Parkland, Florida:* 17 students and staff members are killed, 17 others wounded by 19-year old Nikolas Cruz, a former student.
- *November 5, 2017:* Gunman kills 26 and wounds 20 others at a First Baptist church in Sutherland Springs, Texas. The shooter was found dead after a brief chase.
- *October 1, 2017, Harvest Music Festival, Las Vegas:* 58 killed, 500 wounded when an assailant fires from the 32nd floor of the Mandalay Bay Resort and Casino. At this time, it is the deadliest mass shooting in American history.
- *June 12, 2016, Pulse Night Club, Orlando, Florida:* A 23-year-old student kills 49, injures 50 more, and then commits suicide.
- *April 16, 2007, Sandy Hook Elementary School (New Town, Connecticut):* A 20-year-old guns down 20 children (ages 6 and 7) and 6 adults, school staff, and faculty and then commits suicide. His mother was later found dead of a gunshot wound.
- *October 16, 1991:* A killer crashes a pickup truck through the wall of Luby's Cafeteria. He kills 23 before committing suicide.
- *July 18, 1984, San Ysidro, California*: 21 killed at McDonald's.
- *August 1, 1966, Texas Tower Incident, University of Texas:* Shooter climbs to the top of the tower and guns down and kills 16 and wounds 30.

In 1993, a Brooklyn man, Colin Ferguson, opened fire in a crowded commuter train on Long Island, New York, killing six people and wounding 17. Crime File 9.1 describes the Virginia Tech massacre of 2007, at the time the worst mass murder in U.S. history.

On July 20, 2012, during a special midnight screening of the latest Batman movie in Aurora, Colorado, James Holmes, a disturbed dropout of a graduate program in neuroscience at the University of Colorado, opened fire in the crowded theater with an assault weapon. He had dyed his hair orange and claimed that he was Batman's archenemy, the Joker. The assault rifle he was using jammed; otherwise, his 100-bullet clip would have resulted in even greater carnage. He killed 12 and wounded 70 people. In 2015, Holmes's not guilty by reason of insanity plea was rejected by a jury, and he received one life term in prison for each person he killed, plus 3,318 years. He is not eligible for parole.

Many of these mass murders are committed with guns. Mass shootings (and other mass murders) carry with them serious negative consequences. Of course, the most serious is the deaths, but it is estimated that mass shootings carry financial costs as well. When including costs such as medical care, police work, and quality life among others associated with the shooting in Las Vegas, the total loss is estimated to be at least $600 million. In addition, the costs associated with hiring security guards in schools since the Columbine massacre are at least $811 million (Everytown Research & Policy, 2021). 2018 had 40 mass slayings, the most in U.S. history at that time.

Spree Murder

A **spree murder** occurs when killings take place at two or more locations with almost no time break between murders (BJS, 1988; Crockett, 1991).

One of the most well-known cases of spree murder was that of Andrew Cunanan, the murderer of Italian fashion designer Gianni Versace in Miami Beach, Florida, in 1997. Cunanan, who was HIV positive, left San Diego on April 24, 1997, and 5 days later murdered his ex-lover David Madson and friend Jeffrey Trail. He then killed Lee Miglin, a wealthy Chicago developer; William Reese, a cemetery worker in New Jersey; and Versace. The largest unsuccessful manhunt in U.S. history ended on July 15 of that year with Cunanan's suicide.

In 1999, Mark Barton, a day trader (internet stock speculator) in Atlanta, distraught over heavy stock losses, killed nine people and wounded 13 others before killing himself. At the time, Barton said, "It's a bad trading day and it's about to get worse." Barton had also killed his wife and two small children. Crime File 9.2 discusses the DC sniper's case and the BTK killer.

African Americans and Serial Murder

Wayne Williams, a 23-year-old Black man, terrorized the African American community of Atlanta, murdering an estimated 28 young Black persons over a 2-year period ending in 1981. Hating poor young Black people, whom he regarded as racially inferior, Williams lured them into his company with promises of fame in the entertainment business and then murdered them when they agreed to perform same-sex sexual acts (see Detlinger, 1983). The case of the Atlanta Child Murders was recently (early 2018) revisited in a popular podcast called "Atlanta Monster" by documentarian Payne Lindsey. In it, new theories and questions about Wayne Williams's guilt are raised. Interestingly, Wayne Williams was convicted of the murder of two adults but was never charged with the killing of any of the missing children.

Being a Black serial murderer, Williams appears to be an anomaly because most media portrayals feature white killers. In a thorough analysis of this issue, Jenkins (1992a) concludes that Black people are proportionately as likely as white people to be serial murderers. He indicates that

> for centuries, the lives of African-Americans have often been blighted by stereotypes, usually negative, and frequently associating them with crime and violence (Lynch & Patterson, 1992; Rose & McClain, 1990). This paper has considered an area where stereotypes imply a diametrically opposite image, and Blacks appear disproportionately free of involvement in the most serious of violent crimes. However, this image is false; and this apparently favorable stereotype is both as inaccurate and as pernicious as any of the more familiar racial slurs. Significantly, the very failure to draw attention to Black serial killers might in itself arise from a form of bias within the media and law enforcement. (pp. 16–17)

CRIME FILE 9.1 THE VIRGINIA TECH MASSACRE

The Virginia Tech massacre occurred on April 16, 2007, resulting in 32 people killed (five faculty and 27 students), and represents one of the worst mass murders in American history. In two separate attacks approximately 2 hours apart, Seung-Hui Cho, a South Korean with U.S. permanent-resident status who had lived in the country since the age of 8, used two firearms, a .22-caliber Walther P22 semiautomatic handgun and a 9-mm semiautomatic Glock 19 handgun, both of which Cho was able to purchase despite his documented mental problems, which did not appear on the instant background check.

Cho shot and killed two students at 7:15 a.m. in a dormitory. He then mailed a package of writings and a video recording to NBC News. Contained in the package was an 1,800-word manifesto along with photos and videos. In the manifesto, Cho compared himself to Jesus Christ and expressed his hatred for "rich kids" and "deceitful charlatans." About 2 hours later, he entered a classroom building, chained the three main entrance doors shut, and proceeded to murder students and faculty.

He would unleash a deadly volley of 170 rounds, killing an additional 30 people and wounding many more. The hollow-point bullets he used inflicted greater injury to the victims. Finally, when police arrived, Cho killed himself.

Cho fit the classic profile of a school shooter. He was a "loner," and he felt that he was picked on and made fun of. He was bullied due to speech difficulties. He also had a history of mental problems. Several of his professors found his writing for class assignments to be very disturbing and had encouraged him to obtain counseling. In 2005, he had been declared mentally ill by a Virginia special justice and ordered to seek treatment.

Virginia governor Tim Kaine created an eight-member panel to review the massacre, Cho's mental history, and the school's delay in alerting students to the danger after the first incident. However, no academic expert on multiple murders was included on this panel.

The incident reignited the gun control debate, with National Rifle Association lobbyists charging that Virginia Tech's gun-free zone prevented the victims or anyone else from defending themselves. Other countries were aghast at such violence but indicated that they foresaw little chance of any changes in U.S. gun laws or gun culture.

For Further Thought

1. Why do you think the United States is plagued with more school shootings than all other developed countries combined? What policies do you think would help lessen the number of school shootings?

Source: "Virginia Tech Shooting Leaves 33 Dead," by Virginia Hauser and Anahad O'Connor, *The New York Times*, April 16, 2007.

African Americans make up a sizable proportion of serial killers, and this has practical consequences for the fate of those Blacks and other minorities who are most likely to fall victim to this type of predator. Underestimating minority involvement in serial homicide can thus lead to neglecting the protection of minority individuals and communities who stand in greatest peril of victimization.

As previously indicated, although bizarre murders and mass murders attract media and public attention, they represent the rare and dramatic rather than the typical violent crime.

HOMICIDE AND ASSAULT STATISTICS

Nearly all murders arise from some form of aggravated **assault**, and although the latter generally is not taken as seriously as murder, in reality, there is a thin line separating the two. Both offenses entail the use of violence as a means of resolving some grievance; in the case of murder, the victim dies. In our previous discussions of the shortcomings of crime statistics, it was pointed out that official police statistics such as the Uniform Crime Report (UCR) underestimate the actual rate of crime commission. Although this is true, the accuracy of these statistics varies according to the type of crime, and homicide statistics are one of the most accurate.

Generally, homicide is regarded as the most serious crime. A body is present, there may be witnesses, and as a result, such a crime is very likely to be reported to the police. In addition, homicide is the type of crime that the public, the media, and the police place a high priority on solving. Because of all of these factors, homicide has the highest "clearance by arrest" proportion of all UCR offenses. *Clearance* means that, as far as the police are concerned, the person responsible for the crime has been accounted for through arrest or incarceration. Despite being so serious, only 54% of murders and nonnegligent homicides were cleared in 2020 (Statista, 2022a).

Assault statistics are less accurate, and figures on rape have been notoriously poor until relatively recently. In fact, police and criminal justice professionals have applauded the recent rise in the rape rate not because more rapes are occurring but because there is a greater willingness on the part of victims to report the crime to the police. The least accurate violent crime statistics relate to intrafamily violence such as intimate partner violence, child abuse, and incest. Such offenses, described in detail shortly, have in the past been regarded as family secrets.

Although the willful homicide rate declined from its peak in 1933, this dip may be misleading. Faster ambulances, better communications, transportation, and emergency room service meant better treatment for seriously injured persons, so that many who previously would have been homicide statistics were surviving. By the 1970s, however, the sheer volume of violence had surpassed these extraordinary means of patching up the victims. It is also important to note that, although prior to the 1930s, the United States had no national crime statistics, fragmentary information suggests that at the turn of the 20th century, we had violent crime rates equal to present levels. In 1916, Memphis had a homicide rate that was seven times greater than its rate in 1969, and Boston, Chicago, and New York during and after World War I had higher rates than they did in 1933, when the first national statistics were published (National Commission on the Causes and Prevention of Violence, 1969).

An estimated 17,597 murders took place in the United States in 2020. There were 6.4 murders per 100,000 residents (Federal Bureau of Investigation [FBI], 2022a). In comparison, the murder rate was 4.7 in 2012 (FBI, 2022a).

Using United Nations' Crime Surveys and World Health Organization (WHO) data, the highest homicide rates were found in Southern Africa, Central and South America, and the Caribbean. North America (defined as the United States and Canada) had moderate rates, and the lowest rates were in Western and Central Europe, the Near East and Middle East, and North Africa (J. Van Dijk, 2008).

As noted, the homicide rate can fluctuate year to year and across wider spans of time. Recently, there has been an uptick of violent crime and homicides connected to the COVID-19 pandemic. Although calls for service to the police were generally down during the early part of 2020, certain crimes increased (Rosenfeld et al., 2021). During the first year of COVID-19, homicides increased by about 30% in the United States. Although the exact cause of this increase is unknown, researchers have attributed it to the stay-at-home/lockdown/shelter in place orders that increased close contact among family members and also increased stress. They also have noted that the early part of the COVID-19 pandemic co-occurred with civil unrest associated with the police-killings of Black men, like George Floyd. In addition, some evidence suggests that gun carrying in public spaces (and gun sales) increased during this time period (Mekouar, 2022). It remains to be seen what will happen to the homicide rate after the height of the pandemic. It should be noted that this increase in violence did not take place in other developed nations and that the rate for homicide was still half of what it was in the 1990s (Beckett & Clayton, 2021).

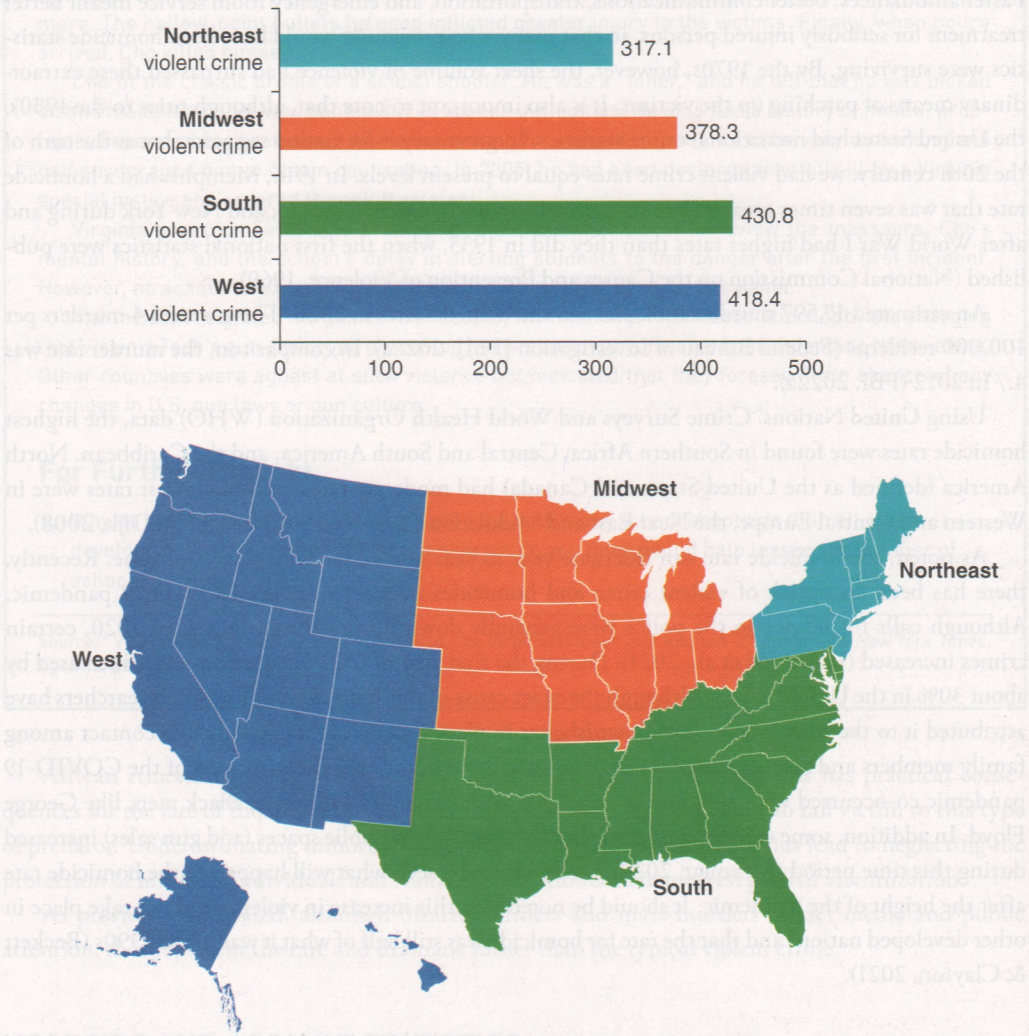
PATTERNS AND TRENDS IN VIOLENT CRIME

Despite the association of crime with urbanization, crime was basically a rural rather than an urban problem during ancient times and the Middle Ages. Walled cities were built to provide protection from marauding highwaymen (V. Fox, 1976). In the United States, it was not until the 1960s that urban rates for homicide exceeded those of rural areas (Glaser, 1978), and in Canada, the rural homicide rate still exceeded the urban rate in the 1970s (Schloss & Giesbrecht, 1972). Figure 9.1 shows different rates of violent crime by region in the United States as of 2016.

Racial disparity in arrest rates is highest for crimes of violence. The Black arrest rate for homicide is about eight times the white rate in the United States. In 2020, 51% of those arrested for murder were Black or African American compared to 45% who were white (FBI, 2022b). Wolfgang's classic study *Patterns in Criminal Homicide* (1958) found that the overall murder rate for white men in Philadelphia was 1.8 per 100,000, and for white men ages 20 to 24, it was 8.2 per 100,000. These same rates for Black men were 24.6 and 92.5, respectively. In the Northeast and Midwest, the highest rates for crimes of violence were for recent Black migrants from the South to large cities.

Nettler (1982) found that a number of studies indicate that countries with greater inequalities in income distribution have higher murder rates. International homicide statistics are questionable, however, because totalitarian regimes do not report statistics for government murder of citizens. Suppose you have been tipped off that you are likely to be the victim of a violent crime. Whom would you avoid? When? Where? Surprisingly, you are most likely to be stabbed, shot, beaten, or abused in your own home or in the home of one of your friends, relatives, or acquaintances. Saturday nights are lethal, as is

FIGURE 9.1 ■ Violent Crime by Region in the United States, 2016



Source: Adapted from https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/figures/region-map

the month of December, when friends and relatives get together and drink; summer months are even more deadly. Alcohol is a contributing factor in the majority of homicides, assaults, and rapes; it serves as a disinhibitor, causing individuals to have less rational control over their emotions as well as less awareness of the consequences of their actions (see Collins, 1981; Fagan, 1990).

Homicide rates began to decline in the early 1990s; however, the rate of homicide by juveniles—particularly Black, urban juveniles—exploded. From 1990 to 1993, the murder rate for Americans age 25 and older dropped 10%, whereas the rate for 18- to 24-year-olds increased by 14% and the rate for juveniles overall increased 26% (Blumstein, 1994). Blumstein explains that juvenile involvement in crack cocaine distribution in the mid-1980s led to an arms race on the streets in which fistfights became shootings. Further exacerbating the situation were high levels of poverty, single-parent households, educational failures, and economic hopelessness. By 1993, the crack cocaine epidemic had peaked, and crime rates began to decline.

After a sharp increase in the late 1980s, the homicide rate fell steeply beginning in 1992, falling to rates similar to those of the 1960s. Beginning in the 1990s, UCR data displayed a disturbing trend: growth in the number of homicides in which the relationship between victim and offender is unknown. The popular press presented this as murder among strangers, but that is inaccurate. Most of the unknown murder victims were involved in drugs or gangs. In 1993, for instance, 47% of victims were killed by family members, friends, neighbors, or acquaintances, and 39% involved unknown relationships. Gun-related homicides were on the rise in the early 1990s, particularly among juveniles (Glick, 1994). Female murder

rates remained constant or declined. Women perpetrate a small proportion of murders, and, when they do murder, they generally do so in self-defense and in marital or intimate relationships. "The availability of shelters and other supportive services may be providing some women avenues to escape self-defensive homicide as well as lethal victimization by their partners" (Benekos, 1995, p. 234).

The American cultural tradition of violence, combined with certain subcultures in which resorting to aggression is legitimized, presents a strong predisposition to violence in the United States. These are the raw materials of typical interpersonal homicides. The spark that sets off this kindling could be any number of interpersonal conflict situations, such as arguments over money, love triangles, threats to masculinity, and the like. Although such disputes do not ordinarily lead to violence, the addition of two other fuels to the fire can spell danger: alcohol and guns. Many people who are murdered have an arrest record, which supports the idea of the victim–offender overlap—that many people who are offenders have also been victimized and vice versa. In Baltimore in 2007, fully 91% of those slain had an arrest record, much of it related to drug trafficking (K. Johnson, 2007). Similar patterns have been found in Milwaukee (77%), Newark (85%), and Philadelphia (75%). This is not to say that these murders are any less serious or deserving of intervention.

Typology of Violent Offenders

John Conrad (cited in Spencer, 1966; Vetter & Silverman, 1978) proposed a useful typology of violent offenders:

- *Culturally violent offenders* are individuals who live in subcultures (cultures within a culture) in which violence is an acceptable problem-solving mechanism. The subculture of violence thesis, to be explored shortly, is used as a means of explaining the greater prevalence of violent crime among low-income minorities from slum environments of large central cities.
- *Criminally violent offenders* use violence as a means of accomplishing a criminal act, such as robbery. Mental illness or brain damage characterizes *pathologically violent offenders.* (Discussions later in this chapter focusing on psychiatry and the law and on psychopathy further elaborate on the mentally disturbed violent criminal.)
- Finally, *situationally violent offenders* commit acts of violence on rare occasions, often under provocation, such as in domestic disputes that get out of hand. These incidents are frequently described as crimes of passion, in which the individual temporarily loses control and often expresses regret for the actions later. Although the media focus on the criminally and pathologically violent offender, the culturally and situationally violent offenders are the most common.

Workplace Violence

As of the early 2000s, **workplace violence** is the number two factor in on-the-job deaths for men and number one among women. In 2019, 454 workplace homicides occurred in the United States. Of those individuals who were murdered at work, 83% were men (Bureau of Labor Statistics, 2021a). From the mid-1990s onward, the rate of female violent victimization at work was about two thirds of the rate for men. It is worth noting that 9 of 10 female murder victims were killed by men (Craven, 1996; see the NIOSH website for online resources on violence against women, VAWnet.org).

In 2020, there were 39,310 workplace nonfatal assaults and injuries (Bureau of Labor Statistics, 2021b) with 41,560 nonfatal assaults and intentional injuries occurred at workplaces resulting in a person missing at least one day of work in 2019 (Bureau of Labor Statistics, 2021c), Most commonly, people report being hit, kicked, beaten, or shoved (over half of all workplace violence incidents). Of the occupations examined, bartenders had the highest rate of workplace victimization, followed by law enforcement officers, security guards, technical or industrial school teachers, and custodial caregivers for mental health patients. The majority of workplace violent crime, 53%, was committed by a stranger. Intimate partners were identified as less than 1% of offenders, and 28% of offenders were colleagues. The nonfatal workplace crime rate declined 35% from 2002 to 2009. Reasons for this decline are only

speculative but relate to the growing concern and attention by employers to the seriousness and prevalence of such incidents. Although men make up over 80% of victims, murder on the job is the leading cause of workplace death for women. Particularly vulnerable to assault (but not homicide) are health care workers and government workers. A survey by the Society for Human Resource Management of 500 human resource professionals in 1993 found 75% of violent incidents in the workplace were fistfights, 17% were shootings, 7.5% were stabbings, 6% were rapes or other sexual assaults, and less than 1% were explosions (cited in Swisher, 1994). Protective measures to discourage victimization have included bulletproof glass in taxicabs and at hospital admission desks, escort services for evening workers, better illumination at night, more careful screening of employees, and limits on the amount of cash on hand.

School Violence

The United States is not unique in having school violence, but it leads the world in this type of violence. U.S. school shootings have included the following (Lawrence, 2006; "U.S. School Violence Fast Facts," 2015):

- *February 14, 2018, Marjorie Stoneman Douglas High School, Parkland, Florida:* A former student kills 17 adults and children.
- *October 24, 2014, Marysville-Pilchuck High School, Marysville, Washington:* Freshman Jaylen Fryberg shoots five people in the school cafeteria, killing one. Fryberg dies of a self-inflicted gunshot wound at the scene. A second victim dies of her injuries 2 days later; a third dies on October 31. A fourth victim dies on November 7, bringing the total fatalities to five, including the gunman.
- *December 14, 2012, Sandy Hook Elementary School, Newtown, Connecticut:* Adam Lanza, 20, guns down 20 children, ages 6 and 7, and 6 adults, school staff, and faculty before turning the gun on himself. Investigating police later find Nancy Lanza, Adam's mother, dead from a gunshot wound. The final count is 28 dead, including the shooter.
- *April 16, 2007, Virginia Tech University, Blacksburg, Virginia:* Cho Seung-Hui kills 32 faculty and students, one of the worst mass murders in U.S. history.
- *October 2, 2006, Georgetown Amish School, Nickel Mines, Pennsylvania:* Charles Roberts IV, 32, goes to a small Amish school and takes at least 11 girls hostage. Five girls were killed and six others wounded. Roberts then kills himself.
- *March 21, 2005, Red Lake Indian Reservation, Red Lake, Minnesota:* Sixteen-year-old Jeffrey Weise kills his grandfather, his grandfather's girlfriend, a security guard, a teacher, and five classmates in Red Lake, Minnesota.
- *February 29, 2000, Buell Elementary School, Mount Morris Township, Michigan:* A 6-year-old boy shoots and kills a 6-year-old classmate.
- *April 20, 1999, Columbine High School, Littleton, Colorado:* Eric Harris and Dylan Klebold kill 12 fellow students.
- *May 21, 1998, Thurston High School, Springfield, Oregon:* Kip Kinkel kills two students and injures 25 more after killing his parents.
- *March 24, 1998, Westside Middle School, Jonesboro, Arkansas:* Mitchell Scott Johnson, 13, and Andrew Douglas Golden, 11, kill four students and a teacher and wound 10 others, opening fire from a nearby woods.

It is critical that a balanced picture of school violence be drawn. Less than 1% of school-age homicides occur in or around schools. Despite the highly visible, horrific cases such as Columbine,

school-related violence actually decreased during the 1990s. Richard Lawrence (2006) speculates that the relative infrequency of school violence is the very reason it is frequently covered in the media. He also adds that, although such media coverage has distorted the actual risk of violent death at school, it has had a positive effect on enhancing safety and preventing bullying and other threatening behavior. The National Center for Education Statistics (Musu-Gillette et al., 2017) reports that school crime decreased by 82% between 1992 and 2015. Crime File 9.3 reports on the findings of the U.S. Secret Service study of school shooters.

Some elements of a solution to school shootings that have been suggested include the following:

- Better control over the access to guns, opposed by one of the most powerful lobbies in the United States—the National Rifle Association (NRA)
- Identifying and helping troubled youth before they attack
- More involvement of parents
- More and earlier intervention and prevention programs
- Antibullying programs

In trying to understand why school shootings happen, a comprehensive study of 37 school shootings involving 41 attackers was conducted by the U.S. Secret Service. In doing this study, they reviewed investigative, school, court, and mental health records and interviewed 10 attackers.

What We Know

Attackers Talk About Their Plans. Prior to most incidents, the attacker told someone about their idea or plan. In more than three fourths of the cases examined in the Safe School Initiative, the attacker told a friend, schoolmate, or sibling about their idea of a possible attack before the action. In nearly all cases, the person who was told about the impending incident was a peer, and rarely did anyone bring the information to an adult's attention.

Attackers Make Plans. Incidents at targeted schools are rarely impulsive. In almost all of the incidents, the attacker developed the idea about harming the target before the attack. In many cases, the attacker formulated the idea of the attack at least 2 weeks in advance and planned out the incident. Quick efforts to inquire and intervene are extremely important because the time span may be short between the attacker's decision to attack and the actual incident.

There Is No Stereotype or Profile. There is no accurate or useful profile of the school shooter. The personality and social characteristics of the shooters varied considerably. They came from a variety of ethnic and racial backgrounds and varied in age from 11 to 21 years. Few had been diagnosed with any mental disorder prior to the incident, and less than one third had histories of drug or alcohol abuse. Thus, profiling is not effective for identifying students who pose a risk for targeted violence at school.

A fact-based approach may be more productive in preventing school violence than a trait-based approach. This study indicates that an inquiry based on a student's behaviors and communications will be more productive than attempts to determine risk by attending to students' characteristics or traits. The aim should be to determine if the student appears to be planning or preparing for an attack. If so, how far along are the plans, and where or when would intervention be possible?

Attackers Had Easy Access to Guns. Most attackers had used guns previously and had access to guns used in the attack from their own home or that of a relative.

School Staff Are Often First Responders. Most shooting incidents were not resolved by law enforcement intervention. More than half of the attacks ended before law enforcement responded to the scene—despite law enforcement's often prompt response. In these cases, faculty or fellow students stopped the attacker, or the attacker stopped shooting on their own or committed suicide.

Attackers Are Encouraged by Others. In many cases, other students were involved in some capacity. The attacker acted alone in at least two thirds of the cases. However, in almost half of the cases, friends or fellow students influenced or encouraged the attacker to act. Advance knowledge among students about the planned incidents contradicts the assumption that shooters are loners or that "they just snap."

Bullying Can Be a Factor. In a number of cases, bullying played a key role in the decision to attack. A number of attackers had experienced bullying and harassment that were longstanding and severe. In those cases, the experience of bullying appeared to play a major role in motivating the attack of the school. Bullying was not a factor in every case, and clearly not every child who is bullied in school will pose a risk. However, in a number of cases, attackers described experiences of being bullied in terms that approach torment.

Warning Signs Are Common. Most attackers were engaged in some behavior prior to the incident that caused concern or indicated a need for help. In more than half of the cases, the attacker's behavior caught the attention of more than one person. A significant problem in preventing targeted violence is determining how best to respond to students who are already known to be in trouble. This study indicates the importance of giving attention to students who are having difficulty in coping with major losses or perceived failures, particularly when feelings of desperation and hopelessness are involved.

Excerpts from "Preventing School Shootings: A Summary of a U.S. Secret Service Safe School Initiative Report" (NCJ 190633). *NIJ Journal, 248* (2002), 11–15.

Guns

In the 1990s, the Brady Bill finally became law despite opposition by the NRA. This law required a waiting period plus a record check before purchase of a firearm. This was later altered due to NRA pressure to instant background checks. Much emotion surrounds the **gun control** debate, with opponents of control arguing that regulation would hurt only the law-abiding, who would be unable to protect themselves from the criminal. The law-abiding, however, are also of concern. The very weapon purchased to protect the family against outside intruders all too often causes the death of a loved one. Morris and Hawkins (1970) describe the issue succinctly. A major precipitating condition of murder in the United States is the possession of a gun. They state, "Easy access to weapons of this kind may not merely facilitate violence, but may also stimulate, inspire, and provoke it" (p. 72).

Why such continuing opposition to handgun control, despite clear public support for such measures? The NRA is probably the single most powerful lobby in Washington, representing a $2 billion per year business with a generous campaign donation policy and a strategic direct mail effort. Yet more Americans were killed with guns by their fellow citizens in the 20th century than have been killed in all of the wars this nation has ever fought.

A popular defense of the pro-gun lobby in the United States is that guns don't kill people; people kill people. In reality, people with guns (particularly handguns) do kill people, and it is no coincidence that the United States has both the highest homicide rate by far of any developed nation and the largest armed civilian population in the world. This widespread ownership of firearms combined with a culture and subculture of violence foments lethal combinations.

Gun Control

In February 1998, Great Britain instituted a total ban on private ownership of handguns in response to public outcry over the 1996 massacre of 16 schoolchildren and their teacher in Dunblane, Scotland. At the same time, there remain an estimated 50 to 70 million firearms in the United States in private hands. On Mother's Day, May 14, 2000, the Million Mom March on Washington took place, calling for stronger background checks, licensing of handgun owners, comprehensive gun registration, child safety locks, limits on handgun purchases, and reasonable cooling-off periods before newly purchased firearms could be taken into possession. In response to a deadly school shooting in Parkland, Florida, at Marjory Stoneman Douglas High School on February 14, 2018, in which 17 people were killed and 17 more wounded, a mass school walkout was held across the United States by students in recognition of the victims and to demand gun control measures be passed. The Florida House passed legislation on March 7, 2018, that would increase the minimum age for buying rifles to 21 years and impose a 3-day waiting period for gun sales. It remains to be seen if this legislation will become law or if other states or the federal government will follow suit by passing gun control legislation on their own.



PHOTO 9.2 Protesters attend the March for Our Lives rally on March 24, 2018, in Washington, DC. Organized by survivors of the Parkland, Florida, school shooting on February 14, more than 800 March for Our Lives events around the world called for legislative action to address school safety and gun violence.

The Asahi Shimbun/Getty Images

On March 24, 2018, survivors of the mass murder at Stoneman Douglas High School organized a coast-to-coast rally demanding an immediate ban on assault weapons, universal background checks on those buying weapons, and strict regulations on high-capacity magazines. This "never again" march against gun violence centered on politicians in Congress and the executive branch doing the bidding of the NRA.

In light of success in suing tobacco companies for causing a public health menace, public bodies, particularly cities, have filed suit against gun manufacturers. In a typical action, the city of Chicago filed a $433 million lawsuit against 38 gun retailers, distributors, and manufacturers, alleging they had created a public nuisance by knowingly saturating the city with illegal firearms. The city of New Orleans charged that the manufacturers had created "unreasonably dangerous" products (Witkin, 1988). In February 1999, a Brooklyn jury awarded Steven Fox $500,000 for injuries suffered in a shooting. The jury found 15 companies guilty of "negligent distribution" of guns and ordered three to pay Fox for his injuries. Of particular concern recently has been "ghost guns." These are "do-it-yourself" kits that can be bought online. The parts can be assembled at home and can be bought without background checks and have no serial numbers. Bump stocks enable AR-15s to be converted into automatic weapons (machine guns). Stephen Paddock used an AR-15 with a bump stock to fire 1,040 in 10 minutes on a crowd of 22,000 concertgoers from his casino suite, killing 58 on-site as well as wounding hundreds (Associated Press, 2021). In 2022, families of nine victims of the Sandy Hook Elementary killings were granted a $73 million settlement with the gunmaker (Remington), who later declared bankruptcy.

Although heated arguments continue between opponents and proponents of gun control, more research is needed on the potential impacts of various policy options (Zimring & Hawkins, 1992). As an example, a large survey of convicted felons by Wright and Rossi (1986) suggested the following:

- Rather than reducing crime in violent urban neighborhoods through gun control, the violence endemic to such impoverished areas must be reduced, thus reducing the need for carrying weapons.
- The theft of firearms must be reduced.
- The informal market for guns must be interdicted.
- Mandatory sentences for crimes with guns are ineffective and do not serve as a deterrent.
- The control of "Saturday night specials" (cheap handguns) would simply encourage people who commit crimes to switch to more lethal weapons (Bonn, 1987).

It is difficult to target public policy objectives when there is no consensus regarding the essential nature of the problem of firearms and high violent crime rates in the United States. A promising intermediate strategy has tested positive in the Kansas City Gun Experiment. Police directed patrols at gun crime "hot spots" and were able to reduce gun crimes by seizing illegally carried weapons (Sherman et al., 1995). The project was replicated in Indianapolis with much the same results. Sheley and Wright (1995), in interviews with juvenile inmates and students in inner-city high schools, found that the primary motivation for gun possession by these groups was fear, not criminal activity, gang membership, or drug trafficking. By 2009, the United States had become the Colombia of gun trafficking, the shopping center of choice for terrorists and drug smugglers. McKinley (2009) notes,

> Sending straw buyers into American stores, cartels have stocked up on semi-automatic AK-47 and AR-15 rifles converting some to machine guns, investigations in both countries [the United States and Mexico] say. They have also bought .50 caliber rifles capable of stopping a car and Belgian pistols able to fire rounds that will penetrate body armor. (p. A14)

It is highly unlikely that any really strict gun control will take place in the United States given the cultural tradition of gun ownership. However, there certainly is room for some legislation that the NRA should not oppose. More strict control of sales of guns at gun shows and raffles would prevent the bypassing of existing legislation. Better regulation of semiautomatic weapons whose only place is in the hands of the military is certainly to be considered. Thirty-bullet clips or magazines create firepower that the average citizen does not need. Gun control is not an all-or-nothing matter.

Despite the role that guns play in violent crime and homicide, many states have taken steps to loosen gun restrictions. For example, Georgia does not require background checks prior to purchasing a firearm (Everytown Research & Policy, 2020a) nor does it prohibit gun ownership or purchasing among those convicted of domestic violence (Everytown Research & Policy, 2020b). Just in 2022, a law was signed that allows concealed carry in Georgia without a permit. Research comparing states with more restrictive gun policies to those with fewer show that the states with the strongest laws see lower rates of gun violence than those that do not (Everytown Research & Policy, 2022).

Sexual Assault

On January 2, 2012, the FBI finally decided to change its long-inadequate definition of rape. The old definition used since 1929 defined rape as "the carnal knowledge of a female, forcibly and against her will." The new definition is "the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." This definition includes men and boys as victims. Victims' groups have long argued that the old federal definition left out many cases that had been prosecuted under state laws. A good example of this is the case of Jerry Sandusky, former assistant football coach at Penn State University. He was accused of sexually molesting and raping young boys over a 15-year period, from 1994 to 2009, in a camp he ran for youngsters. His activities would not count under the old definition but do count under the new definition. In some instances, state statistics were better than federal statistics in that the federal definition left out many cases that were prosecuted under state laws, and they had to be watered down to fit the less adequate and more narrow federal definition.

In some countries, rape is viewed as a man's right or as a crime against the honor of the woman's family or husband, not an offense against the woman. The word itself is derived from the Latin for "theft." A large percentage of rapes are perpetrated against children. In fact, more than half of rape victims are under 18, and the younger the victim, the more likely the attacker is a relative or acquaintance and the less likely the rape is to be reported. In some countries, women are often blamed and punished for the rape. Susan Estrich, a rape victim herself, maintains in her book, *Real Rape: How the Legal System Victimizes Women Who Say No* (1987), that little has changed in the way most rape cases are handled by the courts and that judges still use their personal views to decide the victim's claim. This all depends on whether the rape is viewed as "real rape" or "simple rape." (These terms are put in quotes to indicate that such distinctions are made by ill-informed persons.)

According to Estrich (1987), misperceptions of rape falling into two categories, real and simple, held back attempts to deal with rape as a problem. *Real rape* is aggravated rape involving violence, weapons, and attackers and is recognized as rape by the courts. *Simple rape* is everything else, including date rape, and is dismissed as not "real rape." Victims of simple rape are viewed with suspicion, as not really victims, particularly if the victim did not physically resist. In order for it to even be considered rape in this mistaken view, a woman would have to demonstrate that she really fought back (show some physical damage to her), or else it would be assumed that she cooperated and it really was not a rape.

The women's movement was instrumental in altering public and official views of rape and rape victims. Statistics regarding the extent of rape have been notoriously poor. Women have been reluctant to report rapes for a variety of reasons, including the following:

- The stigma attached to rape, which alleges that the victim either invited the attack or cooperated in it
- Sexist treatment of many rape victims, who are in effect mentally raped a second time by the criminal justice system (the police, defense attorneys, and judges)
- Legal procedures that have permitted defense attorneys to probe the victim's sexual past in potentially humiliating ways
- The burden of proof, which has been shifted to the victim so she must show that the attack was against her will and that she resisted the assault

Only recently has a significant proportion of rape victims been willing to report rapes and undertake prosecution of their attackers. The growth of rape crisis centers, featuring counseling and support services for victims, has been instrumental in this greater willingness to prosecute. Other factors that account for an increase in the tendency to report rape include the following:

- More female police officers
- Better training of police in sensitive handling of rape cases
- Changes in rape laws in many states, which, for instance, prevent defense attorneys from probing into the victim's prior sexual behavior

Acquaintance Rape

Many rapes take place within established dating relationships, and most are never reported. Victims often fear the publicity, notoriety, and family reaction that pressing charges would entail.

Although official data suggest that about half of all rapes involve strangers, this is partially offset by the victims' greater willingness to report stranger-precipitated incidents.

Parents of a Lehigh University freshman, Jeanne Clery, who was raped and murdered in 1986, forced the passage of the Clery Act, which requires the publication of campus crime rates in order to inform parents and students of potential danger. Adopted in 1990, the Clery Act, known formally as the Crime Awareness and Campus Security Act, requires colleges and universities to disclose their crime statistics or risk losing federal aid. It also mandates that institutions of higher learning disclose

incidents in a timely manner through both crime logs and notifying the university community of ongoing threats. More recently, the Campus Sexual Violence Elimination (SaVE) Act of 2013 was passed. This legislation requires institutions of higher learning to provide primary prevention and awareness programs regarding rape, sexual assault, domestic violence, dating violence, and stalking.

Special attention is given to campus rape for several reasons. It is estimated that almost 25% of college women have been victims. Rape rates vary to some extent by school, type of school, and region, suggesting that certain places within schools are more rape prone than others. Some features of the college environment—frequent unsupervised parties, easy access to alcohol, single students living on their own, and the availability of private rooms—may contribute to high rape rates of female college students. Research shows that college students are more likely to be sexually victimized after consuming alcohol than after being given a drug, such as Rohypnol or GHB, without their knowledge (Krebs et al., 2009). For example, 8% of college students reported experiencing a completed sexual assault, 4% experienced alcohol- or other drug-enabled sexual assault, and 0.3% experienced drug-facilitated sexual assault (Krebs et al., 2009). Ninety percent of college women who are victims of rape or attempted rape know their assailant. The attacker is usually a classmate, friend, boyfriend, or other acquaintance (in that order). Most acquaintance rapes do not occur on dates; rather, they occur when two people are in the same place (e.g., at a party or studying together in a room).

Rape as a Violent Act

Rape is often perceived primarily as a sexually motivated act, but some authorities on rape identify it as primarily a violent act in which sexual relations are merely a means of expressing violence, aggression, and domination. Although our discussion gives consideration to arguments as to whether rapists are sexually or violently motivated or both, the classification of rape as a crime of violence looks not at the motivation of the offender but at the perception of the act by victims. Similar to the argument that robbery is really a property crime, sex (rape) or money (robbery) may be the motivation, but the tool employed and perceived by victims is violence or threats of violence and intimidation. On the basis of their study of over 500 convicted rapists, Groth and Birnbaum in *Men Who Rape* (1979) identify three types of rape:



PHOTO 9.3 Columbia student Emma Sulkowicz carries a 50-pound mattress to protest the university's inaction after her reported rape. Sulkowicz committed to carrying the mattress everywhere she went until the university expelled the rapist or he left.

Andrew Burton/Getty Images News

1. The anger rape, in which sexual attack becomes a means of expressing rage or anger, involves far more physical assault on the victim than is necessary. Groth and Birnbaum claim that 40% of their subjects were anger rapists.

2. The power rape, in which the assailant primarily wishes to express his domination over the victim, is viewed as an expression of power rather than a means of sexual gratification. Thus, the rapist generally uses only the amount of force necessary to exert his superordinate position. The majority, about 55%, of Groth and Birnbaum's offenders were of this type.

3. In the sadistic rape, the perpetrator combines the sexuality and aggression aims in psychotic desires to torment, torture, or otherwise abuse his victim. About 5% were of this type.

Glaser (1978) proposes four categories of rapists: naive graspers, meaning stretchers, sex looters, and group conformers. *Naive graspers* are usually sexually inexperienced youth with an unrealistic conception of female erotic arousal. Awkward in relating to the opposite sex, they hold high expectations that their crude advances will be met with affection by their victims. They possess a strong desire for affection but little respect for their victim's autonomy in resisting such advances. *Meaning stretchers* are the most typical rapists, the date rapists. They stretch the meaning of, or misinterpret, a woman's or date's expressions of friendliness and affection as indicating that the woman desires coitus even when she says no. *Sex looters* have little desire for affection or little respect for the victim's autonomy and callously use women as sex objects. This type figures in the stranger-precipitated rape that is most likely to be reported to the police. *Group conformers* participate in group rapes or gang bangs, often following the leader, a sex looter, out of a need for conformity and a perverted notion of demonstrating masculinity.

In an examination and criminal profiling of 41 convicted serial rapists (defined in the project as those who had committed 10 or more rapes), Hazelwood, Burgess, and associates (Burgess et al., 1988; Hazelwood & Burgess, 1987; Hazelwood & Warren, 1989) found that 76% had been sexually abused as children. The majority of the serial rapes had not been reported to authorities. Such typologies may not accurately reflect the motivations of typical rapists at the time of the offense. They are based on ex post facto (after the fact) case studies of incarcerated offenders and interviews with offenders, which makes them prone to **post hoc error**, the assumption that because one variable is observed before another, it must be the cause of that outcome. They are also unnecessarily steeped in psychiatric assumptions regarding offender motivations. In addition, incarcerated rapists are more likely to be of the stranger variety and perhaps either more violence prone or more willing to use violence than the nonstranger rapists.

Opinions on victim resistance appear to be mixed. The research on using self-protective actions shows that when forceful physical or forceful verbal strategies are used, an incident is more likely to be stopped than when other forms of self-protective action are taken (Fisher et al., 2007). Although self-protective actions appear to be efficacious in reducing the likelihood of an incident being completed, other research has examined its link to injury. A large-scale study using the National Crime Victimization Survey data indicates that self-protective action does not increase injury (Kleck & Tark, 2005).

The criminalization of forced marital intercourse (Sigler & Haygood, 1988), or marital rape, underscores the view of rape as a violent rather than sexual crime. In *State v. Rideout* (1969), an Oregon court challenged the marital immunity defense, that is, the husband's right to force involuntary intercourse. This is now illegal in every state, some states still have exceptions or have language in their statutes that effectively treat some instances of marital rape or sexual assault differently than those perpetrated by a non-spouse. Finally, an examination of prison inmates is telling. One in five violent offenders serving time in state prison report having been victimized as a child. Two thirds of prisoners convicted of rape or sexual assault had committed their crime against a child. Inmates who victimized children were less likely to have a prior criminal record. Three in 10 child victimizers had multiple victims, and in most cases, they knew the victim before the incident. In fact, one third committed their crime against their own child (Greenfield, 1996).

Sexual Predators

Another category of sexual offenders is the violent sexual predators who prey on children. In February 2004, the nation was shocked to see security camera videotape footage of the abduction of 11-year-old

Carlie Brucia. She was subsequently raped and murdered. In 1994, Megan Kanka, a 7-year-old New Jersey girl, was kidnapped, raped, and murdered by a convicted sex offender who lived across the street from her. Unbeknownst to the family, the man had a long record of sexual attacks on children. In response to this incident, New Jersey, and later other states and the U.S. Congress, passed "Megan's Law," requiring states to inform local communities when known high-risk sex offenders are being released into the community. In 2021, in a nationwide sexual abuse scandal, the Boy Scouts of America agreed to pay out $850 million.

In some instances, sexual predators have still been able to slip through the net. Some move their residence without notifying authorities. Mapsexoffenders.com, launched in 2005, has mapped publicly available state sex offender registries onto Google Maps. People could type in their address and a map of their neighborhood pops up, along with red flags that can be clicked on in order to view the predator's name, address, photo, and list of offenses. The U.S. Justice Department also inaugurated the Sex Offender Public Registry, which links individuals directly with 24 state databases (Campo-Flores, 2005). The site is now called the Dru Sjodin National Sex Offender Public Website and can be visited at https://www.nsopw.gov.

A related offense, stalking, refers to deliberately and without justification following or surveilling (or both) another person. It also includes threatening another person with immediate or future bodily harm, sexual assault, or confinement.

One of the more shocking cases of serial child sexual abuse was revealed in an ABC News investigation (ABC, 1992a) of former Roman Catholic priest James Porter, who was accused by more than 100 former victims of molesting, sodomizing, or raping them when he was their parish priest in the 1960s and 1970s. A collective silence repressed such memories, until one person came forward and organized an investigation into why the Church hierarchy ignored such activity and instead moved the offender from one parish to another in Massachusetts, New Mexico, and Wisconsin without warning the new parishes. On December 6, 1993, Porter was sentenced to 18 to 20 years in prison. In 2005, defrocked priest Paul Shanley was convicted of raping and fondling a boy numerous times at his Roman Catholic parish. The activities had begun when the child was 6. Crime File 9.5 summarizes some of the findings of a report commissioned by the U.S. Conference of Catholic Bishops on child sexual abuse by Catholic priests.

CRIMINOLOGY IN CONTEXT 9.1 CHILD SEXUAL ABUSE BY CATHOLIC PRIESTS

A rising tide of charges against and convictions of Catholic priests for child sexual abuse persuaded the U.S. Conference of Bishops to commission John Jay College of Criminal Justice to undertake an objective national study of the phenomenon. Karen Terry was the principal investigator along with James Levine, who acted as coordinator. Accusations of molestation were found to have been made against 4,392 priests. This represented 4% of priests serving between the years 1950 and 2002. The number of people reporting having been abused by priests as children during that time equaled 10,667. The researchers were careful in devising a methodology that would ensure confidentiality of both the diocese (which faced possible litigation) and the priests involved. The information was encrypted for each accused priest and then destroyed after analysis. Ninety-seven percent of the 202 dioceses participated by answering the researcher's questionnaire.

Although some dioceses reported no cases of abuse, the estimate was as high as 24% of priests in one large diocese. Terry suggested that a victimization study of the Catholic population would provide a useful estimate of former abuse. Although the study led by Terry probably underestimated the problem, it represented an honest, objective attempt to assess the extent of a previously well-hidden issue.

For Further Thought

1. Search for articles that update the issue regarding Catholic priests and pedophilia.

Sources: "Pulling Back the Veil," by B. Bullag, *Chronicle of Higher Education*, March 19, 2004, pp. A12–13; *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950–2002*, by K. Terry (John Jay College of Criminal Justice, 2004).

Although it is difficult to draw clear distinctions between abuse and molestation, this discussion focuses on child molesting, which primarily involves the sexual abuse of children or minors who are past puberty. A child is defined in most states as one who has not yet reached puberty, or age 12 or 14, depending on the state.

Pedophiliacs or *child molesters* are those who have sexual relations with children. Many myths exist about child molesters. Some common myths are that molesters are usually strangers, molesters will be caught and jailed, and children quickly get over the emotional harm of having been molested. In reality, most molesters, 85%, are known to the child and their family. Most are not caught and, if apprehended, are likely to be treated leniently. Fewer than 10% of convicted felon child molesters go to prison. One offender claims that psychiatrists will generally release them as long as they do not appear to be "mad dogs" (ABC, 1983a) because such offenders are assumed to be mentally ill, and they are permitted to plead to lesser offenses, even though victims of child molesters report long-term psychological damage as a result of such incidents. Pressure groups such as SLAM—Society for Laws Against Molesters—are lobbying for stricter laws, insisting that repeat offenders receive mandatory prison sentences consisting of a minimum of 4 to 8 years.

The typical act of child molesting involves an adult man and a female victim, usually 11 to 14 years of age. McCaghy (1976a) identified six types of child molesters:

1. High-interaction molesters, who have known the children for some time and usually perform or have performed genital fondling
2. Incestuous molesters, who take advantage of a child living in the same household
3. Asocial molesters, who are involved in illegal careers
4. Senile molesters, who are older, poorly educated offenders
5. Career molesters, who have persistent offense patterns involving child molestation
6. Spontaneous-aggressive molesters, who have had little previous contact with their victims and tend to commit their offenses in a physically forceful and unplanned way

Although high-interaction offenders represented only 10% of McCaghy's sample, it is likely that they represent the majority of molesters. Because most are well known to the family and do not employ physical force, they are less likely to be charged with the offense. Although statistics are unreliable, in many cases of sexual child abuse, the offenders are family members (Lanning, 2001).

One overlooked aspect of the rising rate of teen pregnancy is the fact that it is often an outcome of child abuse. One study by the Alan Guttmacher Institute found that 66% of teen mothers had children by men who were 20 or older. A 1992 Washington State study found 62% had been raped or molested before they became pregnant; the offenders' mean age was 27.4 years. "Girls who become pregnant aren't just amoral, premature tarts—they are prey" (J. Klein, 1996, p. 32). Enforcement of statutory rape laws would be a significant start toward addressing this crime.

There have been other attempts to classify child molesters. Groth et al. (1978) describe two types: the regressed abuser and the fixated abuser. The *regressed abuser* is one who, having led a fairly normal sexual life, regresses to a sexual interest in children. A previously normal father who suddenly develops sexual interest in children would be an example. *Fixated abusers* have an early and strongly focused interest in children as sexual objects, often to the exclusion of any other type of adult sexual activity (Crewdson, 1988). Although there has been an increase in literature on the topics of sexual molestation, incest, and pedophilia, more such research is needed (Finkelhor, 1986; Holmes & Holmes, 2008; O'Brien, 1986; Terry, 2013; Vander & Neff, 1986).

In 1990, the McMartin preschool molestation trial ended with the acquittal of all the accused. Beginning with accusations that child molesting had taken place in 1983, and continuing through 3 years in court, it was one of the longest and costliest criminal proceedings in U.S. history. The trial may also have represented a moral panic and witch hunt. The jury finally concluded that the state's children's therapist put the child abuse charges into the children's mouths through the therapist's method

of questioning the children (Rabinowitz, 1991). The children were believed to be vulnerable to leading questions and wishing to please adults with their answers (A. Hagedorn, 1991). Care must be taken lest we railroad the wrong people in our attempts to fight such abuse. One suggestion made in light of all the charges associated with child care centers is to have a national registry for background checks of child care providers that could be consulted to avoid hiring known child abusers.

Incest

Claims of childhood sexual abuse and incest by Roseanne Barr, Oprah Winfrey, La Toya Jackson, and former Miss America Marilyn Van Derbur Atler have opened the door for others to confront long-repressed, painful memories of such abuse.

Incest is related to child molestation, which, although varyingly defined by state or national laws, refers to the universal taboo prohibiting sexual relations or marriage between those who are defined as being too closely related either by blood or marriage. At issue in this discussion is not adult relations but forms of incest that represent a type of child molesting or sexual victimization in which an adult who is closely related to a child has sexual relations with the child.

The incidence of child sexual abuse by a natural parent is difficult to document, even though the American Humane Association has shown a sharp escalation in such statistics since the mid-1970s. D. Russell (1986) reports that sexual abuse by uncles is more prevalent than father–daughter incest and that incest by stepfathers is seven times more likely than that by biological fathers. "The more 'personal' the relationship between the victim and the offender, the less likely a case of sexual abuse will be reported" (Cardarelli, 1988, p. 9).

Because mother–son incest is rare and brother–sister incest is unlikely to involve as gross an age disparity, father–daughter and father–son incestual relationships are the primary subject of this brief presentation. One study found the average age of female victims to be 10.2 years (Finkelhor, 1979). More recent research on a very small sample of victims (n = 19) revealed that the median age of experiencing father-involved incest was 7 (Stroebel et al., 2012). Incestual victimizations may be heterosexual or homosexual. Finkelhor found that, although brother–sister incest was by far the most common, father–daughter incest was most likely to come to the attention of authorities, perhaps because of its more traumatic impact on the family and the child (Goodwin, 1982; Janeway, 1981). Some factors associated with incest include high proportions of stepparent, foster, or adoptive parent relationships; family disorganization (J. D. Herman, 1981); low intelligence; alcoholism; and other types of personality disorganization. Although official reports of child battering tend to be more prevalent among low-income families, the American Humane Association Children's Division (1984) reported that sexual abuse and incest are more evenly distributed among social classes. Linda Gordon and Paul O'Keefe (1984), in an analysis of historical records of family violence in the Boston area from 1800 to 1960, did not find that incest offenders were poorer, more alcoholic, or sicker than other assailants. In addition, they questioned the assumption that such violators exhibited pathology or were under external socioeconomic stress.

Characteristics of Sex Offenders

Hans Toch (1979) summarizes much of the research conducted on characteristics of sex offenders:

- Most offenders, far from being "sex fiends," are rather minor offenders.
- Only about 20% use force on their victims.
- Untreated, convicted offenders tend to be recidivists in both sexual and nonsexual offenses, but in no greater proportions than nonsexual offenders.
- Although few offenders are psychopaths, many suffer from severe neurosis, borderline psychosis, or brain impairment, but most do not fit legal definitions of mental illness.
- Most are emotionally immature and sexually constricted and inhibited, although those involved in rape and incest are more likely to be overimpulsive and oversexed.

- Convicted statutory rapists and those involved in bestiality and incest are more likely to exhibit subnormal intelligence.
- The majority of offenders are young, unmarried, and from poor educational and social-class backgrounds (p. 414; see also R. M. Holmes, 1983, 1991).

Robbery

Robbery involves theft through violence or the threat of violence. P. J. Cook (1983) describes robbery as the quintessential urban crime: The six largest cities in the United States experience one third of the nation's robberies. Robbery is more concentrated in larger cities than any other crime. Robbery is the only interracial crime. That is, all other crimes tend to be intraracial (occurs within racial categories).

You may be surprised to learn that Anchorage, Alaska, had the highest robbery rate in the United States in 2020, followed by San Francisco/Oakland/Berkeley, California, and Memphis, Tennessee (Statista, 2022b). Despite relatively low stakes (the average heist in 2011 nationally was $7,645) (FBI, 2012a), poor odds for success (85% of bank robbers are caught), stiff sentences (armed robbery carries a 25-year maximum), and easy detection because of witnesses, pictures, and police attention, many robbers are still not deterred. Bank robbers are not always the craftiest. One opened a bank account in his real name and then robbed the same bank. Another was mugged outside the bank he had just robbed and called the police to complain.

The typical robbery is rather minor. Most robberies are of individuals rather than of commercial establishments and for amounts considerably less than one might assume. A disproportionate number of robbers are young Black men, and a large proportion of victims are white men over 21. The unusual interracial nature of robbery, unlike other violent crimes, can be explained by the fact that robbers are primarily interested in money and adult white menare perceived as good targets.

Perhaps the biggest cause of fear in victims of robbery is the risk of personal harm in street robberies. Roughly one third of victims are harmed to some degree, with 2% requiring inpatient hospital care. Feeney and Weir (1975) indicate that although resisting robbery greatly increases the possibility of suffering injury, screaming and yelling may cause the robber to quit and do not tend to increase the likelihood of harm. Many armed robbers are primarily interested in intimidating the victim and in fact may employ unloaded or even fake weapons, whereas unarmed robbers are far more likely to attack their victims.

In September 1992, a Maryland woman was dragged to her death by thieves stealing her car. They forced the woman from behind the steering wheel and threw her 2-year-old child, car seat and all, from the moving vehicle. In a newer variation of robbery called carjacking, armed car thieves approach occupied vehicles and commandeer them. *Carjacking* (robbery auto theft) is defined as completed or attempted robbery of a motor vehicle by a stranger to the victim. It differs from other vehicle theft because the victim is present and the thief uses or threatens force. Between 1993 and 2002, the National Crime Victimization Survey (NCVS) estimates that an average of 38,000 attempted or completed carjackings occurred in the United States. Half of these were successful (Klaus, 2004). Carjacking has been a federal crime since 1992. Some experts speculate that carjacking has increased in response to new antitheft devices, particularly on expensive automobiles.

Conklin's Typology of Robbers

Conklin (1972) developed a typology of robbers based on interviews with 67 convicted robbers in Massachusetts prisons, as well as 90 victims. He classified robbers as professional, opportunist, addict, or alcoholic. *Professional robbers* have a long-term commitment to crime, their major source of livelihood. They are very rational about crime and plan their operations carefully. *Opportunist robbers* are the most common type of bandit. Having little commitment to, or specialization in, robbery, they are all-purpose property offenders. Their engagement in robbery is infrequent and relatively unplanned. Often young and from lower class, minority backgrounds, such offenders usually operate in groups. Gabor and Normandeau (1989), in studying armed robbers in Montreal, found that most did not fit the stereotype of the meticulous professional. Most were under 22 years of age, wore no disguise, and usually stole less than $100. Nearly half of the robbers either did not plan ahead at all or planned their

robbery far less than an hour in advance. The robbers indicated that they viewed armed robbery as the fastest and most direct means of getting money compared with burglary and fraud. Younger robbers in particular claimed that they enjoyed the thrill, excitement, status, and feeling of power associated with the crime. In 2004, a Belfast, Ireland, bank robbery netted 22 million pounds (about $42 million at the time) and rivaled some of the biggest robberies in history. In the post–World War II chaos, $7.4 billion disappeared from the German Reichsbank. One billion dollars was robbed from Iraq's Central Bank in 2003, and $168 million was taken from a British bank in Beirut by guerrillas in 1976 ("Big Belfast Heist," 2004).

Addict robbers are addicted to substances such as heroin or other drugs and commit robbery to support their substance use disorders. Most drug abusers are interested in safe and quick criminal gain and are less likely to be involved in robbery than in burglary and sneak thievery. Such offenders are less likely to use weapons and therefore more likely to use physical force as a means of intimidation. *Alcoholic robbers* have little commitment to robbery; they engage in unplanned robberies on occasion to support their substance use disorders. Many claim to have been intoxicated at the time of their offense.

Perhaps the most feared type of robber (although not a separate type) is the *mugger*, a "strong-arm" robber who generally does not use a weapon. Many muggers are semiprofessional; they do some planning and specialization, although not to the extent of the professional robber. *Mugging*, an American slang term for robbery, may refer to everything from purse snatching to brutalization or murder of the victims. Working in groups, muggers may start by carefully surveying the scene and the mark (victim). The actual techniques employed vary from the "yoke," a method of grabbing the victim from behind around the neck, to the use of knives or guns to scare the victim. Young Black offenders are more likely to commit purse snatches and street robberies, netting small amounts, whereas adult white offenders are more likely to participate in commercial robberies.

Richard Wright and Scott Decker, in *Armed Robbers in Action: Stickups and Street Culture* (1997), conducted field research on 86 uncaught robbers in Saint Louis. They indicate the following:

> The offenders in our study typically compel the cooperation of intended victims through the creation of a convincing illusion of impending death. They create this illusion by catching would-be victims off guard and then using tough talk, a fierce demeanor and the display of a deadly weapon to scare them into unquestioning compliance. (p. 128)

The armed robbers often chose to commit their crimes while under perceived pressure to continue illicit action, for example, gambling, drug use and drinking binges, or self-indulgent street culture. Most preyed on other local people who commit crimes, particularly drug dealers. Pressed for cash, most chose the first rather than the best available target. Not all offenders targeted such criminal victims; many chose law-abiding citizens. Carefully observing dress and demeanor of potential targets, they chose victims who were most likely to turn over their possessions without protest.

High robbery rates are not an inevitable product of urbanization in advanced capitalistic societies, as can be illustrated by Japan. In the late 1970s, New York City had 11,000 robberies per million residents, and Tokyo had about 40 robberies per million (Nettler, 1982).

Domestic Violence

In our previous discussion, we indicated that one stands the greatest chance of being kicked, stabbed, shot, or otherwise brutalized within the refuge of one's own home. Child abuse may include excessive physical assault, neglect, or sexual molestation. Intimate partner violence usually involves physical assaults by men against women, although the reverse is not unheard of.

Child Abuse

Although corporal punishment is an approved-of disciplinary practice in many societies, **child abuse** is defined as excessive mistreatment, either physical or emotional, of children beyond any reasonable explanation (Kempe & Kempe, 1978). In 1996, another sad case of child abuse and death caught the public eye, the death of 6-year-old Elisa Izquierdo. Of particular concern was the failure of New York City's child protection system. Rescuers who pulled little Elisa from her bed found deep red blotches,

welts, and cigarette burns over her entire body; bruises near her kidney, face, and temples; and ghastly wounds around her genitals. Despite repeated expressions of concern in reports to child care workers by other family members, Elisa had been put in the care of her deranged mother. The mother believed the child was possessed by the devil.

A 1995 Gallup poll of 1,000 U.S. parents estimated that 5% of parents punish their children by punching, kicking, or throwing the child down, or hitting with a hard object on some part of the body other than the bottom. The poll also found that 1.3 million children were sexually abused. These figures are much higher than those cited by the National Center on Child Abuse and Neglect, which estimated over 1.25 million children are the victims of maltreatment that resulted in demonstrable harm (U.S. Department of Health and Human Services, 2012). Most commonly, children are the victims of neglect, followed by physical abuse and sexual abuse (U.S. Department of Health and Human Services, 2012).

The child batterer strikes the defenseless. Historically, they are exercising a traditional prerogative of parents. Infanticide was a parental privilege in many ancient societies, and childhood was simply not regarded as a particularly important stage in life. In the United States, it was not until 1866 that state protection of abused children began, using SPCA (Society for the Prevention of Cruelty to Animals) authority for the removal of a child from an abusing household.

The extent of homicide and brutal assault and torture vented on child victims was illustrated by a study by Raffali (1970). Following up on 302 battered children reported by some New York City hospitals, he discovered that 1 year later, 35 had died and 55 had suffered permanent brain damage from their injuries. The fact that most instances are never reported to police or come to the attention of authorities would suggest a large "dark figure" of child abuse. Gelles and Straus (1979), in the first large survey of domestic abuse, put this statistic as high as 1.9 million per year who are physically abused. Replicated again in 1985, some reduction in child abuse was reported, although critics point to a change in methodology from interviews to telephone surveys as being responsible. A virtual statistical epidemic in reports of child abuse has occurred in the United States since the 1960s, primarily because of increased efforts at detection and reporting. Emergency room personnel, for instance, receive special training in spotting the battered child syndrome, which includes a variety of symptoms such as lethargy, fear of parents, subdural hematoma (blood and swelling next to bones or skull), multiple broken bones demonstrating various stages of healing (thus multiple incidents), and suspicious bites, bruises, and the like that cannot be reasonably explained by parents (Fontana, 1973). It is important to note that more than half of the suspicious bites and bruises were unfounded; that is, the abuse was determined not to have taken place (Whitman, 1987).

Studies of spouse and child batterers suggest a frightening although not inevitable link in which former child abuse victims grow up to become child or spouse abusers themselves. Not all abused children become scarred irreparably or turn into future abusers, but not surprisingly, many do. Researchers have found that the abused and neglected, particularly men, exhibit a higher frequency of arrest for adult violent offenses (J. Miller, 1989; Widom, 1989). Widom (1992) found that childhood abuse or neglect increased the odds of future delinquency or adult criminality by about 40%.

In addition to a history of abuse, some other characteristics of child abusers include family isolation from helping resources in periods of crisis, disappointment with the child, and some crisis that precipitates maltreatment (Kempe & Kempe, 1978). Other research shows that child abusers often live in poverty (Sedlak et al., 2010) and engage in substance use (U.S. Department of Health and Human Services, 1999). In addition, children who are abused often come from homes in which a nonbiological parent is present and large families (Sedlak et al., 2010).

According to Bakan (1975), hostility toward children is generally associated with two age-maturity distortions. First, the adult may ascribe to themself the role of a younger person. Second, they may ascribe to the child a maturity beyond the child's years. Studies of child abusers and their personality characteristics, however, are often plagued by post hoc error. Gelles (1977) indicates that psychological conditions identified as being present after an abuse incident tend to be viewed as the cause of the incident. Abusers are often described as being depressed and paranoid, but these conditions could be results of the incident rather than its cause.

Child battering may constitute assault or even homicide, but most cases in the United States are handled in family or juvenile courts as categories of child neglect or abuse. Such courts have an orientation toward rehabilitation rather than toward imposing penalties or imprisonment. Often children are removed from the home for their own protection and temporarily placed in foster homes until their parents are adjudged fit, but a major objective in the past has been to maintain the family unit. This could account for the one third of abused children who later suffered death or brain damage in Raffali's (1970) study.

Austria, Croatia, Cyprus, Denmark, Finland, Italy, Latvia, Norway, and Sweden bar parents from spanking their children (Straus, 1999). Murray Straus, in his book *Beating the Devil Out of Them: Corporal Punishment in American Families* (1994), indicates that, although working as a sanction in the short run, corporal punishment increases the probability of violence and future crime.

Intimate Partner Violence

Despite the fact that ex–football star O. J. Simpson won his criminal case and was found not guilty of the murders of his ex-wife Nicole Brown Simpson and Ron Goldman, tape recordings of a 911 call for assistance by Nicole, as well as pictures and police testimony, documented Simpson's history of battering Nicole. This history was also a factor in the civil action brought against him by the Brown and Goldman families. That wrongful death suit was successful, and Simpson was ordered to pay several million dollars in damages. This called public attention to the widespread nature of an all-too-common form of violence: spouse battering.

Straus, Gelles, and Steinmetz (1980) claim a "sexual symmetry" in intimate partner violence: that men and women are equally likely to batter each other. The conventional wisdom at the time assumed the man to be the major aggressor. In a 1975 survey and again in a 1985 national survey, Straus and Gelles (1986) found men and women about equally likely to be the assailant. In a more extreme view, Thibault (1992) even claims that antimale, sexist stereotypes tend to ignore female-initiated violence, giving women a license to batter their children and male partners in the home. Even if this is the case, violence by men tends to cause more serious injury to victims than does violence by women. Studies such as "The Marriage License as a Hitting License" (Straus et al., 1980) and "The Family as a Cradle of Violence" (Steinmetz & Straus, 1978) illustrate the intimate nature of intrafamily violence, particularly with respect to intimate partner violence.



PHOTO 9.4 Actor Johnny Depp is suing ex-wife actor Amber Heard for libel after she wrote an op-ed piece in *The Washington Post* in 2018 referring to herself as a public figure representing domestic abuse. A picture introduced into evidence of Depp and Heard at the end of their honeymoon is displayed on the screens during the publicized defamation trial. Many fans took sides during the trial, some even showing up to the Fairfax County Circuit Courthouse with posters

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Although family conflict studies show equal rates of domestic assault by men and women, victimization and clinical studies show much higher rates of assault by men (M. P. Johnson, 1995). Other studies have shown that much of women's violence really consists of self-defense or fighting back (DeKeseredy et al., 1997). The NCVS estimates that in 2020, about 597,200 intimate partner violence incidents were committed by current or former spouses, boyfriends, or girlfriends (Morgan & Thompson, 2020). About 85% of such crimes were committed against women (Bureau of Justice Statistics, 2022).

From 1994 to 2010, the overall rate of intimate partner violence in the United States declined by 64%, from 9.8 victimizations per 1,000 persons age 12 or older to 3.6 per 1,000. Rates have fluctuated recently as well. In 2016, the rate of intimate partner violence was 2.2 and 1.7 in 2020 (Morgan & Thompson, 2020). Of all women killed in the United States, more than half (55%) resulted from intimate partner violence (Domonoske, 2017). Women are much more likely to be killed by their partners than are men—70% of all intimate partner homicides involve female victims (Catalano, 2013). Whereas men are killed by women in self-defense, the greatest danger to women is when they decide to leave an abusive relationship. The men are the pursuers, not the defenders.

Some of the reasons for the decline in intimate partner violence may be better police and prosecution procedures, greater female participation in the workforce, better services for victims, and better legal advocacy, including protection-from-abuse orders (Dugan et al., 2000). Later age at marriage could be added to this list.

In their self-report survey of 2,143 husbands and wives, Straus et al. (1980) indicate that one out of every six couples admitted having done one of the following in the past year: threw something at a spouse, pushed, grabbed, shoved, slapped, kicked, bit, hit with fist or other object, beat up, or threatened with or used a knife or gun against the spouse. In line with our discussion in Chapter 4 of victim precipitation of many assaults, they found the most common situation was one in which both spouses used violence, although husbands employed the most dangerous and injurious forms of violence and were greater repeaters. Often family members such as women and older persons, who are generally thought of as victims, become assailants and spontaneously strike back, sometimes with lethal consequences (Kratcoski, 1988; Kuhl, 1985).

Traditionally in Western society, "a man's home is his castle," and wife beating has been the prerogative of the "master of the house," as has abuse of children. In codifying common law in the 18th century, English jurist William Blackstone determined "a rule of thumb" for wife abuse. Although Somers (1994) claims it is a fable, under this rule, a husband had the right to physically discipline an errant wife as long as the stick used was no thicker than his thumb (Straus & Gelles, 1986). Many traditional societies approved of husbands murdering their wives for serious transgressions such as adultery, although the double standard did not permit the reverse.

Although the list is subject to post hoc error, G. Newman (1979) identified the following as characteristic of wife abusers:

- Alcohol abuse
- Hostility
- Dependence on their wives
- Excessive brooding over trivial events
- Belief in societal approval of battering
- Economic problems
- A sudden burst of anger
- Present military service
- Having been a battered child

A study by the Police Foundation (1977) found that, in the 2 years preceding a domestic assault or homicide, the police had been at the address of the incident five times or more in half of the cases. In the **Minneapolis Domestic Violence Experiment** (Sherman & Berk, 1984), a randomized field experiment demonstrated that arrested domestic offenders were about half as likely to commit repeat violence as nonarrested offenders. Replications of this experiment indicated that the effect varied by marital status and employment status as well as race of the perpetrator. The experiment certainly illustrated that there are things police can do to intervene in and prevent family violence (Berk & Newton, 1985; Binder & Meeker, 1988).

Elder Abuse

With longer life expectancies and, consequently, larger populations of the elderly in modern societies, a growing problem of abuse of the elderly has presented itself. Koenig noted in 1991 that our knowledge of elder abuse was probably where our knowledge of child and intimate partner violence had been two or three decades before. Elder abuse may involve physical, sexual, or emotional abuse; neglect or desertion; or taking and misusing an elderly person's money or property. In 2008, an estimated 2.1 million older Americans were victims of physical, psychological, or other forms of abuse or neglect. These were reported cases. It is estimated that there may be five times as many unreported cases ("Elder Abuse," 2008).

Criminal Careers of Violent Offenders

Conservative writers in the early 1990s predicted a massive wave of violent superpredators. Bennett, DiIulio, and Walters, in *Body Count: Moral Poverty and How to Win America's War on Crime* (1996), predicted that the United States was about to experience unprecedented violence, blaming this on moral poverty rather than joblessness, racism, and inequality. Not only did their forecast never come true, but crime declined the most in the very areas they predicted would be the worst. Most violent offenders, such as murderers, assaulters, and forcible rapists, do not have criminal careers or extensive backgrounds in and commitment to violent crime as a major component of their lives. Most do not view themselves as criminals or associate with other people who commit crimes. The major exceptions to this are people incarcerated for robbery, whose crimes, except for their violence, resemble those of conventional property criminals.

As seen in Chapter 3, various cultural and subcultural values and attitudes regarding violence have an impact on the relative frequency of violent crimes and their prevalence in various countries, regions within countries, urban or rural areas, social classes, races and ethnic groups, ages, and sexes.

Culture of Violence

Entire cultures can have a predisposition toward the use of violence to resolve grievances—a **culture of violence**. Due to a lack of centralized law enforcement in the past century, areas such as Sardinia and Sicily were characterized by vendettas, which required personal revenge for wrongs against oneself or one's kin. In some cases, whole families killed each other off, responding in kind to the need to avenge past harm to relatives. In some cases, vendettas extended to killing relatives in the United States. In the 1980s, Colombia had a homicide rate estimated at an unbelievable eight times the U.S. rate (Rosenberg, 1991). Moreover, Wolfgang and Ferracuti (1967) claim that in the 1960s in Mexico City, the risk of death from homicide was greater than the risk of death from bombing during the London Blitz in World War II. With the collapse of communism in Albania, vendettas have returned to that country, most of them involving family feuds over land reform. Local blood feuds going back as far as the 15th-century Ottoman Empire have been rekindled. In the past, such violence was officially approved, and avengers received light sentences (Post & Field, 1992).

Subculture of Violence

Marvin Wolfgang and Franco Ferracuti (1967) in their now-classic *The Subculture of Violence*, refer to the "culture within a culture" that exists among some ethnic and lower class groups and demonstrates

favorable attitudes toward the use of violence as a means of resolving interpersonal grievances. In such subcultures, violence is viewed as a necessary means of upholding one's masculinity: "Quick resort to physical combat as a measure of daring, courage, or defense of status appears to be a cultural expectation, especially for lower socioeconomic class males of both races" (Wolfgang & Ferracuti, 1967, p. 189). The southern United States has traditionally had higher rates of homicide than other regions of the country. This has led some to view the region as imbued with a **subculture of violence**. Not coincidentally, the South also has the highest rates of firearm ownership. A rival explanation for the higher murder rates in the South may relate to the fact that poorer emergency medical services exist there than in other regions of the country (Doerner, 1988; Doerner & Speir, 1986).

A basic tenet of the subculture of violence thesis is that in such subcultures, violence is not viewed as undesirable conduct, and little guilt or disapproval is experienced when aggression is used. H. S. Erlanger (1974), in an empirical assessment of this concept, indicates the surprising lack of examples in the ethnographic literature, citing Liebow's (1967) *Tally's Corner* and Whyte's (1955) *Street Corner Society* as examples. Other such literature, which he does not cite, certainly does lend credibility to the theory—for example, J. Allen's (1977) *Assault With a Deadly Weapon* and C. Brown's (1964) *Manchild in the Promised Land*. In a reanalysis of data originally gathered for the President's Commission on Violence, Erlanger concludes that on attitudinal measures of approval or disapproval of violence, lower class and minority groups were no different from the general society and that the social and economic deprivation experienced by these groups is primarily a result of social structural factors—for example, poverty and racism—rather than the product of group pathology. In essence, although there is no greater attitudinal approval of violence, the lack of sophistication with respect to other means of resolving grievances results in higher rates of violent behavior. Other researchers have indicated that Black and Latino persons have lower tolerance of violence than the general population. However, as Shoemaker and Williams (1987) note, "Demographic and residential variables explained more of the variance in violence tolerance and experiences with violence than did ethnic background" (p. 464).

Luckenbill (1991) and Best and Luckenbill (1982) propose a model of murders as "character contests" in which the parties involved attempt to save face and demonstrate character at each other's expense. The stages of this character contest involve the following (Savitz et al., 1991, pp. 20–21):

- A personal offense (statement or gesture) in which a person feels that he or she has lost face (self-image)
- An assessment that interprets the action as offensive
- Retaliation or demonstration of strength of character ("face") by showing anger or contempt
- A working agreement that violence is an appropriate means of settling the matter
- A battle in which the offender has or obtains a weapon and attacks the victim
- Termination, when the target falls and the contest is over

In examining a sample of murders, Savitz et al. (1991) conclude that over half of the killings fit Luckenbill's model, although many cases lacked sufficient detail to establish whether they do or not.

Luckenbill and Doyle (1989), as an addendum to this model, propose the hypothesis that "disputatiousness" (likelihood of being offended or seeking reparation through protest) increases if a person is attacked by an equal in a public place.

Machismo, the code of conduct requiring that men defend their sense of honor, is particularly virulent in Latin American cultures. In Brazil, for instance, some courts until recently refused to convict husbands of killing unfaithful wives, although the reverse did not apply. The view is that a man should not be punished for defending his honor. Bourgois (1988) describes a "culture of terror" in the underground drug economies of U.S. central cities in which regular displays of violence are necessary for success in the street-level, drug-dealing world. What outsiders view as senseless violence may be viewed as public relations, "a curriculum vita that proves their capacity for effective violence and terror" (n.p.).

Career Criminals and Violent Offenders

Petersilia et al. (1977), basing their research on interviews with 49 incarcerated robbers, found that such individuals committed roughly 214 offenses apiece, although these crimes were nonspecialized and were just as likely to involve conventional, nonviolent property crime as they were to involve violence. They divided career criminals into two types: the intensives and the intermittents.

Intensives have continuing criminal involvement from an early age and commit on average 51 crimes per year. *Intermittents* are irregular in their offense patterns, committing an average of 5 crimes per year, generally with lower takes from their victims. In a previously discussed longitudinal study of Philadelphia delinquents by Wolfgang et al. (1978), it was indicated that roughly 6% of the 1945 male birth cohort were chronic offenders, accounting for 52% of all the crimes committed by this group. Chaiken and Chaiken (1982), in *Varieties of Criminal Behavior*, used self-reports and official records in a survey of 2,200 inmates in California, Michigan, and Texas, in which they identified violent predators who commit a highly disproportionate amount of crime, consisting of a combination of robbery, assault, and drug dealing. This criminal group began taking drugs as juveniles, committed violent crimes before age 16, were addicted to multiple drugs, and perpetrated an exceptionally high level of robberies, property crimes, and assaults to support their addictions. Most were unmarried, had few other family obligations, and were irregularly employed. Their distinctive characteristic was multiple drug use, for example, heroin with barbiturates or alcohol or amphetamines with alcohol. The California inmates who had been addicted admitted to, on the average, 34 robberies, 68 burglaries, and 72 thefts per year, whereas the same figures for those not using drugs were 2, 3, and 8 per year.

SOCIETAL REACTION

As our discussion has suggested, most violent crime is intimate; a large proportion of violent offenders are not career criminals, and their crimes reflect situational or subcultural reactions to interpersonal disputes. Studies indicate that a high proportion of crimes are committed by a small portion of the criminal population, the chronic or career offenders. Therefore, social policies to identify and specially process these career criminals hold much promise. The creation of special career criminal bureaus by police departments and district attorney offices, using computerized information on up-to-date offense records that are shared with the courts, can assist in preventing such career felons from slipping through the cracks in the system.

As previously cited, a Police Foundation (1977) survey in Kansas City found that in the 2 years preceding an assault or homicide, police had answered calls about domestic disturbances in 85% of the cases and at least five times in half of the cases. Subsequent replication studies specified that the use of arrest depended on offender characteristics such as race, unemployment, and marital status. Thus, early use of crisis intervention teams could help reduce the high rates of domestic violence. Social programs related to substance use and family crisis intervention address two key components of the violence equation.

A key explanatory variable in elucidating the very high interpersonal violence rates in the United States compared to other developed countries is the widespread availability and ownership of handguns. Although the majority of the population favors stricter legislation and control, the public has remained relatively passive in this regard. Until strong, active public pressure is felt, Americans will continue to murder one another at a rate that bewilders most of the civilized world. After another horrific murder of 17 students at Marjorie Stoneman Douglas High School in Parkland, Florida, on February 14, 2018, students organized a nationwide boycott of classes for 17 minutes (matching the number of victims). Identifying themselves as soon to be voters who will not forget, they embarrassed many politicians by asking them how much money they received for their campaigns from the National Rifle Association. Violent crime, particularly by strangers, has had a profound impact on urban life in the United States. In many respects, urban wastelands, including some downtown areas in the evening hours, are grim reminders of an erosion of the urban vitality that is the hallmark of civilized societies. Until America can control violent crime, our culture will fail to realize its full potential.

THEORY AND CRIME

The application of various theoretical explanations to areas of violent crime offers many opportunities for the criminologist to explain criminality in individuals as well as in society. See if you can use your own creativity and imagination in applying some of the theories that we have learned to specific crime and criminality. If we examine theories related to the subculture of violence or culture of violence, we gain explanation in understanding why some cultures have high levels of violence whereas others are nonviolent. Similarly, some subcultures, such as in the southern United States or lower class African American subcultures, have higher violent crime rates than other groups. These values and attitudes are learned as part of group membership and are reflected in different behavior than that for other groups.

CRIME & THE MEDIA 9.1 VIOLENT CRIME AND THE MEDIA

Although not an aspect of the news media, one aspect of culture that likely has effects on behavior is playing video games, especially violent video games. Among millennials, a recent survey shows the vast majority report having played a video game during the previous 60 days (Snider, 2014). Although this survey revealed that "gamers" performed better on several assessments of social consciousness and relationships with family members, there is a darker side of video game playing. A recent finding by the American Psychological Association Task Force assessment of violent video games indicated that violent video game exposure is linked to several negative outcomes: increased score on aggression, increased aggressive behavior, increased aggressive cognitions, increased aggressive affect, increased desensitization, and decreased empathy. This research and others have not documented a link between violent video game exposure and actual criminal or delinquent behavior, but its links to aggression are troublesome (Calvert et al., 2017).

Many of the biological and psychological theories of crime have the greatest explanatory power when applied to individual cases and particularly to multiple murderers. Charles Manson, for example, was an antisocial personality. Not knowing who his father was, he was the son of a teenage sex worker who shuffled him between various family members during his youth. He had spent most of his life in reformatories or jails and as a young adult emerged as a sociopath, lacking the warmth, love, and emotional equipment of other adults. Other multiple murderers exhibit similar biological or psychological deficits. A lot of Freudian theory seems to apply to the abnormal psychosexual childhood socialization of these individuals.

Much of the high violent crime rate in the United States consists of domestic violence, which is often dictated by alcohol, drugs, and poor conflict resolution skills. Most violent offenders are not career criminals but reflect situational or subcultural reactions to interpersonal disputes. Social programs related to substance use and family conflict resolution skills hold much promise in reducing this type of violence.

Many criminological theories provide interesting explanations of crime and crime commission but lack sufficient applied, empirically verifiable explanations that work in reducing crime. Chapter 2 discussed the attempt to examine what works in criminal justice and criminology and the attempt to isolate applied programs as evidence-based programs.

SUMMARY

Violence is an ignominious blot on the history of civilization, particularly in the 20th and early 21st centuries. Some writers claim that violence is instinctual in humans, but most social scientists view it as a culturally learned phenomenon. The National Commission on the Causes and Prevention of Violence identified six factors that may explain the high level of violence in the United States: the

Declaration of Independence, the frontier experience, immigrant competition, fear of government power, movement from rural to urban or industrial centers, and relative deprivation amid affluence. Violence has also been intimately tied to major historical changes throughout U.S. history, although other young countries have had similar experiences.

Brief accounts of murder and mayhem of the past indicate that horrible, violent people who commit crimes of the present such as Charles Whitman, Wayne Williams, and Manson are not mere modern aberrations. Multiple murders may take the form of serial murder, mass murder, or spree murder.

Victim precipitation is common in many violent crimes. Mendelsohn's types of victims include the completely innocent victim, one with minor guilt, one who is as guilty as the offender, one who is more guilty than the offender, the victim as most guilty, and the imaginary victim. Conrad's typology of violent offenders includes culturally violent offenders, criminally violent offenders, pathologically violent offenders, and situationally violent offenders.

The close relationship between homicide and assault was described; in the case of the former, the victim dies. Homicides have the highest clearance rate by police because of their serious nature, the presence of witnesses, and the high priority they are given. Rape statistics have been notoriously underreported but have improved in accuracy as a result of better support for victims.

The overall trend in homicide in the United States has been in decline after a peak in 1933, a rise in the 1960s, and new highs from the 1970s to the present. The dip in the 1940s and 1950s actually may have been due to better medical treatment procedures, which masked a rise in potentially lethal violent assaults. Fragmentary historical evidence suggests even higher rates prior to 1933. The United States has by far the highest homicide rate among economically developed countries, although this rate is lower than that of many developing countries. Domestic homicide in the United States in the 20th century exceeded the combined fatalities of every war the country has ever fought.

Patterns of violent crime indicate perpetration and victimization associated with large cities, men, youths, the lower class, and inner-city Blacks. Unlike robbery, most violent crime occurs between intimates. A large proportion of violent crimes is committed by repeaters. Some relationship between social inequality and homicide rates is suggested. Surprisingly, one's own home is the most likely setting for one's murder, and intimates or acquaintances are the most likely perpetrators. Alcohol consumption has a high association with violent crimes such as homicide, assault, and rape, particularly with vehicular homicide. Factors associated with the typical homicide include a backdrop of cultural or subcultural traditions of violence, personal dispute, alcohol, and guns, the last being the most telling.

Workplace violence is now the second leading cause of occupational fatalities. The United States has the largest armed civilian population in the world, and a relationship between firearm possession and homicide rate is strongly suggested.

Estrich (1987) distinguishes between "real rape" (aggravated, involving violence) and "simple rape" (all other types).

Past reluctance to report rape has been due to stigma, sexist treatment by the criminal justice system, prosecutorial invasion of privacy, and shifting the burden of proof onto the victim. Increased reporting has been spurred by victim centers, female officers, better trained police, and changes in the law. Rapists are generally young, lower class, unmarried, and disproportionately Black. Other analysis suggests that victims underreport rapes by offenders whom they know, in which case rape may more closely resemble most other violent crimes. Factors involved in most rapes are violent values, machismo, sexist views of women as legitimate victims, conducive dating-game circumstances, and alcohol. There is little argument that rape is a violent crime, regardless of offender motivation. Many typologies of rapists suffer from after-the-fact analysis and post hoc error. More research is needed.

Robbery rates show great recent increases according to the UCR but stability according to victim surveys. Robbery is more likely to be interracial and to involve strangers than other violent crimes, although official statistics overlook large numbers of juvenile offenders and victims.

Most robberies do not involve direct physical harm, although strong-arm robbery (mugging) and victim resistance (other than screaming) increase its likelihood. Conklin's typology of robbers includes professional, opportunist (the most common), addicted, and alcoholic robbers.

Recent research has suggested that arrest of domestic assaulters can deter repeat offenses, at least for certain types of assaulters. The largest "dark figure" of violent crime has been spouse and child abuse; there has been a virtual statistical epidemic of such crimes since the 1960s. Although post hoc error also operates in this area, it appears that many of those abused as children are likely to become future abusers.

Most violent offenders do not make a career of such violations and have little commitment to crime. Cultures or subcultures of violence may serve to reinforce predispositions to use violence in resolving grievances. Wolfgang and Ferracuti's subculture of violence thesis is used to explain the disproportion of such crimes among certain lower class minorities and the high rates in the U.S. South. Violent predators who are persistent offenders are labeled career criminals; they are responsible for a disproportionate number of crimes of violence. Programs to identify, isolate, and expedite incarceration of such offenders are viewed as a promising strategy to decrease the rate of violent crime. Recent research suggests a variety of types and patterns of career criminality. Better programs in family crisis intervention, alcohol treatment, and career offender rehabilitation are viewed as trends in societal reactions.

KEY CONCEPTS

assault (p. 224)
child abuse (p. 240)
culture of violence (p. 244)
gun control (p. 230)
intimate partner violence
mass murder (p. 221)
Minneapolis Domestic Violence Experiment (p. 244)
post hoc error (p. 235)
serial murder (p. 220)
spree murder (p. 223)
subculture of violence (p. 245)
workplace violence (p. 227)

REVIEW QUESTIONS

1. One of the explanations for the United States having higher violent crime rates than other developed countries is that we have had an extensive history of violence, some would say a culture of violence. Discuss this theory.
2. Discuss the three types of multiple murder and give examples of each.
3. Discuss the nature and characteristics of workplace violence.
4. Discuss the pros and cons of gun control. What side of this issue do you tend to favor? Defend your choice.
5. What explains the greater willingness of women to report rape in the United States? What explains the growing recognition of acquaintance rape?
6. What is the claimed sexual symmetry of interpersonal violence? Do you agree with this notion? Explain.
7. Discuss the subculture of violence thesis. Give some examples of countries, regions, and places where this is found.
8. What were some of the findings of the Secret Service study of school shooters?
9. Discuss some of the findings of Wright and Decker with respect to armed robbers.
10. What patterns do you see in the international comparisons of murder, robbery, and rape? What do you think explains these differences?



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10 PROPERTY CRIME

Occasional, Conventional, and Professional

LEARNING OBJECTIVES

10.1 Provide examples of occasional property crimes.

10.2 Discuss the concept of professional crime and some of its elements.

10.3 Identify some of the careers associated with professional crime.

10.4 Assess how criminological theories apply to property crime.

Offenses against property were among the first to be punished under formal legal systems. The basic offense—theft—was referred to under English common law as *larceny*, defined simply as the taking of the property of another without the owner's consent. Although the specific legal definition varies by country and state, the various forms of larceny include embezzlement, the receipt of stolen goods, shoplifting, employee theft, burglary (breaking and entering with intent to steal), robbery (stealing by means of force or threat of force), forgery (the fraudulent use of commercial instruments), auto theft, vandalism, and arson (the willful burning of a dwelling or property).

Larceny can be committed by a variety of criminal types, ranging from the most amateur to the most highly organized or professional criminal. Table 10.1 depicts the range of criminals involved in property offenses (although actual placement on the continuum is obviously more problematic than is suggested by a simple schema).

At the far end of the continuum is the **career criminal**. The notion of *career criminality* is explained by Clinard and Quinney (1973) as follows:

> The characteristics of a fully developed criminal career include identification with crime and a conception of the self as a criminal. There is group support for criminal activity in the form of extensive association with other criminals and with criminal norms and activities. Criminality progresses to the use of more complex techniques and frequent offenses, and ultimately crime may become a sole means of livelihood. Those who have careers in crime generally engage in some type of theft of property or money. (p. 57)

TABLE 10.1 ■ Range of Career Criminal Involvement in Property Crime

Noncareer (Amateur) Criminality		Career Criminality
Occasional property crime	White collar (occupational and corporate)	Conventional property crime

White-collar property offenses are covered in Chapter 11, and organized (syndicate) criminality is detailed in Chapter 13. This chapter concerns itself with comparing and discussing three types of criminal behavior systems: occasional property criminals, conventional property offenders, and professional criminals.

Occasional offenders are the opposite of career criminals; conventional criminals are usually unsuccessful aspirants to careers in crime (Clinard & Quinney, 1973). **Occasional property criminals** steal or damage property on an infrequent basis. They account for most, but not all, auto theft, shoplifting, check forgery, and vandalism. These offenses are committed relatively irregularly and rather crudely, with little skill or planning. In contrast, **conventional criminals** tend to commit crimes of larceny-theft and burglary on a more regular basis and, although they are at the bottom rung of the ladder or continuum, they exhibit elements of career criminality.

In Table 10.1, occasional property criminals represent the noncareer end of the continuum: Organized and professional criminals generally exhibit characteristics of career criminality, conventional offenders exhibit the rudiments of such characteristics, and white-collar and occupational offenders, because of their commitment to the conventional world, fall closer to the noncareer criminality pole of the continuum. Uniform Crime Report (UCR) index statistics show that property crimes outnumber violent crimes nine to one (Federal Bureau of Investigation [FBI], 2016a). Various rates of property crimes are shown in Table 10.2.

OCCASIONAL PROPERTY CRIMES

Most occasional property criminals lack a past official history of criminality. They exhibit little progressive knowledge of criminal techniques or of crime in general. In contrast to career criminals or even conventional criminals, crime is not their sole or major means of livelihood, and they do not view themselves as criminal. Not identifying with criminal behavior, they have little of the vocabulary or "street sense" of the conventional criminal.

Under the category of occasional property offenses, discussion centers on shoplifting, vandalism, motor vehicle theft, and check forgery. (Professional crimes of these types are discussed later.) Surprisingly, there have not been many studies that focus on occasional and ordinary property offenders (Hepburn, 1984; Shover, 1983).

TABLE 10.2 ■ Snapshot of Property Crimes, 2020

Type of Property Crime	Number
Burglary	903,621
Robbery	208,508
Motor Vehicle Theft	727,921
Larceny	3,998,807

Source: Federal Bureau of Investigation (2022). Crime Data Explorer: Expanded Property Crime. https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/property-crime

Shoplifting

The polite term for **shoplifting** used by the retail trade industry is *inventory shrinkage*—quite literally, goods have disappeared or shrunk from the total of accountable inventory. The slang term *five-finger discount* is a less polite term for this same process. Although shoplifting is perhaps as ancient as trade or bartering, the post–World War II emergence of a consumer society and of large retail chains has created both a greater desire and a greater opportunity for retail theft. Inventory shortage costs in the United States account for about 2% of retail sales; the actual proportion may be considerably higher, depending on location, product, and clientele. Estimates by the National Retail Federation (NRF) show the average retail firm loses 1.6% of gross revenues to inventory shrinkage (PPS, 2021). *Shrinkage* refers to losses due to shoplifting, employee theft, vendor fraud, and administrative error. About 70% of these losses are due to shoplifting, worker theft, and vendor theft. The average shoplifter is costs a company $461.86 (National Retail Federation [NRF], 2022), and the U.S. retail industry loses an estimated $32 billion per year to shoplifting (Wahba, 2015). Many shoplifters are not motivated by need, as illustrated in the case of actress Winona Ryder, shown in Photo 10.1.

The classic study on shoplifting is Mary Owen Cameron's *The Booster and the Snitch: Department Store Shoplifting* (1964), which was based on store records and arrest data in the late 1940s; later research by Cohen and Stark (1974) supports her findings (see also Klemke, 1992). Cameron distinguishes between "boosters" (or "**heels**")—professional shoplifters—and "snitches," amateur shoplifters.

Boosters are like other professional criminals in carefully planning and skillfully executing their thefts and in concentrating on expensive items that can be quickly converted to cash by prearrangement with a "fence" (dealer in stolen goods). On a continuum of shoplifters, between the booster and the snitch are "shadow" professionals (Hellman, 1970; Stirling, 1974), individuals who in an avocational manner supplement their legitimate incomes by stealing. The majority of shoplifters are **snitches**, amateurs or individuals who do not view themselves as criminals.

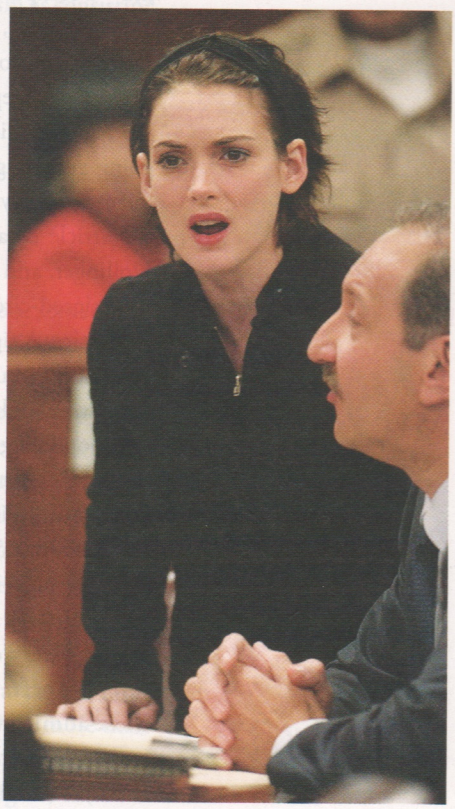


PHOTO 10.1 Actress Winona Ryder reacts to her sentencing for shoplifting at a Saks Fifth Avenue store on Rodeo Drive. On December 6, 2002, she was sentenced to 3 years' probation and 480 hours of community service, fined $11,300, and ordered to undertake drug and psychological counseling.

Steve Grayson / Contributor/Getty Images

According to Cameron (1964), most are women and have no official history of previous recorded criminal involvement. One example is the highly publicized case of Oscar nominee Winona Ryder, who was arrested at Saks Fifth Avenue in Beverly Hills for shoplifting. She stole $5,560.40 worth of designer merchandise. Acquitted of burglary, she was convicted of grand theft and vandalism. Authorities believe that most shoplifters have the money to pay for their stolen items. One illustration of that is the case of Claude Allen. Convicted in 2006, Allen was at the time an assistant to George W. Bush on domestic policy. He perpetrated a fraudulent return scheme at Washington, DC, area stores. Taking purchased merchandise to his car, he would return to the store later with his receipt and select duplicate items of what he had just bought and request a refund for them. His take in 2005 was estimated at $5,000. His salary that year at the White House was $161,000 (Rohrlick, 2007).

The most likely to be shoplifted in the United Kingdom in 2011 were choice cuts of meat, expensive bottles of alcohol, and hi-tech items such as electric toothbrushes and smartphones (G. Smith, 2011). Similar, small and expensive items are the most coveted in the United States. The rate of male shoplifters was only slightly higher than the female rate. Although there were more adult shoplifters than juveniles, the latter were more frequently caught. Shoplifting increases during the Christmas shopping season, and shoplifting arrest rates increase in March (spring break).

Most snitches steal small, inexpensive items for their own personal use. In most instances, they have on their person sufficient funds to cover the stolen items. Such snitches come from all walks of life. Nettler (1982) indicates, for instance, that "theories of poverty and low education and shoplifting would surprise store owners in university towns who experience three times the amount of theft as stores in other neighborhoods" (vol. 3, p. 106). Most snitches simply do not anticipate being caught. In the past when snitches were apprehended, most stores avoided lawsuits or possible adverse publicity by releasing the offenders after brief admonishment. When apprehended, snitches usually attempt to rationalize or excuse their behavior. For the middle-class offender with a psychology bent, kleptomania—a compulsion to steal—becomes a handy rationalization.

Adventure, excitement, need, greed, or simply available opportunity or inadequate security may prove to be more likely reasons. Cameron (1964) claims that most snitches, when caught and faced with an unacceptable criminal self-image, cease shoplifting.

Sensormatic Electronics assumes that shoplifting tends to increase during recessions— "when the going gets tough, some of the tough go shoplifting" (A. Newman, 1990, p. C6). Sensormatic produces a variety of equipment, including security tags attached to articles that will set off alarms if the article is taken from the store without the tag having been removed by a salesperson. Dabney, Hollinger, and Dugan, in "Who Actually Steals? A Study of Covertly Observed Shoplifters" (2004), used closed-circuit television to observe shoppers and recorded their demographic and behavioral characteristics. A significant number (8.5%) were determined to be shoplifters. They found that juveniles and young adults were not more likely to shoplift. Middle-age shoppers (ages 35 to 54) were the most common shoplifters. More research is needed to confirm this finding. A number of states have passed antishoplifting statutes that enable retailers to stick shoplifters with some of the cost of security. "Civil demand" letters are sent to the accused shoplifters or their parents asking for payment of a $100 to $200 penalty in addition to the returned merchandise in exchange for the retailer not suing for civil damages (Schellhardt, 1990).

The majority of inventory shrinkage was due to employee theft (NRF, 2016). Far more research on shoplifting is required to gain a definitive picture of its varieties. A mail survey of 850 employees at 50 grocery companies by the Food Marketing Institute in 1994 found 44% admitted to some form of theft, although only 1% said they stole money from their employers (Boccella, 1994). Of those admitting theft, 32% stole and ate food, 20% stole merchandise, 3% shortchanged customers, 2% gave refunds for unpurchased items, and 1% stole money. Those who were about to quit their jobs stole seven times as much as others. Men ages 16 to 30 on the night shift had the highest rates, and women over 30 were the most honest. A rather interesting case is one of a 1999 shoplifting ring that involved a head football coach, two teachers, and two students at Green Run High School, in Virginia Beach, Virginia. A 17-year-old honor student who was employed at a Big K-Mart gave away merchandise or undercharged her coconspirators who brought goods to her checkout line (Brush, 1999).

Vandalism

Vandalism involves the willful destruction of property without the consent of the owner or agent of the owner. The term is derived from the Vandals, a barbaric Teutonic tribe that sacked Rome in the fifth century, senselessly destroying many priceless works of art. Clinard and Quinney (1973) explain as follows:

> Vandalism or the willful destruction of property is widespread in American society. It constitutes one of the largest categories of juvenile delinquency but occurs at all ages. It is associated with affluence for it virtually never occurs in less developed countries (except as a part of rioting) where the destruction of goods in limited supply is inconceivable. Vandalism in the United States is widespread against schools, parks, libraries, public transportation facilities, telephone and electric company facilities, traffic department equipment and housing. In one year, the public school system of Washington, DC, reported a loss of 28,500 window panes, replaced at a cost of $118,000. (p. 59)

A. L. Wade (1967) identified three basic types of vandalism: wanton, predatory, and vindictive. *Wanton vandalism* consists of destructive acts that have no purpose and produce no monetary gain. These are the most common acts of vandalism, senseless destruction practiced by juveniles "just for the hell of it" or for fun. *Predatory vandalism* comprises destructive acts for gain, such as destroying vending machines in order to steal their contents. *Vindictive vandalism* is undertaken as an expression of hatred, such as of a particular racial or ethnic group; examples are swastikas painted on synagogues, Ku Klux Klan attacks on Black churches, or antibusing groups' assaults on school buses.

Most acts of wanton vandalism are committed by juveniles, who regard these acts as an extension of play activity, goofing off, or "raising hell." In some U.S. communities, the evening before Halloween is called Devil's Night, when juveniles play tricks that may not be restricted to throwing eggs at houses or soaping windows. A. L. Wade (1967) describes the typical pattern of wanton vandalism as consisting of the following:

- Hanging around, waiting for something to happen
- An initial exploratory gesture of vandalism by one member
- Mutual conversion of others to participate
- An escalation of destructive behavior from minor to major property damage
- After-the-fact feelings of guilt and remorse combined with pleasure at having done something "naughty"

Such vandalism is rationalized by the offenders as not really criminal because they did not plan or intend it and realized no monetary gain. Often urban public facilities—for example, some big-city subway systems—are "graced" with the unrequested graffiti of freelance "artists" or anyone who can afford a can of spray paint. New York City had great success in eliminating such graffiti through a program begun in 1984 that involved more patrolling of trains, targeting known offenders, developing logo intelligence files, special protection for clean trains in lay-up yards, and undercover operations in train storage areas (Kelling, 1988a).

In 1994 at Millersville State University (in Pennsylvania), students gathered for the annual Naked Coed Relays in which naked students raced around a stadium track, then went on a vandalism rampage when they discovered the stadium locked ("Naked Vandalism," 1994). In July 1998, more than 1,500 people attending a State College, Pennsylvania, arts festival (many of them Penn State students and alumni) went on a rampage after the bars were closed. They tore down street lights, smashed storefronts, set bonfires, and even stripped naked and burned their underwear (Hoover, 2002; D. Kinney, 1998). The former president of Ohio State University claimed that Buckeye fans looked for any excuse to riot. Describing a culture of rioting, she said she witnessed people doing "disgusting things, unbelievable things. . . . They think it's fun to flip cars, to really have absolute drunken orgies" ("Former Ohio State President," 2007). A bit more sinister, more organized example of wanton

vandalism was Chaos Days 95 in Hanover, Germany ("Germany's 'Punks,'" 1995), in which thousands of self-described punks converged on the city, drinking, fighting, and generally trashing the place. In some cities, "tagging" is practiced: Gangs tag or mark their territory with their colors, nicknames, club names, and symbols. This type of vandalism, in most instances, is an extension of wanton vandalism. Such senseless vandalism is not restricted to juveniles. Drunken fans of a team winning a Super Bowl, World Series, or NCAA championship sometimes "trash" downtown areas as part of the celebration. Football (soccer) hooliganism in England has cost not only property but human lives. The United Kingdom's National Criminal Intelligence Service carried the following advertisement on its website in 1999:

> Are You a Fan With Intelligence?
>
> Do You Know Anyone Planning Trouble?
>
> Do You Know Where They Will Be Meeting Before or After the Game?
>
> Do You Know How They Will Get There?
>
> Do You Know Who Their Mates Are?
>
> Anyone with information, please call our 24-hour confidential Football Hooligan Hotline on Freephone 0800–515495

One variation of predatory vandalism and theft is bibliotheft and destruction, in which students intentionally steal and destroy library reference materials. Rather than take notes or make copies of materials, students tear out the needed information, thus raising the cost of library materials and denying others the opportunity to use such references.

Motor Vehicle Theft

After falling during the 1990s, **motor vehicle theft** rates crept up in the first decade of the 20th century ("Hot Spots for Stolen Cars," 2004). Confusion exists regarding the most targeted vehicles. It depends on whose list one uses. Comparing insurance claims with overall insured vehicles, the National Insurance Crime Bureau identifies its most commonly stolen cars. In 2020, the Ford full-size pickup was stolen more than any other vehicle followed by the Chevrolet full-size pickup, the Honda Accord, the Honda Civic, and the Toyota Camry (National Insurance Crime Bureau, 2021). McCaghy et al. (1977) have proposed a typology of auto theft that includes the following:

- *Joyriding.* The vehicle is temporarily "borrowed," usually by juveniles, not for theft purposes but for temporary adventure and enjoyment.
- *Short-term transportation.* The vehicle is stolen as a temporary means of transportation and then abandoned.
- *Long-term transportation.* The car is stolen for the purpose of providing a relatively permanent means of transportation for the thief.
- *Profit motivated.* Highly organized auto theft rings permanently alter the vehicle's identity, "chop shops" cannibalize the auto for parts, and auto strippers abandon the hulk after removing the valuable parts.

Because of state laws requiring auto insurance, as well as insurance regulations requiring police reports for reimbursement, auto theft is the most regularly reported of larcenies (about 90% are reported to police). *Joyriding* is occasional property crime committed almost exclusively by juveniles on an unplanned, unskilled, and sporadic basis. A car is stolen, either by hot-wiring (jumping the ignition) or by finding keys left in the ignition. The car is then temporarily used for cruising and abandoned when it runs out of gasoline. The intent is not to strip the vehicle of parts or to permanently possess it. Most offenders view their activity as a prank and rationalize that, because

they had not intended to actually steal the car and were simply borrowing it, their behavior was not really criminal. In contrast to the occasional property criminal, profit-motivated offenders are for the most part either conventional criminals or professionals. Such profit-oriented auto thieves may range from sporadic amateur thieves (the "hubcap crooks") to full-time professionals in auto theft rings.

Check Forgery

As defined in the UCR, *forgery* is "making, altering, uttering, or possessing, with intent to defraud, anything false which is made to appear true." *Fraud* involves the conversion or obtaining of money or property under false pretenses. Both fraud and forgery may vary from simple actions, to be discussed in this section, to elaborate professional "con" games, to be examined in the following chapter.

The classic study on check forgery was that of Edwin Lemert (1953), "An Isolation and Closure Theory of Naive Check Forgery," in which he makes the distinction between naive check forgers and systematic check forgers.

The majority of check forgers—those passing bad checks—are **naive check forgers**. Faced with a financial crisis, such as an alcoholic binge, gambling debts, or creditors demanding immediate payment, they resolve this crisis by writing checks for which there are no covering funds. "Closure" is what Lemert calls this use of bad checks to solve personal problems because it is a last resort for solving a financial crisis. In his study of naive check forgers, Lemert found that such offenders did not identify themselves as criminals, nor did they associate with people who commit crimes. Although most amateur forgers were from middle-class backgrounds, many were also unemployed, divorced, or alcohol abusers, conditions that tended to isolate them and bring about closure.

In contrast to the amateur, the **systematic check forger**, or "paperhanger," is a professional, making a good portion of their living passing bad checks. Most check artists work alone and associate very little with other people who commit crimes.

Although there are different types of vandals, auto thieves, check forgers, and shoplifters, the majority of these are described as occasional property offenders because, in contrast to conventional property offenders (to be discussed next), most commit their crimes sporadically, infrequently, and crudely. They also lack identity with criminal lifestyles.

Conventional Property Crimes

There has been a decline in property crime in the United States using the National Crime Victimization Survey (NCVS) since 1973. This includes burglary, theft, and motor vehicle theft. (In the FBI classification, burglary and motor vehicle thefts are listed separately from other miscellaneous larceny or theft.) Even so, rates of motor vehicle theft have been increasing since about 2010 (FBI, 2022b).

U.S. property crimes have continued to plummet since 1974, and the United States now has lower burglary and motor vehicle theft than countries such as England, Denmark, and Sweden. Why? Some point to a growing "couch potato" factor wherein more people stay home due to the internet and TV. A more affluent society has reduced demand for many stolen items because most people already have them. The use of credit cards and less cash carrying caused pickpocketing and purse snatching to decline. Private security measures have added additional protections.

Conventional property criminals commit crimes of larceny-theft and burglary on a fairly persistent basis. Their activities constitute rudimentary forms of career criminality. Most such offenders identify with criminal behavior and associate with other people who commit crimes. They are often described as semiprofessionals or minor leaguers in the world of crime. Conventional property criminals begin their careers in crime as juvenile delinquents, and, even though most juvenile delinquents do not, they graduate to adult criminality. Most conventional offenders exhibit a diversified offense record, including theft, larceny, robbery, burglary, and the like. Lacking the skill and organization of more successful career criminals, they are more likely to be arrested and imprisoned. The majority will retire from conventional crime in their mid-20s.

Burglary

Burglary, the unlawful entry of a structure in order to commit a felony or theft, may include actual forcible entry, unlawful entry where no force is used, or attempted forcible entry.

Types of Burglars

Marilyn Walsh, in *The Fence* (1977), provides an interesting typology of burglars, a continuum from most organized to least organized.

Walsh's types of burglars are professionals, known burglars, young burglars, juvenile burglars, and junkies. The *professional*, "skilled," or "master" burglar exhibits the characteristics of professional criminal behavior. Such offenders are highly skilled, undertake extensive planning, and concentrate on big jobs because burglary is often their sole livelihood. *Known* burglars are far less sophisticated, professional, or successful, even though burglary may represent a major source of their livelihood. Their operations are generally much cruder, and they rely less on organization than do more professional burglars. Being older and more experienced than other amateur burglars, the known burglars are so called because they are known to the police, which suggests that they are less successful than professionals. They are an excellent illustration that practice does not always make perfect (see Rengert & Wasilchick, 1985; Shover, 1973).

Young burglars are usually in their late teens or early 20s, have less planning or organization in their operations than professionals, and are well on their way to becoming professional or known burglars. *Juvenile* burglars are under 16 years of age and prey on local neighborhood targets chosen by chance or occasion; such juveniles often operate under the supervision of older "fences" (defined shortly) and burglars. Finally, *junkies* (people with substance use disorder) are simply opportunist burglars and are the least skilled of such thieves.

Other analyses of burglars have basically supported Walsh's distinctions (Pope, 1980; Repetto, 1974; Scarr, 1973). Although not constituting a distinct typology as such, Repetto's case study of 97 burglars provides some interesting profiles. Juvenile offenders were generally unskilled, concentrated on local easy targets of small gain, and viewed crime more as a game than as a commitment to a way of life. The 18- to 25-year-old offenders, despite previous convictions, continued to burglarize because they found low-risk targets. Many in this group were drug users. Their targets were more likely to be outside their neighborhoods and produce higher gains; they made more extensive use of fences. Older offenders (over 25) had extensive incarceration histories, continued at burglary because of its low risk, exercised better planning, and had fewer but higher quality targets. Such individuals were more highly committed to criminal careers. Drug users were likely to perform more burglaries than nonusers but were more likely to work near their own neighborhoods and to be more reckless or unplanned in their operation. In contrast, the non–drug users performed fewer but better-planned burglaries. In a statistical analysis of burglaries in California, Pope (1980) found that those with no criminal records concentrated on nonresidential targets, whereas those with records preferred residential sites. He concluded that "unlike violent crimes in which there is an interactive pattern [between type of burglar and type of burglary], burglary and other property crimes as well, may reflect more opportunity than choice" (p. 50; see also Wright & Decker, 1996). Wright and Decker interviewed 105 active burglars using a snowball sample (a sample that relies on referrals from initial subjects to generate additional subjects) and an ex-offender with high status among Saint Louis criminals. They found that two thirds of their sample averaged 10 or fewer burglaries in a year, and 7% averaged 50 or more per year. Most viewed themselves as "hustlers" and committed a variety of other offenses. Most offenders followed a script in which they worked with others, searching the master bedroom first and the living room last. Most did not remain long, fearing apprehension. They disposed of their bounty quickly through fences or acquaintances for a mere fraction of its value.

The biggest news on burglary in the United States is its decline from 3.8 million reported cases in 1981 to less than 1 million in 2020—over a 60% drop (FBI, 2016b; 2022). In New York City during a similar period (1985–2016), burglary decreased more than 90%. Although other crimes also declined during this period, the decrease in burglaries was the most persistent. Explanations have included

changes in tax write-off laws for burglary losses, better security awareness, proliferation of guns (which favors robbery), replacement of heroin with crack (the latter requiring more and quicker money), and better police investigations.

Fencing Operations

Of great importance in the crime of burglary as well as other property crime is the burglar's connections with **fences**, dealers in stolen property. "Professional" or "master fences," full-time specialists in stolen property, are essential to the operation of professional burglars and are detailed later in this chapter. Amateur burglars and less professional burglars are more likely to deal with a neighborhood fence or an outlet fence (Blakey & Goldsmith, 1976). The Neighborhood Watch Program, featuring community involvement, and the engraving of valuables to make them more traceable and more difficult to fence is one strategy that has met with some success (Gilham, 1992).

Related to fencing are pawnshops, which purchase or give loans for items placed as collateral. These are often used for fencing hot goods. Recent database software designed for pawnshops, which permits monitoring of inventory and downloading periodic reports for police, may be closing one avenue of unloading hot goods (Krane, 2000).

Because conventional burglars shop around for fences, sting operations (police anti-fencing programs) have been relatively successful. In these efforts, the police pose as dealers in stolen goods. These operations, first introduced at the federal level in 1974, have resulted in a high conviction rate and produced a subsequent decline in property crimes in the areas in which they have operated.

An interesting early sting operation was PFF, Inc., which ran for 5 months in Washington, DC, in 1975 ("The Sting," 1976). PFF, Inc., stood for Police-FBI Fencing, Incognito, and was headquartered in an abandoned warehouse. Undercover agents hung *Playboy* centerfolds at the entrance; behind them, a camera photographed entering customers and videotaped each transaction. Their customers assumed the proprietors were Mafiosi, and one subject filled out an application for a "hit man" job in which he supplied information on a hitherto unsolved murder. Running out of "buy money"—funds with which to purchase the stolen property—PFF announced a formal party to which they invited their good customers. The customers checked their guns at the door and on entering were arrested and escorted out the back door to jail.

Operation Road Spill was an FBI sting operation of auto thieves conducted in South Kearney, New Jersey, until it was closed down in September 1994. Posing as an auto leasing agency whose shady dealers were willing to buy hot cars, agents purchased 120 cars, valued at $4 million, for $140,000 before arresting 30 men and seeking another 15. Half of the thieves were members of a loosely knit Brooklyn car theft ring known as the Flatbush Pulley Gang for the device they used to pull out ignition locks. The gang had about 100 members (McFadden, 1994).

Larceny-Theft

Most conventional property offenders tend to hustle or to be generalists in theft. Some may concentrate on burglary, but they are also opportunists, taking advantage of a given occasion to commit any variety of larceny-theft.

Larceny-theft makes up the largest category of the traditional UCR index. It was for this reason in 2004 that the FBI decided to eliminate reporting the traditional crime index. The feeling was that the index was inflated by the inclusion of larceny-theft. Larceny-theft is the most underreported of former index crimes with only about a third reported to the police. In 2020, 3,998,807 larceny-thefts were reported to the police (FBI, 2022b). Estimates of the value of losses from larceny-theft are conservative because many cases of small value are not reported to the police. Slightly more than half of larceny thefts result in $200 or more of value being stolen. Most thefts are from automobiles, from shoplifting, and then from buildings (FBI, 2022b).

The pervasive nature of larceny-theft can be illustrated by airport baggage thieves. Some airports in Africa and Latin America are known for their high rates of theft, with airport security personnel and even government officials working with the thieves.

Larceny-theft as a category in the UCR has been correctly described as a "garbage can" (McCaghy, 1980, p. 164), a catch-all for miscellaneous property crime. It covers a large variety of offenses and lumps together relatively minor offenses with major professional crime.

Identity Theft

In 2020, it is estimated that 47% of Americans were victims of financial identity theft, which costs $712.4 billion (Insurance Information Institute, 2022). The Federal Trade Commission fielded 1.4 million identity theft complaints. Almost one third of these complaints were related to government benefits applied for or received, followed by new credit card accounts and imposter scams (Insurance Information Institute, 2022). Crime File 10.1 reports on some of the activities of identity theft. An enormous number of means can be used to commit identity theft. This may include hacking; dumpster diving (going through discarded trash); examining unsanitized (not cleared of data), discarded electronic devices; stealing credit cards; using handheld card readers to skim information from credit cards; stealing login credentials; using malware, including keystroke logging programs; and phishing (e.g., pretending to be an employer in order to obtain information). Skimming requires two devices to be installed on an ATM or other card reader. One scans and recovers data from a card's magnetic stripe and an accompanying camera gets the cardholder's PIN (Stopping Skimmers, 201). These could be installed at various businesses including bank ATMs, gas pumps, and others.

Arson and Revenge

It is an irresistible although admittedly bad joke to say that arson is a hot topic or a burning issue, but only since the late 1970s have U.S. law enforcement officials devoted attention to this matter to a degree proportional to its seriousness. Defined by the UCR as "any willful or attempted malicious burning of a structure, vehicle, aircraft, or property of another," **arson** was added to the Crime Index (Part I crimes) in 1979 by congressional statute. Because arson differs from other crimes, statistics are acquired from fire services and the insurance industry as well as from law enforcement agencies. Being that fires of suspicious or unknown origin are not included in the statistics and only those determined through investigation are included, the actual number of arsons is probably higher than indicated by the UCR. For 2020, a total of 39,851 arson offenses were reported in the United States (Statista, 2022c).

One fire department official called arson "the cheapest crime in the world to commit. All you need is a box of matches" ("Arson for Hate and Profit," 1977, p. 22). Although the actual annual cost of arson in the United States can only be estimated, such guesses have ranged from $1 billion to $15 billion. The full cost of arson increases when we include the following (National Criminal Justice Reference Service, 1979):

- Death and injury of innocent citizens and firefighters
- Increased insurance premiums
- Increased taxes to support fire, police, and court services
- Inferior education facilities during reconstruction of burned-out schools
- Erosion of tax base as property values fall
- Loss of jobs at burned-out factories and businesses
- Lost revenue to damaged stores and shops

In 2020, 21.1% of arsons were cleared by arrest (Statista, 2022d). Arson is viewed as a special-category offense because of the varying motives of its perpetrators. Based on these motives of arsonists described by Boudreau et al. (Boudreau et al., 1977) and Inciardi (1970), McCaghy (1980) proposed a typology of arson.

Profit-motivated arson is illustrated by insurance fraud, in which structures are purposely torched to collect on their insured value. Insurance companies themselves have in the past encouraged such

practices by insuring questionable properties for large amounts as well as by not performing sufficient investigation before honoring claims. Arson often serves as an index of urban decay, as owners unload their deteriorating properties on the companies that insure them. Profit-motivated arson is most often committed by white-collar criminals and occupational and corporate offenders, often in conjunction with professional "torches." This crime may also be committed, as in New York City, by people seeking city assistance in gaining better accommodations, by people with substance use disorder, or even by conventional criminals dubbed "mango hunters" by New York City police. This latter category of offenders burns structures in order to expose and facilitate the stealing of fire-resistant plumbing and fixtures ("Arson for Hate and Profit," 1977).

Revenge arson may take place out of spite or jealousy, as a means of getting even. The burn-for-hate category includes fired employees who seek revenge against employers or the jealous suitor who burns down a nightclub in which his girlfriend was socializing with someone else. This category could also serve as an example of vindictive *vandalism arson*, in which arson is an expression of hatred toward a particular group or individual. Vandalism accounts for the most arsons in deteriorating urban areas. Any structure may be torched in an extension of play activity, but abandoned properties are particular targets. *Crime concealment arson* is a way to dispose of murder victims or physical evidence or to draw attention away from a crime being committed elsewhere. *Sabotage arson* covers fires set during labor or racial strife, prison riots, or other civil disturbances.



PHOTO 10.2 Arson has been given serious attention from U.S. law enforcement since the late 1970s.

Jupiter Images

Excitement arson is often carried out by pyromaniacs, individuals who have a morbid fascination with setting and observing fires. Freudians would assign a sexual basis to pyromania, in which such individuals experience erotic satisfaction by means of arson.

Revenge arsonists resemble violent personal criminals in acting out strong emotions, but arson for crime concealment may involve conventional property offenders or corporate or organized offenders. Arson as sabotage resembles political criminality, and vandalism-inspired arson is associated with the occasional property offender. Finally, pyromania is the realm of the psychotic or psychopathic offender. Some of the California fires of 2007 were set by arsonists, and it is suspected in some instances they were serial arsonists.

Criminal Careers of Occasional and Conventional Property Criminals

The distinction between occasional and conventional offenders does not lie in the legal categories of the offenses they commit but in the way they commit crimes and the degree of their identification with the criminal world (see Table 10.3).

CRIME FILE 10.1 IDENTITY THEFT

What Is Identity Theft?

Identity theft involves acquiring key pieces of someone's identifying information, such as name, address, date of birth, Social Security number, and mother's maiden name, in order to impersonate them. This information enables the identity thief to commit numerous forms of fraud that include, but are not limited to, taking over the victim's financial accounts; opening new bank accounts; purchasing automobiles; applying for loans, credit cards, and Social Security benefits; renting apartments; and establishing services with utility and phone companies.

The following information provides the actions recommended by the U.S. Postal Inspection Service and the financial industry to help reduce the likelihood of becoming a victim of identity theft.

Preventive Actions

- Promptly remove mail from your mailbox after delivery.
- Deposit outgoing mail in post office collection mailboxes or at your local post office. Do not leave in unsecured mail receptacles.
- Never give personal information over the telephone, such as your Social Security number, date of birth, mother's maiden name, credit card number, or bank PIN code, unless you initiated the phone call. Protect this information and release it only when absolutely necessary.
- Shred preapproved credit applications, credit card receipts, bills, and other financial information you don't want before discarding them in the trash or recycling bin.
- Empty your wallet of extra credit cards and IDs, or better yet, cancel the ones you do not use and maintain a list of the ones you do.
- Order your credit report from the three credit bureaus once a year to check for fraudulent activity or other discrepancies.
- Never leave receipts at bank machines, bank counters, trash receptacles, or unattended gasoline pumps. Keep track of all your paperwork. When you no longer need it, destroy it.
- Memorize your Social Security number and all of your passwords. Do not record them on any cards or on anything in your wallet or purse.
- Sign all new credit cards upon receipt.
- Save all credit card receipts and match them against your monthly bills.
- Be conscious of normal receipt of routine financial statements. Contact the sender if they are not received in the mail.
- Notify your credit card companies and financial institutions in advance of any change of address or phone number.
- Never loan your credit cards to anyone else.
- Never put your credit card or any other financial account number on a postcard or on the outside of an envelope.
- If you applied for a new credit card and it hasn't arrived in a timely manner, call the bank or credit card company involved.
- Report all lost or stolen credit cards immediately.
- Closely monitor expiration dates on your credit cards. Contact the credit card issuer if replacement cards are not received prior to the expiration dates.
- Beware of mail or telephone solicitations disguised as promotions offering instant prizes or awards designed solely to obtain your personal information or credit card numbers.

Internet and Online Services

- Use caution when disclosing checking account numbers, credit card numbers, or other personal financial data at any website or online service location unless you receive a secured authentication key from your provider.
- When you subscribe to an online service, you may be asked to give credit card information. When you enter any interactive service site, beware of con artists who may ask you to "confirm" your enrollment service by disclosing passwords or the credit card account number used to subscribe. Don't give them out!

Who to Contact for Copies of Your Credit Report

- Equifax: www.equifax.com
- Experian: www.experian.com
- TransUnion: www.transunion.com

Action Steps for Identity Theft Victims

- Contact all creditors, by phone and in writing, to inform them of the problem.
- Call your nearest U.S. Postal Inspection Service office and your local police.
- Contact the Federal Trade Commission to report the problem.
- Call each of the three credit bureaus' fraud units to report identity theft. Ask to have a "Fraud Alert/Victim Impact" statement placed in your credit file asking that creditors call you before opening any new accounts.
- Alert your banks to flag your accounts and contact you to confirm any unusual activity. Request a change of PIN and a new password.
- Keep a log of all your contacts and make copies of all documents. You may also wish to contact a privacy or consumer advocacy group regarding illegal activity.
- Contact the Social Security Administration's Fraud Hotline.
- Contact the state office of the Department of Motor Vehicles to see if another license was issued in your name. If so, request a new license number and fill out the DMV's complaint form to begin the fraud investigation process.

For Further Thought

1. What steps are being taken to reduce identity theft?

Source: U.S. Postal Inspection Service.

TABLE 10.3 ■ Clinard and Quinney's (1966) Occasional Versus Conventional Criminals

Occasional	Conventional
Do not view their activities as criminal	Identify with crime
Short or no criminal record	Early history of delinquency or crime
Crime is avocational	Crime is a vocation
Not streetwise	Streetwise
Short criminal careers	Longer criminal careers
Often operate alone	Usually operate in groups
Committed to legitimate society	Only partially committed to legitimate society

Most snitches, amateur shoplifters, wanton vandals, joyriders, and naive check forgers do not view their activities as criminal, have short or no official criminal records, do not commit crime as a means of livelihood, and are not "streetwise" or "crimewise" in the language of the criminal life. On the other hand, most conventional property offenders exhibit minor levels of career criminality. Many have early histories of truancy, vandalism, street fighting, delinquent gang membership, and contact with the law (Clinard & Quinney, 1973).

The criminal careers of most conventional criminals peak in their late teens and rapidly decline after they reach their mid-20s. Reaching ages where the full weight of criminal penalties falls on them as adult offenders and not being skilled enough to make a living at crime, most simply curtail their level

of criminal involvement. Middle age and maturity, rather than any specific rehabilitation regimen, eventually reform the conventional criminal. Werthman (1967) indicates,

> After a few years of this existence [street hustling], these boys are really at the end of their "delinquent" careers. Some get jobs, some go to jail, some get killed, and some simply fade into an older underground of pool rooms and petty thefts. Most cannot avoid ending up with conventional jobs, however, largely because the "illegitimate opportunities" available simply are not that good. (p. 170)

Occasional property offenders do not require criminal associations in order to commit their crimes because they are fairly easy to commit, requiring little training or skill. In contrast, conventional property offenders often operate in groups or gangs in which they learn many of the techniques of crime from their peers. Whereas most occasional offenders maintain their commitment to conventional society and reject criminal identities, conventional offenders are only partially committed to legitimate society.

Societal Reaction

The societal reaction to occasional property offenders is relatively mild. Because most offenders lack a previous criminal record, charges are usually dismissed, or the individual is given immediate probation or a suspended sentence. In contrast, societal reaction toward conventional property offenders is relatively strong, or even stronger than that against professional, organized, and corporate criminals (Cullen et al., 1982). Conventional offenders are of a different social class than those who make and enforce the law. This may in part explain the stronger legal processing of such offenders when compared with that of corporate offenders.

Occasional property offenders strongly identify with middle-class societal values and reject criminal identification. Because of this, most offenders are deterred from future activity once they are confronted with legal action or arrest. Relative leniency with offenders is often justified because few have previous criminal records of any substance and most are unlikely to progress into a career of crime. Because many such offenders come from the same social class as those who make and enforce the laws, they fail to fit popular public stereotypes of people who commit crimes. Diversion of such offenders into restitution programs or accelerated rehabilitation dispositions also relieves the caseload burden of the courts.

Most conventional criminal offenders tend to identify with criminal behavior and are less likely to be deterred by the threat of arrest or the stigmatization of the label of criminal. For some, criminal processing enhances their "bad" reputation on the street. The attachment of the criminal label and record may also begin a criminalization process that isolates the individual from more conventional associates and reinforces a criminal identity. Because of their relative lack of skill and organization, most conventional criminals are eventually arrested, and a large proportion are imprisoned. About half of all prison inmates in the United States are conventional criminals. It is to this population that the term *revolving door of justice* has been applied, because some end up doing the equivalent of "life" on the installment plan; conventional rehabilitation plans are relatively unsuccessful with this group of offenders (Martinson, 1974). Most of these offenses are outgrowths of deprived lower class environments and subcultures, and legal processing appears to have only minimal effects.

Tunnell (1991), in a study of property offenders, found most were motivated by the need for quick cash for drugs, alcohol, and living expenses. They also expressed a sense of accomplishment and of winning a game. Although they feared being caught and jailed, most overcame this, and basic deterrence policy had little effect.

The predatory street crime pattern is typical of juveniles, who commit such offenses for years, then cease such activity because of the threat of jail, the availability of conventional job opportunities, the development of simple maturity, or some combination of these factors. One researcher, Mercer Sullivan (1989), claims that solutions calling for employment programs or getting tougher with such offenders are too simplistic and that the campaign for selective incapacitation particularly

misses the mark: Most offenders are not identified as serious offenders until they are at least 20 years old—over the hill in terms of street crime (Sullivan, 1989). A strategy to treat such individuals as hard-core, career criminals earlier and to incapacitate them through imprisonment, assuming, as demonstrated in a Wolfgang and associates cohort study (Wolfgang et al., 1978), that 5% to 8% account for over 50% of juvenile crime, ignores the fact that most teen crime careers are short; thus, such policies risk incarcerating juveniles at the very time when most would be ending their criminal careers.

Comparing white, African American, and Latino juveniles, Mercer Sullivan (1989) noted that they begin in conflict-oriented gangs that prey only on each other. Growing older, white teenagers are able to obtain part-time jobs through their parents' contacts. These jobs occupy their time and supply money, and street robberies would not be tolerated by the neighbors. African Americans and Latinos lack such employment contacts, and many become the self-employed of the streets, experimenting with muggings and burglaries, sometimes at the expense of their neighbors. Local muggers, because they tend to operate close to home, are not tolerated, and most are eventually arrested.

Whereas the crimes of occasional property offenders point out the pervasiveness of violations among those in otherwise respectable society, offenses of conventional property offenders and the relative lack of success of correctional efforts with such offenders continue to disappoint crime control policy planners. Conventional property offenders fail to respond to the very policies, such as threat of jail and stigmatization, that appear to work very well in discouraging occasional property offenders. Conservative approaches that aim to reform individuals without concomitant efforts at social reform are likely to continue to fail.

PROFESSIONAL CRIME

In 1996, a rebellion broke out in formerly communist Albania. Citizens blew up bridges, attacked police stations, and looted military arsenals. Armed with military weapons including tanks and patrol boats, they took over areas of the country. The reason for the revolt was anger on behalf of thousands of Albanians who had been swindled in a huge Ponzi scheme (illegal pyramid scheme). Many of those involved in organizing the scam were high government officials. Reports claim that nearly every Albanian was victimized by the scheme (Nelan, 1997; Simon & Hagan, 1999, p. 88). The Albanian government collapsed as a result of a professional crime, the Ponzi scheme, to be discussed in the next chapter.



PHOTO 10.3 Still from *Ocean's 8*, an American heist comedy film. Movies often glorify professional burglary, casting the criminals as the heroes.

Lifestyle pictures / Alamy Stock Photo

On the rainy night of October 29, 1964, Roger Clark dropped off Jack Murphy and Allan Kuhn at the American Museum of Natural History in Manhattan. Jack "Murph the Surf" Murphy and his accomplice scaled an 8-foot fence, climbed a ladder from a courtyard to a fourth-floor ledge, opened a window, lowered themselves into the museum's Morgan Hall of Minerals and Gems, and proceeded to steal 24 precious stones. These included the Midnight Star Sapphire, the DeLong Star Ruby, and the celebrated sapphire Star of India. The latter was a most extraordinary gem. Weighing more than 563 carats, it was the largest such stone in the world and was estimated to be worth more than $1 million in 1986 (Preston, 1986).

The Star of India burglary bore an uncanny resemblance to the plot of the then-current film *Topkapi*, which was about a jewel theft at the Topkapi Palace Museum in Istanbul. Murphy and his accomplices claimed to have been inspired by the film ("Museum Jewel Robbery," 1964). Prior to the Star of India burglary, they had cased the Guggenheim Museum and the Metropolitan Museum of Art before settling on the American Museum of Natural History as their target. Ten days of reconnaissance at the museum included a dry-run nighttime burglary. But despite their elaborate plans and successful heist, the trio were shortly arrested and convicted. Of the three thieves, Murphy attracted the most press attention because of his glamorous Miami beach-boy lifestyle. This same "charmer" would later carry out other jewel thefts, including the strong-arm robbery of a $25,000 diamond ring from actress Eva Gabor, and would eventually be convicted of the double murder of two women, for which he served prison time until 1984. Murphy was even the object of a made-for-television movie starring Robert Conrad in 1975. Murph the Surf and his accomplices represent the more glamorized, romanticized view of professional criminals. But what, in fact, are professional criminals?

The Concept of Professional Crime

In sociology, the concept of **profession** refers to occupations that require esoteric, useful *knowledge* acquired after lengthy training and a claimed *service* orientation and code of ethics that permit occupations to attempt to obtain *autonomy* or independence of operation and various concomitants such as high prestige and remuneration (F. E. Hagan, 1975). This knowledge–service–autonomy dimension of the professions is inapplicable to criminals and criminal activity. Mack (1972) prefers the term *able criminal*, whereas J. F. Klein (1974) suggests the concept of *grifter* (one who acquires money illicitly) as a more appropriate construct. Some field studies of criminal subjects indicate that they do not use the category of professional criminal (Letkemann, 1973; Steffensmeier, 1986). However, labeling certain types of criminals as "professionals" is widespread in the literature, which justifies treating professional crime as a separate category, although we will consider other constructs. Cressey (1969) warns that many skilled criminals are simply slightly better than other people wh commit crimes at lying, cheating, and stealing and that we should be careful about calling them professionals. Studies of career criminals by Petersilia et al. (1977) suggest the term *intensives* for those who commit more sophisticated crimes and face lesser chances of arrest or conviction. Therefore, although the *professional criminal* is not truly a professional in the sociological sense, the term is appropriate in reference to those who earn a considerable portion of their livelihood in criminal pursuits.

Characteristics of Professional Crime

The benchmark in the United States for analysis of professional criminal behavior was Edwin Sutherland's *The Professional Thief* (1937), a work based on interviews and a detailed case study of a professional thief and confidence man with the pseudonym "Chic Conwell." In his original formulation, Sutherland saw the professional thief as characterized by crime as a sole means of livelihood, careful planning, reliance on technical skills and methods, and a migratory lifestyle. Professional thieves were found to have a shared sense of belonging, rules, codes of behavior, and a specialized language.

Professional crime is a sociological rather than a legal construct. What distinguishes professional crime from other crimes is not the legal definition of the behavior but the way the crimes are performed. Clinard and Quinney (1973) identified the following five features of professional crime:

1. Crime is the criminal's sole livelihood and is engaged in for economic gain.
2. The criminal career is highly developed.
3. Considerable skill is involved.
4. High status in the criminal world is bestowed on professional criminals.
5. Professional criminals are more successful than others at avoiding detection and imprisonment.

Argot

Acts of professional criminals differ from those of less professional criminals only in the distinctive manner in which they are committed. Professional crime primarily involves the relatively safe and consistent stealing of large sums of money on a systematic, rational, planned, skillful, and nonviolent basis. Professional criminals attempt to avoid "heat," or the daring and bravado characteristic of many amateurs, which tend to attract public attention and often subsequent police action. Distinctive **argot** or specialized language is also characteristic of the world of professional crime (see Table 10.4). Arthur Judge's *The Elizabethan Underworld* (1930), Henry Mayhew's *London's Underworld* (1862), and John McMullan's *The Canting Crew: London's Criminal Underworld 1550–1700* (1984) provide some of the argot of 17th-century Elizabethan professional criminals (see also L. Taylor, 1984). Sutherland's (1937) informant, Chic Conwell, provides us with the criminal argot of the United States in the early 20th century.

TABLE 10.4 ■ Early 20th-Century U.S. Argot

Cannons	Professional pickpockets
Heels	Sneak thieves who operate in stores and offices
Boosters	Professional shoplifters
Pennyweighting	Stealing from jewelry stores by substituting fake look-alikes
Hotel prowling	Stealing from hotel rooms
The con	Confidence game or swindle
Hanging paper	Passing bad checks, money orders, and other commercial paper
The shake	Extorting money from others who are criminally involved

Maurer (1964) quotes a professional pickpocket who was asked to explain in court what he had done:

> Well, Judge, your honor I was out gandering around for a soft mark and made a tip that was going to cop a short. I eased myself into the tip and just topped a leather in Mr. Bates' left prat when I blowed I was getting a jacket from these two honest bulls. So I kick the okus back in his kick and I'm clean. Just then this flatfoot nails me, so here I am on a bum rap. All I crave is justice, I hope she ain't blind. (p. 55)

A Model of Professional Crime

Table 10.5 depicts a continuum **model of professional crime**. The purpose of this model is to underline the fact that there are no hard-and-fast divisions between professional and amateur crime; the

professionalism of criminal activity is a matter of degree rather than of kind. Thus, the greater the extent to which an individual's criminal activity involves key factors—crime as a sole livelihood, an extensive criminal career, skill, high status in the criminal world, the successful avoidance of detection or immunity from prosecution, and a criminal subculture and organization—the greater the likelihood that such activity can be labeled professional crime. The concept, however, is an *ideal type*, a heuristically useful overgeneralization that is unlikely to exist in a pure form.

TABLE 10.5 ■ A Model of Professional Crime

	Amateur Crime	Professional Crime
Source of income	Occasional	Full-time
Extent of career	Short duration	Lifelong
Level of skill	Little	Extensive
Status	Low	High
Avoidance of detection	Unsuccessful	Successful
Association with criminal subculture	None	Extensive
Level of planning	None	Extensive
Employment of "the fix"	No	Yes

Professional crime is similar to legitimate occupations such as entertainment and professional sports in that it is a "skyrocket profession." For those who succeed, it can be a glamorous life of fast living; however, it shares another characteristic with these fields and that is that many are called, but few are chosen. Many semiprofessional criminals who might occupy a middle ground on the continuum are unable to survive with crime as their sole livelihood—they are not good enough at it. Most eventually leave the world of crime because they simply cannot make a living; they are less skillful, enjoy less status in the criminal world, and are less successful at avoiding detection than other criminals. Although they belong to criminal subcultures to a degree, these subcultures lack the network of talent and successful contacts that the more professional criminal enjoys. Finally, less professional offenders generally commit crimes that require or involve less planning, and they have less success in avoiding prosecution and incarceration.

It was previously indicated that career criminality includes characteristics such as identification with crime, extensive association with other people who commit crimes, progression and specialization in crime, and crime as a sole means of livelihood. Professional and organized criminals best fit this model, although, as noted, differences between these types are often a matter of degree rather than kind. Drug sales, the sale of sexual services, and pimping are pursued by criminals of various degrees of sophistication, with career criminals generally more persistent and successful in their activities. Professionals tend to freelance or be less tied to relatively permanent criminal organizations than their organized-crime counterparts. In the last analysis, however, criminologists have not arrived at a consensus in categorizing these activities.

Edelhertz's Typology

Edelhertz (1970) developed a typology of white-collar crime. Table 10.6 presents one of Edelhertz's categories, which is more professional than occupational or corporate in nature. The main distinction between professional crime and occupational or corporate crime is that in the former, the sole purpose of the business is to perform criminal activity, whereas in the latter, crime is incidental to a legitimate business or professional service. Some offenses listed in Table 10.6 are not simply professional crimes but, following the model, become so to the degree that they involve the characteristics of professional criminal activity.

TABLE 10.6 ■ Examples From Edelhertz's (1970) Categories of White-Collar (Professional) Crime

White-Collar Crime as a Business or as the Central Activity
1. Medical or health frauds
2. Advance-fee swindles
3. Phony contests
4. Bankruptcy fraud, including schemes devised as salvage operations after insolvency of otherwise legitimate business
5. Securities fraud and commodities fraud
6. Chain referral schemes
7. Home improvement schemes
8. Debt consolidation schemes
9. Mortgage milking
10. Merchandise swindles
a. Guns and coins
b. General merchandise
c. Buying or pyramid clubs
11. Land fraud
12. Directory advertising schemes
13. Charity and religious frauds
14. Personal improvement schemes
a. Diploma mills
b. Correspondence schools
c. Modeling schools
15. Fraudulent application for, use, or sale of credit cards, airline tickets, etc.
16. Insurance fraud
a. Phony accident rings
b. Looting of companies by purchase of overvalued assets, phony management contracts, self-dealing with agents, intercompany transfers, etc.
c. Fraud by agents writing policies to obtain advance commissions
d. Issuance of annuities or paid-up life insurance, with no consideration, so that they can be used as collateral for loans
e. Sales by misrepresentation to military personnel or those otherwise uninsurable
17. Vanity book and song publishing schemes
18. Ponzi schemes
19. False security fraud, i.e., Billy Sol Estes or De Angelis types of schemes
20. Purchase of banks, or control thereof, with deliberate intention to loot them
21. Fraudulent establishing and operation of banks or savings and loan associations

(Continued)

TABLE 10.6 ■ Examples From Edelhertz's (1970) Categories of White-Collar (Professional) Crime (*Continued*)

White-Collar Crime as a Business or as the Central Activity
22. Fraud against the government
a. Organized income tax refund swindles, sometimes operated by income tax "counselors"
b. Aid frauds, i.e., totally worthless goods shipped
c. FHA (Federal Housing Authority) frauds **(1)** Obtaining guarantees of mortgages on multiple family housing far in excess of value of property, with foreseeable inevitable foreclosure **(2)** Home improvement funds
23. Executive placement and employment agency frauds
24. Coupon redemption frauds
25. Money order swindles

CRIMINAL CAREERS OF PROFESSIONAL CRIMINALS

Reviews of the use of the term *professional criminal* in the field of criminology (Staats, 1977; Winslow, 1970) point out the heavy reliance on case studies and popular sources. Anthologies such as Bruce Jackson's *In the Life* (1972) and Duane Denfield's *Streetwise Criminology* (1974) are illustrative. These provide firsthand accounts, primarily by people who are incarcerated , of their lives in crime. Although these are revealing, it is unclear how typical such accounts may be. Given this methodological limitation, much of the description of the careers of professional criminals is limited and certainly requires more investigation.

Indicating that professional criminals may not be specialists in any one area of crime, Plate (1975) identified 10 characteristics of professional criminals:

1. They seek anonymity.
2. They are often on speaking terms with police as informants, as bribers, or simply as those who work in a related area.
3. They are not necessarily members of organized crime, although they cooperate in some cities.
4. They are usually not addicted to drugs.
5. They take arrest and imprisonment in stride, often putting money away for a rainy day.
6. They do not leave fingerprints.
7. When possible, they will run through a crime (practice it) beforehand.
8. They are well aware of the law and police clearance rates.
9. Most avoid gaudy display or conspicuous consumption.
10. Many are stable family members.

Although some professional criminals, such as hired killers or professional robbers, are into "heavy" crimes, most attempt to avoid rough stuff, to avoid heat, and to operate through wit, guile, cunning, technical skill, and grifting. Most professional criminals look with disdain on the tactics and senseless violence of amateur criminals. Professionals plan and carefully choose their victims in order to maximize the score and minimize risks.

A person who commits crimes does not usually simply decide one day that they are going to be a professional criminal. Recognition, skill, and contact with other hustlers and professionals are prerequisites; without this contact, the required knowledge and experience for a successful move into

professional crime is less likely. Recruits into the world of professional crime may come from the ranks of hotel workers, waitresses, and cab drivers, as well as of pimps, fences, and promising conventional property criminals. Although in earlier times, professional training schools such as Fagin's in *Oliver Twist* did in fact exist, today the training appears to be much more informal, although the nation's prisons seem to be a major training ground for some.

A leading explanation of professional criminality is Sutherland's (Sutherland & Cressey, 1978) differential association theory. In explaining patterns of professional criminality, the theory points to criminal contacts (values and attitudes) as essential to the learning process. Some professional criminals, particularly cannons, con artists, and professional burglars, participate in an informal apprenticeship of jobs, learning very specific skills and making the indispensable contacts with fixers and fences without which they would have great difficulty in operating. Letkemann (1973) saw this "crime as work" orientation among professional criminals as involving not only the learning of technical skills but, just as important, social and organizational skills such as victim management. A vital component of professional criminality is the shared subculture that requires frequenting common haunts (bars, restaurants, and the like) in order to discover "what's going down" or what's happening.

Compared with other categories of criminal activity, professional crime is rare and perhaps becoming rarer. Generally, most professional criminals come from better economic backgrounds than conventional or organized criminals. Many begin their careers at a later age. This varies, however, with the area of criminality. Safecrackers and bank robbers, for instance, appear to require early juvenile crime experience (Conklin, 1981). Maurer (1964) describes the professional criminal as one who approaches crime in a businesslike manner, expecting to earn their living from it. Professional criminals know and are known to other professional criminals. Such peoplehighly identify with criminal activity and are proud that they are good at their work. Many professional criminals rationalize their activity, feeling that all people are crooked or involved in what Al Capone called "the legitimate rackets." Con artists justify their behavior on the basis of the dishonest behavior of many of their victims, who may be trying to avoid taxes or buy stolen goods.

Informants from the ranks of professional crime as early as the time of Sutherland's (1937) Chic Conwell have indicated that, whereas cannons tend to restrict their criminal activities to their specialty of pickpocketing, most others hustle or engage in a variety of offenses, even though they may prefer their specialties. Boosters and paperhangers appear to be more similar to cannons in attempting to stick to their specialties.

Boosters

Whereas con artists represent the "aristocracy of the professional criminal world," "boosters" (professional shoplifters) or "heels" represent the lowest class. Among professional criminals, boosting is viewed as requiring less skill or talent and thus enjoys less status. One confidence man said of a booster, "While he is undoubtedly a professional thief, I should have been ashamed to be seen on the street with him. . . . My reputation would have suffered in the eyes of my friends to be seen in the company of a booster" (Adams, 1976, p. 76). As noted earlier in this chapter, Mary Owen Cameron's classic *The Booster and the Snitch* (1964) distinguishes between the booster (professional) and snitch (amateur) shoplifter. Boosters carefully plan their operations for big "scores" in order to minimize risks and to make sure they will be able to sell their booty to a fence (dealer in stolen property). Snitches, on the other hand, often commit their crimes on the spur of the moment, with little planning, and take enormous risks in order to "five-finger discount" relatively inexpensive items for their own personal use.

Boosters often rely on a variety of equipment and special paraphernalia such as "booster boxes" (boxes with slots or removable sections), special scissors or razor blades for removing labels, and special booster bags, coats, pants, and skirts with hidden compartments. Overweight shoplifters may employ the "crotch walk," in which goods are actually held between their legs and hidden by long coats or dresses.

Professional shoplifters usually work in groups, with each individual having an assigned role. The "stall" "throws a hump," or creates a commotion, in order to attract the attention of the store personnel, while the "clout" steals the goods and possibly turns them over to a "cover," who may actually carry the booty out of the store.

In what sounds like Charles Dickens's *Oliver Twist*, a school for shoplifters, complete with a how-to manual, was discovered by police in New York City in 1987. About 75 boys ages 11 to 14 were believed

to be involved. They were trained in avoiding security at suburban shopping malls and sent on expeditions with shopping lists in hand (A. Hamilton, 1987).

Because statistics on shoplifting are poor, it would be hazardous to estimate the proportion perpetrated by professionals. However, it is clear that professionals account for only a small segment. In 2007, two of the shopping industry's largest trade groups joined forces with the FBI's Gangs and Criminal Enterprises Division to create a database to track retail crime gangs (Mui, 2007). The retail industry estimates that it lost $68.9 billion to theft and fraud in 2019 (Hanson, 2021). Retailers report that organized retail theft is increasing, with many noting the problem of "smash-and-grab" robberies where thieves smash barriers such as windows or glass cases and take whatever they can before quickly leaving (Thomas, 2022). In a practice known as e-fencing, gangs often sell their stolen property at 70% of their value on online auction sites. They travel the East Coast with U-Hauls full of stolen goods. Criminology in Context 10.2 provides further detail on the world of shoplifting.

Cannons

Professional pickpockets (sometimes called "**cannons**," "dips," or "picks") require exceptional dexterity and an awareness of the art of misdirection. Most pickpockets work with a "stall" who "puts up" (sets up) the mark. This is usually accomplished by tripping against, bumping, or otherwise distracting the subject, while the "tool" or "claw" or "mechanic" actually hooks or steals. Pickpockets usually work in groups of two, three, or four, with a specific role for each. One may select marks, another may locate the valuables or money on the person ("fanning") and maneuver them into position, and another pickpockets the item and passes it off to yet another (Inciardi, 1977, 1983, 1984).

Since ancient times, pickpockets have worked crowds at parades, carnivals, sporting events, and the like. In medieval Europe, even during public executions of pickpockets, cannons worked the crowds. Derby Day, Super Bowl week, and world's fairs all attract a large influx of cannons. The next time you attend a large sporting event, see if, with the practiced eye of a bunko squad detective, you can spot the cannons in the crowd. Look for the people who are continually watching the crowd rather than the event. Unless they are security personnel, they may very likely be cannons attempting to "set a mark."

Related to, but less skillful than, pickpockets are "cutpurses," those who attempt to surreptitiously steal women's purses by cutting the purse straps. If such a theft involves rough stuff, such as shoving or physical force, the cutpurse has crossed the boundary from pickpocket to strong-arm robber or mugger. A related sneak thief is a "moll buzzer," who attempts to steal unattended purses in public places. The number of expert or class cannons has considerably declined from the thousands during the pre–World War II period.

Professional Burglars

An example of professional burglary crews in operation was revealed when 22 were arrested in burglaries of Kennedy Airport cargo in 1994 in New York. Three major rings were stealing merchandise whose value was estimated in the tens of millions of dollars from air-cargo warehouses. Although they were not members of organized crime families, the thieves paid tax or tribute to local organized crime groups (Firestone, 1994).

Shover (1973) interviewed 143 successful career burglars, some of whom were professionals. Such burglars typically work in groups, although there might be constant turnover in the members from job to job. Critical connections for a professional burglar's success are tipsters, fixers, and fences. *Tipsters* provide information on likely targets in return for a portion of the take, and *fixers* are attorneys and bondsmen who use bribery to fix or ward off prosecution. *Fences* or criminal receivers readily convert the burglar's booty into more portable cash. Many burglars rationalize their activity by claiming that most people are insured anyhow and that, when they read reports of their burglaries, the amount lost often is inflated by the victim in order to cheat the insurance company.

One of the more flamboyant professional burglars was a former paratrooper dubbed "Spiderman" (Derrick James), whose exploits resemble Hitchcock's 1950s classic *To Catch a Thief*, starring Cary Grant. Without any equipment, he scaled luxury high-rises in South Florida and very selectively stole expensive jewelry. He seldom left the scene in disarray, and often the victims did not even know they had been burglarized until months later when they tried to find a particular item to wear. Although 10 floors up was standard, he once broke in on the 30th floor (Pressley, 1998). He rated his own police task

force, involving 25 police agencies. Upon his arrest in 1998, police contend he was responsible for over 100 burglaries worth over $8 million.

Picking a lock is just one of the many skills of an able burglar. The best lock pickers may practice daily and are the first to buy and master the latest "burglar-proof" locks when they become available. Some take locksmith correspondence courses advertised in magazines, and some are even licensed locksmiths. On entering premises, the skilled burglar will often stick a small object such as a matchstick into the lock so that it will jam if the occupants unexpectedly return and insert their key.

CRIMINOLOGY IN CONTEXT 10.1 SHOPLIFTING

Goods Sold

Perhaps the principal factor determining a store's shoplifting rate is the type of goods sold. For obvious reasons, furniture stores have much lower shoplifting rates than, say, convenience or drug stores. The following table shows the most common items stolen in the United States. These include tobacco products (particularly cigarettes), health and beauty products (such as over-the-counter analgesics, decongestants, popular remedies, and birth control products), recorded music and DVDs, and apparel ranging from athletic shoes to children's clothing, with an emphasis on designer labels.

High-Risk Merchandise by Store Type (Based on Items Recovered From Shoplifters)

The acronym CRAVED captures the essential attributes of these "hot products": They are concealable, removable, available, valuable, enjoyable, and disposable. The last of these attributes, disposability, may be the most important in determining the volume of goods shoplifted. Those shoplifting for a living or to support substance use disorder—who account for a disproportionate share of shoplifters—must be able to sell or barter what they steal. Unfortunately, little is known about the market for shoplifted goods.

Store Type	Merchandise
Auto parts	Small accessories, dash covers, compact disc players, driving gloves
Book	Magazines
Consumer electronics/computer	CDs
Department	Clothing: shirts, particularly Hilfiger and Polo
Discount	Clothing, undergarments, CDs
Drug/pharmacy	Cigarettes, batteries, over-the-counter merchandise
General merchandise	Earrings
Grocery/supermarket	Over-the-counter remedies, health and beauty aids, cigarettes
Home center/hardware	Hand tools
Music	CDs
Shoes	Sneakers
Specialty	Bed sheets
Specialty apparel	Assorted clothes with designer labels
Sporting goods	Nike shoes
Theme park	Key chains, jewelry
Toy	Action figures
Video	Video games
Warehouse	Pens, movies

Store Layout and Displays

Research provides little guidance, but common sense suggests certain store layout and display features contribute to shoplifting. Most of these relate to the staff's ability to supervise shoppers, and stores at greater risk include those with the following:

- Many exits, particularly where they are accessible without passing through the checkout
- Passageways, blind corners, and hidden alcoves
- Restrooms or changing rooms
- High displays that conceal shoppers (and shoplifters) from view
- Crowded areas around displays of high-risk items
- Aisles that staff cannot easily survey from one end of the store

Store areas at greater risk of shoplifting include, as mentioned, those with the most desirable goods. In addition, goods on the ground floor and near entrances are at greater risk of theft, because the shoplifter is in the store for less time and is thus at less risk of getting caught.

For Further Thought

1. Visit a local store such as Walmart or Target. Did you find that the display and location of goods reflected efforts to protect vulnerable targets?

Source: Shoplifting, by R. V. Clarke, *Problem-Oriented Policing Guide No. 11* (U.S. Department of Justice, September 8, 2003).

Plate (1975) describes some burglaries of jewelry firms in Manhattan in the 1970s that involved such feats as breaking through two concrete walls and opening two huge safes without leaving even a fingerprint. In one job, the front windows were sprayed with black paint, and in another, the main cable serving a protection-service alarm system was cut, affecting thousands of Manhattan customers.

Chic Conwell, the pseudonym for the professional thief in Sutherland's 1937 book, used the term *hotel prowler* to refer to burglars who specialize in stealing from hotel rooms. Such sneak thieves are particularly active in convention towns; they may pay off hotel employees, who act as accomplices. One hotel prowler told Plate (1975) that, after first obtaining a master key from an accomplice, he would wait until 2:00 a.m., maintaining that at that hour few conventioneers were in their rooms sleeping and, if they were, they were so "bombed" they would not notice his presence. The only town he had problems in was Philadelphia, where he claimed the streets were so dead at night that conventioneers stayed in their rooms and drank.

The Box Man

At the top of the hierarchy of burglars are safecrackers, or "box men." Chambliss's (1975a) edition of professional safecracker Harry King's autobiography, *Box Man* (reissued as *Harry King: A Professional Thief's Journal* [King & Chambliss, 1984]), reveals that King ranks professional safecrackers, although a dying breed, with the big con artists as high-status criminals within the professional criminal hierarchy.

Safecracking has engendered a constant escalation of technology, first to secure safes and second, in reaction, to develop better ways to open them. **Box men** are really professional burglars who specialize in breaking into safes. Between 1890 and 1940, professional burglary gangs flourished, hampered only by the newly developed burglar alarm. Telephones and automobiles were also beginning to narrow the apprehension gap (Rosberg, 1980). As more and more sophisticated safes were developed, the methods employed to break into them improved. Because dynamite often damaged the safe contents, a core drill (a diamond-tipped construction device) provided more sophisticated means of entry, as did burning bars (oxygen lances that burn at temperatures up to 7,000 degrees Fahrenheit).

The Professional Fence

The dilemma of a thief who makes a big score but who lacks connections needed to dispose of the goods was brought home to me one evening in Cleveland while I was walking across a parking lot of a neighborhood shopping center. Two shady-looking characters blocked my path with their car, and the driver said, "Hey, sport, I have a bunch of cashmere sport coats in the back, and if we can find one that fits ya, I'll give you one helluva deal." Sure enough, glancing into the backseat I could see at least 20 boxes with a recognizable name in men's clothing on them. When I indicated a lack of interest, they shrugged, saying, "Suit yourself, sport," and drove off. Such amateurs without connections are not only in the business of stealing but also in the even riskier business of soliciting unscreened customers in order to dispose of "hot" goods. More experienced and professional thieves would have quickly disposed of the property with a reliable fence or receiver of stolen property.

As noted earlier in the chapter, a *fence* is an individual who buys and sells stolen property. Legitimate operators of pawnshops, secondhand and antique shops, junkyards, and other general merchandisers may knowingly add stolen goods to their inventory, but a professional fence does this on a regular basis. J. Hall (1952) distinguishes among the "lay receiver" (customer), the "occasional receiver" (a rare buyer), and the "professional receiver" (a specialist in stolen property).

Professional burglars could not operate on a long-term basis without reliable relationships with fences willing to buy large quantities of stolen property on short notice. Klockars (1974) describes how "Vince Swaggi" (a pseudonym), the professional fence he studied, was able to sell a lot of factory seconds and other legitimate merchandise to customers who assumed the goods were hot (stolen) and thus a bargain. Similar findings caused Steffensmeier (1986) to title his case study *The Fence: In the Shadow of Two Worlds.* Fences and other professional criminals may also obtain a certain degree of immunity by acting as informants to the police. The importance of the fence to property criminals and sneak thieves is well illustrated by the relative success of police fencing sting operations that, after being in operation for only a short time, are able to arrest large numbers of thieves.

The classic professional fence was an Englishman by the name of Jonathan Wild, who operated in the early 18th century (Klockars, 1974). Wild placed advertisements in the newspaper and claimed that he was a "thief-taker," that he could recover stolen goods. He paid thieves higher-than-usual prices for their booty and then sold the goods to the victims at considerable profit. Wild was a "double dealer," building quite a reputation for turning in thieves as well as for fencing their goods. Finally, when some thieves accused him of being a fence, he was tried, found guilty, and hanged in 1725.

Blakey and Goldsmith (1976) identify four types of fences: the neighborhood fence, the outlet fence, the professional fence, and the master fence, in rising order of sophistication. The *neighborhood fence* is usually a small merchant who occasionally deals in stolen goods, whereas the *outlet fence* regularly sells hot merchandise along with legitimate stock. Using a legitimate company as a front, the *professional fence* is a major distributor of stolen articles. The *master fence* is involved at all levels, from organizing the theft to contacting customers in advance to distributing the goods; theft of art and museum masterpieces and their sale to wealthy private collectors may serve as one example that requires a master fence.

Paperhangers

Paperhanging (passing bad checks and other documents) is a persistent form of professional crime. In the United States, cash has become the poor man's credit card. A larger proportion of transactions are conducted by means of checks and credit cards, which create a ripe situation for the forger. As detailed earlier in the chapter, Lemert (1958) distinguishes between *naive check forgers* and professionals, or *systematic forgers;* the former are amateurs and only occasional offenders, whereas the latter make an illegal business of forging checks (see Klein & Montague, 1977). Lemert also found that forgers often operate independently and are less a part of the world of professional criminals than some other

offenders. Sutherland (1937) claims that forgers and counterfeiters are considered marginal in professional crime, perhaps because such operators are often loners or *technicians* and thus do not share the professional criminal subculture (see Bloom, 1957).

Old-fashioned counterfeiting of money has not disappeared and may even be proliferating with recent technology—so much so that the U.S. government has considered changing the currency by, for instance, printing bills of different denominations in different colors. Many developed countries have based the design of their paper currency on that of U.S. currency. Color copiers, bleaching dollar bills and using the paper to print bills of higher denominations, and other ingenious methods have been used to make counterfeit money (Gladwell, 1990). In 1992, C-notes ($100 bills) began popping up around the globe, notes so authentic looking that they fooled currency-handling equipment at the Federal Reserve. Speculation has it that an unfriendly foreign government or a terrorist organization may have been the culprit (Wartzman, 1992).

Color copiers have accelerated the number of counterfeit bills in circulation. The U.S. Department of Treasury estimates that there are between $70 and $200 million in counterfeit bills in circulation at any given time. To fight counterfeiting, particularly *superbills* (near-perfect fake $100 bills), the U.S. Mint changed the $100 bill, the favorite of counterfeiters, first. These security features have since been incorporated into lower denomination bills as well.



PHOTO 10.4 Can you spot the difference? One of these bills is genuine, and one is counterfeit.
Jim West/Alamy Stock Photo

Secret Service and CIA officials have speculated that a possible source of the "superbill" may have been the government of Iran, which was sold the same intaglio printing presses used at the U.S. Mint before the fall of the shah in 1979.

A growing area of professional fraud and counterfeiting relates to phony credit cards, fake products, and spare parts. The latter are produced in foreign factories and are reasonable facsimiles of the real thing. These pose some minor problems for those who purchase phony, inexpensive, hot watches from "Duke the Goniff" at the Greyhound station. They present major problems if they happen to be unsafe parts for airplanes, elevators, and manufacturing machinery.

Credit card counterfeiting was relatively unknown before 1990 and in 2020, the Federal Trade Commission estimates that it will cost the global tech industry over $400 billion within the next decade (Hare, 2022). Counterfeiters thwart each technological security advance in credit cards. Holograms were simply made by counterfeiters themselves, and embedded magnetic strips were defeated by "skimming" to read the information and then using laptop computers for duplication. Chinese organized crime groups dominate the trade in California.

Law enforcement of the future is faced with increasing sophistication in this area. For example, how do businesses control checks that an hour or two after being cashed decompose and disappear?

Advanced laser printers and color copiers make counterfeit documents such as checks, letterhead, and business cards more difficult to detect. In 1998, Canadian Mounties and the U.S. Secret Service busted a group with suspected links to Russian and Asian organized crime groups that used scanners and ink-jet printers to create over $2 million in Canadian $100 and $50 bills. They also used thermal, silkscreen printers to produce exact replicas of credit cards from six banks. Police were surprised that Canadian currency was being produced because most false notes are usually American ("Mounties," 1998).

Many countries have bank secrecy laws. Most counterfeit credit cards are produced in Hong Kong, where it is not a crime to manufacture them. In other countries, it is illegal to use, but not to possess, such cards. The need for multilateral agreements to fight such transnational crime is obvious. Malaysia, Thailand, and Hong Kong account for 44% of global credit card counterfeiting and are known as the "plastic triangle" (Duckworth, 1991).

Although they are very costly, enforcement officials are calling for the adoption of "smart cards," which have a small semiconductor memory circuit, but even these would only buy time until counterfeiters cracked the technology. In "Fraud Masters: Professional Credit Card Offenders and Crime," Jerome Jackson (1994) examines the working habits of a gang of credit card thieves. Part of their reason for choosing this form of offending was the knowledge that there was little risk of being caught, reported, or prosecuted.

A big area of fraud is the crime of skimming. This requires two devices to be installed on a card reader or ATM. One device skims or captures data from a card's magnetic strip, while another pinhole camera steals the cardholder's PINs as they are entered. Between 2014 and 2017, 12 people were indicted for their plans to secretly install credit card skimmers. They installed these skimmers and recoded stolen credit cards or debit cards and used card account information, such as the account user's name, onto counterfeit credit cards to be used to purchase gift cards, merchandise, and other goods and services. They stole account information from thousands (U.S. Department of Justice, U.S. Attorney's Office, Northern District of Ohio, 2017).

Video piracy, the massive production of fake videotapes, became a burgeoning industry during the late 1980s. We are not talking here about people making tapes for their own personal use but well-organized syndicates that can often get knockoff copies to the market before the originals, causing the manufacturers to lose about $1 billion a year as a result. In the mid-1980s, an estimated 15% of the movie videos on display in U.S. stores were illegal (Pauly et al., 1987). Theft of cable services was estimated to cost U.S. cable companies $3 billion annually in the early 1990s. Crime File 10.2 gives an account of cable pirates.

Professional Robbers

Professional robbers differ from most other professional criminals in that they threaten and are willing to use, force if necessary. Also, in contrast to others, they need little specific training or skill to be "stick-up artists." Professional "heavy" criminals (Gibbons, 1977), such as robbers, tend to band together for particular jobs, but only on a short-term basis. This is in sharp contrast to the Jesse James–type gangs of the Wild West or the Depression-era, Bonnie and Clyde–type groups.

In 1994, the clock finally ran out for Patrick Mitchell, head of a bank robbery ring known as "the Stopwatch Gang" or "the presidential robbers." The former name was given them because the gang tried to complete their jobs in 2 minutes; the latter name came from the masks of presidents they wore during robberies. This gang was estimated to have pulled more than 100 bank jobs since 1980 (Harrist, 1995). Also arrested that same year was Johnny Madison Williams Jr., one of the most successful bank robbers in U.S. history. Responsible for 56 bank robberies, which he carefully documented in a handwritten log, Williams was known as "the Shootist" because he always fired shots in the air at the start of his robberies. The 8 years before his arrest constituted the longest unsolved string of bank

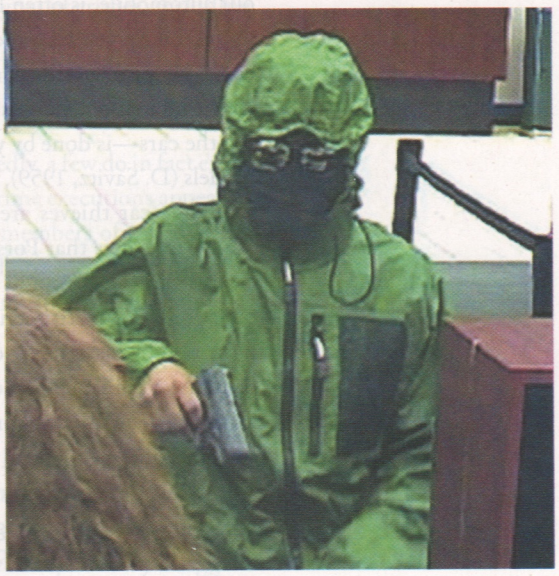


PHOTO 10.5 In this bank security video frame grab released by the FBI, a person is robbing a bank in Florida in 2014. Agents believe the same person is responsible for three recent robberies and two attempts.

FBI/AP Photos

robberies ever investigated by the FBI ("A Confession Ends Career of Robbery," 1994). Writers such as Abadinsky (1983), Teresa (1973b), and M. E. Walsh (1977) have all found increasing cooperation between professional and organized criminals, particularly in the area of truck hijacking.

One major difference between amateur robbers and professional robbers is that the former tend to rob individuals whereas the latter tend to concentrate on commercial establishments. Letkemann (1973), based on his interviews with bank robbers, described how many, in planning their jobs ("casing the joint" in gangster English), were aided by the fact that many branch banks were architectural clones of each other. Such similar layouts plus practiced impression management—a persona that robbers use to verbally intimidate bank personnel and customers—made most stick-ups routine. Robbers try to show they mean business in order to enhance cooperation. In short, no one gets hurt. Professional robbers, in contrast to most other people who commit crimes, do not require as much subcultural support from other professional criminals to acquire skill and technique or to plan and execute their operations.

Gangs of professional jewelry thieves called "the Colombians" stalk, set up, and rob members of America's jewelry industry. Many are from Colombia and five other Latin American nations, and they consist of 2,000 thieves organized in teams of 10 to 20 individuals. They particularly target salespeople on the road. The gangs are especially violent, and they surveil and trail likely victims for days before attacking (Annin & Rhine, 1999).

Professional Arsonists

Most arson is committed by amateurs, individuals who do not make a career out of burning down structures. However, there are professional arsonists. In the late 1970s, Morris Klein, a member of a ring of torch artists, boasted, "I can make concrete burn" (Karchmer, 1977). Klein's ring, which sold a complete package of arson services to businesses, was responsible for hundreds of fires in several states. For a percentage of the insurance settlement, he could mobilize a team of engineers, torches, and insurance experts. According to Karchmer (1977), he was

> a fire broker who scouted around for troubled firms to sell. . . . If the business kept fumbling, Klein would approach the owner with an arson scam proposal. . . . He informed clients that their buildings were burning with the code message "The sky is red." (pp. 162–163)

Professional Auto Theft Rings

Although most of us carefully guard and secure our valuables, one of our most expensive investments, our automobile, is often left unguarded on the street or in a parking lot. Most automobiles are stolen by amateur juveniles for joyriding purposes, but a significant number are stolen by auto theft rings and either chopped up for parts or refinished, complete with new papers and serial numbers, and sold to a waiting market. Professionals organize such rings, but the job with the greatest risk—actually stealing the cars—is done by young car thieves who may even be given shopping lists for specific makes or models (D. Savitz, 1959).

Some car thieves are professionals who possess standard burglary tools and master keys. Plate (1975) indicates that Porsche master keys go for several thousand dollars. Master keys may be duplicated from those bought from showroom employees, for instance. Another tool is a "slam hammer" or "bam-bam" instrument, which is usually used to take dents out of cars. Thieves can use this tool to heist a car by inserting one end of the small hammer over the door lock, which enables the entire lock to be removed in seconds. Looking at the code number on the lock and using an auto code key book and key cutter, the thief can prepare the exact key for the auto in less than 2 minutes.

The thief's job ends when the car is left at the drop-off spot, usually a local shopping center. Runners or "gophers" transport the car to the shop. New plates can easily be obtained from states with lax inspection laws. Using a die tool, new numbers can be etched into the VIN (vehicle identification number), which can be found die-cast on various parts of the car. Dishonest junkyard owners can also furnish registration cards to serve as false ownership credentials. Other auto theft rings operate chop shops, where the stolen auto is immediately cannibalized for parts and sold to legitimate repair shops, which can then, because of low overhead, underbid competitors on repair work. Professional auto thieves vary greatly in their operations, sophistication, and organization.

In 1992, auto thieves in Dade County, Florida, claimed to be earning $15,000 per week stealing vehicles. Many of the vehicles not on their way to chop shops were driven onto container ships and sold for millions of dollars in Latin American countries such as the Dominican Republic, which is awash in luxury automobiles from the United States. Jail overcrowding often means that, when car thieves are caught, few get jail time (ABC, 1992b). A stolen vehicle will often net double its price overseas, and auto theft is frequently viewed as victimless because it is usually covered by insurance. "The low apprehension, prosecution, and conviction rate of auto thieves makes this crime a booming industry, with high profits and low risks" (Beekman & Daly, 1990, p. 16). When federal authorities were able to successfully bust these container ship operations, the thieves shifted gears. They exported legitimate cars, removed their VINs when they arrived at the foreign port, and sent these back to the United States to be placed on "born again" stolen vehicles.

International auto theft rings are estimated to operate an $8 billion industry increasingly associated with crime syndicates (Ragavan & Kaplan, 1999). Of the 1.4 million stolen vehicles in 1997, at least 200,000 ended up overseas. Vehicle theft is one of the lowest crimes on the law enforcement priority list. There is only a 12% arrest rate for auto theft, the lowest of any crime category. Mexico is the principal port of destination for stolen U.S. autos. European experts document similar activity in Europe and even claim that it is as big an international problem as drug smuggling (August, 1997). Russian and Chechen syndicates transport stolen vehicles to the former Soviet Union. In some cases, owners of the vehicles sell them to the thieves and then report them as stolen in order to collect the insurance.

The rate of reported auto theft has fallen, even with a doubling of the number of vehicles on the road. Police targeting of auto theft rings and manufacturer installation of antitheft technology seem to have worked (Leinwand, 2009). By 2014, authorities were reporting that stealing cars had gone out of fashion (Barro, 2014, p. 8). Stealing cars had become harder than it used to be, less lucrative, and more likely to have the thieves caught and convicted due to technological changes that immobilized engine systems adopted by car producers to match each car. By the early 2000s, it became impossible to start a vehicle without an ignition key that featured a microchip programmed by the dealer. Under the circumstances, thieves began to concentrate on older cars without these features. At one time, older Honda Accords were a favorite.

CrimeSolutions.gov—Disorder Policing. "Disorder Policing" was rated as effective and promising. This is a police strategy to reduce crime and delinquency by focusing efforts on disorderly neighborhood conditions and minor crime offenses. This practice is rated as effective for reducing multiple types of crime and delinquency and rated as promising for reducing specific types of crimes, including property, violent, and drug and alcohol offenses, and auto theft.

Professional Killers

Professional assassins, "hit men," are popular subjects of fiction and, undoubtedly, a few do in fact exist, for instance, in the shady world of international espionage. Most organized crime executions appear to be assigned to members in addition to their ordinary tasks. However, even members of Murder Inc. (the Brownsville Boys, an organized crime group of the 1920s to 1940s) did not spend all their time performing executions. The literature is either scant or unreliable in providing an accurate picture of professional killers.

Societal Reaction

Some view professional criminality as declining since its heyday during the Depression. This decline may simply represent an increase in semi-legal enterprises (Roebuck & Windham, 1983). Bank robbery for the most part has passed into the hands of amateurs. There appear to be fewer big-time con artists around than previously. Pickpockets, although still around, have been replaced by muggers. Inciardi (1975) suggests that the decline of professional crime began in the 1940s with the application of modern communication and scientific methods to the field of criminal investigation. Computerized information, fingerprints, regional cooperation in law enforcement, and greater professionalization of criminal justice raised the ante for a career in crime.

Other observers (Chambliss, 1975a; F. E. Hagan, 1991; Staats, 1977) see professional crime not as declining but as shifting into other areas of operation. The professional street crime characteristic of an industrial society has given way to white-collar professional crime. Although professional burglars and pickpockets have declined in numbers, there has been an increase in the number of sophisticated con artists. In a paper titled "The Ghost of Chic Conwell: Professional Crime and Fraud in the Twenty-First Century" (F. E. Hagan, 2000), this writer expressed the opinion that Chic Conwell (professional crime) is not dead but has moved into cyberspace.

As previously described, most professional criminals attempt to commit crimes that are difficult to track, and their operations are often characterized by use of specialists for each element of the job. Because most criminals, even the best, are eventually caught, the more sophisticated professionals will attempt to forestall action by victims or the criminal justice system by "putting in **the fix**"—gaining the cooperation of corrupt officials: crooked judges, court administrators, lawyers, or police officers. The latter, for instance, could convince victims of the futility of attempting to proceed with a case and offer immediate compensation. According to the President's Commission on Law Enforcement and the Administration of Justice (1967), two essential elements that explain the success of professional crime are the fix and the fence. Yet another element should be added—a steady demand for stolen goods. Without a ready market, much professional theft would dry up.

Although the very nature of postindustrial society and its reliance on banking, international trade, computers, and instantaneous communications have created fertile ground for fraud and professional crime, efforts in public and private investigation have begun to meet the challenge. Most noteworthy in this regard are beefed-up efforts by the Federal Bureau of Investigation, the National White Collar Crime Center, and the Association of Certified Fraud Examiners.

Most discussions of white-collar crime by organizations such as the U.S. Chamber of Commerce or federal law enforcement agencies such as the FBI concentrate on areas we have discussed in this chapter as professional crime.

THEORY AND CRIME

Property crime in general involves the illegal pursuit of things of economic value. Separating professional property crime from occasional and conventional property crime is a matter of the skill involved rather than the act itself. Routine activities theory is a particularly useful model for explaining shoplifting. Using the three elements of the approach—likely criminals, likely targets, and guardianship—security managers can explain changes in rates of shoplifting. Vandalism and graffiti have a number of manifestations, but programs designed to reduce targets and increase guardianship have been quite successful. One example was the virtual disappearance of graffiti on the New York City subway system. Better security devices (guardianship) on motor vehicles precipitated declines in auto theft rates.

Increasingly, as we examine the distinction between professional criminals and occupational or corporate criminals, we find that their motivations and activities overlap. Much of the subprime mortgage collapse involved activities by banks in which they clearly violated longstanding ethical and professional standards. Their activities resembled Las Vegas more than they did the previously conservative banking establishment. The lack of and compromising of regulators and the subsequent economic collapse required a major bailout by the federal government.

Much conventional property crime, such as burglary and larceny, peaks in a person's teens and rapidly declines after individuals reach their mid-20s. Developmental or life course theories examine the trajectories over time of such criminality, looking at the onset, persistence, and desistance of criminal careers.

Anomie theory and institutional anomie theory argue that the emphasis on material success to an extreme without the provision of legitimate opportunities for their achievement contains the roots of deviance and crime. Professional criminal activity can also be examined by means of differential association theory wherein individuals learn and become socialized to criminal activity.

CRIME & THE MEDIA 10.1 INTERNET AND CRIME—DATING SCAMS

The proliferation of the internet has created a forum for people to interact with likeminded individuals. It has also spawned an array of internet dating sites. Some of these sites have the user fill out an extensive profile to ostensibly match a person with others who similarly completed theirs. This matching process may indeed generate "true love." But, there is also a dark side—it can lead to people using the websites to meet potential people to scam. In 2014, Americans lost $82 million to online dating fraud. Amy signed up for Match.com after the death of husband of 20 years. One man, Dwayne, with whom Amy matched, sent her a message though the app and gave her an email address that she could respond to outside of the app. He quickly charmed her through their exchange of eight emails. In one, he suggested they fill out a questionnaire that would see how much their interests aligned—one of the questions was about their financial status. They exchanged phone numbers and talked every day for hours on end. He casually mentioned that he was working in Malaysia. Slightly less than a month after their initial contact, Dwayne told her about his money troubles. He said that he couldn't finish up a $2.5 million project in Malaysia until some components arrived, which were stuck in customs in Hong Kong. He explained he had a healthy trust fund but that he couldn't access that money to cover the costs of the components. As such, he could pay her back. Amy then wired $8,000 initially and then another $10,000. Dwayne then continued to have reasons as to why he couldn't finish the job to leave and be with her, all involving needing more money. Eventually, in total, she sent him $300,000. Finally, they had a date set when he would fly out of Malaysia to visit her. But, as you have probably guessed by now, he never arrived (Shadel & Dudley, n.d.).

SUMMARY

Offenses against property, among the earliest to be punished under formal legal systems, include a wide variety of violations usually labeled larceny (theft). These offenses can be committed by a variety of criminal types, two of which are discussed and contrasted in this chapter: occasional property criminals and conventional property criminals. *Career criminality* is characterized by identification with crime, criminal self-concept, group support, association with other people who commit crimes, progression in criminality, and crime as a sole means of livelihood. Whereas occasional property offenders are the antithesis of career criminals, conventional property violators are on the bottom rung of the ladder of career criminality. Occasional property offenders commit their crimes relatively infrequently, irregularly, crudely, and without identifying themselves as criminals. Conventional criminals commit their offenses more regularly and tend to aspire to career criminality.

Occasional property criminal behavior includes most but not all shoplifting, vandalism, motor vehicle theft, and check forgery. Cameron distinguishes between two types of shoplifters: *boosters* (professionals) and *snitches* (amateurs). The majority of snitches have no previous criminal history, do not identify with criminality, and are deterred from future activity when threatened with formal legal processing. *Vandalism*, the willful destruction of the property of others, has been identified by Andrew Wade as consisting of three types: wanton (senseless), predatory (criminal), and vindictive (hateful). Wanton vandalism by juveniles is the most common type and usually represents an extension of play activity. Motor vehicle theft also consists of a variety of types: joyriding, short-term transportation, long-term transportation, and profit. Joyriders, who borrow a car for temporary adventure, illustrate well the occasional property criminal.

Check forgers have been distinguished by Lemert as consisting of two types: naive check forgers and systematic check forgers. The former, who are occasional property criminals, write bad checks as a means of resolving a temporary crisis. The bad check writing is a result of closure, or limited possibilities for solving this problem.

Conventional property criminals are those who commit larceny-theft and burglary on a fairly persistent basis, constituting a rudimentary form of career criminality. Such offenders are less skilled and organized than their professional counterparts and represent about half of the prison inmates in the United States. Most will eventually reduce or cease their "careers" by their mid-20s. *Burglary* involves the unlawful entry of a structure in order to commit a felony or theft. This may include actual forcible entry, unlawful entry without force, or attempted entry. As a rule, burglars attempt to avoid violence. Marilyn Walsh identifies types of burglars. These include professionals, known burglars, young burglars, juvenile burglars, and people with substance use disorders, in decreasing order of sophistication and organization. Other characteristics of burglars and burglary were described separately by Scarr, Repetto, and Pope. Indispensable to property criminals and particularly burglars is the *fence*, a dealer in stolen property. Successful police stings, or anti-fencing operations, were described. Most conventional offenders are nonspecialists; they "hustle," or take advantage of various criminal opportunities.

Larceny-theft, which includes a broad category of property crimes, makes up over half of the index offense total and as a category constitutes a wastebasket concept, a catch-all. Property offenses are more characteristic of youthful offenders, who tend to commit crimes in groups. Arson, which has been included as a UCR index offense since 1979, involves any willful or attempted malicious burning of another's property. Arson is described as a special-category property offense because of the variety of motivations involved, including (according to McCaghy's typology) profit, revenge, vandalism, crime concealment, sabotage, and excitement.

Comparisons of criminal careers of occasional versus conventional property criminals demonstrate that only the latter exhibit any level of commitment to criminality, and even they are often youthful offenders whose property criminality peaks at age 16, halves by age 20, and continues to decline thereafter. Societal reaction to occasional offenders is relatively mild, but it is relatively strong against conventional property offenders. Anthropological field research, such as that by Shover, suggests that programs aimed at identifying and getting tough with career criminals must be careful to examine the interplay among employment, threatened incarceration, and aging of offenders lest they get tough at the very time that most will mature out of crime.

In sociology, *professionals* are those in occupations who possess useful knowledge and claim a service orientation for which they are granted autonomy. In this light, the term may be an inappropriate tag with which to designate skilled, able grifters or intensive career criminals. It is so widely used in the literature, however, that not to use the concept would be more confusing than to employ it. Sutherland's classic 1937 work on the subject, *The Professional Thief*, describes some characteristics of professional criminals as including crime as sole livelihood, planning, technical skills, codes of behavior, high status, and an ability to avoid detection. Professional crime is a sociological rather than a legal entity.

The *argot* (specialized jargon) of the professional criminal world uses Depression-era U.S. terms. Some examples include cannons (pickpockets), heels (sneak thieves), boosters (shoplifters), and the con (confidence games). A continuum model of professional crime presents crime as professional to the degree that it possesses the following characteristics: sole livelihood, extensive career, skill, high status, avoidance of detection, criminal subculture, planning, and "the fix." *The fix* refers to the ability to avoid prosecution by compromising the criminal justice process. Professional crime differs from occupational or corporate crime in that, in the former, crime is the sole purpose of a business. Some examples of professional crime from Edelhertz's typology were presented, most of which are examples of fraud.

Various professional criminal trades were discussed in the chapter. These included boosters, cannons, professional burglars, box men, fences, paperhangers, robbers, arsonists, and auto thieves.

Descriptions of careers of professional criminals are methodologically limited by the need to rely on case studies and popular sources for many accounts. Most professional criminals seek anonymity, know the police and members of organized crime, are very deliberate in plying their trade, and avoid conspicuous consumption. They avoid rough stuff and heat and attempt to minimize risks. Requiring skill and contact with others, most seek subcultural support as suggested in Sutherland's differential association theory.

The professionalization of criminal justice has appeared to reduce many of the previous opportunities available in professional crime. The President's Commission on Law Enforcement and the Administration of Justice pointed to the importance of two essential elements that explain the success of professional crime: the fence and the fix. The high cost of legal defense also may be responsible for a portion of the decline of such crime.

KEY CONCEPTS

argot (p. 267)
arson (p. 260)
boosters (p. 253)
box men (p. 274)
burglary (p. 258)
cannon (p. 272)
career criminal (p. 252)
conventional criminals (p. 252)
fences (p. 259)
heels (p. 253)
larceny-theft (p. 259)
motor vehicle theft (p. 256)
naive check forgers (p. 257)
occasional property criminals (p. 252)
paperhanging (p. 275)
profession (p. 266)
professional crime, model (p. 267)
shoplifting (p. 253)
snitches (p. 253)
systematic check forgers (p. 257)
the fix (p. 280)

REVIEW QUESTIONS

1. Compare and contrast occasional property criminals with conventional property criminals.
2. What are some different types of shoplifting? What are some trends in shoplifting?
3. What are the three types of vandals, and how do they differ in their motivations?
4. What are some trends and patterns in auto theft both nationally and internationally?
5. Discuss international patterns in burglary. Why do you think property crimes are declining in the United States?
6. What are some trends and new wrinkles in the criminal field of paperhanging?
7. How do the operations of professional robbers differ from those of amateurs?
8. Distinguish between boosters and snitches.
9. Discuss the operations of professional burglars. What are some of their critical connections and typical operations?



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11 WHITE-COLLAR CRIME

Occupational and Corporate

LEARNING OBJECTIVES

11.1 Summarize Sutherland's classic definition of white-collar crime.

11.2 Identify issues with the measurement and cost of white-collar crime.

11.3 Describe the history of white-collar crime.

11.4 Provide examples of various types of cons and scams.

11.5 Identify and describe big cons.

11.6 Discuss the legal regulations in place for occupations and organizations.

11.7 Explain occupational crime in terms of the types of crimes committed by employees.

11.8 Explain corporate crime in terms of the types of crimes committed by organizations and corporations.

11.9 Discuss the rationalizations and corporate environments that contribute to white-collar crime.

11.10 Evaluate the reasons for the leniency in punishing white-collar crime.

11.11 Assess how criminological theories apply to white-collar crime.

WHITE-COLLAR CRIME—THE CLASSIC STATEMENT

Although previously discussed in the popular literature, the concept of **white-collar crime** was first introduced in the social sciences by Edwin Sutherland in a 1939 presidential address to the American Sociological Association. Defining *white-collar crime* as a crime committed by a person of respectability and high social status in the course of his occupation, his address was important in that it was the first major statement on white-collar crime in academic criminology (Sutherland, 1940). Volk (1977) described Sutherland's pioneering effort as "the sign of a Copernican revolution in Anglo-Saxon criminology" (p. 13), a radical reorientation in theoretical views of the nature of criminality. Mannheim (1965) felt that if there were a Nobel Prize in criminology, Sutherland would deserve one for his effort. It certainly represented, to use Kuhn's (1962) notion, "a paradigm revolution," a new model that served to radically reorient future theoretical and empirical work in the field.

Sutherland's (1949) investigation using records of regulatory agencies, courts, and commissions found that of the 70 largest industrial and mercantile corporations studied over a 40-year period, every one violated at least one law and had an adverse decision made against it for false advertising, patent abuse, wartime trade violations, price-fixing, fraud, or intended manufacturing and sale of faulty goods. Many of these corporations were recidivists with an average of roughly eight adverse decisions issued for each. On the basis of his analysis, it becomes obvious that, although he used the general label *white-collar crime,* Sutherland was in fact primarily interested in organizational or corporate crime.

Sutherland maintained that although "crime in the streets" attracts headlines and police attention, the extensive and far more costly "crime in the suites" proceeds relatively unnoticed. Despite the fact that white-collar crimes cost several times more than other crimes put together, most cases are not treated under the criminal law. White-collar crime differs from lower class criminality only in the implementation of criminal law that segregates white-collar people who commit crimes administratively from other people who commit crimes (Sutherland, 1949). Furthermore, white-collar crime is a sociological rather than a legal entity. It is the status of the offender rather than the legal uniqueness of the crime that is important (Geis, 2007).

As president of the American Sociological Association, Sutherland wanted sociology to be seen as "a real science and worthy discipline in academia" (Lilly et al., 2015, p. 292). Professors were vulnerable to attack. Sociologist E. A. Ross was fired from his university position for his "dangerous socialism" in attacking robber barons. J. Edgar Hoover, in discovering that Sutherland had challenged his criticism of parole boards, mandated that the FBI could no longer cooperate in sending him crime statistics (Geis, 2007, p. 13).

The hazard of identifying white-collar crime simply by official definition is demonstrated by Hirschi and Gottfredson (1987, 1989). They (erroneously) dispute the usefulness of the label "white-collar crime" because the four Uniform Crime Report (UCR) measures of white-collar crime (fraud, embezzlement, forgery, and counterfeiting) show that most offenders are middle class and differ little from traditional offenders. Steffensmeier (1989b) correctly responds that UCR offense categories are not appropriate indicators of white-collar crime.

Related Concepts

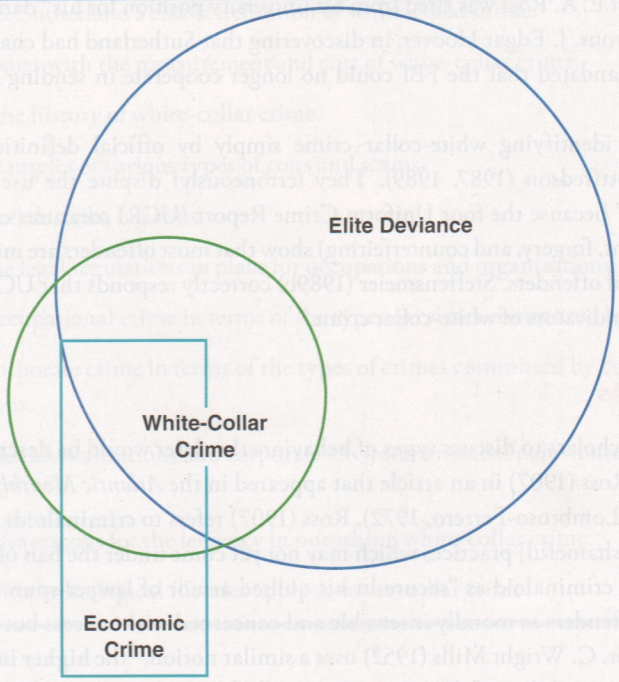
One of the earliest scholars to discuss types of behaviors that later would be described as white-collar crime was Edward Ross (1907) in an article that appeared in the *Atlantic Monthly.* Borrowing a term used by Lombroso (Lombroso-Ferrero, 1972), Ross (1907) refers to **criminaloids** as "those who prospered by flagitious [shameful] practices which may not yet come under the ban of public opinion" (p. 46). Describing the criminaloid as "secure in his quilted armor of lawyer-spun sophistries" (p. 32), Ross viewed such offenders as morally insensible and concerned with success but not with the proper means of achieving it. C. Wright Mills (1952) uses a similar notion, "the **higher immorality**," to characterize this moral insensibility of the **power elite**. Mills felt this was a continuing, institutionalized component of modern U.S. society, involving corrupt, unethical, and illegal practices of the wealthy and powerful.

A variety of other terms have been proposed as substitutes, synonyms, variations, or related terms for white-collar crime, including "avocational crime" (Geis, 1974a), "corporate crime" (Clinard & Quinney, 1986), "economic crime" (American Bar Association, 1976), "elite deviance" (D. R. Simon, 1999), "the criminal elite" (Coleman, 1994), "occupational crime" (Clinard & Quinney, 1986; G. Green, 1990), "organizational crime" (Schrager & Short, 1978), "professional crime" (Clinard & Quinney, 1986), "upperworld crime" (Geis, 1974b), and "white collar deviance" (Simon & Hagan, 1999). (See also Albanese, 1995; Friedrichs, 2010; Schlegel & Weisburd, 1994.)

This chapter concentrates on two key types of criminal activity: occupational criminal behavior and corporate (organizational) criminal behavior. **Occupational crime** refers to personal violations that take place for self-benefit during the course of a legitimate occupation, and **corporate crime** refers to crimes by business or officials, committed on behalf of the employing organizations. Although **organizational crime** refers to crime on behalf of the organization, it becomes corporate (business) crime when it is done for the benefit of a private business. Thus, much of what ordinarily would be branded as corporate crime in a free enterprise economy is labeled organizational crime when committed by state bureaucrats in socialist systems. The organizational, economic crimes discussed in this chapter are also distinct from political crimes by government, which are discussed in Chapter 12; the latter have more to do with efforts to maintain power, ideology, and social control than with economic advantage.

Figure 11.1 depicts the relationship among the many definitions of white-collar crime and is an attempt by this author to address the debate among writers as to whether the best term for this subject of study is *elite deviance* (D. R. Simon, 1999), *white-collar crime* (Coleman, 1994), or *economic crime* (various writers). This author views *elite deviance* as the broadest term, where white-collar crime focuses on elite crimes but also includes non-elite activities, for example, employee theft and lower level occupational crime. When observers ignore the status of the offender, economic crime can include minor fraud, embezzlement, and the like, even when it is not committed by individuals of high status. The issue is not which of these concepts is best but rather how each taps a different dimension of white-collar crime. Figure 11.1

FIGURE 11.1 ■ Relationship Among Elite Deviance, White-Collar Crime, and Economic Crime



MEASUREMENT AND COST OF OCCUPATIONAL AND CORPORATE CRIME

Even in societies that permit a measure of freedom of information, the collection of accurate data on most occupational and corporate crimes is difficult. Our primary sources of data (discussed in Chapter 1), such as official statistics (the UCR), victim surveys (the National Crime Victimization Survey [NCVS]), and self-reports, generally do not include much information on corporate or upper level occupational crimes.

Problems faced by researchers who attempt to examine occupational crime include the following:

1. The higher professions are self-regulating, and very often codes of silence and protectionism rather than sanctions greet wrongdoers.
2. Many employers simply ask for resignations from errant workers rather than firing them or reporting them to the police in order to avoid scandal and recrimination.
3. Occupational crime statistics are not kept on a systematic basis by criminal justice agencies or by professional associations.
4. Probes of occupational wrongdoing by outsiders are usually greeted by secrecy or a professional version of "honor among thieves."

The cost of white-collar crimes far exceeds the cost of traditional crimes as recorded in official police statistics and as previously discussed in Chapter 1. The Senate Subcommittee on Investigations (Senate Permanent Subcommittee, 1979) estimated that cost at roughly $36 billion in 1976. Estimates for the early 1980s place the figure at upward of $50 billion, a costly sum considering that FBI estimates for all UCR property crimes such as burglary, larceny, and robbery were in the $10 billion range at that time. Much higher estimates of costs incurred from white-collar crime have been made by the Judiciary Subcommittee on Antitrust and Monopoly, which put the figure between $174 billion and $231 billion annually in the late 1970s (Clinard & Yeager, 1980). By the 1990s, the estimated cost of $500 billion for bailing out savings and loan companies alone, with 5% to 40% of the losses due to



PHOTO 11.1 Former Illinois governor Rod Blagojevich departs the Federal Court Building with his wife, Patti, after opening arguments for his federal corruption trial. Blagojevich was found guilty and was sentenced to 14 years in prison. In 2021, he was pardoned by then President Trump.

©AP Photo/Charles Rex Arbogast

fraud, justifies even higher estimates. In 2016, the Association of Certified Fraud Examiners estimates that U.S. organizations lost about $895 billion to fraud (WSRP, 2016).

HISTORY OF CORPORATE, ORGANIZATIONAL, AND OCCUPATIONAL CRIME

Current publicity about and concern with corporate, organizational, and occupational crime sometimes create the false impression that such activities did not exist in the past. Nothing could be further from the truth. In fact, history is replete with examples of past corporate wrongdoing; the current business climate probably sets higher moral expectations than ever before.

In the early history of capitalism and the Industrial Revolution, fortunes were made by unscrupulous "robber barons," who viewed the state and laws as negotiable nuisances. Cornelius Vanderbilt, the railroad magnate, when asked whether he was concerned with the legality of one of his operations, was said to have stated, "Law! What do I care about Law. Hain't I got the power?" (quoted in Browning & Gerassi, 1980, p. 201).

Browning and Gerassi in *The American Way of Crime* (1980) claimed that the period between the Civil War and World War I was probably the most corrupt in U.S. history and described this time as a dictatorship of the rich. No one valued private property more than the industrial magnates who were stealing it. Political corruption, bribery, kickbacks, and influence peddling among political officeholders federal, state, and local have been rife since the very beginnings of the republic. The widespread acceptance of such corruption has given rise to a number of humorous comments, for example, the description of Mayor Curley of Boston as having been so crooked that when they buried him, they had to screw him into the ground. Another cynical remark claims that it was so cold the other day, the politicians had their hands in their own pockets. States such as Illinois, New Jersey, and Louisiana have had particular problems with public corruption in the first decade of the 21st century. Louisiana was described thus: "Half of Louisiana is under water and the other half is under indictment" ("Jindal Delivers GOP Response," 2009). In Illinois, Governor Rod Blagojevich was arrested and later

convicted for demanding payoffs in return for appointment to President Obama's vacated senate seat, and in New Jersey, more than 130 officials were found guilty of corruption over a 7-year period.

A widely cited typology of white-collar crime is the one proposed by Edelhertz (1970). He identified the following:

1. Crimes by persons operating on an individual ad hoc basis (e.g., income tax violations, credit card frauds, bankruptcy frauds)
2. Crimes committed in the course of the occupations of those operating inside business, government, or other establishments, in violation of their duty of loyalty and fidelity to employers or clients (e.g., embezzlement, employee larceny, payroll padding)
3. Crimes incidental to, and in furtherance of, business operations, but not central to the purpose of the business (e.g., antitrust violations, commercial bribery, food and drug violations)
4. White-collar crime as a business or as the central activity (This is covered in this text under the label "professional crime"; it refers to activities such as medical and health frauds, advance fee swindles, and phony contests.)

Eliminating Edelhertz's Item 4 as more appropriately an example of professional crime, Table 11.1 proposes an **occupational/organizational crime grid**, which classifies crimes in terms of both perpetrators and victims. Goff and Reasons (1986) have proposed a similar model for organizational crime.

TABLE 11.1 ■ Occupational/Organizational Crime Grid

	Crime Committed by (Perpetrator)			
		Individual (Public, Consumer)	Employee	Organization (Corporation, State)
Crime committed against (victim)	Individual (public, consumer)	(1) Merchant vs. consumer Professional vs. Client	(2) Individual corruption Payoffs	(3) Production of unsafe products Deceptive advertising
	Employee	(4)	(5) Sweetheart contracts	(6) Occupational health and safety violations Environmental hazards on job
	Organization (corporation, state)	(7) Insurance fraud Tax fraud	(8) Embezzlement Insider trading	(9) Industrial espionage Unfair competition Patent violations

(1) Individual vs. individual (public)
(2) Employee vs. individual (public)[a]
(3) Organization vs. individual (public)
(4) Individual vs. employer[a]
(5) Employee vs. employee[a]
(6) Organization vs. employee
(7) Individual vs. organization[a]
(8) Employee vs. organization
(9) Organization vs. organization

a These crimes may not have direct corporate or occupational ramifications.

Although many crimes in fact defy placement in mutually exclusive, homogeneous categories, these types offer a useful scheme for organizing the presentation of occupational crime and organizational or corporate crime in this chapter.

CONS AND SCAMS

Scam is a criminal slang term used to refer to various criminal techniques, "hustles," or operations. Many criminal operations that may be described as examples of white-collar crime (because they are committed by stealth, nonviolently, and by persons of apparent respectability) are in fact semiprofessional in nature. They involve little skill, and they prey on gullible victims. **Confidence (con) games** meet this definition. These may be called "confidence" because they rely on winning the confidence of the victim in order to steal from them. Another possible origin of the term *con* is the word *cony*, meaning dupe or victim. Sometimes called "flim flam" or "bunko" or "short cons," such scams come in an infinite variety, although some of the more common ones are disturbingly familiar and successful.

Many victims are so humiliated that they do not even report their victimization to the police. Short cons usually prey not on the affluent but on middle-age, retired, and widowed working-class types, particularly women.

The **badger game** also preys on the naiveté of victims.

An alert teller at a savings and loan association alerted police when an obviously distressed 81-year-old man withdrew his life savings of $10,622—in cash. He had been visited on a number of occasions by a 19-year-old girl who had indicated that she represented a Bible Institute. During the last visit, a man feigning the role of an outraged father burst into the apartment and accused the victim of having illicit relations with his daughter. His paternal rage could, however, be forgotten for the right price (Langway & Smith, 1975, p. 67).

In the **bank examiner's scam**, swindlers pretend to be government investigators who are seeking the cooperation of the victim in order to catch a dishonest bank teller. The mark (victim) is asked to withdraw money and turn it over to the investigators, who will mark it in order to apprehend the dishonest employee. Obviously, government agencies are not so hard up that they have to use the money of private citizens in order to conduct their undercover operations.

Too-good-to-be-true opportunities for easy money and get-rich-quick schemes lure victims. For example, postal fraud is widespread. It includes skipping town with payments for orders, pre-collecting fees for fake franchises, and offering to arrange a "guaranteed" business loan or employment for an advance fee—then failing to deliver as promised. Beware of paying advance fees for estates that have been left to you by unknown people, chain letters, work-at-home schemes, and sales of far-off land.

In this same vein of short cons, readers should beware of snake oil salespersons or offers to increase breast size or sexual prowess or to sell diplomas (Stewart & Spille, 1988). In one home repair scam that targeted the elderly, the swindler would short out electric wires, start fires near furnaces, or release bugs or mice in order to create problems in need of solution. In a similar scam, someone claiming to be waterproofing the customer's roof with a clear, silicone-based liquid would spray plain water on the roof ("Home Repair Scam," 1986).

A recurring scam for the past couple of decades has been the Nigerian fee fraud scam, or 419 scam (named for the applicable section of Nigerian criminal law). The victim is contacted via mail or e-mail by someone claiming to be a Nigerian official with an offer to share millions of dollars if the victim would provide an account in which funds can be hidden, after which the victim is promised a share in the payoff. Once the victim's account number is obtained, the con artists drain the account. The victims pay processing fees, travel costs, and bribes in anticipation of rewards. The scam artists ask for more and more money to assist in the transfer of funds.

BIG CONS

David Maurer, in *Whiz Mob* (1964) and *The Big Con* (1940), describes the following steps in "the big con" (1964, pp. 15–16):

1. Putting up the mark (investigating and locating likely victims)
2. Playing the con (gaining the confidence of the victim)

3. Roping the mark (steering the victim to meet the inside man or woman)
4. Telling the tale (showing the victim how they can make big money dishonestly)
5. Giving the convincer (permitting the victim to make a profit)
6. Having the victim invest further
7. Sending the victim after more money
8. Playing the victim against the big store and fleecing them
9. Getting the victim out of the way
10. Cooling out the mark (having the victim realize that they cannot turn to the law)
11. Putting in the fix (bribing or influencing action by the law)

Although not all big confidence games involve all the steps Maurer describes, each example to be discussed demonstrates variations of these steps. Wealthy marks, such as business executives, entertainment personalities, and—recently—wealthy professionals (e.g., doctors and dentists who are hunting for tax shelters or even greater affluence), are ideal targets for those on the lookout for "fingering the score."

Ponzi Schemes

Perhaps the most legendary swindler of all time was Charles "Get Rich Quick" Ponzi, whose modus operandi has now inherited his name—Ponzi schemes. A **Ponzi scheme** pays off early investors with money obtained from later investors in a doomed enterprise. In 1919, Ponzi discovered that postal return coupons (international reply coupons, or IRCs) could be purchased overseas and redeemed in the United States at anywhere from 100% to 300% profit. He offered investors 40% profit in 90 days. He then paid off his first investors sooner and with larger dividends than promised. Once the word got around, investors were beating down his door. Many preferred to reinvest rather than to withdraw their money. As investors multiplied, he ran out of the product (coupons) and simply operated a pyramid scheme in which early customers were paid off with money obtained from later ones. Ponzi lived like a king and was rumored to have taken in over $15 million. When it was discovered that Ponzi had a criminal record that included forgery, the house of cards fell. Investors demanded their money, but of course, he had spent it all. After serving various sentences, he eventually died in 1971 in a Brazilian charity ward, but the legacy of Ponzi's technique lives on. Ponzi schemes prey on greedy victims who want something for nothing (Nash, 1975).



PHOTO 11.2 Charles Ponzi (1882–1949) was a legendary swindler and originator of "The Ponzi Scheme." A Ponzi scheme pays off early investors with money obtained from later investors in a doomed enterprise.

Everett Collection/Newscom

The explosion of financial services, deregulation, and the bewildering number of new investments available to the public all contributed to the resurgence of Ponzi schemes in the 1990s. Many of the new Ponzi schemes relied on the herd instinct for new investors. During its initial stages, the scheme may zero in on members of a specific pro football team, a law office, or a military base and then rely on initial victims to enthusiastically recruit new customers. Crime File 11.1 reports on the Bernie Madoff affair, the biggest Ponzi scheme in history.

CRIME FILE 11.1 THE BERNIE MADOFF AFFAIR: "ONE BIG LIE"

"One big lie" was the way Bernie Madoff described the asset wing of his investment firm. His scheme was discovered in December 2008 and was described at the time as the biggest Ponzi scheme in history. The losses to his investors were estimated at $65 billion. Although Madoff claimed to have acted alone, investigators had a hard time accepting this explanation given the complex nature of the transactions. Thousands of investors lost millions, some their life savings, and in one case a person committed suicide because he had trusted Madoff. His hedge fund Ascot Partners paid out unbelievable, steady, double-digit returns year after year that begged investigation or discovery. One observer indicated, "It is virtually impossible to have returns like Madoff reported, and it should have been a major warning signal" (Lenzner, 2008). Madoff had even been chairman of the board of directors of the National Association of Securities Dealers and very respected on Wall Street. He pled guilty to an 11-count indictment that included securities fraud and perjury.

Supposedly, in December 2008, Madoff informed his sons that he was about to give millions in bonuses earlier than scheduled and admitted that his investment firm was one big Ponzi scheme. His sons reported him to authorities and he was arrested. In a typical (although huge) Ponzi scheme, Madoff admits to having made no investments with his clients' money since 1991. Others place the date for him beginning his scam as the mid-1980s. Among the many victims of Madoff's operations were Steven Spielberg, First Manhattan Company, art collector Norman Braman, Elie Wiesel, Kevin Bacon, John Malkovich, and Zsa Zsa Gabor, along with numerous charities and civic organizations.

On June 30, 2009, a federal judge in Manhattan sentenced Madoff (who was 71 at the time) to the maximum of 150 years. This was comparable to the types of sentences given in the past to terrorists, traitors, and the most violent people who commit crimes. The federal system does not have parole.

For Further Thought

1. What is your opinion on the outcome of the Madoff trial?

Sources: "Bernie Madoff's $50 Billion Ponzi Scheme," by R. Lenzner, Forbes.com (December 12, 2008); "The Madoff Affair," M. Smith (Producer), *PBS Frontline* (May 12, 2009); "Inside the Madoff Scandal" [video], *Wall Street Journal* (March 13, 2009).

Pyramid Schemes

A **pyramid scheme** resembles the familiar chain letter that asks you to send a dollar to the first name on the list, add your name to the bottom, duplicate four copies of the new list, and recruit four new members to continue the chain. Assuming that the chain is not broken, you could reap, for example, $256 in return for your original dollar investment—*if* the four people you recruit obtain four others each (16) and they secure four each (64), and they in turn find four others (256), who all mail a dollar to you (the name at the top of the list). The problem with such schemes is that they generally break down before reaching the bottom of the pyramid and thus usually provide rewards only to the initial organizers.

In 1999, William Koop ran a multimillion-dollar pyramid scheme that ripped off at least 80 investors in 28 states. One investor gave him $2.5 million and was promised an 800% return, or $20 million, in 45 days. Koop claimed that he had knowledge of super-secret bank trades and that the investments were guaranteed (Lefer, 1999). The only problem was that no such trades existed and the prime bank notes were fictitious financial instruments.

Ponzi schemes may seem similar to multilevel marketing(MLM) companies – those companies in which people sell real products often to friends and family members. People who work in MLM companies make a commission off the sale of the product and also from sales made by those who they recruit to also sell products. Some popular MLM companies are Amway and Mary Kay cosmetics. These kinds of companies may look more like pyramid schemes when most of the profits generated are from recruiting new members who are then asked to buy start up goods or attend trainings (that they pay for) to begin. In this way, the success of some members depends on recruiting new people rather than actually selling products. When this occurs, money is made from marketing the product rather

than selling the product. In some states, there is clear regulation that prohibits pyramid schemes that operate in this manner. A key factor in determining if a MLM may be a pyramid scheme is by examining the market saturation of the company. If, to make money, a person must be able to sell their products and also recruit new agents to sell, there needs to be enough people in a given area to sell to and recruit (Michigan Department of Attorney General, 2022).

Religious Cons

Another source of big money in professional crime appears to be burgeoning religious cults. Although most are probably sincere operations, a number appear to be interested in capturing the minds, bodies, and assets of their members. The son of L. Ron Hubbard, author of *Dianetics* (1963) and founder of Scientology, a pseudo-religious movement, claimed that the organization was simply a front or con for the private aggrandizement of Hubbard, who used most of the organization's money to buy drugs (American Broadcasting Company [ABC], 1983c). An IRS audit in the early 1970s proved that Hubbard had skimmed millions of dollars from the church, laundering the money through dummy corporations in Panama and then hiding it in Swiss banks. Hubbard employed his own private police force, the "Guardians Office," to attack and harass enemies and defectors from the organization. His son also claimed that the guardians on one occasion broke into an IRS office in an attempt to steal income tax records.

Televangelists such as W. V. Grant, Larry Lea, and Robert Tilton have hidden behind the constitutional right to religious freedom in their pocketing of immense amounts of tax-free funds. Grant raised $350,000 per month for an orphanage in Haiti but actually gave it between $2,000 and $4,000. Lea solicited funds for, and claimed to be building, a church at Auschwitz that was actually being built by another group. Tilton, the self-proclaimed "apple of God's eye," had run preacher scams since his days as a college prankster and was an associate of savings and loan scammer Herman Beebe (ABC, 1991).

Affinity group fraud involves individuals claiming to be fellow members of the victim's religion, ethnic group, or professional group and claiming to want to help one of their fellow members. The victim is more likely to trust a person who is from the same group. In 1999, a trial of Tampa-based Greater Ministries International Church charged conspiracy, money laundering, and mail fraud in a massive Ponzi scheme that allegedly defrauded more than 17,000 investors of as much as $200 million. Many of the victims were fundamentalist Christians, including Mennonites. They were promised their money would double in installment payments made over 17 months or less. Investors were quoted Luke 6:38: "Give and it shall be given unto you." They were told their investments were "gifts," and payments to investors were "blessings" and not subject to taxes (Department of Corporations, 1999).

LEGAL REGULATION

Occupations and the Law

In Western societies, the legal regulation of occupations is often self-regulation. Although laws and codes of ethics purportedly exist to protect the public from harmful occupational activity, much self-governance has been used instead to protect the interests of members of the occupation. The more developed professions attempt to convince legislatures that they possess highly sophisticated, useful, esoteric knowledge; that they are committed to serving societal needs through a formal code of ethics; and that they therefore should be granted autonomy because they and only they are in a position to evaluate the quality of their service. In fact, the actual legal codes that control occupational practice tend to be formulated by members of the occupations themselves in order to dominate or monopolize a line of work. More developed occupations (professions) virtually control the lawmaking machinery affecting their work. Professional organizations and their political action committees are quite effective in blocking legislation that may be detrimental to their interests.

Occupational crime can be controlled by professional associations themselves, by traditional criminal law, by civil law, and by administrative law. Actions by professional ethics boards can include suspensions, censure, temporary or permanent removal of license and membership, and the like.

Traditional criminal prosecution also occurs, such as for larceny, burglary, and criminal fraud; civil actions by the government may include damage and license-suspension suits. Administrative proceedings may call for taking away licenses, seizing illegal goods, and charging fines.

The FBI in its early history was involved primarily in investigating and enforcing white-collar crimes such as false purchases, security sales violations, bankruptcy fraud, and antitrust violations; only later did it become preoccupied with its gangbuster image (Lowenthal, 1950). As late as 1977, however, the House Judiciary Committee charged that the FBI was soft on white-collar crime and that its idea of white-collar crime was small-scale fraud (Simon & Swart, 1984).

Organizations and the Law

Price-Fixing (Antitrust Enforcement)

A corporation is a legal entity that permits a business to make use of capital provided by stockholders. Although the federal government has had the power to charter corporations since the 1791 *McCulloch v. Maryland* decision, it rarely uses it; most chartering is done by the states. Corporations have been considered legal "persons" since a Supreme Court decision in 1886 (Clinard & Yeager, 1980).

In the United States, beginning in the 19th century, certain business activities were defined as illegal. These included restraint of trade, deceptive advertisements, bank fraud, sale of phony securities, faulty manufacturing of foods and drugs, environmental pollution, and the misuse of patents and trademarks (Clinard & Quinney, 1986). In the late 19th century, concern grew about the development of monopolies, which threatened to control economies and stifle competition and thereby jeopardized the very philosophy of free market enterprise.

The Sherman Antitrust Act (1890) was the first of many regulatory laws passed to control corporate behavior. This law forbids restraint of trade and the formation of monopolies; it currently makes price-fixing a felony, with a maximum corporate fine of $1 million, and authorizes private treble (triple) damage suits by victims of price-fixing. For the most part, the policing of corporate violations is done by federal regulatory agencies—for example, the Federal Trade Commission (FTC), which was set up in 1914 at the same time as the Clayton Antitrust Act and the Federal Trade Act. There are over 50 federal regulatory agencies with semi-policing functions with respect to corporate violations. Some areas regulated by these agencies and discussed in this chapter are air safety, air and water pollution, unfair advertising, safe drugs and healthy food, public utility services, interstate trucking and commerce, labor–management practices, nuclear power plants, health and safety in the workplace, and the sale and negotiation of bonds and securities.

Regulatory agencies have a number of sanctions they can use to force compliance with their orders: warnings, recalls, orders (unilateral orders, consent agreements, and decrees), injunctions, monetary penalties, and criminal penalties (Clinard & Yeager, 1980). In addition to criminal proceedings, acts such as the Clayton Act (Section 4) permit "treble damage suits" by harmed parties. Guilty companies, with their batteries of lawyers and accountants, generally have more expertise, time, and staff to devote to defense than the Justice Department, under its Antitrust Division, has for prosecution. Indefinite delays and appeals are not uncommon.

If the government appears to have a solid case, corporations are permitted to plead **nolo contendere**, or no contest, to charges. This is not an admission of guilt and thus enables corporations to avoid the label of criminal. Consent decrees amount to a hand slap; that is, the corporation simply agrees to quit committing the particular violation with which it was charged.

A number of criticisms have been levied against federal regulatory agencies and their efforts against corporate crime:

1. Lacking sufficient investigative staff, the agencies often rely on the records of the very corporations they are regulating to reveal wrongdoing.
2. The criminal fines authorized by law are insignificant compared with the economic costs of corporate crime and become, in effect, a minor nuisance, a "crime tax," a "license to steal," but certainly not a strong deterrent.

3. Other criminal penalties such as imprisonment are rarely used and, when they are, tend to reflect a dual system of justice. Offenders are incarcerated in "country club" prisons or are treated in a far more lenient manner than traditional offenders.
4. The enforcement divisions of many regulatory agencies have been critically understaffed and cut back, as in the Reagan administration's Environmental Protection Agency (EPA) and other agencies, to inoperable levels.
5. The top echelons of agency commissions are often filled with leaders from the very corporations or industries to be regulated, creating potential conflicts of interest.
6. Relationships between regulators and regulated are often too compatible, with some agency employees more interested in representing the interests of the corporations they are supposed to be regulating than in guaranteeing the public well-being. The fact that many retiring agency employees are hired by the formerly regulated companies lends support to this argument.

Whereas every year the FBI publishes its UCR to give an annual account of primarily street crime, no such annual report exists to measure the far more costly corporate crime.

OCCUPATIONAL CRIME

Although there are cases of overlap, both crimes by employees and crimes by individuals can be examples of occupational crime committed in the course of a legitimate occupation for one's own benefit. The types of activities to be discussed in this section are executed by employees (those who work for someone else); those to be examined under the heading "Crimes by Individuals" are primarily crimes by professionals.

Crimes by Employees Against Individuals (the Public)

Self-aggrandizing *crimes by employees against the public* (Type 2 in Table 11.1) take the form of political corruption by public servants or office holders (public employees), or commercial corruption by employees in the private sector. These activities are distinguished from corporate or organizational criminal activities of the same type by the fact that in this case, the employee personally benefits from the violation. Table 11.2 presents Edelhertz's (1970) typology of white-collar crime.

Public Corruption

"Cigar smoke, booze, and money delivered in brown paper bags"—this is how Hedrick Smith envisions the backroom world of politics in the PBS telecast *The Power Game* (1989). The list of occupation-related crime on the part of political employees or office holders may include furnishing favors to private businesses such as illegal commissions on public contracts, fraudulent licenses, tax exemptions, and lower tax evaluations (Clinard & Quinney, 1973). As an example, health inspectors in New York City turned the Department of Health into the Department of Wealth and doubled or tripled their salaries by extorting payments from restaurants, threatening to cite them for health code violations if they did not pay up ("City Inspectors Extorted Hundreds," 1988).

Mark Twain (1899) once said, "There is no distinctly American criminal class except Congress" (p. 98). The use of public office for private gain defines political corruption. Twain was not quite accurate in his observation in that such behavior is widespread internationally. The Transparency International Corruption Perception Index (CPI), developed by Berlin-headquartered Transparency International Incorporated, rates countries on the basis of seven surveys of businesspeople, political analysts, and the general public. Table 11.3 shows selected countries in the Corruption Perception Index (CPI) for the year 2021 on a scale of 0 (highly corrupt) to 100 (very clean). Figure 11.2 shows the level of perceived corruption for countries around the world.

TABLE 11.2 ■ Edelhertz's (1970) Typology of White-Collar Crime

Crimes committed in the course of their occupations by those operating inside business, government, or other establishments in violation of their duty of loyalty and fidelity to employer or client	Crimes incidental to and in furtherance of business operations, but not the central purpose of the business
1. Commercial bribery and kickbacks (i.e., by and to buyers, insurance adjusters, contracting officers, quality inspectors, government inspectors, and auditors)	1. Tax violations
2. Bank violations by bank officers, employees, and directors	2. Antitrust violations
3. Embezzlement or self-dealing by business or union officers and employees	3. Commercial bribery of another's employee, officer, or fiduciary (including union officers)
4. Securities fraud by insiders trading to their advantage by the use of special knowledge	4. Food and drug violations
5. Employee petty larceny and expense account fraud	5. False weights and measures by retailers
6. Frauds by computer, causing unauthorized payments	6. Violations of the Truth-in-Lending Act by misrepresentation of credit terms and prices
7. "Sweetheart contracts" entered into by union officers	7. Submission or publication of false financial statements to obtain credit
8. Embezzlement or self-dealing by attorneys, trustees, and fiduciaries	8. Use of fictitious or overvalued collateral
9. Fraud against the government a. Padding of payrolls b. Conflict of interest c. False travel expense or per diem claims	9. Check kiting to obtain operating capital on short-term financing
	10. Securities Act violations (i.e., sale of nonregistered securities to obtain operating capital, false proxy statements, manipulation of market to support corporate credit or access to capital markets)
	11. Collusion between physicians and pharmacists to cause the writing of unnecessary prescriptions
	12. Dispensing by pharmacists in violation of law, excluding narcotics trafficking
	13. Immigration fraud in support of employment agency operations to provide domestics
	14. Housing code violations by landlords
	15. Deceptive advertising
	16. Fraud against the government a. False claims b. False statements (1) Statements made to induce contracts (2) Aiding fraud

(*Continued*)

TABLE 11.2 ■ Edelhertz's (1970) Typology of White-Collar Crime (*Continued*)

Crimes committed in the course of their occupations by those operating inside business, government, or other establishments in violation of their duty of loyalty and fidelity to employer or client	Crimes incidental to and in furtherance of business operations, but not the central purpose of the business
	(3) Housing fraud (4) Small Business Administration fraud, such as bootstrapping, self-dealing, cross-dealing, etc., or obtaining direct loans by use of false financial statements c. Moving contracts in urban renewal
	17. Labor violations (Davis–Bacon Act)
	18. Commercial espionage

Source: Edelhertz, H. (1970). *The nature, impact, and prosecution of white collar crime.* National Institute of Law Enforcement and Criminal Justice. Government Printing Office.

Police Corruption—The Mollen Commission

From 1992 to 1993, the Mollen Commission, named after a former New York City deputy mayor for public safety, conducted an investigation of corruption in that city's police department and focused attention on police wrongdoing the likes of which had not existed for 20 years (since the Knapp Commission of the 1970s revealed widespread corruption, particularly associated with narcotics enforcement). The investigation was ordered because five New York City officers had been arrested by Suffolk County (Long Island) police for selling cocaine. Mollen Commission hearings featured informants from within the ranks who revealed police extortion practices, theft and reselling of drugs, rolling of drunks, robbing of dead people, snorting cocaine while on duty, and indulging in brutality particularly in poor sections of the city. Often higher-ups in the department had blocked investigations ("NYC's Mollen Commission," 1993). A blue wall of silence and loyalty to peers can take precedence over concerns about graft and violation of oath of office (see also Kappeler et al., 1994).

TABLE 11.3 ■ 2021 Corruption Perceptions Index

Rank	Country	Score
1	Denmark	88
1	Finland	88
1	New Zealand	88
4	Norway	85
4	Singapore	85
4	Sweden	85
7	Switzerland	84
8	Netherlands	82
9	Luxembourg	81
10	Germany	80
178	Somalia	13
178	Syria	13
180	South Sudan	11

Source: Corruption Perceptions Index:2021 Corruption Perceptions Index. Retrieved from https://www.transparency.org/en/cpi/2021

Although public preoccupation with police corruption is viewed defensively by police, for most people, the police officer symbolizes the law and engenders higher public expectations of proper conduct (Barker & Carter, 1986). Coleman (1994) explains that "police officers simply have more opportunities to receive illegal payments than other public employees" (p. 45) because they are asked to enforce inadequate vice laws that try to control very profitable black markets.

Police corruption is mirrored in other agencies of government, in industry, in labor, and in the professions. In Pennsylvania, a large-scale police raid of Graterford Prison by the state police, correctional officers, and U.S. Customs officers closed down widescale drug trafficking in the prison. Thirteen guards were arrested because they were believed to have been instrumental in the drug overdose deaths of 11 inmates ("Drug Raid," 1995).

Private Corruption

Commercial bribery and kickbacks (in which the individual personally benefits) can take place in a variety of ways. Buyers for large retail chains may accept gifts or cash in return for placing orders. At the expense of the general public in the form of higher prices, insurance adjusters, contracting officers, and quality control inspectors may all be willing to accept bribes in return for overlooking their duties to employers.

Auto dealers can be both perpetrators and victims of *shady practices.* In analyzing what they call "**coerced crime**," Leonard and Weber (1970) described how the four major domestic auto producers pressured their roughly 30,000 dealers (who are technically independent proprietors) into bilking their customers. These dealers committed coerced crime because in order to retain their franchises, they must meet minimum sales quotas, and in order to meet these, they must often employ shady practices. The latter include forcing accessories on the customer, service gouging, high finance charges (at times even employing loan sharks), overcharging for parts, misuse of "book time" (preset and inflated charges for labor time on repairs), and odometer (mileage meter) tampering.

In an illegal assets lending strategy called securities lending, JPMorgan Chase and Company had a strategy for mutual funds and pension funds that amounted to, "Heads we win together. Tails you lose alone" (Story, 2010). Funds would lend some of their stocks and bonds to Wall Street in return for cash that banks like JPMorgan would invest. If the trades did well, the banks would take a cut out of the profits, and if they did poorly, the fund experienced all of the losses.

Crimes by Employees Against Employees

Although a variety of crimes like theft may be committed by an employee against another employee for personal benefit (Type 5 in Table 11.1), many such violations would not necessarily be occupationally related and, therefore, would not be appropriate examples for the occupational/organizational crime grid. But one type of violation that certainly fits is the **sweetheart contract** in labor–management negotiations, which involves labor officials and negotiators secretly making a deal with management to the disadvantage of the workers whom the labor officials represent. For example, the union president and representatives might make a deal with management to take a bribe of $50,000. They then might indicate to the workers that they have examined the company books and found that management can only afford a 20 cent per hour raise rather than the 50 cents originally promised. Depending on the size of the workforce, management could save millions of dollars.

Another example is workplace violence perpetrated by a fellow employee or ex-employee. Such perpetrators take out their frustrations, usually associated with loss of job, on their fellow workers and supervisors. Murder is the most highly publicized form of workplace violence, but other forms include assaults, rapes, and suicides, as well as psychological and mental health episodes. Drug and alcohol abuse may create hazardous work conditions. Hostile, intimidating, and offensive work environments may also foster sexual harassment, sexual assault, and other psychological and emotional damage.

Workplace violence does not always involve an employee harming another, although it can. Workplace violence is typically categorized into a typology with the following types: criminal intent incidents, customer–client incidents, worker-on-worker incidents, and personal relationship incidents. Criminal intent incidents involve those in which the perpetrator commits a crime at a business or

workplace to which they do not have a relationship. An example of this type of workplace violence is a person who goes into a bank and robs the teller. Customer–client incidents are those whereby the perpetrator receives services at a business at which they become violent. This type of workplace violence may occur if a person in having drinks at a bar and becomes agitated at the bartender and throws their beer at them. Worker-on-worker incidents are those where a worker (or former worker) is violent toward another worker. Finally, personal relationship incidents are those in which the perpetrator has a preexisting relationship with the victim whom they offend against while the person is at work.

Crimes by Employees Against Organizations

Organizations are vulnerable to a variety of offenses that employees can commit against them (Type 8 in Table 11.1). In this subsection, we briefly focus on employee pilferage and embezzlement, but employee crimes obviously include many types of offenses discussed under "Crimes by Employees Against Individuals (the Public)," including corporate bribery and the like.

Embezzlement

One form of stealing from one's employer is through **embezzlement**, which is theft from an employer by an individual who has reached a position of financial trust. The classic work on the subject is Donald Cressey's *Other People's Money* (1953), which contains interviews with 133 incarcerated embezzlers. He proposed the following explanation of why trust violators steal:

1. Individuals who have achieved a position of trust are faced with what they conceive of as a nonshareable financial problem.
2. They feel they can resolve this problem by violating their position of trust, that is, by "temporarily borrowing" from their employer.
3. This rationalization of "borrowing" eventually breaks down as embezzlers realize they have been discovered and cannot make repayment in time. (p. 30)

Gambling, sexual affairs, and high living are often the factors behind the unshareable nature of the financial problem.

The typical embezzler does not fit the stereotype of people who commit crimes. Most are middle-age, middle-class men who have lived relatively respectable lives and lack a history of criminal or delinquent activity; however, in *Women Who Embezzle or Defraud*, Zeitz (1991) notes increased embezzlement by women as managerial and executive positions have opened up for women. One example is the case of Dorothy Hutson, a Merrill Lynch stockbroker who systematically cheated investors out of $1.4 million and used the money to finance Las Vegas and Lake Tahoe gambling junkets (Siconolfi & Johnson, 1991).

In 2000, Merrill Lynch discovered a $40 million embezzlement had been perpetrated by a former employee who stole from elite, private banking clients by using the name of a dead person to transfer the securities from Arab International Bank to Swiss bank accounts (Huang, 2000).

Cressey's analysis of embezzlers has been criticized by Schuessler (1954), who claimed that it was limited to an ex post facto (after the fact) study of only caught embezzlers and that his descriptions may not be characteristic of most embezzlers. Nettler's (1974) study found embezzlers to be motivated by greed and temptation as well as by the opportunity to commit the crime. Unlike Cressey, Nettler did not find that a nonshareable problem was a necessary component of embezzlement.

Smigel and Ross, in *Crimes Against Bureaucracy* (1970), indicated that individuals—particularly employees—feel less guilt the bigger the victim organization. Many individuals who would consider themselves criminals were they to steal from other persons rationalize their theft from large, impersonal organizations by saying that they can afford the loss. According to Smigel and Ross, the very size, wealth, and impersonality of large bureaucracies, whether governmental or business, provide a rationalization for those who wish to steal from such organizations. The "Robin Hood myth" holds that theft from such organizations really hurts no one because the victim is a large, wealthy organization.

Combined with this is a certain public antipathy toward the large corporation or big government. Obviously, the Robin Hood rationalization breaks down when we consider the higher cost of goods consumers must pay because of inventory shrinkage.

A 1997 study of the crimes of 1,324 employees by the Ethics Officer Association and the American Society of Chartered Life Underwriters and Chartered Financial Consultants found that 48% of U.S. workers admitted to unethical or illegal activities in the previous year. This included cheating on expense accounts, discriminating against coworkers, participating in kickbacks, forging signatures, trading sex for sales, and violation of environmental laws. Over half (57%) indicated that they felt more pressure to be unethical than 5 years ago, and 40% believed that it had gotten worse over the past year (Jones, 1997).

Cameron, in her classic work on retail theft, *The Booster and the Snitch* (1964), suggested that inventory shrinkage (loss of goods) in retail establishments was primarily caused by employee theft rather than shoplifting. Store security personnel concur, estimating that as much as 75% of such loss is due to employee theft. A familiar story relates to security personnel who suspected that an employee was ripping off the company because every day he left work with a wheelbarrow full of packages. Every day, they carefully checked the packages to no avail. When finally discovered, the employee had stolen over a thousand wheelbarrows. Employees can be quite ingenious in illegally supplementing their wages at the expense of their employer.

Some common techniques in employee retail theft include the following:

1. Cashiers who ring up a lower price on single-item purchases and pocket the difference or who ring up lower prices for "needy" friends going through the checkout
2. Clerks who do not tag some sale merchandise, then sell it at the original price and pocket the difference
3. Receiving clerks who duplicate keys to storage facilities and return to the store after-hours to help themselves
4. Truck drivers who make fictitious purchases of fuel and repairs and split the gains with truck stop employees
5. Employees who simply hide items in garbage pails, incinerators, or under trash heaps until they can be retrieved later (McCaghy, 1976b, p. 179)

Abuses of expense accounts, travel allowances, and company cars are additional means by which employers are robbed of organizational income.

Crimes by Individuals (or Members of Occupations)

Crime in the Professions

Medicine. Medical quackery and unnecessary operations may very well kill more people every year in the United States than crimes of violence. A U.S. House of Representatives subcommittee estimated that the American public was the victim of 2.4 million unnecessary surgical procedures per year, which resulted in a loss of $4 billion and in 11,900 deaths (Coleman, 1994). A Harvard study (Gerlin, 1999) estimated that 1 million American patients are injured yearly by hospital errors and 120,000 die as a result. This is equivalent to a jumbo jet crash every day and is three times the 43,000 people killed each year in U.S. automobile accidents at the time. Americans may be becoming overdoctored, having twice the per capita number of surgeons, anesthesiologists, and operations as England and Wales, yet higher mortality rates. Jesilow et al. (1985) estimated that U.S. physicians defraud federal and state medical assistance programs of up to 40% of all program monies.

In 2010, federal officials charged 94 people, including doctors and nurses, in the largest Medicare fraud takedown in history. Costing the public $251 million of the estimated $60 to $90 billion nationwide, Medicare was falsely billed for unnecessary equipment, nonexistent physical therapy, and kickbacks.

Some violations that physicians may become involved in include practices such as fee splitting (in which doctors refer patients to other doctors for further treatment and split the fee with them). "Ping-ponging" doctors refer patients to other doctors in the same office, "steering" entails directing patients to particular pharmacies, and "gang visits" involve billing for unnecessary multiple services ("White-Collar Crime," 1981).

Medical deviance includes fraud, unnecessary surgery, incompetent care, and overprescribing medications. Violations may include the following:

- Phantom treatments: billing for services that were not provided
- Upcoding: billing is provided for more expensive unprovided services
- Falsifying records: changing or lying about services provided
- Unbundling billing for services separately that are usually considered part of one service
- Ping ponging: unnecessarily moving a patient from one provider to the next
- Ganging: billing for services provided to multiple family members when only one was treated (Interbitzin et al., 2017)

In 2009, drug manufacturer Pfizer was fined $22.3 billion for illegal marketing. It had promoted the company's drugs for unapproved use. The risk of using these drugs for unauthorized purposes exceeded the benefits. A whistleblower in the incident, who had been fired by the company, stood to gain $102 million (Rubin, 2009). A major occupational violation has been drug companies making payoffs to doctors in the form of speaker's fees, meals, and consulting fees (B. Carey, 2008).

In 2020, it was revealed that Arizona-based Insys paid millions of dollars in bribes to doctors encouraging them to oversubscribe Subsys, a fentanyl-based oral spray, to ease cancer pain. The drug cost as much as $19,000 a month. Opioid makers were charged with being criminally responsible for a claimed 400,000 deaths in the United States over two decades (Marcelo, 2020, p. A10). Oxycontin manufacturer Purdue Pharmacy, which was responsible for the deadliest drug epidemic in U.S., history, declared bankruptcy. The opioid crisis was estimated to have cost the United States $ 631 billion from 2015 to 2018 alone (Hartnett, 2021). In 2021, Johnson and Johnson settled a New York state prosecution for fueling the opioid crisis to the tune of $230 million (Associated Press, 2021).

Finance. Wrongdoing has certainly not been limited to the health and medical professions. The savings and loan scandal, to be discussed, was the biggest financial public policy failure in U.S. history, with estimated costs of $500 billion. In *The Greatest-Ever Bank Robbery: The Collapse of the Savings and Loan Industry*, Martin Mayer (1990) indicates

> What makes the S&L [savings and loan] outrage so important a piece of American history is not the hundreds of billions of dollars, but the demonstration of how low our standards for professional performance have fallen in law, accounting, appraising, banking and politics—all of them. (p. 298)

The federal government has sued many of these professionals and their firms for collusion in S&L collapses. In *The Big Six: The Selling Out of America's Top Accounting Firms*, Mark Stevens (1991) asks if CPA firms are truly independent of the clients they audit (who foot the bill). Berton (1991) notes, "Many legislators and the General Accounting Office, an arm of Congress, are rapidly losing confidence in accountants because their independence seems tarnished and they still duck the job given them by government of protecting the public against financial fraud" (p. A12).

Insider Trading. **Insider trading** occurs when agents, brokers, or company officials who are aware of pending developments make use of this privileged information to buy or sell stocks before the public learns of these events. The backdating of stock options in 2007, a practice in which executives improperly change the dates of stock option grants to increase the value of the grants when cashed in, may be the largest business scandal since the 1980s. Prosecutors charge that backdating is hard-core fraud

that hurts earnings and siphons millions from investors (Iwata, 2007). In one case, William McGuire, former chief executive of United Health, agreed to forfeit $418 million in order to settle claims related to backdated stock options. This was in addition to $198 million he had previously agreed to return to his former employer. These represent the first forfeitures exacted by the Securities and Exchange Commission (SEC) based on laws put in place after the Enron collapse that forced executives to disgorge ill-gotten gains (Dash, 2007).

Education. Scandals in education are yet another growth industry in the world of crime. In 2011, major standardized test cheating scandals broke out in Georgia, Long Island, and Pennsylvania ("Test Cheating Scandal," 2012). In Georgia, educators were accused of changing answers on tests and giving answers to students. One hundred eighty educators in 100 Atlanta schools were accused of cheating. At least 20 students on Long Island were accused of cheating, and in Pennsylvania, 50 districts were ordered to report to the state education secretary for cheating. In 2015, three of the defendants in this case, all high-level school system administrators, were sentenced to 7 years in prison and 13 years on probation, plus 2,000 hours of community service and a $25,000 fine—a far harsher sentence than was requested by the prosecutor. Five others involved in the scandal—former principals, assistant principals, and teachers—were sentenced to either a year in prison and 4 years on probation or 2 years in prison and 3 years on probation in addition to fines and community service. Nicole LaPorte (2021) in her book *Guilty Admissions: The Bribes, Favors and Phonies Behind the College Cheating Scandal* describes how over 40 parents were charged with paying an independent counselor vast sums of money in order to get their children into elite colleges such as Yale and Georgetown.

Law. Illegal and unprofessional activities by lawyers may include "ambulance chasing," that is, soliciting and encouraging unnecessary lawsuits (such as fraudulent damage claims) in order to collect commissions (Freedman, 1976; Reichstein, 1965). Describing the practice of law as sometimes constituting a con game against clients, Blumberg (1967) mentioned activities in which the lawyer collects fees for defending a client and then simply plea bargains to expedite the case, with little concern for the client's well-being. Other legal rackets include real estate home closings (in which fees are collected on a regular basis for very little work) as well as the collection of contingency fees on liability cases (in which lawyers receive a percentage of anything won) (Merry, 1975).

In 1990, three members of a personal injury law firm in Manhattan were indicted for bribing witnesses to perjure themselves in court and for falsifying evidence in 19 accident cases dating from 1979 (Hevesi, 1990). Fireman's Fund, an insurance company, hired an auditor to examine how their defense attorneys were spending their funds and exposed 20 lawyers, representing plaintiffs and defendants, who had cooperated in manipulating lawsuits and billing up to $100 million in dubious fees to insurance companies (Schmitt, 1992). In explaining rising thievery by lawyers, bar association officials, while noting that only a minority are involved, point to tough economic times, the high cost of practicing law, substance abuse, and even glamorized images of lawyers on television (A. D. Marcus, 1990).

Until recently, bar associations published minimum fees and sanctioned attorneys who charged less, even though the Sherman Antitrust Act made no exceptions for professional associations in prohibiting price-fixing (Coleman, 1994). The concentration of legal talent in the defense of wealthy and corporate violators and the underconcentration in representing their victims (the state and the public) raise questions regarding the ethics of the legal profession itself.

Judges, who should be the bastion of justice, sometimes also get involved in crime. For example, beginning in 2009, it came to light that two judges in Luzerne County, Pennsylvania, had been accepting millions of dollars in kickback payments for sending more than 3,000 children to privately owned juvenile detention centers where they were incarcerated. Pennsylvania's juvenile correctional system had been privatized for some time. One of the judges, Mark Ciavarella Jr., is now serving a 28-year sentence in federal prison. Shortly after the Columbine shootings, one of the judges was hell-bent on keeping kids in line. More than 3,000 children were removed from their families and imprisoned, sometimes for years for petty crimes. Some of those sentenced offenders were brought into the courtroom in shackles, and some were as young as 10. Finally, when a parent questioned this brand of justice, it came to light that one judge received millions of dollars in payment from the privately owned juvenile detention centers where most of them were incarcerated (R. Schwartz, 2014).

Other Occupations. Examples of crimes against consumers by professionals, merchants, and members of other legitimate occupations are numerous:

- The "greasy thumb on the scale," or short-weighting customers and overcharging for products
- "Bait-and-switch" techniques by small merchants, in which the product advertised is unavailable and a more expensive product is pushed on the customer
- Phony or unnecessary repair work
- Security violations by stockbrokers, such as misleading clients or insider trading (making use of inside information for personal benefit)
- Abuses in the nursing home industry in which private owners often place profit ahead of the health and safety of elderly residents. Such practices are described by M. A. Mendelson (1975) as "tender loving greed."
- Illegal or unethical activities of funeral directors, including misuse of the coroner's office in order to secure business, bribery of hospital personnel to "steer" cases, the reuse of coffins, and duplicate billings in welfare cases (Mitford, 1963)
- "**Churning**" by stockbrokers, which involves collecting high commissions by running up sales with unnecessary buy-and-sell orders
- Insurance fraud, which is estimated by the Coalition Against Insurance Fraud to cost $80 billion per year, is met with mixed feelings by the public, with some actually supporting it (one study found that about two thirds of Americans tolerated some form of fraud against insurance companies, and 40% wanted little or no punishment for insurance crooks; Westcott, 2009).

CORPORATE CRIME

Organizational crime refers to crime committed on behalf of and for the benefit of a legitimate organization. *Corporate (business) crime* is a type of organizational crime committed in free enterprise economies and thus involves criminal activity on behalf of and for the benefit of a private business or corporation.

Corporate crime takes many forms, including price-fixing, kickbacks, commercial bribery, tax violations, fraud against government, and crimes against consumers, to mention a few.

Crimes by Organizations/Corporations Against Individuals (the Public)

Included in the discussion of *crimes by organizations against individuals (the public)* are multinational bribery, corporate fraud, price-fixing, manufacturing and sale of faulty or unsafe products, inequitable taxes, and environmental crimes, to mention just a few.

Multinational Bribery

Embarrassed by the public disclosure and international scandal of American-based multinational corporations' expending of millions of dollars to bribe foreign officials, the U.S. Congress passed the Foreign Corrupt Practices Act (1977). This law forbids the payment of bribes in order to obtain business contracts. Earlier in this chapter, Transparency International's Corruption Perceptions Index was discussed. In 1999, this same organization began producing a Bribe Payers Index (BPI). The questions used in the construction of the index related to leading exporters having to pay bribes to senior public officials. Twenty-eight exporting countries were analyzed in 2011. Countries are scored on a scale of 0 to 10, where a maximum score of 10 corresponds with the view that companies from that country never bribe abroad and a 0 corresponds with the view that they always do. Some select countries and their 2011 bribery scores are presented in Table 11.4.

TABLE 11.4 ■ Bribe Payers Index, 2021

Rank	Country	Score
1	Denmark	2
2	Norway	5
10	Canada	16
23	United States	22
75	Argentina	43
108	Mexico	50
134	Russian Federation	55
135	China	56
191	Venezuela	81
194	North Korea	94

Source: Transparency International Secretariat

Corporate Fraud

In 1989, an FBI undercover sting operation of commodities traders at the Chicago Board of Trade uncovered traders who overcharged customers, did not pay customers the full proceeds of sales, used their knowledge of customer orders to "inside trade" for their own benefit, and executed orders for fictitious practices (Berg, 1989). Perhaps one of the biggest computer swindles in history was the **Equity Funding scandal**. Amounting to an estimated $2 billion, it came to light in 1973 with the bankruptcy of the Equity Funding Corporation of America. Executives at Equity Funding's life insurance subsidiary used the company computer to create roughly 56,000 phony or "ghost" policies (about 58% of all policies the company held). Reinsurers who bought the rights to the dummy policies were out millions of dollars; stockholders alone lost over $100 million. Using computer records rather than hard-copy records, the Equity Funding executives mixed genuine and phony policies in the master tape files; thus, printouts showed that the company had nearly 100,000 policies. When auditors took samples to check against hard copies, they were held off for a day or two during which phony hard-copy records were produced ("Conning by Computer," 1973). The president and 24 other employees and officers were indicted. Whereas the former received an 8-year sentence, the others received shorter terms (Blundell, 1978). Convicted of complicity in the case, outside auditing firms were ordered to pay $39 million to former equity shareholders (Ermann & Lundman, 1982).

In 1989, the FBI launched a major investigation into massive fraud, bribery, and bid rigging in defense industry bids on Pentagon contracts. Particularly under attack was "the **revolving door**," a system in which defense company executives serve stints as Pentagon officials and then return to the industries they previously oversaw as contract officers. Such obvious conflict of interest might be viewed as "deferred bribes" in which cooperative defense contract officers will be later rewarded with defense industry jobs. The losers, of course, are the nation's armed forces and the nation's taxpayers (Waldman & Gilbert, 1989).

In 2017, Volkswagen was ordered to pay $2.8 billion for cheating (E. White, 2017) on nitrogen oxide emission tests in cars in the United States. The scheme involved 600,000 diesel automobiles (E. White, 2017). The scam had a program to turn on pollution controls during testing and off while on the road.

The medical and insurance business has been a particular area of fraud. In 2008, federal agents raided three medical centers in the Los Angeles area and arrested executives there for alleged schemes involving recruiting homeless people as phony patients and then billing government programs for millions of dollars in unnecessary health service. Some of the skid row recruits went back numerous times (Mohajer, 2008). In the largest health care settlement in U.S. history, National Medical Care, Inc.,

agreed to pay $500 million in civil fines, penalties, and restitution including $101 million in criminal fines for requiring needless tests of Medicare recipients and paying kickbacks for referrals ("Dialysis Chain Agrees," 2000).

In 2021, the U.S. House of Representatives held hearings on drug pricing by major pharmaceuticals that they described as unfair, unsustainable and wrong. What they described as price-fixing saw U.S. drug companies targeting this country for higher prices as they lowered prices overseas for the same products. Medicare was prohibited from negotiating lower prices for some of the most expensive drugs. as was done in other countries. Charges of $181,000 a year for a cancer drug served as an example. The drug companies also engaged in anti-competitive price systems to block cheaper generics. This abusive, unfair and uncompetitive pricing of life-saving products took place at the expense of the sick who often had to choose between drugs or food. They called for reining in greedy drug companies and enforcement of antitrust regulations (House Committee on Oversight and Accountability, 2021).

Although, as mentioned earlier, there is no annual index of white-collar crime comparable to the UCR for street crime, in 2002 the FBI began publishing an annual *Financial Crimes Report to the Public.* Although limited to crimes being investigated in a given year by the Financial Crimes Section of the bureau's Criminal Investigation Division, it serves as one measure of federal activity in investigating corporate fraud, securities fraud, health care fraud, mortgage fraud, and insurance fraud. The FBI works closely with other regulatory agencies in undertaking these investigations.

Collusion and price-fixing to set artificially high prices had become the norm in the electrical industry, with the firms taking turns (rotational bidding) submitting the lowest bid. This cost the American public untold millions, perhaps billions, of dollars in higher prices.

The most expensive series of white-collar frauds in U.S. history was the savings and loan scandal. Criminology in Context 11.1 provides a brief account.

In 2000, federal investigators claimed that two of the largest auction houses, Sotheby's and Christie's, fixed prices by fixing commissions. The decision was made in secret meetings by the chairpersons of both companies (Frantz et al., 2000). Although at times it may appear that antitrust enforcement is fruitless, Scott (1989) notes that public exposure of trade conspiracies serves as a deterrent despite weak penalties. Some other examples of price-fixing include the case of F. Hoffman–La Roche Ltd., which was fined $500 million in 1999 for leading an international conspiracy to fix prices on vitamins (Mokhiber, 1999). BASF Aktiengesellschaft was fined $225 million for a similar venture, and SGL Carbon Aktiengesellschaft was fined $135 million for fixing prices on graphite and carbon products. In 2009, the European Commission fined chipmaker Intel with a record $1.45 billion for using illegal monopolistic practices (Acohido, 2009). The commission found that the chipmaker, which controls 77% of the global share of chips, was guilty of manipulating rebates that unfairly restricted computers containing the microprocessors of competitors. The fine surpassed a $613 million penalty levied in 2004 on Microsoft for using illegal practices related to its Windows Media Player and Windows operating system.

A more recent scandal emerged in the news when Wells Fargo bank was accused of having its employees create new accounts for customers that were not requested by the customer. Wells Fargo was accused of opening more than 2 million of these accounts with the goal of generating fees from these accounts. The Consumer Financial Protection Bureau fined Wells Fargo $100 million for these activities, and the company paid another $85 million to other entities (Mattera, 2018).

Sale of Unsafe Products

In what turned out later to be a bad pun, the advertising slogan for the Ford Pinto was "Pinto leaves you with that warm feeling." In the early 1960s, in order to compete with compact foreign imports, the Ford Motor Company rushed the compact Pinto model into production. Because retooling for the assembly line was already a costly investment, the company chose to proceed with production despite the results of its own crash tests, which indicated that the gas tank exploded in rear-end collisions. Choosing profit over human lives, the company continued to avoid, and to lobby against even 8 years later, federal safety standards that would have forced modification of the gas tank (Cullen, 1984; Dowie, 1977).

An estimated 27 persons were burned to death because of the firetrap engineering of the Pinto gas tanks. Once the word spread, Ford withdrew the commercial that said the car gave one a "warm

feeling." *Mother Jones* (an investigative magazine) collected documents and called to public attention Ford's wrongdoing (Cullen et al., 1987; Dowie, 1977). Although the company estimated that it could have made the necessary modifications for about $11 per car, *Mother Jones* estimated the cost at half that. Using the National Highway Traffic Safety Administration estimate of the cost per fatality (assuming lawsuits) of roughly $200,000, Ford had, according to a company memorandum, performed a cost-benefit analysis of the problem. Paying for deaths, injuries, and damages without changing the tanks was estimated to cost about $49.5 million, whereas the cost of modifying the 12.5 million vehicles would run $137 million. It was cheaper to ignore the problem and face the lawsuits.

In May 1978, the U.S. Department of Transportation finally recalled all 1971 to 1976 Pintos, and, although it was the biggest auto recall up to that time, the decision amounted to too little too late for the conservatively estimated 500 dead, maimed, or scarred victims (Ermann & Lundman, 1982). The **Ford Pinto case** was also a landmark, representing the first time in U.S. history that a corporation was indicted for murder. In 1978, Indiana prosecutors charged Ford with homicide after three people were burned alive in a Pinto (Browning & Gerassi, 1980). Even though Ford was acquitted, the trial of a corporation for murder may have served as a signal that the public reaction to corporate crime was changing (Swigert & Farrell, 1980). When asked what fate Lee Iacocca, then president of Ford, deserved, one person sarcastically suggested that someone buy him a Ford Pinto complete with Firestone 500 tires (yet another dangerous product whose manufacturer hid its defects until an unacceptable number of human sacrifices sparked federal action). In 2010, the federal government indicated that it had proof that Toyota knew about a safety problem involving sticky gas pedals for 4 months before it recalled 5.4 million vehicles in the United States.

Reminiscent of C. W. Mills's (1952) higher immorality notion, Heilbroner et al., in their book *In the Name of Profit: Profiles in Corporate Irresponsibility* (1973), maintained that the people who run our supercorporations are not merely amoral but positively immoral. They and other authors cite examples like these:

- B. F. Goodrich plotted to sell defective air brakes to the U.S. Air Force by faking test records and falsifying laboratory reports. National security and the lives of fighter pilots appeared to be of little concern.
- In the early 1970s, a General Dynamics engineer warned his superiors of dangerous defects in DC-10 cargo doors. They ignored this warning. Two years later, a DC-10 crashed in France when the cargo doors opened in flight, killing all 346 passengers (Nader et al., 1976).
- In 1994, U.S. secretary of transportation Federico Peña made a deal with General Motors (GM) not to order a recall of its pickup trucks, whose defects cost 150 lives, in return for a payment of $51 million to support safety programs. The latter were calculated to have the benefit of saving more lives than the estimated 32 more people who would die due to faulty design of the trucks (J. Bennett, 1994).
- In the largest product liability settlement in U.S. history at the time, a federal judge in 1994 granted $4.25 billion in a class action suit against 60 silicone breast implant manufacturers. It was alleged that these implants caused cancer and other medical harm and deformities in some patients. Dow Corning Corporation agreed to pay the biggest share, $2 billion. The largest previous settlement had been by asbestos manufacturer Manville Corporation for $3 billion. One study showed that Dow knew of the dangers as early as 1975 (Blakeslee, 1994).
- In 1995, top executives of seven tobacco companies told a congressional committee under oath that they did not know for certain that tobacco was addictive or caused disease. Attorney General Janet Reno asked the U.S. Justice Department if the companies were guilty of fraud and perjury when it was revealed that Brown and Williamson Tobacco Corporation documents indicated that the company's own research had shown for years that cigarettes were addictive and harmful, and it had covered up such knowledge (Hilts, 1995). A record $368 billion deal between the tobacco companies and 40 states, including punitive damage awards of $50 billion, affected how cigarettes are advertised and sold.

CRIMINOLOGY IN CONTEXT 11.1 THE SAVINGS AND LOAN SCANDAL: THE BIGGEST WHITE-COLLAR CRIME IN U.S. HISTORY

The savings and loan scandal, with an estimated cost of $500 billion, represents the biggest, costliest series of white-collar crimes at the time in U.S. history, far exceeding the Teapot Dome Affair of the 1920s or the oil scam of the 1970s. It represents about 40 years of all other property crime combined, and it also represents the most costly public policy failure in U.S. history. Five hundred billion dollars is more than the cost of all bank robberies in the United States since its founding. The U.S. attorney general, the FBI, and the General Accounting Office estimate that at least one third of these losses was due to either regulatory neglect or criminal fraud. The savings and loan (S&L) scandal reflected increased criminal opportunity resulting from an economic crisis and deregulation taken advantage of by greedy insiders who collectively looted financial institutions and sent the bill to the U.S. taxpayers. It represented a criminal justice failure of record-breaking proportions.

A succinct account of the S&L crisis may tend to oversimplify a complex history, but let it suffice to say that the federal government, in order to protect against bank collapses, decided to guarantee bank and savings-and-loan deposits in the 1930s. This $10,000 per deposit would eventually be raised to $100,000 per deposit. In return for this, S&Ls were strictly limited to home mortgages and interest loans/payments. By the 1970s, double-digit inflation wreaked havoc on the industry, which was stuck with 6%, 30-year mortgages when inflation was 14% to 16%. S&Ls began to collapse and, as a rescue attempt, the federal government in 1982 decided to deregulate them. This included permitting them to charge more competitive interest rates and to invest in other commercial activities and banking services. Despite these measures, over 300 federally insured S&Ls collapsed between 1980 and 1986, and many others were "zombies," technically insolvent with negative net worth (Cranford, 1989; Kane, 1989). The thrift (savings and loan) industry persuaded Congress to continue to postpone inevitable closings, thus raising the final costs. Ignored by Congress and the president, who had their eyes on the next election, S&Ls became unregulated and victimized by congressional incompetence and regulatory ineptitude (Pilzer & Deitz, 1989). "Heads I win, tails FSLIC [Federal Savings and Loan Insurance Corporation] loses" became a common phrase in the industry.

Deregulation created a climate of criminal opportunity, a backing of a junk bond (high-risk) speculative environment with federal deposit insurance. Wealthy people who commit crimes, such as Charles Keating, robbed the S&Ls, and they were aided and abetted by the "best and brightest" professional talent the United States had to offer. More than 80 law firms represented Charles Keating to the tune of $70 million in legal fees. Six of the "Big Eight" accounting firms were charged by federal authorities with illegal conduct. Wall Street brokerage firms unethically took advantage of unsophisticated thrift managers (M. Mayer, 1990). Pizzo et al. (1989) claim,

> A financial mafia of swindlers, mobsters, greedy Savings and Loan executives, and con men capitalized on regulatory weaknesses created by deregulation and thoroughly fleeced the thrift industry. While it was certainly true that economic factors (like plummeting oil prices in Texas and surrounding states) contributed to the crises, the Savings and Loans would not be in the mess they are today, but for rampant fraud (p. 289).

Charles Keating had purchased Lincoln S&L with $50 million in junk bonds purchased from Michael Milken and then used the S&L's money almost exclusively to buy more junk bonds from Milken. Millions in campaign donations and a mistaken overemphasis on constituent service led members of Congress to ignore their oversight function and left the S&Ls as a playground for professional scam artists with the taxpayer as the hapless victim.

For Further Thought

1. Locate the online article "Will Charlie Keating Ride Again?" by L. J. Davis. What fears does Davis express?

Sources: "Fixing the Thrifts," by P. J. Benekos and F. E. Hagan, *Journal of Security Administration* (July 14, 1991), pp. 65–104; "The Great Savings and Loan Scandal," by F. E. Hagan and P. J. Benekos, *Journal of Security Administration* (July 14, 1991), pp. 41–64; "What Charles Keating and 'Murph the Surf' Have in Common: A Symbiosis of Professional and Occupational and Corporate Crime," by F. E. Hagan and P. Benekos, *Criminal Organizations* (Spring 1992), *7*, 3–26; *Other People's Money: The Inside Story of the Savings and Loan Mess*, by P. Pilzer and R. Deitz (Simon & Schuster, 1989).

The National Consumer Product Safety Commission estimates that 20 million serious injuries and 30,000 deaths a year are caused by unsafe consumer products (Coleman, 1994).

In 2018, Wells Fargo agreed to pay federal regulators $1 billion to settle charges related to mortgage and auto lending practices. The fine is the largest ever levied by the Consumer Financial Protection Bureau. Wells Fargo admitted duping consumers out of millions of dollars and agreed to unprecedented restrictions in its ability to do business. Wells Fargo admitted improperly charging fees to borrowers on mortgage loans and sticking tens of thousands of customers on combined auto loans and unnecessary extra insurance (Mattera, 2018).

Environmental Crime

In 1962, the publication of Rachel Carson's *Silent Spring* signaled the beginning of the age of environmental awareness. Specifically attacking toxic chemicals and pesticides, Carson's work dramatically called attention to the irreversible and final genetic and biological harm the poisoning of the environment could bring about. According to Regenstein (1982), "The accuracy and validity of *Silent Spring* was no inhibition to the chemical industry's attacking and attempting to discredit it, a vicious campaign which started even before the work was published and continues today" (p. 132).

Three Mile Island. Ironically, in the 1979 film *The China Syndrome* (so-named because of the false belief that a nuclear meltdown in the United States would bore through the earth to the other side—China), a character indicates that a nuclear mishap could render an area the size of Pennsylvania uninhabitable. Almost prophetically, after the release of the film, the worst nuclear plant disaster in history occurred at Three Mile Island, Pennsylvania. The accident released radioactivity into the surrounding area and required the temporary evacuation of young children and pregnant women from the immediate vicinity.

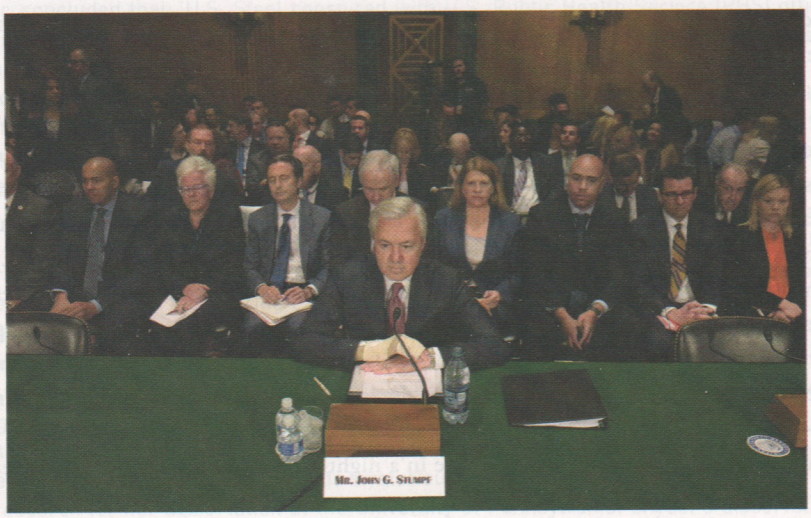


PHOTO 11.3 Wells Fargo Chief Executive Officer John Stumpf prepares to testify on Capitol Hill in Washington, September 20, 2016, before the Senate Banking Committee. In 2018, Wells Fargo agreed to pay federal regulators $1 billion to settle charges related to mortgage and auto lending practices.

AP Photo/Susan Walsh

On November 7, 1983, a federal grand jury indicted Metropolitan Edison, the owners of the Three Mile Island (TMI) facility, on criminal charges of faking safety test records before the accident. The indictment alleged that the company attempted to conceal from the Nuclear Regulatory Commission the rate of leakage in the main cooling system, in which water passes over the reactor's radioactive core ("Feds Indict TMI," 1983). Allegations had been made that the corporation was eager to have the reactor online by a certain date in order to take advantage of tax benefits.

In April 1984, Metropolitan Edison pleaded guilty to knowingly using inaccurate and meaningless testing methods and agreed to pay a $1 million fine. The company also pleaded no contest to six other

criminal counts, including manipulating test results, destroying records, and not filing proper notice of cooling system leaks ("Judge Agrees to TMI Plea Bargain," 1984).

Toxic Criminals. Potential environmental hazards created by new technologies require that corporations and businesses exercise a higher level of ethical behavior than that exhibited in the Ford Pinto incident or other cover-ups and deceptions of the public and of government regulatory agencies. Bhopal (India), Love Canal, Times Beach, Seveso (Italy), and Chernobyl are well-known environmental disasters. Each year, about 300 health care workers die of hepatitis B after exposure on the job (Anderson & Van Atta, 1988a). Toxic wastes also expose the public to possible harm.

Crime in the Media Box 11.5 reports on the deadliest air pollution disaster in American history, the Donora Fluoride Death Fog.

Much of the work social scientists or federal agencies should have been doing in investigating corporate crime has until recently been shouldered by investigative journalists and consumer advocates, such as Ralph Nader and his associates.

Some success has occurred in the battle against polluters. In 2007, the American Electric Power Company agreed to pay $4.6 billion to settle 8 years of charges that its acid rain–causing chemicals ate away at parks, bays, and the Statue of Liberty (Barrett, 2007). On the subject of environmental and health assaults on consumers, D. R. Simon (1999) describes some cases of **corporate dumping**, a practice whereby corporations sell products overseas that have been deemed unsafe in the United States by the EPA, FDA, or other federal agencies.

Toxic crime may indeed be the ultimate and most insidious of crimes. Birth defects, long-term genetic damage and mutation, congenital heart defects, and disorders in children—many of these effects may turn up 20 to 30 years later and be difficult to link to the original causative agents or toxic chemicals. In that sense, those who commit environmental crimes may represent the first intergenerational people who commit crimes—the victimized may not have been born at the time the crime was perpetrated, and the person who committed a crime may be deceased by the time the victimization takes place.

Radiation Leaks. In 1988, in the wake of the Chernobyl disaster in the Soviet Union, investigations began to reveal a massive cover-up by the U.S. government of the dangers and harm its nuclear facilities and testing program had posed to unwarned workers and neighbors. Fallout from atomic tests in the 1950s and 1960s resulted in little warning by the Atomic Energy Commission of exposure hazards such as birth deformities, cancer, and early death (McGrory, 1988). The Department of Energy runs federally owned nuclear plants that produce the fuel for the nation's nuclear weapons. These obsolete plants have worse safety features than most privately owned plants. The radioactive waste problem at the Energy Department's Hanford nuclear weapons reserve in the state of Washington is unbelievable. It is described as the most polluted and dangerous nuclear compound in the United States and perhaps the world—the submarine hulks (21 buried radioactive reactor vessels) are little more than a novelty. In fact, they are a stable controllable form of waste in a nightmare world of volatile, explosive, toxic and radioactive junk (T. W. Lippman, 1991, p. 33).

More and more of our food is processed and packaged by large corporations, and, if recent investigations are to be believed, the food processors have not improved much since Upton Sinclair's 1906 exposé in *The Jungle.* Despite a 1906 federal Meat Inspection Act and a 1967 Wholesome Meat Act, abuses continue. In a Hormel plant in 1969, a Department of Agriculture inspector was bribed $6,000 annually for overlooking the production of "Number 2" meat:

> When the original customers returned the meat to Hormel, they used the following terms to describe it: "moldy liver loaf, sour party hams, leaking bologna, discolored bacon, off-condition hams, and slick and slimy spareribs." Hormel renewed these products with cosmetic measures (reconditioning, trimming, and washing). Spareribs returned for sliminess, discoloration, and stickiness were rejuvenated through curing and smoking, renamed Windsor Loins and sold in ghetto stores for more than fresh pork chops. (McCaghy, 1976b, p. 216)

Corporate violence. From what has been said so far, it should be clear that, whereas the general public tends to view corporate crime as nonviolent, we might be more persuaded by S. L. Hills, who in *Corporate Violence* (1987) describes "'respectable' business executives who impersonally kill and maim many more Americans than street muggers and assailants" (p. 36). He notes that the tools of such violence include exploding autos, defective medical devices, inadequately tested drugs, and other hazardous products that are manufactured and marketed despite knowledge by corporate officials that such products can injure and kill consumers. There are reports of toxic chemical dumps that have poisoned drinking supplies, caused leukemia in children, and destroyed entire communities; of cover-ups of asbestos-induced cancer and the gradual suffocation of workers from inhaling cotton dust; of radioactive water leaking from improperly maintained nuclear reactors; of mangled bodies and lives snuffed out in unsafe coal mines and steel mills—and other dangers to our health and safety.

CRIME IN THE MEDIA 11.1 THE DONORA FLUORIDE DEATH FOG: A SECRET HISTORY OF AMERICA'S WORST AIR POLLUTION DISASTER

An environmental horror story similar to fictional works by Michael Crichton visited Donora, Pennsylvania (near Pittsburgh), on Halloween night, 1948. History tells us that a temperature inversion trapped smog in the narrow industrial valley and produced the worst single air pollution disaster in American history, leaving 20 dead and hundreds injured and dying. This incident resulted in the passage of the 1955 Clean Air Act.

Fluoride emissions from the Donora Zinc works and steel plants owned by U.S. Steel caused these injuries. Philip Sadtler, a chemical consultant who conducted research at the scene of the disaster, concluded that "U.S. Steel conspired with U.S. Public Health Service (PHS) officials to cover up the role that fluoride played in the disaster" (Bryson, 1998). One third of the town's 14,000 residents were affected by the smog, with hundreds evacuated or hospitalized.

Although the official PHS report stated "no single substance" was responsible and laid blame on the temperature inversion, Sadtler charged that the PHS report was designed to assist U.S. Steel in escaping liability for the deaths and to prevent controls of toxic fluoride emissions. The national fluoride cleanup would have cost billions.

The PHS was then part of the Federal Security Agency headed by Oscar Ewing, a former top lawyer for Alcoa (third-largest aluminum producer). The latter was facing lawsuits at the time for wartime airborne fluoride emissions. Sadtler, in the December 13, 1948, issue of *Chemical and Engineering News*, reported fluorine blood levels of the dead and ill patients to be 12 to 25 times above normal. Afterward, pressure was brought to bear by manufacturers to prevent the journal from publishing any more articles by Sadtler (Bryson, 1998).

Researching the disaster 50 years later, investigators discovered that important records were missing from the PHS archives and that U.S. Steel records were not open to researchers. Despite the fact that, at the time, the Donora disaster was the largest government environmental investigation ever conducted, almost all the records mysteriously vanished when Dr. Lynne Page Snyder was doing research for her dissertation at the University of Pennsylvania. Snyder's dissertation was titled "The Death-Dealing Smog Over Donora, Pennsylvania: Industrial Air Pollution, Public Health Policy, and the Politics of Expertise, 1948–1949" (L. P. Snyder, 1994). She suspects the archives were determined to be too hot to handle and were gotten rid of.

Bryson (2000) describes the effect on the livestock:

Cows crawled around the pasture on their bellies, inching along like giant snails. So crippled by bone disease they could not stand up, this was the only way they could graze. Some died kneeling, after giving birth to stunted calves. Others kept on crawling until, no longer able to chew because their teeth had crumbled down to their nerves, they began to starve.

The cattle belonged to Mohawk Indians on their reservation that straddled the New York–Canadian border; fluoride emissions from nearby aluminum plants devastated their herds and way of life. Crops and trees and birds and bees withered and died. Today, fish caught in the St. Lawrence River by the Mohawks have ulcers and spinal deformities, and Mohawk children also exhibit signs of bone and teeth damage.

In 1980, the Mohawks filed a $150 million lawsuit against two aluminum companies, but after 5 years of legal costs, the bankrupt tribe settled for $650,000 in compensation for damage to their cows.

For Further Thought

1. Go online and read about the Bhopal disaster in India in 1984. Do you see any parallels with Donora?

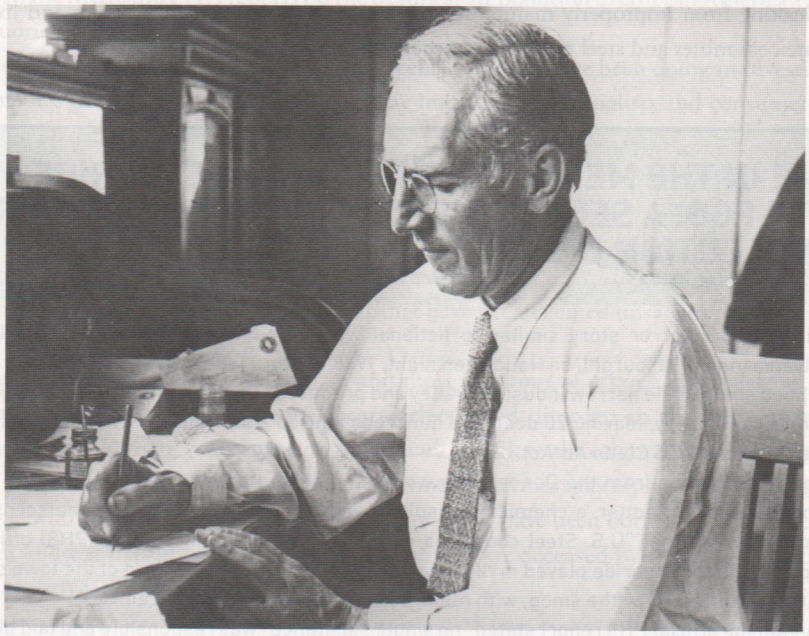


PHOTO 11.4 Upton Sinclair became famous for his novel *The Jungle*, which brought the public's attention to the conditions in the U.S. meatpacking industry.

Hulton Archive/ Getty Images

Crimes by Organizations Against Employees

Organizational (corporate) crime against employees (Type 6 in Table 11.1) may take many forms; the most insidious relates to purposive violation of health and safety laws that may not only threaten workers' lives but may also genetically damage their offspring.

Although most modern manufacturers do not directly kill their workers, health and safety violations by corporations and organizations against their employees can come in various forms (see Frank, 1985). Some occupational exposure to injury and disease may be a necessary part of employment, but unnecessary, preventable hazards and their disregard by employers in the United States are regulated by Occupational Safety and Health Administration (OSHA) and can incur criminal penalties. Terms such as *black lung* (due to coal exposure), *brown lung* (due to cotton mill exposure), and *white lung* (due to asbestos exposure) have become familiar to U.S. workers. The sheer number of new chemicals to which workers are exposed and their long-term impact are enormous. Occupational hazards are not new. In 1812 in Lawrence, Massachusetts, sweatshop conditions in the textile mills produced death in one third of the workers by the age of 25 (Browning & Gerassi, 1980).

Larry Agran, in "Getting Cancer on the Job" (1982), documents that the cancer epidemic has been primarily fed by many industries' systematic unconcern for workers' health, in which company physicians cover up evidence of unsafe exposure to carcinogenic substances. He concludes that the government regulatory agencies are either too timid to enforce the law or lack staff or resources with which to protect workers.

In 1999, apparel workers and human rights groups filed the largest legal challenge at the time against sweatshops on American soil. The suit alleged that major American retailers conspired to place

thousands of workers in involuntary servitude and horrible work conditions (Greenhouse, 1999). Poor young women from China, the Philippines, Bangladesh, and Thailand were led to believe that they were going to the United States to work; instead, they were taken to Saipan (Mariana Islands), a U.S. possession, where many worked 12 hours a day, 7 days a week, sometimes without pay if they fell behind in their quotas. In some cases, exits were locked, pregnant workers were forced to have abortions, and workers were housed in barracks surrounded by barbed wire. On top of all of this, the clothing labels can read "Made in USA."

Such activity represents only the tip of the iceberg in economic globalization, which often involves a "race to the bottom" in a search for the cheapest labor possible, including child labor or, as in China, labor by prisoners. These activities are all in violation of the United Nations' Universal Declaration of Human Rights. In *Nobodies: Modern American Slave Labor and the Dark Side of the New Global Economy*, John Bowe (2007) uses his 6-year field study to describe migrant workers who were murdered as a warning to their peers and workers who are threatened with physical retaliation if they attempt to escape servitude.

If there are any heroes or heroines in the world of corporate crime, they can be found among the ranks of **whistleblowers**—employees who are willing to step forward, usually at great personal sacrifice, to reveal wrongdoing on the part of their employers (see Westin, 1981). "You don't bite the hand that feeds you," states the old adage. The decision to inform on organizational violations has often meant firing, family disruption, and ostracism from friends and former coworkers, as well as the end of one's career, as employers retaliate against the "squealer" or "stool pigeon."

In 1990, jurors ordered Lockheed Corporation to pay $45.3 million in damages to three former employees who had been fired for being whistleblowers regarding safety problems of C-5B military cargo planes. According to the workers, some of these planes with defective mainframes had been used to transport troops to Saudi Arabia ("Lockheed Ordered to Pay," 1990).

In extreme cases, an employer may even threaten an employee's life. Although the following horror story is by no means typical, it profiles a true hero in the fight against corporate crime (see Mokhiber, 1988). In 2021, whistleblower Frances Haugen testified against her employer Facebook charging that they knew of the harmful effects of many of their messages such as conspiracy theories and Trump's "Big Lie," that he really won the last presidential election, and chose not to censor these messages (Chan, 2021).

Crimes by Organizations (Corporations) Against Organizations

Criminal activity by organizations against other organizations (Type 9 in Table 11.1) may take many forms, including crimes by private corporations against the state (e.g., wartime trade violations, cheating on government contracts, or income tax violations) and crimes by corporations against corporations (e.g., industrial espionage and illegal competitive practices).

Wartime Trade Violations

Because of their international structure, multinational corporations can sometimes play both sides of the fence in wartime. In *Trading With the Enemy*, Higham (1982) raises eyebrows with the following accusations:

- While gasoline was being rationed in the United States, managers of Standard Oil of New Jersey were shipping fuel through Switzerland to the Nazis.
- Ford trucks were produced for German occupation troops in France with authorization from Ford executives in the United States.
- Chase Manhattan Bank did business with the Nazis during the war.

An early, classic study of white-collar crime by Marshall Clinard (1969), originally published in 1952, was titled *The Black Market*. Using records of federal regulatory agencies during World War II, Clinard examined wartime trade violations on the part of businesses. He found extensive violations of rationing, price-ceiling offenses, tie-in sales, and lack of quality control. In a study conducted about the

same period, Hartung (1950) found many violations of wartime economic regulations in the Detroit wholesale meat industry.

In 2007, the U.S. House of Representatives passed new legislation making it easier to convict private contractors who defraud the U.S. government during wartime. Of particular concern were contractors who were charged with overstating the value of goods and services or concealing information or presenting false statements (Flaherty, 2007).

In the 1990s, a renewed effort was undertaken internationally to recover the money of Holocaust victims held in Swiss banks. In addition, survivors of the Holocaust sued German and Japanese companies for damages for slave labor during World War II. Charges were also made that subsidiaries of U.S. auto manufacturers were key elements of Hitler's war machine. Chase National Bank has also been investigated, along with law firms, for collaboration (Hirsh, 1998).

Industrial Espionage

Until recently, **industrial espionage** had been a relatively neglected area of investigation by criminologists. Much of the work in this area has either appeared in trade magazines or has been done by journalists (see Barlay, 1973; Engberg, 1967; P. Hamilton, 1967). Such espionage (literally spying, or the acquiring of information through deceptive or illegal forms) is performed by three groups: intelligence agencies, competing firms, and disloyal employees. Bergier's highly engaging *Secret Armies* (1975) tells the story of an industrial-espionage agent who traveled from office to office of a corporate headquarters with a pushcart telling everyone that he was doing a check on secret documents, which he then proceeded to wheel away. The documents and their collector were never seen again.

Industrial spying goes back at least as far as 3000 BCE, when industrial and commercial secrets relating to silkworms and porcelain were stolen from China by Europeans. In the Middle Ages, it was so widespread that it led to patent laws. Bergier (1975) claimed that piracy by industrialists and governments was a significant factor in the spreading of the Industrial Revolution. From 1875 to World War I, Japan had the best industrial spies, after which Nazi Germany and the Soviet Union dominated European spying. In the 1982 Hitachi case, a Japanese corporation attempted to steal state-of-the-art computer secrets from International Business Machines (IBM). Some examples provided by Bergier include the following:

- One large Detroit company found nine television transmitters hidden in the air vents of the main drafting room; these were probably transmitting the company's latest drawings to the competition.
- A telephone tap discovered in Manhattan covered 60,000 phone lines, presumably to pick up useful market tips, blackmail information, and the like.
- Cars of important figures were stolen, only to be quickly recovered; the aim was to bug them.

In free societies, about 95% of industrial information is available in the trade and popular publications. In fact, a growing area of investigation is called competitive intelligence, which involves the use of open sources (unclassified documents) to gather information on one's competition. The use of open sources and the internet has certainly enhanced this process. Sources of information on U.S. industry range from legitimate to illegal, as described by the *Wade System of Sources of Information on American Industry* (P. Hamilton, 1967).

A National Institute of Justice survey of the American Society of Industrial Security's list of directors of security in major industries found that 48% had experienced the theft of trade secrets (proprietary information) within the past year, and over 90% had encountered some theft within the past 10 years (Mock & Rosenbaum, 1988). The major targets were research and development data, new technology, customer lists, program plans, and financial data. Misuse of authority or position was the principal method employed, followed by physical theft, computer penetration, subversion of employees, and false documents or authorization.

Warez (pronounced "wares") is derived from the plural form of the word *software*, and it means copyrighted material that is illegally traded. It specifically refers to releases by organized groups, a form

of commercial profit piracy (U.S. Department of State, 2001). Groups in China, Hong Kong, and Russia produce millions of bootleg copies of copyrighted software that are regularly sold on the streets.

Crimes by private organizations against other private organizations raise problematic areas in jurisprudence, but what if the perpetrator is a country? In the 1990s, China and other countries in Asia tolerated widespread patent and trademark violations within which fake name-brand products were copied and sold at a fraction of their cost. Although the United States and other countries continue to threaten trade sanctions over such violations, China seems to make only halfhearted attempts to comply. Calling China "The Pirate Kingdom," Choate (2005) estimates China's bogus goods cost consumers and U.S. manufacturers at least $29 billion annually.

CRIMINAL CAREERS OF OCCUPATIONAL AND ORGANIZATIONAL OFFENDERS

Occupational and corporate offenders generally do not view their activities as criminal; their violations are usually part of their occupational environment. Such offenders maintain a commitment to conventional society while violating some of its laws because their activities often are supported and informally approved of by occupational or corporate subcultures or environments (see Frank & Lombness, 1988).

Sutherland (1956a) saw many parallels between the behavior of corporate people who commit crime and that of professional and organized people who commit crime:

1. They are recidivists, committing their crimes on a continual and frequent basis.
2. Violations are widespread, and only relatively few are ever prosecuted.
3. Offenders do not lose status among their peers or associates as a result of their illegal behavior.
4. Like professional thieves, businesspeople reveal contempt for government regulators, officials, and laws that they view as unnecessarily interfering with their behavior (pp. 93–95).

Corporate crime does not occur in a vacuum but is affected by characteristics of an organization and its market structure. For instance, in an analysis of auto makers, Leonard and Weber (1970) found that price-fixing requires two market forces: few suppliers and inelastic demand (i.e., a steady need or demand for a product irrespective of a rise or fall in cost).

Rationalizations

Having little or no criminal self-concept, offenders view violations as part of their work. Among the rationalizations, or ways of explaining away responsibility, for white-collar criminality are these (Clinard & Yeager, 1980):

- Legal regulations of business are government interference with the free enterprise system.
- Such regulations are unnecessary and reduce profits.
- Such laws are too complex, create too much paperwork, and are incomprehensible.
- Regulatory laws are not needed and govern unnecessary matters.
- There is little deliberate criminal intent (mens rea) in corporate violations.
- "Everybody is doing it," and I have to keep up with competitors.
- The damage and loss are spread out among large numbers of consumers, thus little individual loss is suffered.
- If corporate profits do not increase as a result of the violation, there is no wrong.
- Violations are necessary in order to protect consumers. (pp. 69–72)

Tax cheats, especially the wealthiest, are regularly beating the federal government out of its fair share of taxes. In 2002, the retiring director of the Internal Revenue Service estimated the losses from partnerships alone at $7 billion; others estimate those losses alone at $84 billion. Over 82,000 taxpayers used offshore accounts to evade taxes, costing as much as $70 billion annually. IRS resources were cut back during the George W. Bush administration (Johnston, 2002).

SOCIETAL REACTION

The UCR for the early 21st century estimated that property crimes such as robbery, burglary, and larceny cost U.S. society nearly $9 billion. Federal investigators estimate that the federal government is being ripped off by at least $50 billion a year, primarily through fraud. In terms of threat and damage to property, health, theft, and corruption of law enforcement agencies, then, corporate crime is the big leagues. The cost of the savings and loan scandal of the 1980s was estimated at $500 billion, whereas the notorious Brinks robbery netted only $2 million. The latter is much better known and has received more publicity than the former, even though 250,000 Brinks robberies would be required to equal the cost of bailing out the savings and loans.

Despite growing public pressure for more severe treatment of higher occupational and corporate offenders, the likelihood of prosecution and conviction remains rare. When offenders are convicted, the penalties remain rather minuscule, considering particularly the economic loss to society. High recidivism rates among such people who commit crimes continues. Many are **white-collar "deadbeats"** in paying assessed fines. The "**big dirty secret**" remains true: Judges and government agencies are "soft" on corporate crime. In 2007, it was reported that enforcement against polluters during the George W. Bush administrations in prosecutions, investigations, and convictions was down by more than one third (Solomon & Eilperin, 2007). EPA civil lawsuits were down 70%. The number of investigators at the agency had been cut back. In 2020, the U.S. House of Representatives began hearings asking the question as to whether existing regulatory policies and century-old antitrust laws were sufficient to regulate new technology giants of the 21st century. Amazon, Facebook, Google and Apple had come to dominate their markets and threatened monopolistic powers that stifle competition and challenge regulation (Gordon, 2020).

Returning to the previous example of the savings and loan scandal, the costliest series of white-collar crimes in American history, by 1994 the average sentence given for major thrift cases was 36 months compared to 38 months for car thieves and 56 months for burglars. It should be noted that most of the sentences were handed down before more strict federal sentencing guidelines were instituted in 1989 (Pontell et al., 1994).

In 2008, executives at Merrill Lynch lost $27 billion and drove the 94-year-old securities firm to the brink of ruin. They decided to reward themselves and employees with $5.3 billion in bonuses. Executive pay and bonuses were enormous even in failing firms. The SEC was weak in enforcement, and the fines were totally inadequate. All penalties were borne by the stockholders ("Merrill Bonus Case," 2009). In February 2020, President Trump pardoned 11 people who committed white-collar crimes, including former Illinois governor Rod Blagojevich, Michael Milken, Eddie DeBartolo Jr., and former NYPD Commissioner Bernard Kerik. In all, he pardoned seven and commuted the sentences of four others. This sent the message that white-collar crime was just "the price of doing business" (Sarkis, 2020).

Why the Leniency in Punishment?

If white-collar crimes are economically the most costly crimes to society, why are such acts seldom punished? A number of reasons have been suggested:

- Many acts were not made illegal until the 20th century. For example, many environmental and occupational health and safety regulations are of post–World War II vintage, and not until the 20th century were false advertising, fraud, misuse of trademarks and patents, and restraint of trade considered criminal matters.

- American business philosophy has been dominated by beliefs in laissez-faire economics (government noninterference in business) as well as the notion of caveat emptor ("let the buyer beware").
- Public concern with corporate crime is a recent phenomenon. Once this resentment becomes organized, public pressure against white-collar crime and pressure for legislation and enforcement can be expected. At least one national survey suggests the general public regards white-collar crimes as even more serious than conventional crimes such as burglary, robbery, and the like (Wolfgang, 1980). Thus, it seems lenient treatment of elite offenders is not supported by the public.
- In the past, white-collar crimes were given less publicity; sometimes the media were owned by businesses that themselves were violators (Snider, 1978). Fear of loss of major advertising revenue may also have an impact.
- White-collar people who commit crimes and those who make and enforce the laws share the same socioeconomic class and values. They fail to match the public stereotype of the people who commit crimes. Vilhelm (1952) suggested that citizens do not oppose such crime because they themselves often violate many of these same laws on a modest scale.
- Political pressure groups often block effective regulation or enforcement. Some of the biggest campaign contributors are also the biggest violators. Funding for such groups may come from previous tax avoidance, laundering, and other shady practices. Because such people who commit crimes are seldom prosecuted, many are first offenders and thus are treated with leniency.
- It is easier for politicians and public officials to concentrate on the crimes of the young and lower class, groups that lack political clout.
- The long-term nature of corporate violations and court delays make sanctions difficult.

W. K. Black (2004) suggests a main problem with federal regulatory agencies is that they are in desperate need of criminological expertise. No federal, state, or local government agency has a "chief criminologist" position, and criminologists are excluded from policy debates on these issues. We have indicated that asbestos manufacturers had full knowledge that they were killing their workers, as Johns-Manville did, for instance, when it estimated dust control equipment installation and operation at $17 million and only $1 million for workers compensation payments, and judged that it was cheaper to infect workers (Brodeur, 1974).

In response to the large number of corporate scandals at the turn of the past century, the U.S. Congress passed the Sarbanes-Oxley Act, which compels the SEC to address weaknesses in corporate oversight. Among the reforms were the following:

- Accountants will no longer be considered independent and objective if they or their auditing partners receive nonaudit (consultant) pay from publicly traded clients.
- Lawyers are required to become whistleblowers and must report legal violations to company officers or the board of directors.
- Mutual fund managers must ensure that shareholder proxies are voted in the best interest of investors and not insiders ("Investor's Guide," 2003).

THEORY AND CRIME

White-collar crime is one area where deterrence theory and rational choice theory are most applicable. The basic assumption of such neoclassical theories is that individuals are rational decision makers and would be deterred from committing crime if the penalties exceed the pleasure to be derived. Although

deterrence theory does not always apply in explaining violent crime or street crime, it does appear relevant with respect to white-collar crime. The penalties for white-collar crime are often weak, unenforced, and not an effective deterrent.

Institutional anomie theory argues that profit at all cost has come to dominate all institutions in modern society. The recent economic collapse in the United States and the world was brought about by greed on Wall Street and in the insurance and banking industry, where individual profits became more important than integrity and professional ethics and government regulation was virtually nonexistent. Using routine activities theory, poor guardianship turned the financial world over to greedy speculators.

White-collar crime is particularly interesting theoretically because it challenges many of society's traditional assumptions regarding crime. Sutherland's 1939 Presidential Address before the American Sociological Society presented a paradigm revolution in challenging the assumption held by many at the time that crime equals "street crime" and that people who commit crime are always from lower socioeconomic classes, are racial or ethnic minorities, and lack education. Ignoring crime in the suites, our theories failed to address the most costly form of crime in our society.

The media is also partly responsible for how the public views white collar versus street crime. Tunnell (1998) tells us that white-collar crime played a large part in the first newsmagazine television show—*60 Minutes.* Episodes featured governmental or corporate crime, although most theoretical analysis was individually centered. News generally pays less attention to white-collar crime, especially compared to high-profile, sensationalistic, violent crime. Compare for example, coverage of the O. J. Simpson case with that of the savings and loan scandal. Typical crimes featured on news programs are violent street crimes committed by poor, inner-city, minority, young men.

Despite the fact that it costs the public far in excess of other crimes, white-collar crime is just not an easy topic for the media. Perhaps the very nature of white-collar crime is more complex than the public would tolerate. The shoot-'em-up coverage of a bank robbery is far more entertaining than something like the savings and loan scandal.

In fact, some people who have been accused of white-collar offenses that killed people are still not portrayed by the media or people as being all that bad. Consider Dan Blankenship, the head of Upper Big Branch coal mine in West Virginia. That mine suffered a devastating explosion that killed 29 men in 2010. This event was one of the deadliest in coal mining in the United States in about 40 years. Unlike what often happens with white-collar crimes, Blankenship was actually charged with securities-related felony charges and a misdemeanor charge of conspiring to violate federal mine-safety laws. He was convicted of the latter and served a year in federal prison and a halfway house. He was also ordered to pay a $250,000 fine. His case was unique in that he was held accountable (at least somewhat) for the mine accident. But perhaps even more unique is that Blankenship ran in the Republican primary for the U.S. Senate (although he did not win). In a state that has seen the decline of the coal industry and its attending loss of jobs, this run may not be as "crazy" as it may seems. Blankenship has argued that it is the federal government's fault that the accident happened and that the government is responsible for the decline in the coal industry. Can you imagine a street criminal or a person who was responsible for shooting 29 people running for public office and maybe even winning? This example highlights the differences in how white-collar and street crime are presented by the media and also how the public views them.



PHOTO 11.5 Student protesters demonstrate against West Virginia Republican Senate Candidate Don Blankenship at a town hall meeting in Morgantown on March 1, 2018. Blankenship is the former chief executive of the Massey Energy Company, where an explosion in the Upper Big Branch coal mine killed 29 men in 2010.

Spencer Platt/Getty Images News

Finally, in reading the remaining chapters of this text, keep in mind that if we ended our discussion of white-collar crime with this chapter, we would have covered the largest, most costly category of crime. All other forms of criminal behavior together do not equal the costs occupational and organizational (corporate) crime.

The reader is directed to two more recent texts on white-collar crime that provide excellent examples of the entity:

M. L. Benson & S. S. Simpson, *White Collar Crime: An Opportunity Perspective.* Routledge, 2018.

B. K. Payne, *White Collar Crime: The Essentials* (2nd ed.). SAGE, 2017.

SUMMARY

The formative statement on white-collar crime was made by Sutherland in 1939. He defined it as "crime committed by a person of respectability and high social status in the course of his occupation." Despite the much greater cost of widespread corporate violations, the criminal justice system finds it more politically expedient to concentrate on traditional crimes. Related to Sutherland's notion is Ross's notion of criminaloids as "those who prospered by flagitious [shameful] practices which may not yet come under the ban of public opinion" and Mills's concept of the higher immorality or moral insensibility of the power elite. The concept of white-collar crime has been criticized as too global in nature, and a variety of other terms have been suggested. Particularly important are the concepts of occupational, organizational, and corporate crime. *Occupational crime* refers to violations committed for self-benefit during the course of a legitimate occupation, and *organizational crime* refers to crimes by businesses or officials on behalf of the employing organization. Organizational crime becomes *corporate crime* when undertaken on behalf of a private business or organization.

The reasons for the lack of research on occupational and corporate crime were detailed in this chapter, indicating that criminologists, because of the lack of readily available data, still rely on many secondary sources. Data and figures from various sources were presented in an attempt to measure the cost of white-collar crime. Any of the cost estimates far exceed those for traditional crimes.

Myopia must be avoided, so as not to view the current level of white-collar crime as the worst in history; historical analysis suggests that this type of crime may actually have been even more prevalent in the past. Analysis of legal regulation of occupational practice points out that the more developed professions have been granted a mandate for self-governance, even though such self-policing has been less than impressive.

The author suggests an occupational/organizational crime grid as a heuristic device for presentation purposes. This results in nine theoretical types based on the person who committed a crime (individual, employee, or organization) and the victim (individual, employee, or organization).

Crimes by employees may include a variety of offenses as detailed in Edelhertz's typological examples. Employee crimes against other employees were examined by means of "sweetheart contracts"; crimes by employees against organizations were depicted with descriptions of embezzlement, employee fraud, and pilferage. Crimes by individuals (or members of occupations) were delineated by describing crooked practices in the medicine, law, and pharmacy fields as well as in business-related trades and occupations.

Reasons for the dearth of studies of corporate crime were detailed. In the United States, the legal governance of business organizations began in the 19th century, particularly with the Sherman Antitrust Act (1890). Much regulation of corporate activity takes place through federal regulatory agencies such as the Federal Communications Commission, Interstate Commerce Commission, and SEC. These agencies can use civil and criminal as well as administrative means of ensuring compliance, but they seldom do. Most agencies are outgunned by the industries they are supposed to control, and, in fact, they are sometimes controlled by these industries. Gross (1980) characterizes this nonenforcement and kid-glove treatment of elite people who committed a crime as "the big dirty secret."

Studies by Clinard and Yeager and associates signaled a new renaissance in studies of corporate criminality—the first large-scale, comprehensive study of corporate crime. In an examination of crimes by organizations against individuals (the public), detailed examples were provided, such as multinational bribery, and case examples such as the Equity Funding scandal. Other important illustrations

presented included the Ford Pinto case, toxic chemicals, environmental violations, and corporate dumping of unsafe products.

Crimes by organizations against employees primarily relate to threats to the health and safety of workers. Crimes by organizations against organizations were illustrated by examples of wartime trade violations, industrial espionage (such as the Hitachi case), and corporate fraud against government, particularly on the part of defense contractors.

Characteristics of the corporate environment, such as supply and demand, and corporate concentration, such as the number of producers of a product, are predisposing factors in corporate criminality. Societal reaction to higher level occupational and corporate crime has in the past been characterized by leniency. A number of reasons were provided for such indulgence, including policies of laissez-faire economics and a prevalent caveat emptor philosophy. Recently, public reaction to such crimes has hardened and now rivals or exceeds that for traditional crimes. Research suggests some improvement in punishing elite offenders, but still not in concomitance with the quantity, prevalence, and cost of such activities. Some retrenchment in regulatory activities may be occurring in response to a more conservative, probusiness political climate. The toleration of white-collar "deadbeats" and people who commit crimes raises a major challenge to claims of equitable standards of justice and indirectly fosters crime in the streets through the perpetration of inequality.

The criminal careers of people who commit occupational and corporate crimes entail little identification with crime; these offenders enjoy subcultural support and employ rationalizations to explain away responsibility for wrongdoing.

KEY CONCEPTS

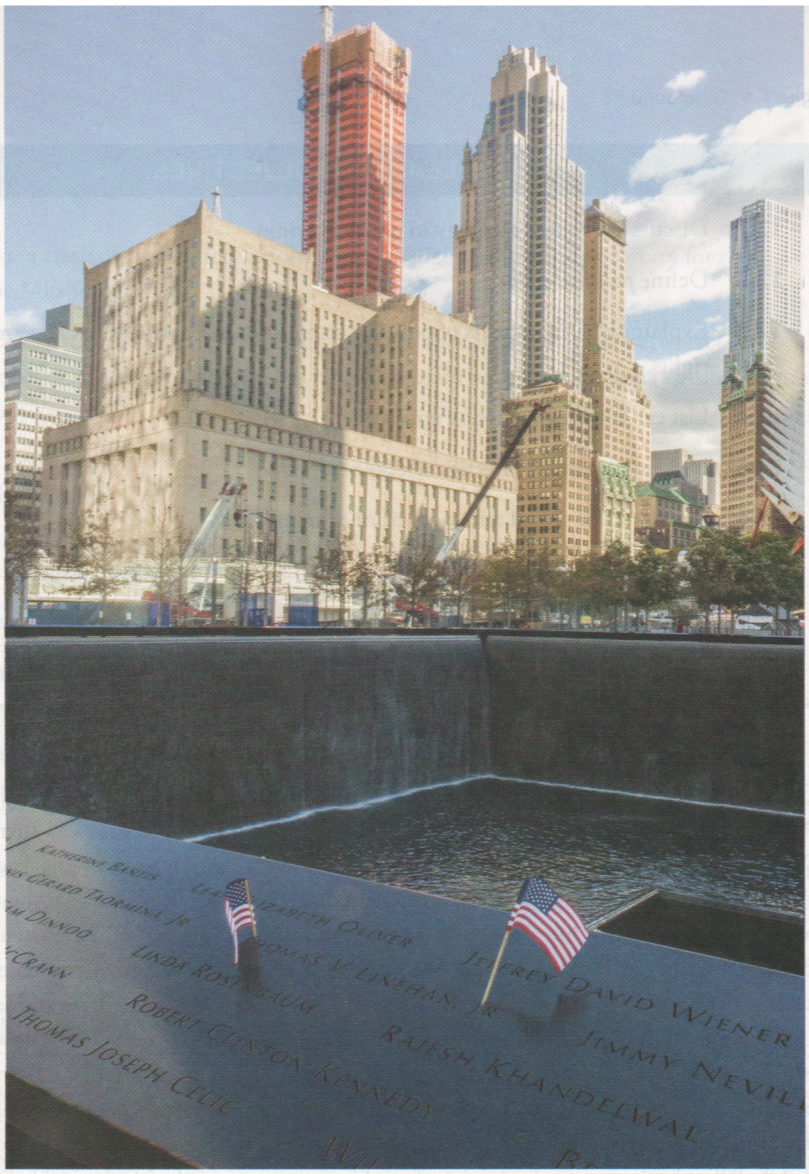
badger game (p. 290)
bank examiner's scam (p. 291)
big dirty secret (p. 316)
churning (p. 304)
coerced crime (p. 299)
confidence (con) games (p. 290)
corporate crime (p. 287)
corporate dumping (p. 310)
criminaloid (p. 287)
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Equity Funding scandal (p. 305)
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occupational/organizational crime grid (p. 290)
organizational crime (p. 287)
Ponzi scheme (p. 292)
power elite C (p. 287)
pyramid scheme (p. 293)
revolving door (p. 305)
scam (p. 290)
sweetheart contract (p. 299)
whistleblowers (p. 313)
white-collar "deadbeats" (p. 316)
white-collar crime (p. 286)

REVIEW QUESTIONS

1. Why, despite its cost, has there been so little research on corporate crime?
2. Who polices corporate crime? Name some of these agencies and their jurisdictions.
3. What have been some criticisms of federal regulatory agencies? Do you see any improvements in these activities?
4. How serious are antitrust violations in the United States? Give some examples.

5. Discuss the savings and loan scandal. How was it possible for what has been described as the greatest series of white-collar crimes in American history to take place, and why was the American public unaware of this?
6. Discuss Edwin Sutherland's concept of white-collar crime. Why was this considered a Copernican revolution or paradigm shift in criminology?
7. Discuss Cressey's theory of embezzlement. Does research support his hypothesis?
8. Discuss and give examples of crime or unethical practices in the field of medicine.

12 POLITICAL CRIME AND TERRORISM



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12 POLITICAL CRIME AND TERRORISM

LEARNING OBJECTIVES

- **12.1** Discuss the role of ideology in political crime.
- **12.2** Define *political crime*.
- **12.3** Explain the legal aspects of political crime and international laws regarding human rights.
- **12.4** List examples of crimes by government.
- **12.5** List examples of crimes against government.
- **12.6** Discuss examples of and motivations for terrorism.
- **12.7** Describe the common activities and justifications for political criminals.
- **12.8** Discuss the complexity of societal reactions to political crimes and terrorism.
- **12.9** Assess how criminological theories apply to political crime and terrorism.

On September 11, 2001, after a delayed departure, United Flight 93 left Newark International Airport. It was hijacked 45 minutes later near Cleveland and forced into a U-turn and headed toward Washington, D.C. Listening to their cellphones and hearing of reports of hijacked planes and terrorist attacks on the Pentagon and World Trade Center, the passengers believed that their hijacked airline was headed to target the White House or the Capitol building. Several of the passengers including Todd Beamer, who urged "Let's roll," attacked and overtook the terrorists. Unfortunately, the plane crashed killing all aboard at Shanksville, Pennsylvania. They bravely gave their lives and saved, most likely, the U. S. Capitol building. On January 6, 2021, nearly two decades after 9/11, right-wing domestic terrorists attacked this same Capitol building. Encouraged by a defeated President Trump, they stormed the building, attacked, and injured police and threatened to kill members of Congress and the vice president in an attempt to prevent the Constitutionally required certification of the election of his rival Joe Biden. What both groups of terrorists shared in common was the ideological belief in the rightness of their cause. The domestic terrorists attacked and desecrated the same building for which the heroes of Flight 93 sacrificed their lives.

IDEOLOGY

An **ideology** is a distinctive belief system, idea, or abstract ideal. Communism, capitalism, fascism, Islam, Judaism, Christianity, fundamentalism, and the like can serve as ideologies or can combine to supply their adherents with a guide to societal and individual behavior. "True believers," extremists, or ideologues often are zealots and are absolutely certain of the righteousness of their cause—so much so that they feel justified in forcing their beliefs on others.

Schafer (1971, 1974) uses the term *convictional criminals* when referring to people politically motivated to commit crimes. Such a person is "convinced of the truth and justification of his own beliefs" (Schafer, 1974, p. 138). The actual crimes committed by political criminals may be traditional crimes, such as kidnapping, assassination, blackmail, robbery, and the like. It is not the crimes themselves that distinguish people who commit political crimes but their motivations, their views of crime as a necessary means to a higher ideological goal. Some people who commit political crimes, particularly human rights advocates, have committed no crime but have expressed their political views in authoritarian or totalitarian societies that forbid individual expression or criticism of the state or in free societies where civil disobedience may be viewed with suspicion. Martin (2018, p. 3) illustrates well the meaning of the

concept of "ideology" by indicating that the following principles frame the ideology of al-Qaeda (the militant Islamist organization that was led by Osama bin Laden):

- The struggle is a clash of civilizations. Holy War is a religious duty and necessary for the defense of the Muslim nation.
- Only two sides exist, and there is no middle ground in apocalyptic conflict between Islam and the forces of evil. Western and Muslim nations that do not share al-Qaeda's vision of true Islam are enemies.
- Violence is a defensive war on behalf of Islam and is the only course of action. There cannot be peace with the West.
- Because this is a just war, many of the theological and legal restrictions on the use of force by Muslims do not apply.
- Because U.S. and Western power is based on their economies, mounting large-scale mass casualty attacks that focus on economic targets is a primary goal.
- Islamic governments that cooperate with the West and do not adopt strict Islamic law are apostasies and must be violently overthrown.
- Israel is an illegitimate nation and must be destroyed. (Martin, 2018, p. 3)

The war on terrorism is not just a battle against an established organization but a war against an established belief system. Some believe that this is a jihad for Armageddon, the end of the world.

POLITICAL CRIME: A DEFINITION

Political crime refers to criminal acts committed for ideological purposes. Rather than being motivated by private greed or benefit, these persons sincerely believe they are following a higher morality that supersedes present society and its laws. Such persons may act for social-political reasons (Robin Hood), out of moral-ethical motivations (antiabortion activists), to advance religious causes (Martin Luther), to disseminate scientific beliefs (Copernicus, Galileo), or to publicize political concerns (Nathan Hale, Benedict Arnold) (Schafer, 1976). Such crime may take one of two forms: *crime by government* or *crime against government.*

Crime by government includes violations of human rights, civil liberties, and constitutional privileges, as well as illegal behavior that occurs in the process of enforcing the law or maintaining the status quo. Secret police violations, human rights abuses, genocide, and crimes by police, as well as illegal surveillance, disruption, and experiments, are just some of the examples of governmental crime to be discussed in this chapter.

Crime against government may range from protests, illegal demonstrations, and strikes to espionage, political whistleblowing, assassination, and terrorism. "One person's terrorist is another's patriot" is a common expression that suggests the relative nature of such political crime. In revolutions, the victors' beliefs become the status quo, and the victors inherit the power and privilege by which to brand the acts of their enemies as criminal.

There is a surprising paucity of literature on political crime in criminology (F. E. Hagan, 1986; Martin et al., 1988). Prior to the 1990s, there were fewer than 10 works in the field that specifically addressed this issue (see Ingraham, 1979; Kelman & Hamilton, 1988; Kittrie & Wedlock, 1986; Proal, 1973; Roebuck & Weeber, 1978; Schafer, 1974; Schur, 1980; Turk, 1982). More recent additions include F. E. Hagan (1997), J. Ross (2003), and D. Rothe (2009). In his classic *Political Crime*, which was originally published in 1898, Louis Proal (1898/1973) noted

> Political passions have bathed the earth in blood; kings, emperors, aristocracies, democracies, republics, all governments have resorted to murder out of political considerations, these from love of power, those from hatred of royalty and aristocracy, in one case from fear, in another from fanaticism. (pp. 28–29)

Although political crimes may be committed by or against the government, seldom do governments or government officials choose to acknowledge their own lawlessness. Sagarin (1973) aptly points out that political crime includes the tyrant as well as the assassin. The terrorist is the epitome of people who commit political crimes, and no better example of the depths of evil committed in the name of ideology is the mass murder of September 11, 2001. Crime File 12.1 gives an account of that tragic day.

LEGAL ASPECTS

In the United States, various laws are, or have been, intended to protect the government from the clear and present or probable danger of disruption or overthrow. Laws such as the Alien and Sedition Acts, Espionage Act, Voorhis Act, Smith Act, Internal Security Act, and Immigration and Nationality Act are examples. The 1940 Voorhis Act requires registration of agents of foreign powers, and the Smith Act (1940), which was later struck down by the Supreme Court, outlaws advocating the overthrow of the government. The 1950 Internal Security Act (McCarran Act) calls for registration of communists and communist-front organizations, and the 1952 Immigration and Nationality Act (McCarran–Walter Act) provides for deportation of aliens who espouse or have associates who espouse disloyal beliefs (Clinard & Quinney, 1973).

Cuba and other authoritarian countries enact criminal laws forbidding propaganda against the state, complaining about social conditions to foreigners, and attempting to publish works not authorized by the state. Many of these laws and their enforcement bear an uncanny resemblance to those in George Orwell's *1984*(1949) and to his descriptions of the Minitrue (Ministry of Truth), in which "thought criminals" become people who commit political crimes or enemies of the state.

Under Anglo-American legal traditions, political crime and people who commit political crimes are not recognized as such, and these types of offenders are dealt with under traditional or nonpolitical laws. Anglo-American criminal law considers intent but not motive. The motive, whether good or bad, has no bearing on guilt. Sagarin (1973) points out,

> At one time it was against the law in some parts of this country to preach freedom and abolition of slavery to slaves, or even to free men; it was often against the law to organize into trade unions; at various times political parties have been driven underground and their leaders jailed. (p. ix)

Kittrie and Wedlock in *The Tree of Liberty* (1986) provide historical documents related to elements of political criminality either by the state or by persons accused of such offenses:

- The important Peter Zenger trial of 1735 for false, scandalous, and seditious libel, which established the freedom of the press doctrine
- The "crime of being black or Indian," which led to the Trail of Tears of the Cherokee Nation and to the outlawing of abolitionism, the Underground Railroad, and harboring fugitive slaves
- Subjugation of Blacks through private conspiracies and terrorism
- Genocide against American Indians
- Voter registration drives and Freedom Rides during the civil rights struggle
- Imprisonment of Japanese Americans in internment camps during World War II

- Antiwar protest, burning draft cards and records
- Arson, bombing, and other violations against abortion clinics
- "Sanctuary activists" hiding Central Americans, whom they consider to be political refugees

The Nuremberg Principle

After World War II, the victorious Allies held a tribunal and convicted Nazi war criminals. The Nuremberg trials were the first occasion on which defeated war leaders were held responsible in an international legal arena for activities that had been legal, even encouraged by their governments, at the time they were committed. Defenses such as "I was just following orders" were rejected and held to be unjustifiable explanations for Nazi atrocities. Kelman and Hamilton (1988) refer to this as a "crime of obedience." Offenses defined by the international tribunal included war crimes and crimes against humanity (Maser, 1979 "Nuremberg Principle," 1970; ; B. F. Smith, 1977).

CRIME FILE 12.1 SEPTEMBER 11, 2001

September 11, 2001, was a transforming event for a new generation of Americans, similar in effect to the attack on Pearl Harbor and the Kennedy assassinations in previous generations. In the opening salvo of a declared war against this country, simultaneous terrorist attacks on the Pentagon in Arlington, Virginia, and New York City at the World Trade Center resulted in the worst loss of American lives on American soil by foreign attack in history. The enemy in this new world war was not international communism or the Japanese empire, not even a state, but terrorists loosely organized around Osama bin Laden and his organization, al-Qaeda. In the name of extremist, fundamentalist Islamic ideology, this group was willing to use any means, including weapons of mass destruction, to inflict enormous casualties on civilians as well as military targets. The following is the FBI report accounting the events of 9/11.

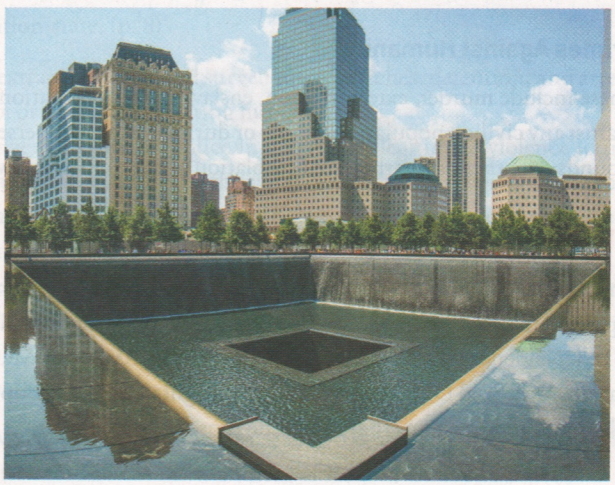


PHOTO 12.1 This memorial on the site of the fallen World Trade Center commemorates those killed in the terrorist attacks.

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War Crimes

Violations of law or customs of war include, but are not limited to, murder, ill treatment, or deportation for slave labor—or for any other purpose—of the civilian population of or in occupied territory; murder or ill treatment of prisoners of war or persons on the high seas; killing of hostages; plunder of public or private property; wanton destruction of villages, towns, or cities; or devastation not justified by military necessity.



PHOTO 12.2 The Nuremberg trials were held from 1945 to 1946 at the Palace of Justice for the purpose of bringing Nazi war criminals to justice.

Galerie Bilderwelt/Hulton Archive/Getty Images

Crimes Against Humanity

These include murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial, or religious grounds, whether or not they are in violation of the domestic law of the country where perpetrated.

The Universal Declaration of Human Rights

The concept of human rights is an outgrowth of the period of Enlightenment in Western society and is expressed in such documents as the Magna Carta, the English Bill of Rights, the American Declaration of Independence, the French Declaration of the Rights of Man and of the Citizen, and the United Nations Universal Declaration of Human Rights. All of these documents support the notion of inalienable rights and freedoms that supersede those of government.

International Law

Because much political criminality is international in scope, it theoretically falls under the jurisdiction of international law, the power of which is limited. This covers fairly nonproblematic diplomatic and commercial customs between nations, agreements such as treaties that are drafted in international conventions, and international courts such as the International Court of Justice sponsored by the United Nations. Using precedents (past decisions), customs, and general principles of law, international law is theoretically binding on any signatories to international treaties, although it may also through custom be held to be binding on those who have not ratified the treaties. Stipulations of the Geneva Convention of 1929 regulating wartime conduct serve as an example.

Although international bodies past or present, such as the World Court, the League of Nations, and the United Nations (UN), have the facade of law, they lack the crucial power to enforce their decisions, ultimately through force if necessary (Kidder, 1983). Essentially, international law lacks teeth—the authority and power to ensure compliance. However, the end of the Cold War considerably improved the prospect for international cooperation in enforcing international law and sanctions. UN actions in forcing Iraq to withdraw from Kuwait in 1991 are one such example.

In 2002, the first permanent International Criminal Court opened over U.S. opposition. The United States did not want to have such an international group to have jurisdiction over it. One of the court's mandates was to deal with large-scale human rights abuses. In 2005, it faced its first

big case: to investigate genocide in Darfur (western Sudan), where the government is accused of killing roughly 300,000 and displacing another 2 million (Simons, 2005).

CRIMES BY GOVERNMENT

The first major category of political crime to be discussed in this chapter is crimes by government. These are crimes or violations of human rights committed for ideological reasons by government officials or their agents. The person who commits governmental political crimes is motivated not by self-interest so much as by a commitment to a particular belief system, a conviction that they are defending the status quo or preserving the existing system. Because many such violations are not formally recognized or enforced by the criminal law in most nations, the concept of political crime by government is more a sociological than a political entity.

Secret Police

All countries require some type of **secret police** for clandestine intelligence gathering and internal security. Plate and Darvi (1981) define secret police as

> official or semi-official organs of government. They are units of the internal security police of the state, with the mandate to suppress all serious, threatening political opposition to the government in power and with the mission to control all political activity within (and sometimes even beyond) the borders of the nation-state. (p. 8)

Secret police are often involved in extraordinary illegal surveillance, searches, detention, and arrest; as a matter of practice, they may violate or border on violating human rights.

In totalitarian societies, the effectiveness of secret police in deterring illegitimate violence (crime in the streets) occurs through legitimate violence (crime by the state). The specter and practices of such infamous secret police as Hitler's Gestapo, Stalin's OGPU (later KGB), and Haiti's Tonton Macoutes—midnight raids, tortures, and disappearances—are frightening indeed.

Austin Turk prefers the term *political policing* to refer to secret police operations. In "Organizational Deviance and Political Policing" (1981), Turk provides a number of illustrations:

- Assassination or maiming of political figures
- Geneva offenses such as germ warfare, letter bombs, or use of cattle prods to torture political prisoners (the Geneva Convention forbids the mistreatment of sick or wounded soldiers)
- The torture of political detainees, such as those listed by Amnesty International
- Character assassination
- Intervention in conventional politics, such as the FBI campaign against Martin Luther King Jr.
- Violations of civil or human rights, for example, ranging from illegal surveillance to mental institutionalization of political dissidents in the former USSR
- Economic or political harassment of dissident groups
- Use of agents, provocateurs, informants, and spies in order to manipulate public institutions
- Subversion of economic or other institutions, for example, the overthrow of the Chilean government of Salvador Allende by the U.S. Central Intelligence Agency (pp. 238–239)

If state agents of social control wish to suppress a social movement, the agents have an entire repertoire of actions to choose from (Baylor, 1990). G. Marx (1979, cited in Baylor) identifies a number of tactics, including the following:

- Litigation against the movement or leaders
- Administrative harassment
- Disinformation campaigns
- Wiretaps and other electronic surveillance methods
- The use of informants and agents provocateurs
- Support of counter or alternative groups
- "Bad jacketing" or "snitch jacketing" (spreading rumors that someone is a snitch)
- Police response, including force (p. 2)

In many of these, the state officially encourages its agents to commit crime (G. Marx, 1990). The criminological study of such crimes by government has been far less a topic of research than similar crimes against the government because of a lack of funding for the former (Longmire, 1988). Chambliss (1988b) calls many of these activities, such as state-sponsored piracy, smuggling, assassinations, murder, and experiments, examples of state-organized crime, whereas Barak (1991) simply calls it state crime.

In 1999, President Clinton issued an apology to the people of Guatemala on behalf of the United States for helping support major atrocities in that country in the past. An independent truth commission had issued a 3,500-page report detailing the Guatemalan government's campaign of terror against its own people during its 36-year civil war (McGrory, 1999). Over 200,000 mainly Mayan Indians were massacred, executed, tortured, or disappeared, in large part due to U.S. support for security forces. These poor, uneducated, and voiceless majority native peoples were the hardest hit. Cold War fear of communism had been the U.S. government's motivation.

Related to the war on terrorism and war in Iraq, the United States has been accused of using torture at Abu Ghraib prison and at Guantanamo Bay. In addition, concerns have been raised regarding the United States using waterboarding, a practice that simulates drowning, in order to gain cooperation of captive suspected terrorists. Although opponents charge that such practices are a violation of the Geneva Convention, intelligence agencies claim that the captives are not recognized combatants (so Geneva Convention rules do not apply) and that the practices have succeeded in disrupting horrific plans of these terrorists. Despite much debate on the matter, the United States has concluded that waterboarding is not torture. However, others, including the UN Convention Against Torture, label it as torture (J. Mayer, 2008).



PHOTO 12.3 Embroiled in a civil war, numerous human rights violations have occurred in Syria, including several deadly chemical attacks that many believe were carried out by the Syrian government.

© REUTERS/Stringer

Human Rights Violations

Perhaps the most dramatic illustration of crimes by government is the pervasive international violation of human rights. Thousands of political prisoners—individuals who have committed no crimes other than their espousal of political ideas—are tortured, murdered, or abandoned throughout the world. It is difficult, because of governmental secrecy, to gain an accurate count of such prisoners, although human rights organizations such as Amnesty International provide rough figures. Authoritarian and totalitarian regimes of the political left and right are the least tolerant of dissent and are thus the biggest violators. These countries most resemble what George Orwell described in his novel *1984*, in which the state is preeminent.

Although SAVAK (the Iranian secret police) under the shah was recognized as a brutal force, in the subsequent theocracy created by Khomeini in Iran, as many as 60,000 political prisoners were held and over 25,000 executed by 1984. In 1990, members of the People's Mojahedin claimed that over 90,000 had been executed and 150,000 tortured (Anderson & Van Atta, 1990). According to a report by Amnesty International (M. Lippman, 1987), torture had been routinely practiced on detainees in order to extract confessions. Beatings, floggings, suspension by limbs, and mock executions were common. Thefts were punished by amputations, in accordance with Islamic law. The death penalty was given for acts ranging from adultery or repeated lesbianism to wine drinking (see Elias, 1986). As of 2012, Amnesty International has charged continuing human rights violations in Iran, including detention of human rights offenders, unfair trials, and torture, mistreatment, and deaths in custody (Amnesty International, 2012).

Amnesty International has expressed concern that, as a result of international attention focused on the plight of political prisoners, many governments may have turned to execution of dissidents (Whitaker et al., 1983), assuming that dead people tell no tales. In recent years, both the U.S. State Department and the United Nations Commission on Human Rights in Geneva have identified rogue nations, those that refuse to abide by international human rights accords. The list has included Iran, Iraq, and North Korea (labeled by George W. Bush as the "axis of evil"), as well as Burma, China, Somalia, Sudan, Saudi Arabia, and Turkmenistan.

Perhaps no other event demonstrates the raw, naked power of the state to exercise its political muscle against the popular will than the Chinese government's crackdown on the democracy movement in May 1989. While the world watched live on television, thousands took to the streets to protest authoritarian rule. Many were massacred by troops. By the time the shooting ended, more than a thousand had been killed or arrested. (Some of the latter were executed after being tried as traitors.) The Chinese government obviously had not forgotten Chairman Mao's axiom, "Power comes from the barrel of a gun."

Slavery still exists throughout the world. Britain's Anti-Slavery International estimates that there are over 100 million slaves worldwide. In some African countries, such as Mauritania and Sudan, the Muslim elite enslave Black populations. Many guest workers in Kuwait have been treated as little more than slaves. A large number of young women in India, Bangladesh, and Southeast Asia are sold into sex slavery. When demand outstrips supply, women are simply abducted. Most are kept in debt-bondage like that of some Indian workers in Latin America where, no matter how long and hard they work, they still owe the boss. Owners of cane plantations in the Dominican Republic lure poor young Haitians into virtual servitude in which the cost of rent, food, and tools is higher than wages. Despite these and other practices, the United Nations remains reluctant to enforce its own Declaration of Human Rights (Masland, 1992). In the early 2020s, China was accused of crimes against humanity and genocide against Uyghurs (pronounced Wee Gers), a mostly Muslim population in Xinjiaing province. China is accused of detaining more than a million Uyghurs into "reeducation camps" and using them as forced labor, and practicing involuntary sterilization of women. Former camp internees also charge that torture and sexual abuse took place (BBC News, 2021). In response to this, the United States informed China that it was instituting a diplomatic boycott of the Beijing Olympics in 2022. In 2022, the Ukrainian government charged that Russian invaders were committing war crimes on a regular basis.

Patriarchal Crime

Patriarchal crime refers to crime committed against women and children as part of a system of traditional male dominance and authority. Abuses of such a system include industrial sweatshops, infanticide of girls, sexual mutilation, bride burning, slavery, and human rights abuses. Ideological justifications for political crime are obviously not limited to political or religious causes but include preservation of the gender status quo.

In 2000, UNICEF (the United Nations International Children's Fund) declared a global campaign against homicidal violence against women in cultures that sanction such activity (Crossette, 2000). Their focus is on "honor killings," dowry deaths, female infanticide, and acid attacks. Areas of the Mediterranean as well as Pakistan, India, and Bangladesh are particular offenders.

Most of the attacks are technically legal and culturally approved in these countries. UNICEF figures showed that most of the acid attacks in Bangladesh (where men throw acid into the faces of women who reject their request for dates) rose from 47 disfiguring assaults in 1996 to more than 200 in 1998. Between 1999 and 2011, there were an estimated 3,000 recorded acid attacks in Bangladesh alone (Limoncelli, 2012). "Bride burnings" and dowry deaths take place when women are killed because the in-laws consider her dowry (money she brings with her to the marriage) to be inadequate or because the groom was disappointed with the bride. In India in 1997, there were over 6,000 bride burnings (Crossette, 2000). The U.S. State Department's Human Rights report estimated 10,000 cases of female infanticide worldwide in 1998. Male dominance, patriarchy, and power predominate in abusive cultures sometimes associated with Islamic fundamentalism, Mediterranean culture, and machismo in Latin America. In some Middle Eastern countries, honor killings take place whereby female victims of rape are murdered by their own relatives "to preserve the honor of the family." If women stray, the dignity of men can only be restored by killing the women. Marrying without the approval of parents can also provoke murder.

The U.S. Department of State (2000) estimates that a million women and children per year, many lured by promises of legitimate employment, are smuggled to other countries and forced into sex slavery. This is common in India, Thailand, Brazil, Ukraine, and Moldova. In addition to sex trafficking, some people are trafficked for their labor. There are three main types of labor trafficking: bonded labor, forced labor, and involuntary domestic servitude. Bonded labor trafficking occurs when a person is forced to work off debt even though the terms and conditions of the debt were not defined or made known or when the work performed is not reasonably calculated or counted towards the debt owed. Forced labor occurs when people are made to work under threat and some type of ownership over them is executed (Department of Health and Human Services [DHHS], 2011). Finally, involuntary domestic servitude is when people are forced to work as domestic workers in homes (Daigle, 2022). It is estimated that more 24.9 million people are currently victims of some type of human trafficking (U.S. Department of State, 2019).

About 100 million women in Muslim Africa are victims of female genital mutilation (FGM), a procedure that is culturally approved as necessary in order to preserve their virginity. The full butchery of a procedure that amounts to female castration is described by Sheryl McCarthy (1996):

> [This procedure] usually involves the complete removal of the clitoris, and often the removal of some of the inner and outer labia. In its most extreme form—infibulation—almost all the external genitalia are cut away, the remaining flesh from the outer labia is sewn together, or infibulated, and the girl's legs are bound from ankle to waist for several weeks while scar tissue closes up the vagina almost completely. A small hole, typically about the diameter of a pencil, is left for urination and menstruation. (p. 32)

Genocide

Genocide, the mass destruction or annihilation of populations, is the ultimate violent crime by government. The term was coined by jurist Raphael Lemkin (1944), who defined it as the destruction of a nation or of an ethnic group. Genocidal conflicts have a long history, from Roman persecutions, the Crusades, Genghis Khan, and medieval pogroms against European Jews up to the horrors of the

present century. In the late 1980s as part of the Iran–Iraq war, Iraq used chemical weapons on civilians as well as on the Iranian military. Such a practice has been outlawed by international conventions (the 1925 Geneva Protocol) since after World War I.

Although Germany's genocide of the Jews and other groups during World War II was well documented by the Nuremberg trials, Japan still has not fully acknowledged its atrocities during that war, including the rape of Nanking, in which thousands of civilians were massacred; the Bataan death march of Allied prisoners of war; and activities of Unit 731, which involved gruesome medical experiments on Allied prisoners (S. H. Harris, 1994).

In the early 1990s, Brazilian businesspeople were accused of having employed "death squads" to execute poor street children. In 1989 alone, 445 children were murdered as a means of eliminating street crime ("Death Squads Prey," 1991). In another example, despite denials by the Reagan administration, the UN Truth Commission in 1993 concluded that the administration had covered up a massacre of hundreds of innocent civilians at El Mozote, El Salvador, in 1981 by soldiers of that nation's select, U.S.–trained Atlacatl Battalion (Danner, 1995).

Massive genocide did not end with Hitler's attempt to annihilate the Jews. In the mid-to late 1970s, unbelievable horrors were practiced on Cambodia's own people by Pol Pot's Khmer Rouge regime. If one were to imagine a country ruled by the Charles Manson family, one would be close to picturing the raw terror generated by Angka (the organization of Khmer Rouge) in Cambodia.

In 1948, the United Nations passed a Convention on Genocide, in which it defined genocide as a crime (Kuper, 1981):

> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> **a.** killing members of the group;
> **b.** causing serious bodily or mental harm to members of the group;
> **c.** deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
> **d.** imposing measures intended to prevent births within the group;
> **e.** forcibly transferring children of the group to another group. (p. 19)

Despite the concerns expressed in this document, the United Nations has been less than a consistent force in condemning genocide. World inaction found genocide widespread in the Darfur region of Sudan where, despite the United Nations' condemnation, government-sponsored militias called Janjaweed have slaughtered as many as 400,000 and, in a version of ethnic cleansing, have driven 2.5 million from their homes. Rape, torture, murder, and malnutrition plague the helpless refugees (see www.savedarfur.org).

Crimes by Police

In democratic societies, the government is expected not only to enforce the law but also, in doing so, to obey the law itself. In the United States, the government is obliged to observe and be accountable to certain constitutional guarantees of individual rights, such as freedom of speech, due process, and the right to privacy. Despite this, certain federal and local law enforcement agencies, being more interested in bureaucratic efficiency than in proper law enforcement, have often ignored and violated these rights in the process of pursuing their mandate.

Although it is difficult to quantify how often police officers engage in crime, one database of arrests of sworn law enforcement officers reveals that over 50 officers were arrested for forcible rape in 2016 (Stinson, 2022). Research examining news reports of officer-involved crimes shows that between 2005 and 2011, 5,545 sworn law enforcement officers were arrested, equating to an arrest rate of .72 per 1,000 officers (Stinson et al., 2016). Calls to "defund the police" were prompted by the murder by police in Minneapolis of George Floyd.

Prior to the success of the civil rights struggle, local and state officials in the southern United States systematically violated federal law in maintenance of a racist caste system. Murders, lynchings, beatings, and institutionalized denial of constitutional guarantees were all committed in the name of law

and order. It was to the destruction of this de jure (by law) discrimination that the civil rights movement was directed; this is discussed in detail later in this chapter.

Illegal Surveillance, Disruption, and Experiments

In 1967, during the height of dissident activity in the United States, President Johnson directed the Central Intelligence Agency (CIA) to investigate and determine the extent of foreign influence in domestic protest activity. This special operations group, Operation Chaos, in surveillance activities of domestic groups, violated the CIA's initial charter, the National Security Act, which clearly excluded its activities from the domestic arena, although pressure to expand activities was ordered by both President Johnson and later President Nixon. Operation Chaos and a related Project 2 placed agents in radical groups and collected 13,000 personal files, over half of which were on U.S. citizens. The Rockefeller Commission (1975) investigated the impropriety of the CIA's encroaching on the domestic field of espionage, sabotage, and provocation. In activities related to these operations, the CIA and the FBI in its counterintelligence program, COINTELPRO, committed 238 break-ins (black-bag jobs) and later attempted to destroy records of such activities.

COINTELPRO

The misuse of power by the intelligence agencies was further illustrated in hearings conducted by the U.S. Select Committee to Study Government Operations (1979, cited in Thomas & Hepburn, 1983), which revealed that civil rights organizations had been investigated for over 25 years in order to uncover possible communist influences:

> Dr. Martin Luther King, Jr., was harassed by anonymous letters, his telephone was tapped, his speaking engagements were disrupted by false fire alarms—all as a strategy to discredit him and his organization. In addition it is apparent that the FBI and various state police departments used agents provocateurs to infiltrate dissenting groups, radicalize the members, secure the weapons and explosives necessary for violent confrontations, and plan the target of attacks as a means to discredit dissident groups. (Karmen, 1974, cited in Thomas & Hepburn, 1983, p. 280)

As part of COINTELPRO, the FBI's counterintelligence program to harass and disrupt legitimate political activity such as the Socialist Workers Party and various Black nationalist groups, the FBI employed false letters accusing people of being informants in order to foment internal warfare (Blackstock, 1976). The difficulty of separating ideologically motivated actions from personal corruption and vendetta is illustrated by examinations of J. Edgar Hoover's personal files, some of which were released in the 1980s under the Freedom of Information Act. In his nearly 50 years as head of the FBI, Hoover kept personal files replete with gossip and defamatory information on the personal lives of public figures, particularly those whom he happened to dislike either politically or because of his racial bigotry. Eleanor Roosevelt, John and Robert Kennedy, and Martin Luther King Jr. were just a few of the political figures about whom Hoover had gathered revealing information. In addition to surveillance on Dr. King, it is alleged that the FBI sent threatening letters and a tape to Coretta Scott King regarding her husband's sexual trysts. The opening quotation of this chapter suggests an attempt by the FBI to blackmail King into committing suicide (Garrow, 1981).

The Search for the Manchurian Candidate

In 1958, Richard Condon published a novel (later made into a movie, as well as a recent remake) titled *The Manchurian Candidate.* In Condon's very clever and chilling book, which takes place during the Korean War, a character named Raymond Shaw and his U.S. Army squad return after having been missing behind enemy lines. The other members of the squad describe Shaw's heroism in saving them from the enemy; he receives the Congressional Medal of Honor for this. In reality, Shaw and his squad had been brainwashed or "hypnotized-programmed" by the Communist Chinese. Asking Shaw to play solitaire until the queen of diamonds appeared would trigger Shaw into zombielike obedience. His own mother (a Communist mole or spy) was his operator, and he was able to function as an assassin of the U.S. presidential nominee, thus propelling his stepfather, the vice presidential nominee, into the Oval Office.

Condon's theme enthralled the Western intelligence establishment, as had the Moscow show trials of the period, in which dissidents were paraded before cameras and, as if in a trance, admitted treasonous activities against the state (Scheflin & Opton, 1978). How could admissions have been obtained from figures such as Hungary's Cardinal Mindszenty? Cold War propagandist Edward Hunter (1951) coined the term *brainwashing*, which became a household word; however, it is likely that Hunter popularized the concept as part of his job with the CIA (Scheflin & Opton, 1978).

With various code names, such as "Bluebird," "Artichoke," and "MK-ULTRA," the CIA, FBI, and military in the 1950s experimented with a number of behavioral-control devices and interrogation techniques, including ESP (extrasensory perception), drugs, polygraphs, hypnosis, shock therapy, surgery, and radiation. These projects involved secret testing on private citizens without their permission and, when death or injury took place, a cover-up. In a related example of government agencies using unknowing citizens as guinea pigs, the U.S. Army in the 1950s and 1960s conducted outdoor tests of poisonous bacteria (*Serratia*), which can cause pneumonia. Due to these bacteriological warfare tests, one hospital reported 12 cases of *Serratia* pneumonia and 1 death (Cousins, 1979; D. R. Simon, 1999).

Through various fronts during this period, the CIA, apparently unknown to the recipients, also funded social psychological research by such famous names in the field as the Sherifs, Orne, Rogers, Osgood, and Goffman (Marks, 1979) and financed the publication of over 1,000 books, pretending that they were the products of independent scholarship (F. J. Cook, 1984).

American Nuclear Guinea Pigs

In 1986, the House Energy and Commerce Subcommittee uncovered the fact that federal agencies had conducted exposure experiments on U.S. citizens, including injecting them with plutonium, radium, and uranium, over a 30-year period beginning in the mid-1940s. The experiments included feeding elderly adults radium or thorium at MIT, inmates receiving X-rays to their testes, open-air fallout tests, and feeding people real fallout (added to their food in powder form) from a Nevada test site. In 1996, the U.S. government agreed to pay 12 victims $4.8 million for injecting the unwitting subjects with plutonium and uranium. Many others remain uncompensated (Dobnik, 1996). Under the shield of national security, major harm was committed by the "American nuclear state" (Kauzlarich & Kramer, 1998).

Scandal

English historian Edward Gibbon (1737–1794) described history as a record of humanity's crimes, follies, and misfortunes. Nathan Miller, in *The Founding Finaglers* (1976), describes corruption in various presidential administrations, which includes activities such as ordinary bribery, conflict of interest, till tapping, and illegal and improper use of government authority for financial gain or political advantage. Presidents themselves may not always be involved in wrongdoing, but as James Madison suggested in the First Congress, a president is "responsible for the conduct of the person he has nominated and appointed" (quoted in H. Johnson, 1991, p. 184).

Watergate

Perhaps no one event evokes images of official corruption, deceit, and subterfuge as much as **Watergate** in the early 1970s. This story began with the discovery of an illegal break-in at the Democratic National Committee Headquarters located in the Watergate complex in Washington, DC. The burglary was carried out by agents in the employ of then-president Richard Nixon.

Nixon certainly was not the first U.S. president to be involved in crooked practices (see Chambliss, 1988a). He was, however, the first to be driven from office in disgrace because of the extent of his activities and the first to be saved from certain criminal prosecution through a full pardon before-the-fact (issued by his successor, President Gerald Ford). President Nixon's attitude toward the probe at the time appeared in one of the later-to-be-released "missing tapes": "I don't give a shit what happens. I want you to stonewall it. Let them plead the Fifth Amendment, cover up, or anything else if it'll save the plan" (cited in "The Nation: The Case of the Doctored Transcripts," 1974).

Among the offenses of the Watergate team were burglary, illegal surveillance, attempted bribery of a judge (Ellsberg case), selling ambassadorships in return for illegal campaign donations, maintenance of an illegal slush fund, destruction of evidence, use of "dirty tricks" in political campaigns planned by the FBI director and the president, requests by U.S. Attorney General John Mitchell (the nation's top law enforcement officer) for IRS audits on political opponents, use of the CIA and FBI to attempt to halt the investigation, perjury, withholding information, altering evidence, and deliberate lying to the American public by the nation's top officeholder (D. R. Simon, 1996). Second only to Watergate as the worst public policy scandal in American history was the Iran–Contra conspiracy.

The Iran–Contra Conspiracy

On November 4, 1986, the Lebanese magazine *Al Shiraa* revealed the existence of a secret U.S. arms sale to Iran. This would begin one of the longest (over 5 years) and most expensive probes in the nation's history, costing up to $100 million ("North Freed," 1991). Money obtained in the sale of arms to Iran in exchange for American hostages was used to secretly fund the Contra rebels opposing the Marxist Sandinista regime in Nicaragua (U.S. House of Representatives, 1987).

It is difficult to succinctly present the tangled web of the privatization of foreign policy that the Iran–Contra affair represented. Marjorie Williams (1991) describes the plot:

> Popular president sells arms to archenemy hostage-taker Iran, violating not one but two U.S. policies (against arming Iran and dealing for hostages), marking up the price of the arms and sending the profit to the Nicaraguan contras in violation of a third policy, the Congressional Boland Amendments forbidding contra aid.
>
> From there, it was all denouement, a tangled skein of money and guns, middlemen and bank accounts, dates and times and findings and channels. Polls began to show that, as the narrative fragmented, the American people, initially outraged, ceased to follow it. (p. 12)

The Iran–Contra indictment also charged that Marine Corps lieutenant colonel Oliver North and retired Air Force general Richard Secord had conspired to divert millions from the sale of U.S. arms to Enterprise, a secret organization created to privatize foreign policy. Draper (1991) estimated that the Contras may actually have received only about 20% of the millions raised. These activities represented policy disputes between the executive branch and Congress, with Oliver North, having lied to Congress and shredded evidence, the designated scapegoat.

North (1991) was willing to take the rap until it became clear that he faced criminal charges without protection from higher-ups. North's boss, General Secord, described how President Reagan was able to truthfully deny knowledge of these activities. Reagan would employ plausible deniability by giving general policy guidelines and letting the details be carried out by others without his specific knowledge (Bliven, 1991).

North and former National Security Advisor John Poindexter were convicted in 1989 of various charges, including altering and destroying evidence and obstructing Congress, but these charges were overturned in 1990 and 1991 on the grounds that independent counsel Lawrence Walsh had used immunized testimony to Congress to subsequently prosecute them.

The constitutional questions raised by Iran–Contra were more than a partisan policy dispute. Bandow (1991) notes,

> The diversion scheme was a direct assault on our system of constitutional liberty. A small group of men apparently bypassed the president, [perhaps] lied to Congress, and used part of the proceeds of the sale of weapons paid for by taxpayers to implement their own foreign policy. That these people were well-meaning doesn't matter: the Constitution places the power of the purse in Congress, not with a handful of executive appointees. It is for the voters, not the CIA director and a Marine Corps detailee to the NSC, to decide that Congress is "on the other side." (p. A19)

The final chapter in the Iran–Contra affair was written by former president George H. W. Bush, who shortly before leaving office issued full pardons to all who had been convicted or charged with wrongdoing in the affair.

The Trump Presidency

Crime File 12.1 examines "White House Crime and Scandal: From Washington to Obama" and was written 20 years before the presidency of Donald Trump and looks quaint compared to the Trump presidency. Trump was the only president to be impeached twice by the U.S. House of Representatives. The first impeachment was for threatening to withhold financial aid unless Ukraine got dirt on Hunter Biden (the President's son) that could be used in the election. Trump was charged with "abuse of power" and "obstruction of Congress" for his interference with the 2020 presidential election. The second impeachment was for the "incitement of insurrection" in urging his followers to attack the Capitol building following his pushing "the Big Lie" (that the election was stolen). This was all an attempt to overturn the results of the presidential election.

Despite his estimation of himself as the best president in history or maybe second only to Lincoln, surveys of presidential scholars by the Brookings Institution and C-SPAN rated him as the worst or as only Harding and Buchanan as worse (Brookings, 2018; *New York Times*, 2019). According to Woodward and Costa in their book *Peril* (2021), Trump represented a national security threat during the closing months of his presidency. China and Russia were terrified that the United States was collapsing and might attack them with nuclear weapons. At this time, the Chairman of the Joint Chiefs of Staff, General Mark Milley, in an unprecedented act, contacted his Chinese counterpart to assure him that Trump would not launch a nuclear war. In addition to his complicity in the attack on the Capitol, Trump's critical underestimation of the coronavirus epidemic led to many unnecessary deaths. Jonathon Karl in *Betrayal: The FinalAct of the Trump Show* (2021) gives further detail on this period.

CRIME FILE 12.1 WHITE HOUSE CRIME AND SCANDAL: FROM WASHINGTON TO OBAMA

The impeachment of President Bill Clinton in 1999 and his admission that he did, despite previous denials, have an "inappropriate relationship" with Monica Lewinsky, a 22-year-old intern in the executive mansion, electrified Washington and the nation like nothing since Watergate. How comparable are such scandals, and how do they compare with previous executive branch wrongdoing?

A review of presidential wrongdoing is problematic due to the fact that recent presidents are subject to more scrutiny and thus more reports of scandal, the creation of an independent prosecutor's office in the wake of Watergate, and difficulties in maintaining one's own political objectivity.

The top tier of presidents in terms of public policy scandals is as follows:

- Richard Nixon (Watergate)
- Ronald Reagan (Iran–Contra)
- Warren Harding (Teapot Dome)
- Ulysses S. Grant (Credit Mobilier)
- Lyndon B. Johnson (Tonkin Gulf Resolution)
- George W. Bush (Invasion of Iraq)

Of interest is the observation that, if it is a public policy or an economic scandal, it is usually a Republican (five of the six in this analysis, with Johnson the lone Democrat), whereas, if it is a sexual scandal, it is usually a Democrat (four of five in this analysis, with Harding the sole Republican).

Between 1980 and 1988, more than 200 Reaganites came under ethical or criminal investigation, the largest number of scandals in any administration in American history (S. Ross, 1988). Major scandals in the Reagan administration included corruption in the Environmental Protection Agency, the Wedtech scandal, the Pentagon procurement scandal, influence peddling at the Department of Housing and Urban Development, and the biggest one—the Iran–Contra conspiracy.

Other public policy scandals included the Credit Mobilier affair of the 1870s affecting the corrupt administration of Ulysses S. Grant. Credit Mobilier was a finance company that bribed members of Congress and inflated profits in a conspiracy of waste, crime, and corruption. Warren Harding's corrupt cabinet was involved in conspiracy, graft, fraud, bribery, and cover-ups related primarily to the Teapot Dome scandal, the illegal sale for personal profit of U.S. naval oil reserves in Teapot Dome, Wyoming. Lyndon B. Johnson (LBJ) and George W. Bush have both been added to the list for similar reasons. Although LBJ was a successful president with respect to his domestic agenda, he was responsible for expanding the costly and ultimately disastrous war in Vietnam,

which became his war. The Tonkin Gulf Incident in August 1964 enabled him to persuade Congress to authorize a huge military buildup in Vietnam. The event on which the resolution was based, which probably never took place, involved allegations of a North Vietnamese attack on U.S. destroyers. Unnecessary U.S. escalation as a result produced huge losses in deaths and injured and divided the nation. Similarly, George W. Bush persuaded Congress to give him authorization to invade Iraq, if necessary, in order to force the Iraqis to cooperate in destroying their alleged weapons of mass destruction. Ultimately, intelligence sources failed to reveal that Iraq had such weapons. The same administration was also implicated in revealing the identity of CIA agent Valerie Plame, apparently in retaliation for her husband revealing that Saddam Hussein had not sought nuclear materials from an African nation as alleged by the George W. Bush administration.

No other presidential administration has suffered the scrutiny that Bill Clinton's presidency experienced, primarily by Special Prosecutor Ken Starr, and under the rubric of "Whitewater," a land deal involving the Clintons in Arkansas. Despite more than 5 years and $100 million in investigations, Starr's office failed to pin policy scandals on Clinton. This would all change with a civil suit for sexual harassment against Clinton for an activity that took place while he was governor of Arkansas. No scandal during the Obama administration was sufficient to put him on the list of worst presidents.

Sexual Scandal

In contrast with political and economic scandal, a separate list of presidents involved in sexual scandal finds the following as top offenders:

- John Kennedy
- Bill Clinton
- Warren Harding
- Lyndon Johnson
- Grover Cleveland

Despite the public image of Camelot, John Kennedy was "the playboy president," the undisputed leader of presidents involved in illicit sexual escapades, having the most active extramarital sex life of any U.S. president. The press at the time followed the custom of not reporting such activity. Kennedy had affairs with movie stars such as Marilyn Monroe, shared a girlfriend with a Chicago mobster, had extramarital sex in the Oval Office, and had two White House "aides," dubbed "Fiddle" and "Faddle" by the Secret Service, who were his regular nude swimming partners in the White House pool.

Although paling in comparison with his idol, John Kennedy, Clinton's political career had been haunted by charges (usually true) from former claimed and real paramours of sexual escapades and indiscretions. Due to the investigations of Special Prosecutor Kenneth Starr, Bill Clinton would become the first elected president in American history to be impeached by a partisan Republican Congress for lying under oath about a sexual affair. Congress refused, however, to remove Clinton from office.

Lyndon Johnson was a major womanizer and even had a buzzer system installed in the Oval Office so he could be alerted if his wife was approaching because Lady Bird once caught him having sex with a secretary. He once claimed, "I had more women by accident than Kennedy had on purpose" (Dalleck, 1991, p. 189). Warren Harding was alleged to have had sexual relations with his mistress (a teenager) in the White House coat closet. She had already given birth to his illegitimate daughter. Harding also visited sex workers. Finally, Grover Cleveland, called "the Beast of Buffalo" by his foes for fathering an illegitimate child, admitted to doing so. When his campaign opponents used the slogan, "Ma, Ma, Where's My Pa," his staff retorted, "Gone to the White House, Ha, Ha, Ha."

For Further Thought

1. Choose a presidential scandal (e.g., Reagan [Wedtech, Pentagon procurement, HUD, EPA, October Surprise, Debategate] or Clinton [Vince Foster suicide, Travelgate, Filegate, Whitewater, or Billingsgate]) and answer the following: What were the charges? What investigation took place? What was the final resolution?

Sources: White House Crime and Scandal: From Washington to Clinton, by F. E. Hagan, 1999, paper presented at the American Society of Criminology Meetings, Toronto, Ontario, Canada, November 1999; *White House Scandal: From Washington to George W. Bush*, by F. E. Hagan, paper presented at the Academy of Criminal Justice Sciences Meetings, Cincinnati, OH, March 2008.

CRIMES AGAINST GOVERNMENT

Protest and Dissent

As previously indicated, crimes against the government may vary from illegal protests, demonstrations, and strikes to treason, sabotage, assassination, and terrorism. At various times in history, social movements that petition for change are viewed as threatening or subversive to the existing society. The American Revolution, the labor movement, the anti–Vietnam War movement, and the struggle for civil rights are examples. Demonstrators for civil rights and other causes may purposely violate laws and be arrested for disorderly conduct, breach of peace, parading without a permit, trespassing, loitering, and the like. They may also be arrested for refusing to pay income taxes, for picketing military bases, for student protests, or for refusing to register for military draft. Many student activists of the 1960s viewed their universities as protecting the military, industrial, and racial status quo (Skolnick, 1969).

Although dissent and protest activities against the government are usually perceived as radical (leftist) in attempting to bring about change in the existing order, they may also represent reactionary (rightist) activities aimed at preserving or restoring the old order, institutions, or organizational schemes that are perceived as endangered.

Groups have expressed dissent and civil disobedience by employing sit-ins, boycotts, and freedom rides (in order to desegregate facilities) to challenge unjust laws. They consciously decide to violate certain laws to call public attention to their cause and to bring about change in the law. Civil rights leader and director of the Southern Christian Leadership Conference, Dr. Martin Luther King Jr., a Protestant minister, came under heavy criticism from other clergy for neglecting God's work and becoming too involved in disruptive social activities.

Letter From Birmingham Jail

The **Nuremberg principle** or precedent supports the view that, when one is faced with the imperative of either obeying unjust laws or following a higher moral conscience, the latter takes precedence; to blindly follow orders when they violate basic human rights and dignity is unacceptable. Martin Luther King Jr.'s (1963) "Letter From Birmingham Jail" movingly describes his view that immoral laws must be disobeyed:

> I submit that an individual who breaks a law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice is in reality expressing the highest respect for the law. (p. 1)

Martin Luther King Jr. and his organization, the Southern Christian Leadership Conference, advocated nonviolent, passive resistance—civil disobedience of the form that was employed so successfully by Mahatma Gandhi in overcoming British rule in India. Gandhi taught that violence on the part of those enforcing unjust laws must be met with nonviolence to appeal to the public's sense of justice. Incarcerated members of the Irish Republican Army in Northern Ireland also borrowed a tactic from Gandhi—the hunger strike. Members of H-block (maximum security wing of the prison) starved themselves to death to demonstrate their dedication to their cause. Their actions spurred the anti–H-block movement of people who supported the hunger strikers' views.

Social Movements

Illegal protests, demonstrations, and strikes are often associated with social movements that advocate change in the existing order. Members and supporters of such movements are usually deeply committed to altering the status quo. The civil rights battle against racism, the feminist struggle against sexism, the labor and agrarian movements for fair wages, the antiwar movement against the escalation of the Vietnam conflict, and the antinuclear, environmental, and anti- or prochoice movements are all examples. Although such groups are intent on altering the status quo and may at times resort to violence, sabotage, and other destructive behavior, most do not resort to treason, assassination, or terrorism. Frequently, political criminals have done nothing more than exist; they suffer attack

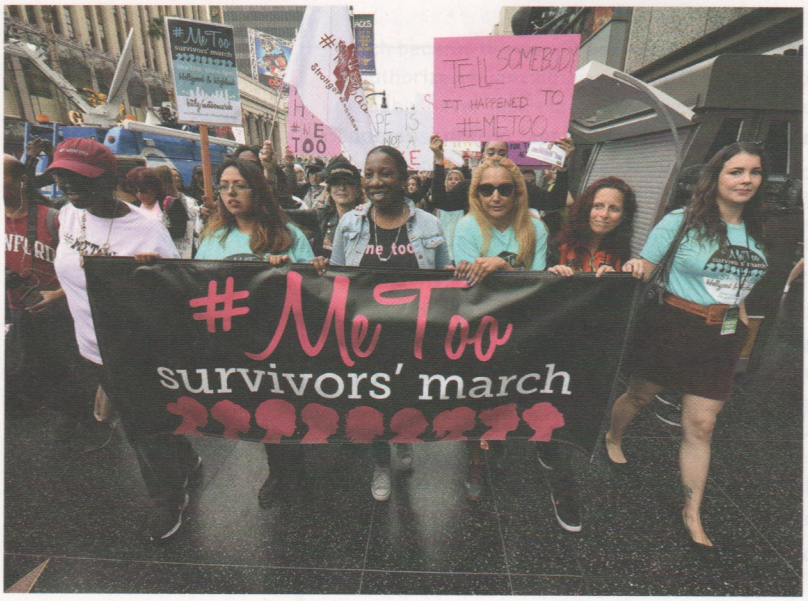


PHOTO 12.4 Current faces of social protest: Female survivors of sexual harassment, sexual assault, and sexual abuse protest during a #MeToo march in Hollywood, California, on November 12, 2017.

MARK RALSTON/AFP/Getty Images

because of race, gender, ethnicity, or nationality. Expulsion, exile, curfews, confiscations, confinement, restrictions on travel, and controls over associations may all be used to subordinate, enslave, or subject to second-class citizenship subjugated groups.

Conscientious objectors, those who refuse to serve in the military because it violates their personal, religious, or moral principles, may also serve as an example of political offenders. In the 1980s and 1990s, groups such as the sanctuary movement, prolife and prochoice groups on the abortion issue, and antinuclear movements participated in various forms of civil disobedience and protest activities. The **sanctuary movement** consisted of church and lay workers in the 1980s who ran an "underground railroad" to help keep political refugees (often illegal immigrants) from being deported to their Central American homelands where they often faced political persecution. The U.S. government claimed that such groups were in violation of immigration laws, that the people they sought to help were economic rather than political refugees, and that the government had a right and responsibility to control the nation's borders (Crittenden, 1988; Tomsho, 1987).

Assassination

At a Tucson political event in January 2011, a deranged gunman shot Arizona congresswoman Gabrielle Giffords in the head, badly wounding her, and killed six others as well as wounding an additional 13. Charged in the shooting was Jared Lee Loughner, but he was deemed mentally incompetent to stand trial due to schizophrenia. One psychiatrist concluded that his thoughts were random and that he suffered from delusions. In November 2011, Oscar Ortega Hernandez, a 21-year old Idaho man, fired an AK-47 from the Ellipse, the park just south of the White House. Ortega had a history of mental illness. Bulletproof glass on the White House stopped one of the rounds.

In 1995, due to assassination attempts and threats against President Bill Clinton, a portion of Pennsylvania Avenue in front of the White House was closed to traffic for the foreseeable future. In 1994, an intoxicated crack user, Frank Corder, crashed a stolen airplane into the south facade of the presidential mansion, killing himself in the process. Francisco Duran, an upholsterer from Colorado, opened fire on the White House with a semiautomatic rifle, claiming he was shooting aliens who were hanging as a mist over the building. On April 4, 1995, Duran was convicted of attempted assassination. Such attacks on public figures unfortunately have a long history in American politics.

In *American Assassins: The Darker Side of Politics*, James Clarke (1982) is highly critical of the popular assumption that all or most assassins suffer from some mental pathology, that they are insane or deranged, and that this causes them to become assassins. Because, according to Clarke, authors incestuously cite each other's works and rely on inaccurate secondary literature, he states that this *pathological myth of assassins* was continually repeated in leading works such as those by Donovan (1952), Hastings (1965), Kirkham (1969), and the Warren Commission (1964). Much observation of assassins' pathological symptoms may result from post hoc error, the false assumption that because one variable or outcome follows another in time, it must be caused by the preceding variable. Clarke believes that most of the major works on assassins simply fail to consider the political context of assassinations.

Clarke identified five types of assassins (the examples have been provided by this writer):

Type 1. *Political assassins* commit their acts (they believe) selflessly, for political reasons.

Type 2. *Egocentric assassins* are "persons with an overwhelming and aggressive egocentric need for acceptance, recognition, and status" (J. W. Clarke, 1982, p. 7). They appreciate the consequences of their acts and do not exhibit cognitive distortion characteristic of delusion or psychoses.

Type 3. *Psychopathic assassins*, unable to relate to others, are emotional cripples who direct their perverse rage at popular political figures.

Type 4. *Insane assassins* have documented histories of organic psychosis, a type of mental illness caused by physiological factors either environmentally or genetically induced. They exhibit severe emotional and cognitive distortion of reality, such as paranoia.

Type 5. *Atypical assassins* are those who defy classification, such as Carl Weiss (Huey Long) and James Earl Ray (Martin Luther King Jr.). Weiss was a successful physician who apparently killed Long because he felt that by so doing he was protecting the lives and political jobs of his relatives. Although racism clearly was behind the King assassination, Ray, an unsuccessful career criminal, appeared to be primarily motivated by an alleged $50,000 payment for the crime (J. W. Clarke, 1982).



PHOTO 12.5 In June 2022, 45,222 flowers were installed on the National Mall in Washington, D.C., as a memorial to Americans who have died from gun violence. Former congresswoman Gabrielle Giffords, whose organization sponsored the installation, was herself wounded by a gunman during a public event in January 2011.

MANDEL NGAN/AFP via Getty Images

Clarke concludes his analysis by indicating that, since 1963, Type 2 and 3 assassins have shared a strong desire for media notoriety and that restriction of such coverage could help discourage some assassination attempts. He also feels that there is less need for additional surveillance of suspects than for analysis of information already in the possession of organizations such as the FBI. For instance, the FBI was aware of Byck, Fromme, Hinckley, Moore, and Oswald and even covered up information after the fact regarding the Oswald and Ray cases. (This, by the way, has led to a variety of conspiracy theories with respect to the King and John Kennedy assassinations.)

Espionage

Espionage, the clandestine theft of information, has been a practice since early recorded history. In the Bible, God commanded Moses to send spies to Canaan, and Joshua sent spies to Jericho. In 1987, archeologists discovered a large collection of 3,700-year-old Mesopotamian clay tablets that described, among other things, the capture and ransom of spies ("Ancient Records Discovered," 1987). Fifth-century BCE Chinese sage Sun-Tzu, in his classic book, *The Art of War* (1963), provided a chapter on secret agents and types of spies. Although Benedict Arnold, who betrayed the American colonists to the British during the Revolutionary War, is a name that lives in infamy in the United States, a statue of Nathan Hale, an American spy executed by the British, stands outside CIA headquarters in Virginia (F. E. Hagan, 1987b).

Despite images of cloaks and daggers, Mata Hari and James Bond, black espionage, or covert agents ferreting out secrets, classical forms of spying have for many years been used less often than white espionage, which uses space satellites, code breaking, and collection of technical information (Marchetti & Marks, 1974; Ranelagh, 1986). The technological revolution in espionage has replaced the "seductive, sable-coated countess traveling first class on the Orient Express" (F. Maclean, 1978, p. 336). People who commit sub rosa crime are spies who steal secrets. Treason, a form of spying, is one of the earliest crimes punished by society and the only crime discussed in the U.S. Constitution. Despite lack of attention in the criminological literature, **sub rosa crime** (espionage) is more costly than traditional crime and has altered post–World War II economic and political history.

Russian defector and former KGB major Stanislav Levchenko was apparently the first to reveal the acronym MICE for describing how to recruit spies (Kneece, 1986). The acronym stands for motivation, ideology, compromise, and ego. Others have expanded this acronym to SMICE, adding sex as a separate motivation. There was a major shift in the motivations of Eastern and Western spies from the ideological, Cold War 1950s to the materialistic and hedonistic 1980s and 1990s. The ideological motivation was replaced for the most part by mercenary considerations. As discussed further, motivations shifted again toward the ideological at the start of the 21st century.

Many previous discussions of types of spies have concentrated on specific role performance or tasks (E. Anderson, 1977; Copeland, 1974; Sun-Tzu, 1963; S. Turner, 1985). This writer proposes a *typology of spies* that includes the following (F. E. Hagan, 1986, 1987b):

- *Mercenary spies* trade secrets for personal monetary reward. Andrew Daulton Lee, the "Snowman" described in Robert Lindsey's book *The Falcon and the Snowman* (1979), is an example. Lee was a highly successful drug dealer (hence the Snowman title, in reference to his cocaine sales) and began acting as a courier for his friend, Christopher Boyce (the "Falcon"), by transporting American military secrets to the Soviets for financial reward.
- The *ideological spy* is motivated by strong ideological beliefs. Such spies commit political crimes and are often condemned as traitors in one country, while being heralded as heroes in the recipient nation. Julius and Ethel Rosenberg became the first and only native-born Americans to be executed for treason (in June 1953) for giving American atomic secrets to the Russians (Hyde, 1980). They did so out of devotion to communism. The *alienated/egocentric spy* is one who betrays for personal reasons unrelated to monetary or ideological considerations. In 1985, ex-CIA employee Edward Howard Lee, having been fired by the agency, defected to the Soviets and took classified secrets with him.
- The *buccaneer* or *sport spy* is one who obtains psychological fulfillment through spying. Stansfield Turner (1985) describes them as "swashbuckling adventurers who spy for kicks." Christopher "the Falcon" Boyce and John Walker are examples, although there are many others. Boyce, the partner of Lee in *The Falcon and the Snowman* (Lindsey, 1979, 1983), was a bored 21-year-old college dropout who gave the Soviets top-secret satellite information in an act of defiance against the CIA. Boyce told a federal marshal, "I guess I'm a pirate at heart. I guess I'm an adventurer" (Lindsey, 1983).

- *Professional spies* are agents, careerists, or occupational employees of intelligence bureaucracies. Such agents usually operate under diplomatic cover and, when caught, enjoy diplomatic immunity and are dispatched out of the country. Those who lack such cover are usually swapped for other spies at a later date.
- *Compromised spies* are at-first-reluctant traitors who trade secrets either for romantic purposes or because of blackmail and coercion. Many are victims of the SMICE strategy. The most celebrated case was that of U.S. Marine guards working at the U.S. embassy in Moscow, particularly Clayton Lonetree and Arnold Bracey. They had been duped by KGB "swallows," or seductive female assistants who trade sex for secrets (Kessler, 1989; Schlachter, 1986). Kessler claims that, although the U.S. government denied it, the KGB had the run of the embassy and its secrets.
- The *deceived spy* ("false flag recruit") is one led to believe they are working for one organization when, in fact, the work is for another. Edwin Wilson, the subject of Peter Maas's book *Manhunt* (1986), was an ex-CIA employee who recruited assassins, smugglers, technicians, and spies, including high-level moonlighters from the CIA, to work for Libya. He led them to believe it was a "company" (CIA) operation (Epstein, 1983; Goulden, 1984).
- The remaining types include the *quasi-agents*—dissenters, such as ex-CIA agent Philip Agee, who released classified information to the public. They resemble whistleblowers. *Escapee spies* are individuals who defect in order to avoid personal problems, and the *miscellaneous category* is for those spies who defy classification.

In an unclassified, open-source version of a report, Katherine Herbig of the Defense Personnel Security Service examined espionage by Americans in the United States. In examining the cases in the first decade of this century, she found a reversal of a trend in the latter half of the 20th century. Motivations for espionage had shifted from ideological to mercenary and now back to ideological motivations (F. E. Hagan, 2010a, 2010b). Increasingly, offenders are not charged with espionage, which demands more stringent evidence of mental states and intentions for conviction. They are charged with acting as an agent of a foreign power (Herbig, 2008). For most cases, the motivations were mixed. Since 2000, U.S. intelligence agencies have loosened security clearances in order to admit more nonnative Americans, particularly people from the Middle East and Central Asia, as translators and analysts in the war on terror. The dual loyalty of nearly half of the spies since 1990 has not been seen since the American Revolution. Six of the 11 cases involved the treatment of accused terrorists being held at Guantanamo Bay.

Twenty-first-century spies were generally older and better educated, as well as more likely to be naturalized citizens with overseas family and cultural ties (F. E. Hagan, 2010a). They were spying not for Russia but for Middle Eastern countries, Cuba, and al-Qaeda and were more likely to be spying for ideological reasons based on divided loyalties. In 2001, the FBI arrested Ana Montes, a senior analyst with the Defense Intelligence Agency and the agency's top analyst on Cuba. She spied on the U.S. for 17 years. Her motivation was the feeling that the United States was unfair in its treatment of Cuba.

Political Whistleblowing

Information is usually classified as secret to protect national security; in some instances, it is done to misinform the public and shroud questionable activities. It was to protest the latter that Daniel Ellsberg, an employee of the RAND Corporation (a private think tank and research organization), violated his oath of secrecy and turned over secret government documents, what came to be known as the Pentagon Papers, to the press (Gravel, 1971). Ellsberg felt that revealing the government's deceit of the public regarding U.S. involvement in the Vietnam War outweighed his duty to keep government secrets. In an even more controversial case, former CIA agent Philip Agee (1975) wrote personal memoirs of his CIA activities in South America in which he named and, according to some, endangered CIA operatives in those countries. He disagreed ideologically with many covert policies the CIA had

been carrying out in that region. More recently, CIA defector Edward Snowden shared confidential information with Russia as a protest against CIA activities.

TERRORISM

Viewed outside its political context, international terrorism represents some of the worst examples of mass murder in history.



PHOTO 12.6 The Taliban, a militant political organization in Afghanistan that has worked closely with al-Qaeda, regained control of the country after the United States withdrew its military presence in 2021.

MARCUS YAM/LOS ANGELES TIMES

Definitions and Types

Any definition of **terrorism** is sure to arouse dispute. Definitions by the U.S. Department of Defense, FBI, State Department, Department of Justice, and Vice President's Task Force on Combating Terrorism (1986) include the following:

- The unlawful use of force or violence by revolutionary organizations
- The intention of coercion or intimidation of governments for political or ideological purposes
- Premeditated political violence perpetrated against noncombatant targets by subnational groups or clandestine state agents
- Use of assassination or kidnapping

Terrorism may be distinguished from tragic acts of war in its willful and calculated targeting of innocents (Netanyahu, 1986). Even during the Nazi occupation of Europe, Allied resistance fighters avoided indiscriminate killing of the families of German soldiers. No such limitations on noncombatants figure into the plans of many current terrorist groups. The Federal Bureau of Investigation (quoted in Pomerantz, 1987) defines terrorism as "the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives" (p. 15).

The *Report of the Task Force on Disorders and Terrorism* (National Advisory Committee, 1976b) provides the following typology of terrorism: political terrorism, nonpolitical terrorism, quasi-terrorism, limited political terrorism, and official or state terrorism (see Table 12.1).

TABLE 12.1 ■ Types of Terrorists

Wilkinson's (1974) Typology of Terrorism
• Criminal
• Psychotic
• War
• Political
• Revolutionary
• Subrevolutionary
• Repressive
Hacker's (1976) Typology of Terrorists
• Crusaders
• Criminals
• Crazies
Schmid and de Graaf's (1982) Typology of Political Terrorism
• Insurgent terrorism
• Social revolutionary
• Separatist, national, or ethnical
• Single issue
• State or repressive
• Vigilante
Poland's (1988) Typology of Political Terrorism
• State or repressive
• Liberation theology
• Identity theology
• Nihilists
• Insurgent
• Revolutionaries
• Separatist/nationalist
• Single issue
Sederberg's (1989) Typology of Terrorism
• Criminal
• Nihilist
• Nationalist
• Revolutionary
• Establishment

(*Continued*)

TABLE 12.1 ■ Types of Terrorists (*Continued*)

• Vigilante
• Covert official
• Overt official
• Genocide
National Advisory Committee on Criminal Justice Standards and Goals (1976b) Typology of Terrorism
• Political terrorism
• Nonpolitical terrorism
• Quasi-terrorism
• Limited political terrorism
• Official or state terrorism

Note: Official or *state terrorism* occurs in "nations whose rule is based upon fear and oppression that reach terroristic proportions" (Simpson & Bennett, 1985). J. B. Wolf (1981) differentiates enforcement terrorism from agitational terrorism, the former being used by governments to control populations.

The report defines *political terrorism* as "violent criminal behavior designed primarily to generate fear in the community, or a substantial segment of it, for political purposes." *Nonpolitical terrorism* also attempts to elicit fear by means of violence but is undertaken for private purposes or gain. Examples of this type include activities of organized crime, the Manson family, and Charles Whitman, the Texas tower sniper. *Quasi-terrorism* describes "those activities incidental to the commission of crimes of violence that are similar in form and method to true terrorism but which nevertheless lack its essential ingredient." Rather than being ideologically motivated, many skyjackers and hostage takers, although employing terrorist methods, are interested in ransom. *Limited political terrorism* refers to "acts of terrorism which are committed for ideological or political motives, but which are not part of a concerted campaign to capture control of the state." Vendetta-type executions and acts of lone terrorists for essentially private motives are examples. Such terrorism is illustrated by the acts of Theodore Kaczynski, the infamous Unabomber, apprehended in 1996, who had eluded capture for nearly two decades. An antitechnology, radical environmentalist, he killed three and wounded 23 before being captured.

One might add *state-sponsored terrorism*, in which countries support terrorism as "war on the cheap." For example, in 1990, Syria was the home base of the Popular Front for the Liberation of Palestine—General Command (PFLP-GC), which was believed to have been involved in the bombing of the Pan Am jumbo jet over Lockerbie, Scotland, in 1988. Syria also controls the Bekaa Valley, the terrorist training ground in Lebanon. Iran most likely commissioned the bombing of the jet in retaliation for the U.S. Navy's accidental shooting down of an Iranian civilian airliner during a crisis in the Persian Gulf (Wines, 1990). Libyan agents were blamed because the trigger to the device was similar to a type of detonator used by Libyan terrorist bombers. The device was hidden in a Toshiba radio like those used by PFLP-GC terrorists in Germany, who most likely hired the Libyans (Mossberg, 1990). The bombing turned out to be the work of the Libyan secret service, an agent of which was later convicted for the attack.

Lone wolves are terrorists who operate pretty much on their own without actual membership in a terrorist organization. They are inspired by the ideology but are not connected to any specific group. Examples are the Mother Emmanuel shooter, the Unabomber, the Boston Marathon bombers, and the 2009 Fort Hood shooter. Many of these are inspired by material found on the internet.

Brief History of Terrorism

The Assassins of the Middle East were the best-known early terrorist group, although their attacks were confined to officials and authorities. The Jacobin period of the French Revolution and its "reign of terror" provided the name, and the Russian nihilists and "bomb throwers" of the late 19th century provided the classic vision of the *terrorist.* Laqueur (1987) notes,

> The popular image of terrorists some 80 years ago was that of a bomb-throwing alien anarchist, disheveled, with a black beard and a satanic (or idiotic) smile, fanatic, immoral, sinister and ridiculous at the same time. (p. 3)

Prior to World War II, most terrorism consisted of political assassination of government officials (G. Martin, 2006). A second, new form of terrorism was inaugurated in Algeria in the late 1950s by the FLN (National Liberation Front), which popularized the random attack on enemy civilians. This is depicted well in the classic film *The Battle of Algiers.* A new, third stage of terrorism has become popular since the 1960s: "media terrorism"—random attacks on anyone. Palestinian use of suicide bombers inspired al-Qaeda and other Muslim extremists to favor this tactic. Concentration on massive civilian casualties has also accelerated. Fears have increased that terrorist groups such as al-Qaeda will obtain weapons of mass destruction such as nuclear, chemical, and biological agents that could produce casualties literally in the millions. The prosecution of a jihad (holy war) that is truly international in scope has attracted Muslim religious extremists from throughout the world. The goal shifted from gaining attention to mass destruction for its own sake. Suicidal martyrdom—dying while destroying the enemies of God—dates back hundreds of years, at least as early as the Hashashins in the 12th and 13th centuries. Terrorism has become a divine duty with special rewards in heaven for those who make the ultimate sacrifice. The United States was deeply affected by this type of terrorism, when on the morning of September 11, 2001, four commercial airliners were hijacked by four coordinated teams of terrorists. The 19 hijackers who carried out the operation were affiliated with al-Qaeda, a worldwide terrorist network that had previously attacked U.S. military and diplomatic targets. The hijackers used knives, box cutters, and possibly pepper spray to attack passengers and flight crews and to commandeer the aircraft. After taking control of the aircraft, the hijackers flew toward preselected targets on the U.S. East Coast. Three of the commandeered aircraft reached their destinations, destroying the twin towers of the World Trade Center in New York City and badly damaging the Pentagon in Arlington, Virginia. The fourth aircraft crashed into a remote field in Stony Creek Township, Pennsylvania, as passengers attempted to regain control of the airplane. All of the passengers on each aircraft were killed in the attack, as were more than 2,500 people in the Twin Towers and the Pentagon. In total 2,783 innocent people were murdered along with 19 hijackers, making it the most deadly act of terrorism ever committed in the United States (Terrorism 2000–2001). In July 2005, the terrorists who bombed the London subway and a bus were second-generation Muslims who had been born and raised in the United Kingdom.

Indiscriminate terrorism has become widespread only in recent times, with the development of more effective explosives and modern mass media. Such terroristic action is easier to commit than attacks against hardened targets or well-guarded leaders, and because these acts are unlikely to gain political support in one's own country, they are more likely to be committed against foreigners. Most of this terrorism has been directed against democracies, with little against the more totalitarian states. Much of the terrorism in the 1980s was war by proxy or *state-sponsored terrorism* by countries such as Libya, Syria, and Iran. Terrorism has become a means of waging war on the cheap.

Frederick Hacker (1976), in *Crusaders, Criminals, Crazies*, points out,

> Contrary to widespread belief, terroristic violence is not always futile and ineffective in transforming reality. If it had not been for IRA terrorist activities, the Republic of Ireland never would have come into being. This is also true of independent Cyprus, Algeria, Tunisia, and possibly Israel. . . . Terrorism often is not confined to outlaws and the dregs of society (riffraff

> theory); it is supported by responsible citizens and organizations, either openly or in secret. . . . Terrorists are *not* all part of a Leninist-Marxist conspiracy. The IRA, particularly its activist Provisional branch, is actually conservative, patriotic, nationalistic, and rightist, and is denounced by opponents as a bunch of fascists and "crazy drunkards." (p. 69)

Myths Regarding Terrorism

Laqueur (1977) addresses various myths regarding terrorism, such as the following:

1. Terrorism is new and unprecedented.
2. Because one person's terrorist is another's liberator, the term is "politically loaded" and should be discarded.
3. Terrorism is always "left wing" or revolutionary.
4. Terrorism takes place whenever there are legitimate grievances, and amending such conditions will bring about the cessation of terrorism.
5. Terrorism is always highly effective.
6. Terrorists are idealists.
7. Terrorism is a weapon of the poor.

Laqueur's refutation of each of these myths includes the following:

1. Contrary to popular belief, terrorism is not a new or entirely unprecedented phenomenon. It is at least as old as the Russian Narodnaya Volya, nihilistic bomb throwers of the 19th century.
2. Most terrorism has been directed at democracies or ineffective authoritarian regimes and ignores totalitarian systems such as Nazi Germany, Fascist Italy, and Communist regimes.
3. Revolutionary, intellectual fashions change, and slogans should neither be ignored nor taken too seriously. Certain right-wing death squads in Latin America or the Ku Klux Klan illustrate terror from the right.
4. The most repressive, unjust societies have been the freest of terrorism.
5. Terrorism is generally effective if it is part of a larger strategy.
6. Terrorists often sacrifice humane behavior for revolutionary goals.
7. Most terrorist leaders come from affluent backgrounds (pp. 219–222).

Terrorist Organizations

Terrorists are frequently supported by outside powers such as Russia, Cuba, Libya, and Algeria (see Sederberg, 1989). Terrorism is often an act of desperate revolutionaries, those who lack effective weapons or means of obtaining redress of their grievances through other channels. During the British control of Palestine, Menachem Begin was leader of a group of terrorists, the Irgun, who blew up the King David Hotel in Jerusalem, killing innocent victims. Later, as president of the new nation of Israel, Begin sat across the table from Yasser Arafat, Palestinian leader, for the Camp David peace talks. Whitlock (2007) notes,

> Attempts to develop profiles of terrorists have not been very successful because the traits of likely extremists are constantly shifting. Islamic radicals in Europe have concentrated recruitment efforts on women, teenagers, white-skinned Europeans and people who have been baptized as Christians. The trait patterns are constantly shifting. (p. A1)

Some terrorists become, to use Sterling's (1981) words, "retail terrorists," a traveling circus of performers such as Carlos the Jackal, Abu Nidal's group, or Rengo Sekigun (the Japanese Red Army). Some terrorist groups active internationally since the 1980s include Basque ETA, Hamas, Hezbollah, Islamic Jihad, M-19, the Palestine Liberation Front, Provisional IRA, Sikh separatists, and Tamil extremists, along with al-Qaeda and newer Islamic extremist groups.

The *Basque ETA* attack Spanish targets in their quest for a separate Basque homeland in northern Spain. **Hamas** (in Arabic, "fervor" or "zeal") is an Islamic resistance movement whose primary purpose is to prevent peace between the Israelis and Palestinians. With funds from Iran and Syria, they have made heavy use of young suicide bombers. Rivaling Hamas in fanaticism is **Hezbollah** (the "Party of God") and its action arm, Islamic Jihad. It has been the principal tool by which, since 1979, the theocratic regime in Iran has pressed its jihad (holy war) against the West.

Islamic Jihad (Islamic Holy War) are Shiite fundamentalist extremists. They are responsible for bombings of the U.S. embassy and of the Marines' barracks in Lebanon and for the holding of U.S. hostages. They are backed by Iran. *M-19* (April 19 Movement) are leftist guerilla groups in Colombia. In November 1985, they seized the Justice Palace in Bogota, causing the death of 100 people. They are believed to be aligned with Cuba, as well as with narco-terrorists. The *Palestine Liberation Front* (PLF) is a Palestinian faction headed at the time by Abu al-Abbas, who was blamed for the 1986 hijacking of the Italian cruise ship *Achille Lauro.* The PLF is a subgroup of another breakaway group in the Palestinian movement and was aligned at the time with the Palestinian Liberation Organization (PLO) leader, the late Yassir Arafat.

The *Provisional IRA* ("Provos" of the Irish Republican Army) fought to unite Northern Ireland (which is part of the United Kingdom) with the Republic of Ireland. They wished to drive the British from Northern Ireland and ambushed British personnel and bombed British facilities. By the early 21st century, the IRA promised to lay down its arms and come to some accommodation with the Ulster (Northern Irish) government.

Sikh extremists seek independence for India's Sikh population in the Punjab. They are responsible for the assassination of Indian prime minister Indira Gandhi, the bombing of civilian airlines, and booby-trap bombings throughout India.

Al-Qaeda (Arabic for "the base") is a group that was headed by Osama bin Laden until his death. The group opposes non-Islamic governments with violence. These veterans of the Soviet war in Afghanistan (1979–1988) were originally trained and funded by the United States in opposing the Soviet Union. They consider the U.S. military's continued involvement in the Middle East as American occupation of Islamic countries. With cells in more than 60 countries, al-Qaeda was implicated in 9/11, as well as the 1997 massacre of tourists in Luxor, Egypt, and is the basis of support for many loosely knit cells throughout the world.

At the turn of the century, a new form of terrorism became increasingly noticed by international law enforcement—*narco-terrorism.*

Domestic Terrorism

Although incidents of international terrorism, particularly with Americans as targets, increased during the 1980s, domestic terrorism in the United States in the 1990s remained at a relatively low level. The 1993 bomb attack on the World Trade Center in New York City by Islamic fundamentalists, although dramatic, was atypical. Then came the 1995 Oklahoma City bombing and, in 1996, the possibly terrorist detonation of a pipe bomb at the Atlanta Olympics. The events of 9/11 made all of these pale in comparison.

Prior to the 1980s, most terrorist groups in the United States were either international or strongly identified with separatist or leftist movements. Puerto Rican independence, anti-Castro groups, the Jewish Defense League, and similar groups were active. An explosion of right-wing KKK/neo-Nazi hate groups—such as The Order, Posse Comitatus, American Nazi Party, the Aryan Nations, and the Covenant, Sword, and Arm of the Lord (CSA)—became more prominent in the 1980s.

Puerto Rican independence groups have historically been the most active of domestic separatist groups. In 1950, one such group attempted to assassinate President Truman, and in 1954, it shot up the U.S. House of Representatives while it was in session. Such groups want a separate and independent Puerto Rico (which is a commonwealth of the United States). The two most active groups are the FALN and the Macheteros (Puerto Rican People's Party). FALN (Fuerzas Armadas de Liberacion Nacional—Armed Forces for National and Liberation) has been responsible for over 200 bombings in the United States and Puerto Rico. The Macheteros (Machete Swingers) have attacked U.S. military personnel and bases in Puerto Rico (J. W. Harris, 1987). They were also responsible for a Wells Fargo robbery in West Hartford, Connecticut, that netted $7.3 million.

A particularly lethal combination of drug trafficking and terrorism began to present itself in the late 20th century, especially in Colombia, which was the center of such activities at the time.

Single-issue terrorists are those who use extremist tactics in support of one issue or cause. Examples include animal rights activists, prolife and prochoice activists, environmental activists, and others whose zealotry for their cause precipitates extreme tactics.

Radical leftist terrorist groups declined in the 1980s. Groups such as the SLA (Symbionese Liberation Army), the SDS (Students for a Democratic Society), Weathermen, and Black Panthers were quite visible in the 1960s and 1970s. A right-wing faction of interest to law enforcement is the Sheriff's Posse Comitatus, which advocates a tax moratorium and disregard for federal and state authority. The FBI was quite effective in surveillance and deterrence of terrorist acts of such groups by means of preventive interviews—that is, interviewing members and letting them know that authorities are well aware of their plans. With the Oklahoma City bombing in 1995, such groups began to be taken far more seriously by federal authorities. This required a shift in thinking. After three decades of watching possible subversion on the left, now authorities must be concerned with thunder on the right from "freemen," militias, and "patriot groups" (see Aho, 1994; K. S. Stern, 1996).

Finally, in a class by itself as the best-known terrorist hate group is the Ku Klux Klan, whose cross burnings, arson, bombings, vandalism, intimidation, shootings, and assaults continue, although their movement may have gone underground (Southern Poverty Law Center, 2012) or transformed itself into neo-Nazi or militia groups.

The Sovereign Citizen Movement (Sovereigns). "Sovereigns" are a loose group that believes that the U.S. government is illegitimate. The Southern Poverty Law Center (SPLC) described them as a "strange subculture":

> Sovereigns hold truly bizarre complex, anti-government beliefs that are rooted in racism and anti-Semitism. They believe that they get to decide which laws to obey and which to ignore and they don't think that they should have to pay taxes. They participate in protests against the government or use 'paper terrorism'—filing bogus lawsuits and fake liens on properties—to carry out their mission of disorder. Sometimes they get violent. (Southern Poverty Law Center, n.d.)

Lacking a central leadership and organization that the members can join, it is difficult to estimate the number of believers. There are many local leaders with a variety of individualized views on sovereign citizen ideology and techniques. The Southern Poverty Law Center indicates that adherents typically attend a seminar or two, visit one of thousands of websites and online videos on this subject, and then choose how to act on the basis of what they learned. Some test sovereign ideology by being tax protesters or driving without a license. Such ideology has led to violence on the part of sovereigns. Michael Hill pulled a gun on a police officer during a traffic stop and was killed. In 1997, extremists Doug and Craig Broderick were stopped by the police for not using their traffic signal. They killed one officer and wounded another before being killed themselves in a violent gun battle. In 2018, Travis Reinking shot and killed four people at a Waffle House in Nashville and proclaimed himself a "sovereign citizen" during a previous incident at the White House in 2017.

Extremist and Hate Groups

Richard Hofstadter in his classic *The Paranoid Style in American Politics* (1964) accounts for a long tradition of groups that have ascribed to alleged conspiracies throughout American history. Extremist group themes have ranged from anti-Masonic, nativist, anti-Catholic, anti-Jewish, and anti-Black. From the Ku Klux Klan to the John Birch Society to neo-Nazi groups, such organizations and their accompanying conspiracies have been widespread throughout American history. In the 2020s, domestic right-wing terrorist groups were responsible for three times as many attacks as Islamic terrorists in the United States. Trump's election was the watershed for such groups as a conservative media stoked a stolen election fantasy. Aided by the social media, many far right beliefs had seeped into the mainstream.

Such groups included white supremacists, neo-Nazis, antigovernment militias and believers in QAnon conspiracy theory that the United States is controlled by Satanic pedophiles and cannibals. Extremist groups such as the Three Percenters, Oath Keepers, and Proud Boys were among the mob that stormed the Capitol building on January 6, 2021. The "Oath Keepers" focus on recruiting former and present military and law enforcement personnel. The name reflects the oath sworn by members of the military and police to defend the Constitution and country. "Three Percenters" gets its name from the erroneous claim that only 3 percent of the American colonists opposed the British during the American Revolution. "The Proud Boys" are a white nationalist organization who take their name from "Proud of Your Boy" from the musical *Aladdin.* Finally, QAnon is a group that advocates a number of bizarre themes and conspiracy theories including that the country is controlled by Satanic pedophiles.

CRIMINOLOGY IN CONTEXT 12.1 STATE DEPARTMENT STRATEGIC ASSESSMENT OF INTERNATIONAL TERRORISM

Office of the Coordinator for Counterterrorism, Country Report on Terrorism

State Department Strategic Assessment of International Terrorism Excerpts from Chapter 1, "Strategic Assessment Bureau of Counterterrorism and Countering Violent Extremism":

Although fatalities from terrorism declined globally for the second year in a row in 2016, ISIS remained the most potent terrorist threat to global security, with eight recognized branches and numerous undeclared networks operating beyond the group's core concentration in Iraq and Syria. Al-Qaeda (AQ) and its regional affiliates remained a threat to the U.S. homeland and our interests abroad, despite increased international efforts to counter violent Islamic ideology. Terrorist groups supported by Iran—most prominently Hizballah—continued to threaten U.S. allies and interests in the face of U.S.-led intensification of financial sanctions and law enforcement.

ISIS was driven out of roughly a quarter of the territory it held in Syria and Iraq at the beginnings of the year through the combined efforts of Iraq Security Forces and Syrian armed groups. This was enabled and supported by the 73 members of the Global Coalition to Defeat ISIS. At the same time, diplomatic efforts contributed to a strengthening of a broad range of travel controls that helped to choke off the flow of foreign terrorist fighters to ISIS-held territory in Iraq and Syria. Along with battlefield deaths, the reduction in the flow of recruits left ISIS at its lowest battlefield strength since at least 2014. In Libya, government forces and aligned armed groups supported by U.S. airstrikes drove ISIS out of its main Libyan stronghold. Many ISIS fighters in Damah and Benghaze also were driven out by the end of 2016.

ISIS continued to commit atrocities against groups in areas under its control including Yezidis, Christians, Shia Muslims, Sunni Muslims Kurds and other groups. In 2015 and 2016, ISIS abducted and systematically raped and abused thousands of women and children, some as young as eight years of age. Women and children were sold and enslaved, distributed to ISIS fighters as spoils of war, forced into marriage and domestic servitude or subjected to physical and sexual abuse. ISIS

established "markets" where women and children were sold with price tags attached and has published a list of rules on how to treat female slaves once captured.

The use of Chemical, Biological, Radiological or Nuclear (CBRN) materials and expertise remained a terrorist threat as demonstrated by terrorists' stated interest to acquire, develop and use these materials, the nature of injury and damage these weapons can inflict. The ease with which information on these topics now flows and the dual use nature of many relevant technologies remains. As evidence of this challenge, the third report of the Organization for the Prohibition of Chemical Weapons, the UN Joint Investigative Mechanism found that ISIS was responsible for a sulfur mustard attack in Marea, Syria on August 21, 2015.

For Further Thought

1. What are some primary issues identified in the State Department's assessment of international terrorism?

Source: U.S. State Department, https://www.state.gov/j/ct/rls/crt/2016/272228.htm

The Oklahoma City Bombing. In his *Cycles of American History*, historian Arthur Schlesinger (1986) proposes that the American political mood generally undergoes an ideological shift in every generation. Terrorism in the United States may reflect these ideological cycles. Before World War II, terrorism was perpetrated largely by the right wing; after the war, it shifted to the left; and since the 1970s, it has moved back to the right. On April 19, 1995, Timothy McVeigh filled a rented truck with 4,800 pounds of explosives and detonated the charge at the Oklahoma City federal building, killing 191 men, women, and children. His friend Michael Fortier assisted McVeigh but testified against him at his trial. Another accomplice, Terry Nichols, belonged to a militia group called the Patriots, which believed in a federal government conspiracy.

The Oklahoma bombing was, in part, apparently revenge for the deaths of 79 members of David Koresh's Branch Davidian sect in Waco, Texas, who died when their compound was stormed by federal agents. The Oklahoma bombing took place exactly 2 years to the day after the Branch Davidian incident. Federal investigators concluded that, although federal agents were not without fault in managing the Waco incident, most of the casualties were caused by Koresh and his followers, who may have started the fire themselves in a mass suicide as federal agents stormed the compound. Koresh had accumulated a huge illegal arsenal of weapons, which led to confrontation with federal agents. The Waco incident, as well as a federal siege of white separatist Randy Weaver's cabin in Ruby Ridge, Idaho, in which his wife and young son were killed by snipers, became battle cries for right-wing militia movements in the United States.

Although the number of domestic antigovernment militia groups and their activities has dropped dramatically since Oklahoma City, the Southern Poverty Law Center (SPLC) indicates that the number of racist and anti-Semitic hate groups has increased (Romano, 2005). In 2021, the SPLC tracked a total of 733 hate groups in the United States, including 98 White Nationalist groups, 61 anti-Semitic groups and 54 neo-Nazi groups. They also documented 65 anti-LGBTQ groups, 50 anti-Muslim groups, and 18 Ku Klux Klan groups (SPLC, 2022). Domestic terrorism incidents since Oklahoma City have included the following:

1996—Members of the white supremacist group Phineas Priests were convicted of bombings and bank robberies in Spokane, Washington.

1997—Four KKK members were convicted in Texas of robbery and plotting to blow up a natural gas plant.

1997—Members of a militia group headed by Bradley Glover and Michael Dorsett were convicted of plotting attacks against military bases.

1997–1998—Members of the North American Militia (Michigan) were convicted of plotting to kill federal agents and bomb various targets.

1998—Members of the New Order (a white supremacist group) were convicted of planning to bomb public buildings, rob banks, poison water supplies, and assassinate federal judges.

2003—Antigovernment extremists William Krar and Judith Bruey were convicted of stockpiling an illegal arsenal of weapons, explosives, and bombs (Romano, 2005).

2004—The Earth Liberation Front took credit for a $50 million arson of a housing development in San Diego.

2005—Eric Rudolph pleaded guilty to attacks on abortion clinics and the 1996 Summer Olympics that killed two people.

2012—Wade Michael Page, an American white supremacist, entered a Sikh temple in Oak Creek, Wisconsin, and fatally shot six people and wounded four others.

The weakened state of current domestic terrorist groups is attributed in part to the death or imprisonment of many of their leaders.



PHOTO 12.7 This is the north side of the Alfred P. Murrah Federal Building after Timothy McVeigh's fuel and fertilizer truck bomb detonated in front of the building.

J. Pat Carter/Hulton Archive/Getty Images

Terrorism and Social Policy

Terrorist threats of the future promise to be more nuclear and more urban and to involve wealthier and more skilled terrorists—often as proxy armies for sponsor countries. Terrorism is a problem to be managed rather than solved. Attempts at international cooperation are hindered by the very ideological disputes that often give rise to terrorism. A precedent does exist with respect to international cooperation: Piracy, a historically common practice, has been virtually eliminated through international agreement. At one time, countries hired pirates in a form of war by proxy, but for centuries they have been declared *hostis humani generis* (common enemies of mankind), outlaws whose acts fall under the jurisdiction of all states. Perhaps a similar uniform international policy will evolve regarding cross-national terrorism.

The current war on terrorism by the United States and its allies has had tremendous success in Afghanistan and in uncovering al-Qaeda cells, but the struggle is a protracted one. The Cold War lasted 45 years, and the international war against extremist Islamic terrorists will call for a similar commitment.

Kidder (1983) summarizes counterterrorism measures in terms of nine policies: diplomatic measures, better intelligence gathering, tighter security measures, legal and social measures, more public awareness, military and police action, arms and explosives controls, media self-regulation, and maintenance of public composure. Terrorism by "lunatic minorities" in democratic countries that provide legal recourse (for example, the ballot box) must be condemned as crime. Sanctions must be imposed on offending regimes (state terrorism and state-sponsored terrorism). This could include withdrawal of financial aid and diplomatic recognition and invocation of strict liability (holding them legally responsible) rather than conducting business as usual (Martin & Walcott, 1988).

Terrorists often view themselves as heroic warriors for some grand cause. In fact, they could be viewed as cowardly, inept fighters who would not last a minute against a real army. Killing innocent civilians in the name of ideology transforms a dastardly act into heroism in the mind of narrow-minded ideologues.

On May 2, 2011, Seal Team 6, a U.S. special operations military unit, in Operation Neptune Spear killed Osama bin Laden in his hideout in Pakistan.

CRIME CAREERS OF POLITICAL CRIMINALS

For political criminals, crime is instrumental; it is a means of achieving what they perceive as higher moral goals. As Schafer (1976) explains,

> The convictional criminal [Schafer's term for the political criminal], with his altruistic moral ideology, places less emphasis upon secrecy and even seeks publicity for his cause. Dramatic publicity, moreover, is almost a necessity for the convictional criminal in order to make the public understand his actions; his crime may serve as an example to would-be followers and generate further convictional crimes. His punishment is not a deterrent and may serve to interest others in the given ideal and to recruit other convictional violators of law. (p. 139)

The only exceptions to this publicity-seeking behavior are government criminals who in most instances prefer secrecy. People who commit political crimes from the left or right tend to be convinced of the rectitude of their cause and their actions. Rather than viewing their behavior as criminal, they either deny the legitimacy of existing laws or view their violation as an essential step in either preserving the existing social order (crime by government) or bringing about change in the existing system (crime against government).

A large proportion of leftist revolutionaries are drawn from educated and middle-class backgrounds rather than from the ranks of the proletariat as Marx had predicted. A similar pattern presents itself with terrorists. Laqueur (1977) points out that in West Germany in the late 1960s and early 1970s, there were more female than male terrorists, and the women were more fanatical than the men. Right-wing groups in the 1990s appeared to draw heavily from working-class white men, who often resented minorities and immigrants and blamed them for their economic slippage. Clutterbuck (1975) indicates that "terrorist movements seldom have more than very small minority support from the people . . . [and they consist of] earnest young intellectuals increasingly frustrated by their lack of response from the ordinary people" (p. 65). Al-Qaeda leadership similarly is represented by highly educated and wealthy individuals.

People who commit political crimes operate within subcultures that define their activities as appropriate or necessary. Whether it be theories of racial supremacy (the Ku Klux Klan), preservation of law and order (illegal police violence), terrorist bombing of innocent victims, the shooting down of civilian airliners (state violence), or nonviolent passive resistance, people who commit political crimes feel that they have support of immediate peers. Being convinced of the rightness of their actions, they also assume that others will be impressed with their resolve, "see the light," and eventually agree with their actions. If subcultural support for politically deviant action is not strong, such violators may come to view their actions as illegitimate.

Although some view people who commit governmental political crimes as not ideologically committed (Allen et al., 1981), they are in fact ideologically committed to preservation of the status quo, and this convictional devotion may be distinct from the quest to preserve personal power (occupational crime). Although people who commit governmental political crimes tend to be from more privileged backgrounds, many of their agents (servants of power), such as the police, are not. As previously mentioned, people who commit political crimes against the government vary considerably in background, although many leaders of the "new left" in the late 1960s and early 1970s in the United States and Western Europe were college educated and drawn from the upper middle class. Even though men-dominated numerically, a significant proportion of leaders of radical and terrorist groups during this period were women.

For many terrorists, the end justifies the means; believing in the rightness of the cause, their actions are viewed as reactions to repression, injustice, or hostile acts of the enemy. It is the latter who therefore must bear the burden of guilt for their aggression.

The Doctrine of Raison d'État

For political crimes, government officials or their agents historically have sought justification in the doctrine of raison d'état (reason of state), usually attributed to Italian political philosopher Niccoló Machiavelli (1469–1527). This doctrine holds that some violations of the common law are necessary to serve public utility (Friedrich, 1972). This Machiavellian "end justifies the means" is a consistent rationalization of people who commit political crimes of all stripes: governmental, religious, or political.

Although much of the literature on terrorists plays up their intractability and uncompromising nature, one must also consider the social-structural context in which their activities occur. To take but one example, terrorism by the Provisional wing (Provos) of the Irish Republican Army was in part aimed at uniting Ireland. How much support would the Provos have had, however, if a truly successful civil rights movement were to obtain equal jobs, housing, and political influence for Catholics in the North? Similarly, a Palestinian homeland in some form would remove some of the support for Palestinian terrorists.

SOCIETAL REACTION

The sociological nature of the concept of political crime is illustrated by its relativity with respect to time and place. Ideologically committed spies such as the Rosenbergs, who supplied their country's atomic secrets to a foreign enemy, were traitors in the United States but heralded as heroes in the recipient country, the Soviet Union. Even one of the most dastardly of terrorist acts, the slaughter of almost the entire Israeli Olympic team in Munich in 1972, was applauded in many areas of the Arab world. This very divergence in international ideology explains the relative ineptness of world bodies such as the United Nations to act in unison in condemning global terrorism and atrocities.

Because crimes against the government threaten the status quo of society, societal reaction has been quite strong; however, until recently, public reaction to crimes by the government has been mild. This is partly because it is the government that makes and enforces the law, so it is hard to imagine it also violating the law. In the United States, public innocence in this regard appears to have matured since revelations of CIA and FBI wrongdoing and the events of Watergate.

The more complex, urban, industrial, and interrelated the world community becomes, the easier it is for a small, fanatical minority of the left or right to disrupt, destroy, or endanger not just their political targets but all of us. At the level of collective behavior and social change, dynamic societies can continue to be expected to generate new social movements, new demands for change, and, depending on the response, new people committing political crimes either in the form of bell ringers of change or of overzealous guardians at the gates. For further readings on terrorism, see Combs (2003), Kushner (1998), G. Martin (2006), Poland (2005), and J. R. White (2005).

CRIME & THE MEDIA 12.1 POLITICAL CRIME AND TERRORISM

Social media have played a large role in the emergence of 21st-century terrorism. Access to Facebook and other websites makes it possible for terrorist groups to recruit individuals to their cause. Efforts to track and analyze such information is a daunting task.

ISIL showed a particular capability in the use of media and online products to address a wide spectrum of potential audiences: local Sunni Arab populations, potential recruits, and governments of coalition members and other populations around the world, including English-speaking audiences. ISIL has been adroit at using the most popular social and new media platforms (YouTube, Facebook, and Twitter) to disseminate its messages broadly, with near-instantaneous reposting and the generation of follow-on links and translations into additional languages following ISIL's initial publication of online propaganda. Content included brutal images, such as hostage beheadings and boasts of slave markets of Yazidi girls and women. In 2014, ISIL expanded its messaging tactics to include content that purported to show an idealized version of life under its rule and progress in building the institutions of an orderly state. ISIL's use of social and new media also facilitated its efforts to attract new recruits to the battlefields in Syria and Iraq, as ISIL facilitators answered in real time would-be members' questions about how to travel to join the group. Individuals drawn to the conflict in Syria and Iraq were diverse in their socioeconomic and geographic backgrounds, highlighting the need for comprehensive countermessaging and early engagement with a variety of communities to dissuade vulnerable individuals from traveling to join the conflict.

Source: State Department Strategic Assessment of International Terrorism Office of the Coordinator for Counterterrorism Country Reports on Terrorism 2014.

THEORY AND CRIME

Neither greed nor need motivates people who commit political crimes. These individuals are often motivated by a cause, an ideology that excuses all criminal transgressions. Using differential association theory, we find that the political offenders are socialized into their belief system by similarly minded individuals. They often view themselves as patriots, as doing the bidding of higher spiritual forces. Their devotion to a cause or ideology takes precedence over all other commitments, and they do not perceive their activities as criminal.

A. Suicide bombers who are convinced to commit mass murder of innocent targets are often persuaded by promises of eternal bliss in the arms of Allah in paradise. The moral quagmire of political crime can be explained by the often-used phrase that "one man's terrorist is another man's patriot." Much traditional criminological theory does not address itself to political crime, even though terrorists, tyrants, assassins, and spies have probably done more harm to society than most traditional criminals. Can you think of how other criminological theories can explain this type of crime?

SUMMARY

Ideology refers to distinctive belief systems, abstract ideals that offer a design for living. *Political crime* is defined as criminal activity committed for ideological purposes. There are two types of political crime: crimes by government and crimes against government. Crimes by government exclude political corruption, which is an example of occupational crime, and refer instead to violations by secret police, abuses of human rights and constitutional privileges, and genocide, as well as crimes committed by government officials in the act of enforcing the law. Crimes against government range from protests, illegal demonstrations, and strikes to espionage, political whistleblowing, political assassination, and terrorism. The actual definition of political crime is relative to time, place, and the ideological views of those giving the definition.

All governments have criminal laws forbidding activities that threaten the state. In Anglo-American jurisprudence, people who commit political crimes are not recognized as such and are dealt with under more traditional, nonpolitical laws. The Nuremberg principle, put in place by the victorious Allies at the end of World War II, established that individuals faced with the dilemma of obeying orders that involve war crimes and crimes against humanity or following their own consciences should disobey unjust dictates. Similar documents in the Western political tradition, as well as the UN's *Universal Declaration of Human Rights* (1948), provide customs or standards for international conduct with regard to respecting integrity of persons, basic human needs, and civil liberties. *International law*, however, is handicapped by the lack of a consensual world community as well as by the lack of power of enforcement.

Crime by government is more sociological than political. Secret police (agents of political policing) are units of the internal security police of the state who have a mandate to suppress all serious or threatening political opposition and to control political activity. Their activities often include illegal surveillance, searches, detention, and violations of human rights. *Political prisoners* may include those who have seriously opposed the existing government but also prisoners of conscience who are tortured, sent into exile, or murdered. Amnesty International finds totalitarian regimes to be the greatest offenders in this area.

Patriarchal crime refers to crime committed against women and children in the name of traditional male dominance. This is illustrated by such practices as female sexual mutilation, bride burning, and honor killings.

Genocide, the mass destruction or annihilation of human populations, is the ultimate violent crime by government; in the modern era, political ideologies have replaced religious justifications for genocide. In 1948, the UN Convention on Genocide defined it as a crime, although this same international body has been less than consistent in condemning such practices. Political crimes by police often involve denial of due process and freedom of speech, as well as invasion of privacy. These and other offenses are committed in the name of law and order and preservation of the existing political system.

Other abuses by government agents include illegal surveillance; disruption of democratic processes, including character assassination; and secret experiments on unsuspecting subjects. One such example was Operation Chaos, which among related activities involved illegal surveillance and harassment of domestic dissidents. Crimes against government may involve activities of dissent and protest in opposition to the status quo but may also involve reactionary opposition to changes that have taken place in the existing social or political order. Social movements advocate change in the existing order and often conflict with responding authorities. Some newer examples include the sanctuary, anti- and pro-choice, antinuclear, and antivivisectionist (animal rights) groups.

Political espionage involves stealing state secrets and is a standard international practice of intelligence agencies. People who commit sub rosa crimes are spies who steal secrets. The Robert Hanssen spy case is an example.

The motivation of spies often reveals a SMICE strategy (sex, motivation, ideology, compromise, and ego). A typology of spies includes mercenary, ideological, alienated/egocentric, buccaneer, professional, compromised, deceived, quasi-agent, escapee, and miscellaneous. Treason is the betrayal of one's country out of commitment to either a political ideology or a foreign power. Political whistleblowers violate state secrecy because they believe that the public has a right to know the truth.

Terrorism is the use of cruelty and violence in order to spread fear within a population as an instrument of gaining political power. Types of terrorism include political terrorism, nonpolitical terrorism, quasi-terrorism, limited political terrorism, and official or state terrorism. The last type illustrates the fact that not all terrorism involves crime against the government. Although observers feel the threat of terrorism in the 1970s was a media event and an exaggeration, statistics from the early 1980s suggest a climbing toll of victims. Some possible myths regarding terrorism include beliefs that it is a new

phenomenon; an inappropriate, politically loaded term; always leftist in nature due to legitimate grievances; highly effective; idealistic; and a weapon of the poor.

Examination of the crime careers of people who commit political crimes indicates that they view crime as instrumental, a means to ideological ends. Most do not view their activity as criminal and tend to operate within supporting subcultures that reinforce their definitions. For people who commit governmental political crimes, raison d'état national security and their preservation serve as justification for violations. Some government policies for dealing with terrorism were detailed. Societal reaction to political crime varies, with generally strong disapproval of offenders against the government and mild reaction toward governmental offenders. Divergence in ideology prevents any consistent international reaction to political crime.

KEY CONCEPTS

brainwashing
COINTELPRO
crime against government (p. 325)
crime by government (p. 325)
enterprise
espionage
genocide
Hamas (p. 349)
Hezbollah (p. 349)
human rights
ideology (p. 324)
Nuremberg principle (p. 339)
Operation Chaos
patriarchal crime (p. 332)
political crime (p. 325)
raison d'état (reason of state)
sanctuary movement (p. 340)
secret police (p. 329)
SMICE
sub rosa crime (p. 342)
terrorism (p. 344)
Universal Declaration of Human Rights
Watergate (p. 335)

REVIEW QUESTIONS

1. How is the concept of political crime different from other crimes that have been examined in this text? Do you think that political crimes should be treated differently from other crimes?
2. What are secret police, and what is their purpose? Give some examples of ways in which they can use political policing.
3. What are some basic human rights recognized by international treaties and the United Nations? Give some examples of their violation.
4. What is the meaning of the phrase "the search for the Manchurian Candidate"? How did this search influence U.S. intelligence agencies to become involved in wrongdoing?
5. Discuss crime and scandal during presidential administrations in the United States. What is the impact of such scandals on a president's standing in history?
6. What were the major offenses in the Iran–Contra conspiracy?
7. Who wrote "Letter From Birmingham Jail"? To whom was it addressed, and what did it say?
8. What is the major issue of the antiglobalization movement, and what does it wish to accomplish?
9. What is the pathological myth of assassins? What types of assassins were identified by Clarke? Give an example of each.
10. Discuss the various types of spies and give an example of each.



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13 ORGANIZED CRIME

LEARNING OBJECTIVES

13.1 List sources of information on organized crime.

13.2 Describe the various types of organized crime.

13.3 Describe the organized crime continuum.

13.4 Identify characteristics of street gangs.

13.5 Discuss international organized crime.

13.6 Describe the nature of organized crime and how ethnicity relates to this organization.

13.7 Describe the money laundering process.

13.8 Identify what drug trafficking is and major drug trafficking organizations.

13.9 Evaluate several theories of the nature of syndicate crime in the United States.

13.10 Identify some of the classic patterns of organized crime.

13.11 Describe various tenets of organized crime as a criminal career.

13.12 Describe some of the strategies, investigative procedures, and laws that have arisen as a reaction to organized crime.

13.13 Assess how criminological theories apply to organized crime.

Organized crime has been variously defined and described by the general public, legislatures, law enforcement agencies, social scientists, and syndicate members themselves. Federal agencies such as the FBI and the Department of Justice use the Federal Task Force on Organized Crime's general operational definition:

> Organized crime includes any group of individuals whose primary activity involves violating criminal laws to seek illegal profits and power by engaging in racketeering activities and, when appropriate, engaging in intricate financial manipulations. . . .
>
> Accordingly, the perpetrators of organized crime may include corrupt business executives, members of the professions, public officials, or any occupational group, in addition to the conventional racketeer element. (National Advisory Committee, 1976a, p. 213)

For the purposes of general prosecution and enforcement, most federal and state laws end up including under the definition of organized crime any group crime of a conspiratorial nature that includes types of criminal activity we would more appropriately label as occupational, corporate, political, or even conventional crime (National Advisory Committee, 1976a).

SOURCES OF INFORMATION ON ORGANIZED CRIME

> *I remember when Joe was testifying before that Senate committee [McClellan] back in 1963. I was sitting in Raymond Patriarca's office [New England mob boss] . . . and we were watching Joe on television. I remember Raymond saying: "This bastard's crazy. Who the hell is he?" . . . "What the hell's the Cosa Nostra?" Henry asked [Tameleo, the underboss]. "Is he a soldier or a button man?" . . . "I'm a zipper." "I'm a flipper." . . . It was all a big joke to them. In New England we never used names like "soldiers" or "caporegimes."*
>
> —*Teresa (1973a, pp. 24–25, 28)*



PHOTO 13.1 Joe Valachi (1903–1971) was the first Mafia member to publicly acknowledge the existence of the Mafia.

Washington Bureau/Hulton Archive/Getty Images

The preceding account by Vincent Teresa, author with Thomas Renner of *My Life in the Mafia* (1973b), describes the reaction of a mob boss to the testimony of ex-Mafia member Joe Valachi before a congressional committee. In *The Valachi Papers* (Maas, 1968), Valachi described the inner workings of something he called "Cosa Nostra" (literally, "this thing of ours"). Other such biographies and autobiographies, although of varying validity, provide rare inside glimpses of organized criminal operations. Pileggi's *Wiseguy* (1985), Pistone and Woodley's *Donnie Brasco: My Undercover Life in the Mafia* (1987), Bonanno's *A Man of Honor* (1983), and Mustain and Capeci's *Mob Star: The Story of John Gotti* (1988) serve as illustrations. Pileggi's *Wiseguy*, for example, the basis for the film *Goodfellas*, details the life of Henry Hill, a lifetime mafia member who literally grew up in the Mob. Hill gives an inside account of the Paul Vario organized crime family; the 1983 Lufthansa robbery at Kennedy Airport, which netted $5 million in cash; the Sindona scandal, which nearly collapsed the Vatican bank; and the Boston College basketball point-shaving scandal. Hill followed up with a later autobiography titled *Gangsters and Goodfellas* (Hill & Russo, 2004).

Lupsha (1982) lists the following sources of information on organized crime: informers, hearings and investigations, court trial transcripts and grand jury depositions, news stories, investigative reporting, wire surveillance transcripts, memoirs and biographies, government reports and releases, law enforcement–assisted research, archives and historical documents, observation, and in-depth interviews. Although any source may exhibit varying degrees of validity, far more *triangulation* (use of multiple methodologies in the same study) is required than has been apparent in past criminological research on organized crime.

TYPES OF ORGANIZED CRIME

Acknowledging the need for broader definitions of organized crime, like operational policy definitions employed by organizations such as the Federal Bureau of Investigation, Joseph Albini, author of *The American Mafia: Genesis of a Legend* (1971), offers the following definition:

> Any criminal activity involving two or more individuals, specialized or nonspecialized, encompassing some form of social structure, with some form of leadership, utilizing certain modes of operation, in which the ultimate purpose of the organization is found in the enterprises of the particular group. (p. 37)

Albini then identifies four basic types of organized crime: political-social organized, mercenary (predatory), in-group oriented, and syndicate.

1. **Political-Social Organized Crime.** This category best fits into the political criminal activity discussed in the previous chapter. It refers to crime by guerilla and terrorist groups and various militant social movements that use violence, such as the Ku Klux Klan, the Molly Maguires, and the Palestinian Liberation Organization.

2. **Mercenary (Predatory) Organized Crime.** This category refers to crimes committed by groups for direct personal profit, crimes that prey on unwilling victims, such as juvenile and adult criminal gangs who engage in larceny, burglary, and robbery. The Mano Nera (Black Hand) is an example of the last of these. These 1880s extortionist gangs (there was no one Black Hand) in the United States sent threatening notes to fellow Italian immigrants requesting money. The notes usually contained a sinister mark or sign of a black hand. Often erroneously identified as a forerunner of the Mafia, the Black Hand was more a method of crime than an organization. It provided no illicit services and could not ensure immunity for its own operators through political corruption.

3. **In-Group–Oriented Organized Crime.** This refers to crimes committed by groups, such as motorcycle gangs and some adolescent gangs, whose major goals are psychological gratification, "kicks," "rep," "highs," "bopping," and "trashing," rather than financial profit. Motorcycle gangs—the post–World War II prototype is Hell's Angels—have branched out since Hollywood portrayals such as Marlon Brando's in *The Wild One.* These gangs are sometimes used as "muscle" (enforcers) and for low-level jobs by larger syndicate groups (see Abadinsky, 2012). Such groups are involved in narcotics distribution, the sex trade, extortion, bribery, contract murders, pornography distribution, and other activities. The Hell's Angels have also moved extensively into drug trafficking, allegedly controlling as much as 90% of the "speed" market in northern California. Hopper's (1991) field study of outlaw motorcycle gangs documented their transition from hedonistic hell-raisers to economic entrepreneurs. He also noted that women had lost status in such gangs and have come to play the dual roles of sex objects and money makers. Perhaps an apt concept to apply to such gangs is that of semiorganized crime because they lack at least one of the key features of our definition of organized (syndicate) crime.

4. **Syndicate Crime.** This category of organized crime is the subject of this chapter and to which most writers refer when speaking of organized crime. Syndicate crime (henceforth a synonym for organized crime) may be defined as having three key features, as suggested by Albini (1971):

   - A continuing group or organization that participates in illicit activity in any society by the use of force, intimidation, or threats
   - The structuring of a group or organization whose purpose is to provide illicit services for which there is a strong public demand, through the use of secrecy on the part of associates
   - The assurance of protection and immunity necessary for its operation through political corruption or avoidance of prosecution (pp. 47–48)

In a content analysis of definitions of organized crime provided by various writers and government reports, this author (F. E. Hagan, 1983) discovered that many failed to provide any definition, as such. The following characteristics were identified with some consensus: organized (continuing) hierarchy, rational profit through crime, use of force or threat of force, and corruption to obtain immunity. This analysis has been replicated and updated by Jay Albanese (2004), who found that the top six items mentioned included an organized hierarchy; continuing, rational profit through crime; use of force or threat; corruption to maintain immunity; public demand for service; and monopoly over a particular market. Jim Finckenauer (2005) notes the continuing, problematic nature of gaining a consensus in defining organized crime and views violence, illicit services, and immunity as its defining characteristics. This content analysis supports a core criminological definition of organized crime that is basically consistent with Albini's (1971) definition of syndicate crime. Albini's generic definition of organized crime is actually a definition of group crime, that is, crime committed by two or more people. Table 13.1 summarizes the concept of organized crime from both a general (generic) definitional view and a more specialized (sociological/criminological) definitional view.

TABLE 13.1 ■ Generic and Specific Definitions of the Concept of Organized Crime

Generic Definition
Two or more people committing crime
Specific Definition
Three elements: 1. Violence 2. Illicit services 3. Immunity

Organized crime is used in the most generic sense to refer to group crimes and includes many criminal behavior systems as well as illicit enterprises that might more appropriately be labeled professional, occupational, corporate, or even conventional criminal behavior. A more specific criminological definition refers to groups that (a) use violence or threats of violence, (b) provide illicit goods that are in public demand, and (c) ensure immunity for their operators through corruption and enforcement. In 2006, this writer did an updated content analysis of definitions of organized crime as presented in textbooks and scholarly books on criminology, criminal justice, and organized crime itself (F. E. Hagan, 2006). Combining these, the most identified traits were that it is an illegal enterprise (vice activities) that uses violence and threats and that it is self-perpetuating, monopolistic, and relies on corruption. This writer also proposes that *Organized Crime* (capitalized) be used to refer to criminal *organizations* whereas *organized crime* (lowercase) be used to refer to *activities.* Not all organized crime is committed by Organized Crime groups. Also, the committing of organized crime does not make a group an Organized Crime group. Although *organized crime* refers to crimes that are organized, *Organized Crime* refers to Organized Crime groups (F. E. Hagan, 2006).

ORGANIZED CRIME CONTINUUM

A continuum or ordinal model of organized crime has been suggested by others (Albini, 1971; Cressey, 1972; McIntosh, 1975; D. C. Smith, 1975, 1978, 1980). In a frequently cited spectrum-based theory of enterprises, Dwight Smith (1980) proposed that enterprises take place across a spectrum (or continuum) of possible behavior ranging from the legal to illegal, the saintly to the sinful, and that the separation of legitimate business from crime, distinguishing paragons from pariahs from pirates, is an arbitrary point on that range.

What all of these models stress is the fact that organized criminal activity is not a simple category. Rather than viewing the concept as a matter of *kind*—that is, whether it is or is not—it is far more useful to conceive of it as a matter of *degree*. That is, the concept of organized crime is an ideal type, an abstract generalization that perhaps does not exist in pure form but nevertheless represents a useful, heuristic device for purposes of analysis. Table 13.2 outlines a **continuum model of organized** (syndicate) **crime**. Just as medicine may represent the prototype profession, the Cosa Nostra as an ideal type could similarly be a model to which to compare all other groups, although few groups can hope to attain its status or, aside from the Italian American Syndicate, ever have attained it (F. E. Hagan, 1983).

TABLE 13.2 ■ The Organized Crime Continuum

Characteristics	Non–Organized Crime (e.g., Intrafamily Assault)	Semiorganized Crime (e.g., Some Motorcycle Gangs, Narcotics Smuggling Rings)	Organized Crime(e.g., Syndicates, Cosa Nostra)
1. Highly organized **a.** Hierarchy **b.** Restricted membership **c.** Secrecy (codes)	No Not relevant Absent Absent	Somewhat organized Somewhat relevant Sometimes present Sometimes present	Yes Relevant Present Present
2. Violence or threats of	No	May be used	Yes
3. Provision of illicit goods in public demand **a.** Profit oriented	No No	May be used May be profit oriented	Yes Yes
4. Immunity through **a.** Corruption **b.** Enforcement	Unconnected No	Somewhat connected May be used	Connected Yes

Source: Adapted from F. E. Hagan, "The Organized Crime Continuum: A Further Specification of a New Conceptual Model," *Criminal Justice Review 8* (1983), pp. 52–57.

Many profit-oriented or violent criminal groups contain features that may lead us to describe them as examples of semiorganized crime. For example, organizations such as Hell's Angels or the Pagans operate on a fairly highly developed hierarchical structure that uses violence, supplies goods (particularly illicit narcotics) that are in high demand by select segments of the public, and has obtained immunity in outlying geographical areas not through corruption so much as through intimidation of local law enforcement. Thus, Japanese Yakuza, Chinese Triad societies, and other international criminal organizations to be discussed shortly can be theoretically, if not empirically, placed on the continuum, although application of the model may be limited in a non-Western context.

STREET GANGS

Goldstein (1991) indicates that the delinquent gang of yesteryear was primarily involved in acts of theft, burglary, and vandalism, with gang fighting ("gang banging") being rare. The 1950s were the era of the rumble, although such skirmishes were exaggerated by the media and by the gangs themselves. Klein and Maxson (1989) note, "In the 1950s and 1960s, gang members talked much about their fighting episodes, but [homicide] data from several projects revealed their bark to be worse than their bite" (p. 218). Beginning in the 1970s and continuing into the 1990s, gang violence in the United States worsened, reflecting developments on the national scene. The environmental enhancers of this violence were drugs, guns, and territory, although the latter now involves defense of selling (economic) territory and not so much physical turf (Goldstein, 1991).

Malcolm Klein (1990) identifies four myths regarding street gangs:

1. They are highly organized, are very cohesive, and have centralized leadership.
2. Street gangs are all violent.
3. Street gangs control drug distribution in our cities.
4. Los Angeles gangs franchise drug distribution to the rest of the country (p. 624).

Malcolm Klein and associates claim that crack distribution, for example, although involving many individual gang members, was not an organized street gang phenomenon in Los Angeles (Klein et al., 1991). A contrary view is suggested by C. Taylor (1990), who, on the basis of field research in Detroit, indicates that the gangs he studied transformed themselves from street punks to drug-dealing entrepreneurs worth millions (see Short, 1990, for a review of gang research). Sanchez-Jankowski (1991), in a 10-year participant-observation study of 37 gangs in New York, Boston, and Los Angeles, was struck by the defiant individualist character of many gang members, as well as by their entrepreneurial spirit. He was stabbed and shot during his research. Sanchez-Jankowski survived the attack and today is a professor at the University of California, Berkeley.



PHOTO 13.2 Hell's Angels is perhaps the largest and most notorious outlaw biker gang, with members in countries around the world.

Chris Jackson/Getty Images News/Getty Images

Mara Salvatrucha (MS-13) is a Salvadoran gang that began with people fleeing to the United States from El Salvador during its civil war in the 1980s. Some members were former guerillas and created the gang with an extensive hierarchy. They traffic in firearms and deal in stolen cars, drugs, murder, and common gang crimes ("Mara Salvatrucha," 2005). In 2005, the FBI arrested 19 suspected members and charged most of them with RICO violations and also with conspiring to intimidate communities through murder, assaults, and kidnappings (K. Johnson, 2005). The **RICO** statute **(Racketeer Influenced and Corrupt Organizations)** was a feature of the Organized Crime Control Act of 1970 that gave the federal government a powerful legal weapon to prosecute groups for having a pattern of organized crime activity over a period of years. It is estimated that 1 of every 10 federal prisoners is in a gang. These gangs are often based on ethnic or racial ties, such as the Mexican Mafia, the Aryan Brotherhood, or an American group calling itself the Mau Mau.

Some more organized street gangs lie somewhat near the middle of the organized crime continuum, although perhaps they are not as highly developed as some motorcycle gangs. In the 1980s, many tough American street gangs were rapidly converting themselves to neighborhood-based drug-trafficking organizations, primarily because of the flood of low-cost cocaine (and crack or rock cocaine) from Colombia. At the onset of the 1990s, many of these groups were at about the same place as Italian American groups were in the early 1920s during Prohibition (Morganthau et al., 1988). Bloods and Crips (Los Angeles); Montego Bay, Shower, and Spangler (Jamaican); Untouchables and 34th Street Players (Miami); or Cobras, Disciples, El Rukns, Latin Kings, and Vice Lords (Chicago) are often big, violent, and increasingly wealthy gangs. In Southern California, the majority of street gangs are composed of Black or Latino persons, with motorcycle gangs attracting white members. One such group, the POBOBs (Pissed Off Bastards of Bloomington), emerged to become the Hell's Angels, perhaps the largest and most notorious outlaw biker gang (J. Davis, 1982).

For many gang members, self-employment in the underground drug economy provides short-term upward mobility, autonomy, a measure of dignity or self-esteem, and an opportunity to avoid low-level employment under the direction of what is perceived as hostile, outside ethnic or racial groups

(Bourgois, 1988). Street gangs, despite their penchant for what might appear to be senseless violence, sometimes represent the minor leagues or incubators for future organized criminals and syndicates.

Sanders (1994) notes that there are differences in levels of commitment of gang members (hard-core, affiliate, and fringe). J. M. Hagedorn (1994) points out that, despite high average earnings from drug sales, most gang members would prefer full-time jobs with modest wages, and most move in and out of conventional labor markets. Hagedorn identifies four types of gang members: legits, homeboys, dope fiends, and new jacks. "Legits" are those who mature out of the gang, "homeboys" are a majority of African American and Latino adult gang members who alternate between legitimate jobs and drug sales, "dope fiends" stay in the drug business in order to feed their habits, and "new jacks" view illegal drug sales as their career.

By the 1990s, the FBI began to take gangs very seriously and to apply major resources to their investigation and defeat. By 2018, there were 160 Violent Gang Task Forces (Federal Bureau of Investigation, n.d.-b) and the Transnational Anti-Gang (TAG) Task Force (Federal Bureau of Investigation, n.d.-b). Such actions led to major takedowns of Nuestra Familia, Ruben Castro and the 18th Street Gang, MS-13, the Black P-Stone Bloods, and the Townsend Street Gang (Federal Bureau of Investigation, 2007b).

INTERNATIONAL ORGANIZED CRIME

Internationally, organized crime is not confined to any single political arena and thrives especially in political climates such as liberal democracies and corrupt dictatorships. Because laws of liberal democracies such as the United States, Canada, post–World War II Japan, and other Western European and former British Commonwealth countries place a priority on individual civil liberties, crime control can suffer; such laws make it difficult to crack down on organized criminals and their political allies. Such nations also emphasize private enterprise, which is not restricted to the legal end of the continuum.

In 2000, the United States and 120 other nations signed the United Nations Convention Against Transnational Organized Crime (TOC) along with protocols on human smuggling (including that of migrants). The signatories agreed to criminalize TOC actions and cooperate in their investigations. TOC includes, but is not limited to, drug trafficking and abuse, arms trafficking, money laundering, migrant smuggling and other human trafficking, intellectual property theft, and foreign official corruption.

Yakuza

Yakuza, the Japanese term for gangsters (literally, "good-for-nothings"), are organized crime syndicates of roughly 25,000 members in 2020, down from about 70,000 in 2011 (Lee & Inuma, 2021). Also referred to as *boryokudan* (violent ones), the power of these gangs—the most powerful is the Yamaguchi-gumi—can be illustrated by a stock market scandal in Japan in which top firms, such as Nomura and Nikko Securities, allowed affiliates to finance the activities of Yakuza (Kaplan, 1991). Susumi Ishii, then head of the Inagawakai syndicate, received 25 billion yen ($180 million) from these firms. One of Ishii's financial advisors in the United States was a company that employed Prescott Bush Jr., brother of George H. W. Bush, who was president at the time. Although Prescott Bush may not have known with whom he was dealing, the Japanese security firms were aware (Kaplan, 1991).

Organized crime figures in Japan have a curious appearance: crew cuts, elaborate tattoos, and missing tips of the little fingers; they often work as bouncers or security guards at corporate conventions, a strategic role that enables them to gather information with which to blackmail corporate officials ("Japan," 1977; Rome, 1975).

Representing a traditional part of Japanese society, the Yakuza were originally recruited by right-wing business leaders after World War II to intimidate left-wing opponents. In the 1980s, growing concern was expressed regarding Yakuza expansion into the United States (Dubro, 1982). Such groups reportedly owned $100 million in Honolulu real estate, where their restaurants, clubs, and pornography shops catered to Japanese tourists. Active also in California, the groups were involved in

smuggling drugs to the United States and guns to Japan as well as recruiting U.S. female "entertainers" as sex workers in Japan.

Membership in Yakuza groups in 2007 was claimed to be 20 times larger than membership in the American Mafia at its peak. There is considerable acceptance and toleration of such groups by both the public and political powers (Kaplan & Dubro, 1986). They serve a useful function for the right wing in intimidating dissenters, the free press, or any group that may appear critical of the government (CBS Broadcasting, 1989). Yakuza are widely involved in sex trafficking. Thousands of women and children, mainly from developing countries, are forced into sex work near military bases, forced to participate in the production of pornography, and forced to enter into mail-order marriages (Kaplan & Dubro, 1986).

One third of the members of Yakuza are Korean, and most are from lower class backgrounds (Kaplan, 1988). Kaplan (1991) explains,

> Yakuza gangs occupy a place in Japanese society hard to imagine in the West. Members sport business cards and lapel pins openly identifying their underworld affiliation. Offices proudly display the gang name and insignia, much as if one found the words "Gambino Family, Manhattan Branch" emblazoned on the door of a Mafia concern. (p. 2)

The success of the Japanese police in fighting Yakuza gangs is noted by E. H. Johnson (1990), who reports that their share of the prison population increased from 21% in 1975 to 30% in 1986. Yakuza groups had expanded their involvement in coercive resolution of civil disputes stemming from the collection of debts, loan negotiations, bankruptcies, real estate transactions, and other matters (E. H. Johnson, 1990). In 1996, Japanese prime minister Ryutaro Hashimoto's attempt to bail out leading banking and real estate finance companies met opposition in Parliament due to charges that many of the recipients of the bad loans were companies fronting for organized crime, and some of them had close ties to Hashimoto's party. Bankers hesitated to seize any real estate linked to the Yakuza for fear of being killed or beaten (WuDunn, 1996).

In the early 21st century, some erosion in Yakuza codes and lifestyle began to emerge. In 2001, a turf war between rival factions in Tokyo splintered the discipline within Yakuza clans. Movement into legitimate businesses had eroded some practices such as chopping off the tips of pinkies, bouffant hairstyles, and street-level crimes. A poor Japanese economy and competition with rival ethnic gangs (especially Chinese) have also been identified as precipitating change in Yakuza gangs (French, 2001). Police crackdowns are also reportedly connected to Yakuza's shrinking membership. Ordinances were enacted to prohibit business or persons from associating with a Yakuza member or activity (Lee & Inuma, 2021). These laws prevented Yakuza members from being able to engage in many daily activities such as opening a bank account or renting a home (Lee & Inuma, 2021). On August 24, 2021, a Japanese court issued an unprecedented first death sentence for a Yakuza boss, Kudo-Kai leader Saturo Nomura sending a strong message to Yakuza. In April 2022, a leader within Yakuza, Takeshi Ebisawa was arrested along with three Thai affiliates for conspiring in deal to sell large quantities of narcotics and to buy heavy-duty weapons (Southern District of New York, 2022).

Chinese Triad Societies

Triads are secret Chinese organizations. Referred to as "black societies" by the Chinese, the British called them Triads because of their highly ritualistic use of numerology, a belief in the magical significance of numbers. The number 3 and multiples of 3 were accorded major importance by these groups. The symbol of Triad societies is an equilateral triangle with the three sides representing the three basic Chinese concepts of heaven, earth, and the human being.

Although they are of much more ancient origin and are even more cabalistic, the legends, rituals (such as initiation rites), and early history of Triads bear an uncanny resemblance to the Mafia legend in Sicily (Bresler, 1980; Morgan, 1960). The earliest Triad secret societies were founded in China 2,000 years ago to oppose warlords (Daraul, 1969; Robertson, 1977). The modern Triads are traced to the latter part of the 17th century, when members appeared as resistance fighters against the Manchu dynasty, the barbarian invaders who defeated the Ming dynasty. Legend dates the founding of the

first modern Triad to 128 Buddhist monks at a monastery near Foochow, Fukien province, in 1674. They were well trained in Asian martial arts, including a type they had perfected themselves—kung fu (Bresler, 1980; Chin, 1988). A Triad called the Fists of Harmony and Justice led the Boxer Rebellion against the European powers, from 1899 to 1901.

Although originating as brotherhoods for freedom (Lyman, 1974), Triads also had elements of banditry and were heavily involved in the control of vice activities. All of the Triad groups had in common highly ritualized initiation ceremonies, blood oaths, passwords, secret signals, and hierarchical positions.

Chin (1988, 1990) claims that many myths similar to early ones about an omnipotent Italian Mafia have been created regarding Triads and that Chinese small-business owners, not Triads, are responsible for most of the drug trafficking, money laundering, and other criminal activities in U.S. Chinatowns. Care must be taken not to label all Chinese crime groups as Triads. For instance, one Taiwan-based crime group, the United Bamboo, is not a Triad organization; that is, it has no relationship with mainland Chinese Triad groups (National Central Police, 2005).

With the fall of mainland China to the Communists in 1949, many Triads migrated to Hong Kong. The largest of such groups were the Green Pang (Green Gang), the Chui Chaos (Chiu Chau), and the 14K. Although the Green Pang originally controlled heroin distribution in what was then a British colony, they relied on the Chui Chaos for supplies of Thai morphine and opium (McCoy, 1972). The Chui Chaos had important connections and even members within the Hong Kong police; they control much of the drug traffic from the "Golden Triangle" (Northern Burma, Laos, and Thailand) and throughout Southeast Asia. Well-known Triads in Hong Kong in the 21st century are Sun Yee On, Wo Shing Wo, and 14K (Finckenauer & Chin, 2004).

Triad groups are nonhierarchical and informal. Each faction is run by an independent boss and is autonomous in planning and executing criminal enterprises. They range from street gangs to sophisticated crime syndicates (Lindberg et al., 1997).

Tongs were Chinese American fraternal and benevolent organizations, the term meaning "town hall" or "large hall." Some of the important Tongs in the United States in the 19th century were Bing Kung, Hip Sing, Ying On Ton Su, and Hop Sing. Many of these fraternal organizations relied on young street gangs to enforce their vice activities. New Tong organizations, formed in the post–World War II period, were more ferocious criminal bands made up of many felons who had fled Hong Kong and the Far East. The Flying Dragons, Ghost Shadows, Gray Shadows, and Black Ghost Shadows were some of these groups. In February 1996, federal law enforcement, after a 1-year sting operation, charged leaders of several Chinese American Tongs with drug trafficking and money laundering. Indicted were members and leaders of Hip Sing Tong, the Hung Mung Association, the San Gian Tong, and the Fujian Fellowship Association. Although some observers claim that Tongs, like chop suey, were strictly an American invention, organized in the gold fields of California about 1860 (Nash, 1981), others see them as branches of Triad societies, mainly the Chee Kung Tong, which generated many feuding rival branches (Bresler, 1980). Since the late 1960s, members of Triads have emigrated and set up operations in the United States, Canada, and Europe, most notably in the Netherlands and in older established Chinatowns of San Francisco, Vancouver, and Amsterdam (R. Wilson, 1978).

Although many modern Triads are respected community organizations, others have developed criminal subgroups. Robertson (1977) claimed that, particularly in Western Europe, nearly all Triads were engaged in the sex trade, illegal gambling, extortion, and heroin trafficking. They are the major wholesale distributors and processors of opium from the Golden Triangle. "The China White Trail" is a term used by the U.S. Drug Enforcement Administration (DEA) to describe the transportation of heroin from Thailand through the secret societies of Hong Kong and finally the Chinese neighborhoods of New York City (Kerr, 1987). In 1989, the FBI seized 828 pounds of heroin valued at $1 billion (the 1971 French Connection bust yielded about 220 pounds). This New York City bust was attributed to the China White Trail. The President's Commission on Organized Crime (1984) issued a report on Asian organized crime, as did the Department of Justice in 1988 (Baridon, 1988) and the Hong Kong Security Forces (Fight Crime Committee, 1986; see also Federal Bureau of Investigation, 1985).

With the return of Hong Kong by the British in 1997 to the People's Republic of China (PRC), most had predicted that the Hong Kong Triads would migrate to the West to escape stricter law

enforcement. To the contrary, signs indicate that at least some Triad groups are thriving and have even extended their operations to areas such as Huizhou, the so-called Palermo of China, where cold cash speaks louder than ideology (Viviano, 1997). Stolen cars from Hong Kong are pervasive, courtesy of the 56,000-member Sun Yee On (New Discipline and Peace) Triad, which also deals in narcotics, money laundering, gambling, and the sex trade. Chu (2005) found that from 1997 to 2004, Triads increasingly entered the Chinese market, including legitimate businesses. Peng (2017) tells us that The Hong Kong triad is separate from mainland Chinese triad groups. The Hong Kong triads are traditional organizations operating in Hong Kong, Macau and Taiwan and Southeast Asian countries. Organized crime groups in mainland China are described as "mainland Chinese groups."

Russian Organized Crime

The most publicized of organized crime groups in the 1990s were Russian. Some 12 to 15 major "mafiya" groups exist, each with a federation of hundreds of smaller groups. The two largest gangs are the Moscow-based Solntsevo, which includes the U.S.-based group Organizatsiya, and the St. Petersburg group, Tambov, which is less active in the United States. Their prime activities include health care fraud, drug and alien smuggling, the sex trade, and financial fraud (Krane, 1999). With the fall of the former Soviet Union, such groups have, in some areas of Russia and the former Soviet republics, challenged the government itself as a source of power. Hundreds of gangs use extortion, fraud, and murder to operate illegal as well as legal businesses. In 1995, they controlled about 400 banks, which explains in part why Moscow, with its exploding crime rate, had few bank robberies at that time (Hockstader, 1995). Such groups are well armed and ruthless. Although they speak Russian and come from areas of the old Soviet Union or its satellites, numerous groups that are labeled as Russian organized crime are from a variety of ethnic backgrounds, including Albanian, Armenian, Chechen, Georgian, Jewish, Latvian, Lithuanian, Tatar, and Ukrainian (Finckenauer & Waring, 1998). Russian crime groups in the United States are fluid, with transient membership in each group varying from 5 to 20 persons. They are loosely structured and often formed on the basis of regional backgrounds or a particular enterprise (Finckenauer & Waring, 1998; Kenney & Finckenauer, 1995).

At the top of such gangs are men such as Vyacheslaw Ivankov, who is one of the *vory v zakone* ("thieves professing the code" or "thieves-in-law"). Galeotti in *The Vory: Russia's Super Mafia* (2018) describes this group. The Vory had an oath of their own under the Soviet system that shunned accepted society and defied authority. The *vory v zakone* are not members of the same gang but an honored category of gang affiliates empowered to resolve gang disputes. Predating the Russian Revolution, this group's members were recruited in prison and branded with a tattoo of an eagle, usually on their hands. Many gangs, under increasing pressure in Russia, have migrated to Western Europe, particularly Germany, and the United States (Raab, 1994). Russian gangs have set up operations in the United States, particularly in Little Odessa, the Brighton Beach section of Brooklyn, where they have formed cooperative alliances with traditional Mafia groups. On July 9, 1996, the head of the Odessa Mafiya, Ivankov, and three codefendants were convicted of extorting $3.5 million from owners of an investment company. They had also kidnapped and killed the father of one owner in Moscow. Ivankov's arrest was considered the outcome of growing cooperation between the FBI and Russian police to fight such groups (Kenney & Finckenauer, 1995).

In the United States, Russian groups have been involved in a large jewelry heist, as well as in insurance and Medicare fraud, heroin importation, and control of gasoline distribution in New York City. In the latter alone, they evaded over $5 billion a year in taxes (S. Anderson, 1995). According to one source, city police from the 60th and 61st precincts moonlight for them as bagmen, muscle, and chauffeurs, and they even participate in fake accident scams (Friedman, 1994).

Rosner (1995) warns us not to create an overglamorized image of the Russian mafiya in the United States:

> Lastly, the sexy Russian Mafia provides journalists and their readers with a relatively unthreatening, European model of crime—a revisited Marlon Brando world of *consiglieri, caporegima*, and soldiers. At least that is the model which is appealingly seductive, although quite inaccurate. (p. 32)



PHOTO 13.3 On July 9, 1996, the head of the Russian Odessa Mafiya, Vyacheslev Kirillovich Ivankov, was convicted of extorting $3.5 million from owners of an investment company.

New York Daily News Archive/New York Daily News/Getty Images

The Russian **mafiya** is a generic term for a type of person who commits crimes (black market trade, gang activity, drug trafficking, and corruption) who arose out of social, economic, and historical forces in Russia. When all goods were owned by the state, stealing them became a necessity of life, the "Soviet way of crime" (Albini et al., 1995). Such groups often collaborated with state bureaucrats (*nomenklatura*) in what might be called the gangster industrial complex (Shelley, 1995). Privatization after the fall of the USSR made Russia what former president Boris Yeltsin called a "superpower of crime." The Soviet Union itself resembled a criminal racket, and thoroughly corrupt officials were ill prepared for privatization (Kelly et al., 1995).

There have been rising concerns over reports that Russian mobs are recruiting former KGB and former Soviet Special Forces soldiers as members. Many of the groups identified as Russian may include others from the former Soviet Union, including Armenians, Georgians, Chechens, Ukrainians, and Lithuanians. In addition, there are groups from former Eastern European satellite countries, such as Slovaks, Hungarians, Poles, and Albanians. Although it is easy to blame endemic corruption in Russian society for the pervasive organized crime, one must be careful not to replace the Cold War image of Russia as the evil empire with one of Russian gangsters. Wedel (1999) points out that in some instances, U.S. policy and institutions have been complicit, either wittingly or unwittingly, in the corruption. Since 1997, the Harvard Institute for International Development has been granted a contract to assist in economic reforms in Russia. The U.S. Justice Department has been investigating the misuse of these development funds in which the privatization of Russian assets has been selectively awarded to insiders through corruption. Members of the Harvard team were criticized by the General Accounting Office for profiting from inside knowledge in these deals. During this time, billions of dollars were being looted from the Russian economy and laundered through U.S. banks such as the Bank of New York (Wedel, 1999).

In 1998, it was revealed that Amy Elliott, a Citibank employee, helped Raúl Salinas, brother of the former president of Mexico, move $100 million into offshore, untraceable accounts through dummy corporations in the Cayman Islands. In the Bank of New York scandal, some $4.2 billion was laundered in over 10,000 separate transactions. The money belonged to Semyon Yukovich Mogilevich, a top Russian crime boss ("Russian Mob May Have Laundered," 1999). Sukharenko (2004) indicates that Russian groups have yet to cultivate political contacts in the United States to influence the political process. Rather than involving traditional organized crime, their activities tend to include money laundering, tax evasion schemes, insurance fraud, and other white-collar offenses. Finckenauer and Warey in *Russian Mafia in America* (1998) argue that there is no Russian mafia in the U.S. although there is certainly crime by Russian emigrees and a network of criminals who work together.

Countries with corrupt dictatorships, particularly Caribbean vacation spots, became convenient gambling resort areas, especially when organized crime figures such as Meyer Lansky simply "cut in" the authorities, such as Batista in Cuba or Bahamian officials, in return for unencumbered operations.

NATURE OF ORGANIZED CRIME

Given our general definition of organized crime, such groups have existed in varying degrees since, or even before, the advent of modern nation-states. Large, diversified syndicate crime, with control on an extra-regional basis over more than a few illegal activities, is primarily a phenomenon of the post–World War I period. Although the focus in discussing organized crime is generally on the prototype, what has been called the Cosa Nostra (or Mafia), the nature and structure of organized criminal groups

are determined by the type of criminal activity they are engaged in as well as by ethnic, subcultural, and cultural values. Criminal gangs, mobs, racketeers, and organized (predatory) criminal groups share to a lesser degree many of the characteristics of larger syndicates.

Ethnicity and Organized Crime

Some believe that organized crime began in the United States as an import, along with mass immigration of Sicilians and Italians in the late 19th and early 20th centuries. Organized crime is not simply a "Mafia transplant" or "alien conspiracy" in the United States; it obviously existed before significant Italian immigration, and it probably will exist long after Italian Americans move out of major involvement in organized crime.

Ianni (1973) proposes an **ethnic succession theory** in which organized crime acts as a "queer ladder of mobility" (Bell, 1953, p. 115), an alternative means of upward mobility for ethnic minorities who, because of discrimination or lack of skills, are temporarily lodged at the bottom of the system of reward distribution in a society. Thus, whereas the past 50 years in the United States have witnessed the period of Sicilian-Italian domination of syndicate crime, this was preceded by Jewish (sometimes facetiously referred to as the "Kosher Nostra") and Irish domination. Prior to these groups, WASPs (white Anglo-Saxon Protestants) controlled organized crime. During these periods, many other ethnic groups—for example, Germans, Lebanese, Greeks, and African Americans—also participated in organized crime. Today, with its ethnic base largely middle class, the Italian American Mafia might be described as in its eleventh hour, as Black, Latino, Asian, and Russian groups move into positions of power in organized criminal activity with their base of operations in low-income ethnic areas, long the wellspring of illegitimate careers (see Kleinknecht, 1996). African American organized crime groups are not an example of ethnic succession in that, although they have existed for some time, much of their control has been primarily within Black populations. Griffin, in *Black Brothers Inc.: The Violent Rise and Fall of Philadelphia's Black Mafia* (2005), describes a group that controlled drug dealing, loan sharking, the numbers racket, armed robbery, and extortion. Led by Sam Christian, they had close ties with the Nation of Islam. They killed rivals, taxed bookies connected with the Cosa Nostra, and intimidated other gangs. The group's eventual demise as a result of law enforcement led to the emergence of the crack-dealing Junior Black Mafia.

Organized crime is in rapid transition, and much of our image of a dominant Mafia underworld now resembles an old black-and-white gangster movie starring Edward G. Robinson or James Cagney.

This diversity of groups involved in organized crime is certainly well illustrated in the burgeoning international illegal drug business.

The term *transnational crime* refers to criminal activities that take place in more than one country. The United Nations identified these activities as including money laundering, terrorist activities, art and cultural object theft, theft of intellectual property, arms trafficking, aircraft hijacking, sea piracy, land hijacking, insurance fraud, computer crime, environmental crime, human trafficking, trade in human body parts, drug trafficking, fraudulent bankruptcy, infiltration of legitimate business, corruption of public officials, and other businesses committed by organized crime groups (e.g., automobile theft). Recognizing the critical relationship between most of these activities and organized crime, the UN drafted the Convention Against Transnational Organized Crime, mentioned earlier in this chapter, which was signed by the 40 countries necessary to make it binding in 2003. The signatories agreed to adopt tougher laws and to cooperate in the enforcement of these laws against organized crime. Three additional protocols were agreed to dealing with human trafficking, the smuggling of immigrants, and arms trafficking.

As part of the preparation for the Convention Against Organized Crime, the UN commissioned a survey of authorities in 16 countries with respect to 40 organized criminal groups. Some of these groups were familiar, such as Cosa Nostra (Italy), Hell's Angels (Canada), and Yamaguchi-gumi (Japan), whereas others were simply designated as "Group with no name" (in Germany, the Netherlands, and Russia). Each group was classified regarding its structure, size, activities, level of transborder operations, identity, level of violence, use of corruption, political influence, penetration into the legitimate economy, and cooperation with other organized criminal groups (United Nations Centre for

International Crime Prevention [UNCICP], 2000a, 2000b). The United Nations identified five types of organized crime groups:

1. Rigid hierarchy—single boss, divisions reporting to the center, with a strong internal system of discipline
2. Devolved hierarchy—regional structures with own leadership hierarchy and autonomy
3. Hierarchical conglomerate—an association of groups with a single governing body, varying from an umbrella-type body to flexible oversight arrangements
4. Core criminal group—relatively loose group characterized by horizontal rather than vertical arrangements
5. Organized criminal network—shifting alliances that do not regard themselves as an organized crime entity

MONEY LAUNDERING

Money laundering refers to making clean or washing "dirty money" (illegal funds). A classic task of organized crime syndicates has been to somehow convert large amounts of illegally gotten funds into usable money that appears to come from legitimate sources. People who traffic drugs are particularly faced with the problem of laundering huge amounts of ill-gotten currency.

Various countries, most notably Switzerland, the Bahamas, Panama, and other tax havens, have created bank secrecy laws that generally forbid the disclosure of the financial affairs of account holders. Some accounts were those of people trafficking drugs and organized criminals. The U.S. Congress passed the Money Laundering Act of 1986, which made money laundering a federal crime carrying substantial penalties (Weinstein, 1988). A growing number of countries are passing such laws (Gramckow, 1992).

The easiest way to launder money is to take a suitcase full of it to an unscrupulous bank. This bank may recycle the currency to other countries such as Argentina, where the dollar is used because the local currency is subject to hyperinflation. Other methods may include purchasing luxury goods at inflated prices from a coconspirator who transfers the excess proceeds to the purchaser's account. Proceeds from legitimate businesses such as restaurants can be augmented with illegal funds (Melloan, 1991). Money laundering is a three-step process:

1. *Placement*—Collect the dirty money and move it into the financial system.
2. *Layering*—Disguise the money trail by transferring the money into the bank account of phony companies, creating false invoices and enterprises using offshore banks and wire transfers.
3. *Integration*—The now-clean money can be used for investments, political campaign donations, and the infiltration of legitimate enterprise.

Bank personnel are often bribed to accept large deposits without reporting them. These are then wired (transferred) to overseas accounts. The money can also be converted to cashier's checks and money orders or hidden in export items such as cars or televisions. The large-scale interconnections between drug traffickers and money launderers are illustrated by the BCCI (Bank of Credit and Commerce International) scandal, which first unraveled in 1989 (Lohr, 1992). BCCI, which operated in over 70 countries, was controlled by Middle Eastern investors and was heavily involved in the laundering of drug money, worldwide fraud and bribery, and the secret ownership of American banks including First American, whose director was Clark Clifford.

CRIME FILE 13.1 KILL THE IRISHMAN: THE DANNY GREENE MOB AND THE DEATH OF THE CLEVELAND MAFIA

Frank Hagan never planned or anticipated living downstairs from one hitman and later down the street from another hitman in another city. My upstairs neighbor in Cleveland was Martie Kilbane, an associate of the Danny Greene mob, and my down the street neighbor in Erie was Ray Ferrito, the assassin of Danny Greene. In attending graduate school, my wife and I moved into the Collinwood section of Cleveland, which in the 1970s was the headquarters of the Danny Greene mob. In 2011, the movie *Kill the Irishman* was released. It depicts the activities in Cleveland in the 1970s in which Danny Greene and his organization took on the Cleveland mafia, the Murray Hill mob. After Greene had bombed and killed over 30 members of the mafia and they had been unsuccessful in numerous attempts to kill Greene, they brought in an outside hitman, Ray Ferritto, who managed to kill Greene. When he was captured, he learned the mafia had plans to kill him, so he decided to enter the Federal Witness Protection Program. His testimony would begin a process that would roll up the entire Cleveland mafia.

Greene had risen up the ranks of the local International Longshoreman's Association to become president and had also functioned as enforcer for the Murray Hill gang (or Mayfield Road gang). He eventually parted ways with Shondor Birns, a Jewish loan shark whom he later blew up. Greene allied himself with John Nardi, a disillusioned former ally of the Murray Hill gang. The Cleveland mafia had a storied history that included connections with Lucky Luciano and Meyer Lansky and the use of the Teamsters Union Pension fund to finance the development of Las Vegas. Porello (1995) reports that much of the more recent history of the Cleveland organization had been dominated by Angelo "Big Ange" Lonardo, who rose through the ranks to become acting boss of the Cleveland organization after the death of John Scalish, the long-time boss. After being sentenced to life in 1983, Lonardo became the first in a long line of high-ranking mobsters to enter the Federal Witness Protection Program to become an informant and enter the program. Until Joe Valachi, no one had violated the *code of omerta*, the code of honor, silence, and obedience. In the 1970s, the floodgates opened. Joining Lonardo as federal informants were Cleveland native Jackie Presser, the president of the Teamsters, and Danny Greene himself and later Greene's assassin, Ferritto. Although lesser known than Sammy "the Bull" Gravano, Lonardo was even more damaging to the mafia (Porello, 1995). During the 1980s, he helped to put away many mob bosses nationally. By 1976, a total of 36 bombs (called headaches by the local gangs) were detonated across Cleveland in a war between Greene and the mafia. These headaches claimed the lives of Shondor Birns, John Nardi, and others. After one bombing of Greene's house, he went from the third floor to the basement next to the refrigerator and some rubble of the destroyed home. Under an Irish flag and next to his new trailer residence, he defied and taunted the mafia. In a television interview, Greene stated, "I have no ax to grind, but if these maggots in the so-called mafia want to come after me, I'm over here by the Celtic Club. I'm not hard to find." He tried to take over organized crime in Cleveland under the banner of Irish pride. He drove a green car, favored green clothing, wrote with green ink, and decorated his office with Irish paraphernalia. The prize in taking over Cleveland organized crime was control of the Teamster's pension fund and thousands monthly from the Las Vegas skim and gambling operations in Cleveland and Youngstown (www.americanmafia.com).

The Greene Bombing and Aftermath

On October 6, 1977, Danny Greene visited his dentist. He was unaware that the Mafia had bugged his phone and were aware of the appointment. Upon leaving the dentist and in the process of getting into his car, a "Joe Blow car" (bomb car) that was parked next to his was triggered by a remote control device. It exploded and ended Greene's life. The assassins were Ray Ferritto and Ronnie "the Crab" Carabbia (of Youngstown). They proceeded onto nearby I-295. They peeled out of the parking lot, attracting a lot of attention. A female artist who happened to be at the scene drew a sketch of the driver. She was a daughter of a police officer and a police sketch artist. The sketch bore an uncanny resemblance to Ferritto and he was immediately identified by police.

When a search warrant was served at Ferritto's house in Erie, police found the registration papers for the bomb car and arrested him. At that point, he was the only one who had been arrested, and Ferritto had been promised to be made for the hit. When police played him a surveillance tape indicating that the Cleveland group had intended to kill him, the betrayed Ferritto decided to flip and tell all. A number of the Cleveland organization were arrested as a result. Ronnie "the Crab" Carabbia of Youngstown and Pasquale "Butchie" Cisternino were sentenced to life in prison. Former

Clevelander Jimmy "the Weasel" Fratianno was identified and defected. He later helped author Ovid Demaris (1981) write the book *The Last Mafioso: The Treacherous World of Jimmy Fratianno.*

In 1982, the acting Cleveland boss was sentenced to life for drug racketeering and may have become the first Mafia boss to become an informant to the federal government.

Lonardo was influential in convicting Anthony "Fat Tony" Salerno of New York's Genovese Family, Anthony "Tony Ducks" Corallo of the Luchese family, and Carmine Persico of the Colombo family (www.americanmafia.com). The true aftermath of the Greene killing had repercussions throughout the mafia in Cleveland and the nation. The Cleveland mafia was ravaged by the FBI and was believed to be without members outside of prison by the early 1990s. By the 21st century, it was rumored that the acting boss Russell Papalardo was attempting to rebuild the Mayfield Road gang along with boss Joseph "Joe Loose" Iacobacci. Tony Liberatori, a man who had been convicted of killing two Cleveland police officers in the 1950s, nevertheless was later appointed to the Water Commission by then Mayor Ralph Perk. In 1977, he was convicted of bribing an FBI clerk, Geraldine Rabinowitz, in the first known breach of its type with a list of higher-echelon informants. This was believed to be the first time that the mafia had penetrated the FBI. Lonardo, the first boss to flip, testified before the Senate 25 years after Valachi. This convicted ranking bosses. Lonardo's testimony at the Commission trials in New York City convicted the bosses of the major families.

As a postscript, even though at first he entered the Federal Witness Protection Program, before his death of natural causes, Ray Ferritto could be seen walking around town. He had left the program and explained that he was perfectly capable of protecting himself against anyone the mob sent to attempt to kill him.

Source: Paper presented by Frank E. Hagan, New York City, The Academy of Criminal Justice Sciences (March, 2012).

Casinos can be an excellent place to launder ill-gotten funds, especially with the cooperation of insiders. In 1998, two employees of the Showboat Casino in Atlantic City were charged with helping an alleged drug dealer launder $100,000 by depositing it in the casino under a phony name. They could exchange the dirty money for checks and avoid a cash transaction report filed with the Internal Revenue Service. Ill-gotten cash was converted to lucky winnings. In a typical scenario, a money launderer buys chips with dirty money, gambles, and then cashes out, obtaining clean money. In this case, the "drug dealer" turned out to be an undercover IRS agent.

Over $500 billion is laundered annually by various global institutions, making money laundering the third-largest industry in the world. U.S. law requires that cash deposits of $10,000 or more be reported to the Internal Revenue Service, but much of the laundered money ends up in secret bank accounts overseas where it can be freely moved.

FINCEN (the Financial Crimes Enforcement Network of the U.S. Department of the Treasury) has uncovered a new twist to money laundering by Colombian drug traffickers in which they use peso brokers and unsuspecting U.S. companies to launder dirty money:

1. Secret stash houses in the United States store large amounts of dollars from street sales. This money is bought from the drug cartels at a 15% to 25% discount by a peso broker with "clean" pesos.
2. Using operatives, or "smurfs," in the United States, they deposit the cash in small increments in U.S. banks.
3. The peso broker finds Colombian businesspersons who need U.S. dollars in order to import goods.
4. In return for the businesspersons' clean money, the broker writes checks from the smurf checking accounts, often exchanging the dollars for pesos at a discount.
5. The orders are welcomed as new sales, and the goods are shipped to Colombia (France & Burnett, 1992).

Illustrating the relationships with legitimate society as well as the transnational nature of money laundering operations, a joint international sting operation involving police agencies from Canada, Italy, Spain, the United Kingdom, and the United States called Operation Dinero was aimed at the Cali cartel. The Drug Enforcement Agency set up an offshore bank in Anguilla, which had become a favorite money laundering site for the cartel. At one point, they asked the bank to sell art masterpieces (a favorite money laundering investment) for them. Also involved was the Severa crime organization of Italy. The operation netted 88 arrests and seizure of 9 tons of cocaine and $50 million in cash and property (P. Williams, 1997).

DRUG TRAFFICKING

Although the Italian American Syndicate has been involved in drug trafficking, the business is so large that no one group can hope to control it. There are many international sources of illegal drugs, but the three primary centers of supply are the Golden Triangle, the Golden Crescent, and Latin America.

The Golden Triangle is the northern border areas of Thailand, Burma (Myanmar), and Laos, which are major heroin-growing areas. Part of this area, called the Shan States, is controlled by an Opium Army made up of the descendants of former Chinese Nationalist troops. The Golden Crescent includes areas of Iran, Afghanistan, Pakistan, and Turkey, which made up the old French Connection. The latter, which was the basis of a classic movie, involved the smuggling of raw opium to Marseilles, France, for processing into heroin, after which it was sent to the United States to be sold. The third source, Latin America, involves primarily cocaine and marijuana, mainly from Colombia (Abadinsky, 2012; Inciardi, 1992).

Trebach (1984) came up with the notion of the **iron law of opium trade** to describe a situation in which, if one source of supply is closed, another replaces it. In a 6-year observational study of drug smugglers and dealers, Adler and Adler (1983) found that, because of the danger and legal penalties, there were shifts and oscillations in drug trafficking careers. Involvement was temporary, but due to the large rewards involved, many successful retirees move in and out of smuggling organizations.

Colombian Cartels

Probably the most powerful international drug trafficking organization in the world was the **Medellin cartel** of Colombia, an organization that used M-19 (the April 19 Movement, a revolutionary group) as protection for their operation (Gugliotta & Leen, 1989). It was the latter terrorist group that gave birth to the cartel. In 1981, M-19 kidnapped the daughter of Fabio Ochoa, the most powerful cocaine boss. In response, the Ochoas formed a cartel of 200 other narcotics trafficking organizations in the city of Medellin and prepared to wage war with M-19. The latter group wisely released Ochoa's daughter and began a hands-off-the-cartel policy in return for a cut of the profits. The cartel used M-19 to storm the country's Palace of Justice in 1985, killing 12 of the 24 Supreme Court justices (Anderson & Van Atta, 1988b; Eddy et al., 1988). Narco-terrorist groups also traffic in weapons, launder money, offer mutual assistance, smuggle contraband, and share intelligence. The Medellin cartel was later succeeded by the Cali cartel and other Colombian groups, or baby cartels. By the 1990s, Mexican drug traffickers began to supersede their previous partners, the Colombians, as a base for drug smuggling. In interviews with 34 high-level drug smugglers, Decker and Chapman (2008) found growing decentralization of trafficking.

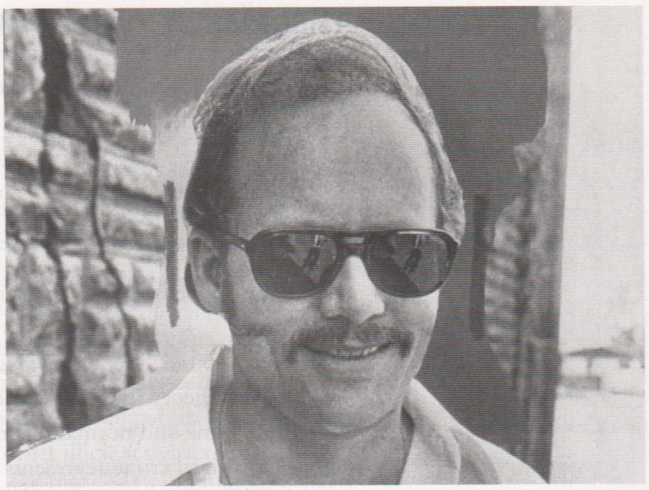


PHOTO 13.4 Danny Greene, leader of the Cleveland mafia, was blown up by a bomb blast on October 6, 1977, in the parking lot of his dentist's office. Pictured here is the actor who played Greene in the movie *Kill the Irishman*.

Bettmann/Getty Images

Mexico's Drug War

By 2007, the Zetas, a ruthless Mexican organization that had acted as enforcers for the Gulf drug cartel, superseded their former bosses and moved into the territory of other cartels. Many of its members are from former Mexican elite military units. Their leader, Heriberto Lazcano, is known as *El Verdugo*, "the Executioner" (Corchado, 2009). The Zetas courted their demise when they began kidnapping wealthy businessmen, attracting the attention of federal law enforcement and the Mexican military.

In 2008, over 6,200 Mexicans died in drug-related killings. Upon taking office in 2006, President Felipe Calderón deployed 40,000 troops and 8,000 federal police to fight the drug cartels. Reportedly, 90% of the weapons seized in the drug wars have been traced to the United States. The sheer growth of such cartels has spread to the United States, with gang members in over 200 U.S. cities. The huge U.S. demand for drugs and the fantastic profits to be made have created a monster and the biggest U.S. organized crime problem today. The Mexican cartels are the largest business in Mexico, and their profits are estimated to exceed the U.S. defense budget for the Iraq War. Earning more than the Mexican government, the cartels use their profits to bribe politicians, judges, the police, the military, and other public officials. The Mexican police have historically been poorly paid and encouraged to supplement their salaries with *mordida* ("the little bite"—bribes) (Lacey, 2009).

Mexican cartels control 90% of the cocaine market in the United States and most of the market in other drugs. Some of the major cartels are the Sinaloa cartel, the Juarez cartel, the Tijuana cartel, the Gulf cartel, Los Negros, Los Zetas, and LaFamilia. Much of the violence is between these rival groups as well as with the government. The two key contenders are the Tijuana and Gulf cartels versus the Sinaloa and Juarez cartels. The armed wing of the Gulf cartel is Los Zetas, which is countered by Los Negros, the armed wing of the Sinaloa cartel. Both of these consist of former elite paramilitary.

On July 11, 2015, "El Chapo" Guzman Joaquin, leader of the Sinaloan Cartel, escaped from Mexico's top-security prison through a secret 1-mile long tunnel. He is alleged to be the biggest supplier of cocaine and heroin in the United States and had escaped from a similar prison in the past. In 2021, another Colombian drug lord, Dairo Antonio Usuga was arrested and the event at the time was described as a big blow to drug trafficking. Others argue that this arrest of the head of the Clan del Golfo cartel will have little impact and he was quickly replaced. The flow of drugs to the U.S. and Europe was hardly effected (Daniels, 2021).

THEORIES OF THE NATURE OF SYNDICATE CRIME IN THE UNITED STATES

Jay Albanese (2004) describes three models or paradigms of organized crime in the literature in the field:

1. Conspiracy theory—organized crime as a nationwide conspiracy
2. Organized crime as local, ethnic groups
3. Organized crime as enterprise

The conspiracy theory is what this writer calls Cosa Nostra theory, and the local ethnic groups I call patron theory. Enterprise theory, as first proposed by Dwight Smith (1975, 1978), argues that organized crime and normal business are similar activities on different ends of a spectrum of legitimacy. Organized crime represents an extension of the principles of legitimate business in illicit areas (Albanese, 1989).

The Cosa Nostra Theory (The Cressey Model)

The Cosa Nostra theory is a theory of the organizational structure of syndicate crime that has the following main proponents:

1. Interpretations of the testimony of informant Joseph Valachi before the McClellan Commission in the 1960s, in which the term *La Cosa Nostra* was first officially introduced

2. The organized crime section of the President's Crime Commission Report of 1967 and theoretical interpretations of its principal consultant, sociologist Donald Cressey
3. Official although belated policies of federal agencies such as the Federal Bureau of Investigation

The description of the internal structure of the LCN in the President's Commission Report was based primarily on Valachi's testimony. Each of the 24 families was described as varying in size from as many as 700 to 1,000 men to as few as 20. Only New York City had more than one family, and it had five. Family organization was described as being rationally designed with sets of positions similar to those in any large corporation. The LCN chain of command is headed by a boss (*don*), with an advisor (*consigliere*) and underboss (a sort of vice president). Answering to the underboss are *caporegimes* (literally, heads of regiments or lieutenants or captains). They are chiefs of operating units or soldiers (*soldati*, "buttons"). "From a business standpoint, the *caporegime* is analogous to plant supervisor or sales manager" (President's Commission on Law Enforcement, 1967, p. 451). Soldiers may run various illicit operations on a commission basis or "own" their own operations within which a portion goes to the boss. All of these individuals are "made members" of the organization.

Below and allied with these families are various nonmember associates and employees, individuals who cooperate in and aid organizational operations. Insulation of the boss and other LCN activity is preserved supposedly according to the "oath of omerta": a pledge of loyalty, honor, respect, absolute obedience, manliness, and silence. In the old days, accompanying the initiation was an elaborate ritual in which the novice was inducted into the LCN.

The Patron Theory (The Albini Model)

The patron theory views organized crime as consisting of a series of patron–client relationships, as advocated by Albini (1971, 1988). According to this approach, organized crime groups and their leaders resemble a medieval system of shifting warlords in which whoever has the most power and is able to render the greatest services controls support. The occupation of specific positions within a structure is less important than a developmental-association system of peer relations that are informal, flexible, and constantly immersed in conflict. Feudalism rather than the corporate bureaucracy is the appropriate analogy for describing organized crime families, a series of shifting alliances. (See Albanese, 1989, and R. J. Kelly, 1992, for other models of organized crime.)

CLASSIC PATTERN OF ORGANIZED CRIME

In their book *The Crime Confederation*, Ralph Salerno and John S. Tompkins (1969) describe the classic pattern of organized crime as a gradual movement from "strategic and tactical crimes," such as assault, bribery, and extortion, to "illegal businesses and activities" to "legitimate businesses" to "big business." Due to their willingness to commit and employ strategic and tactical crimes, organized gangs are thereby able to acquire both the funds and the power to be fairly successful at illegal businesses and activities. They are, of course, not the only people engaged in these activities, but they are more organized, more persistent in their efforts, and simply better at it. The types of crimes committed under strategic and tactical crimes are for the most part disapproved of by the general public, and the illegal businesses and operations often serve public demand for vices and other illicit activities. Unwittingly, the government, by branding much of this activity illegal—such as narcotics and gambling—creates a monopoly for criminal groups that are organized well enough to supply these goods and services.

A major problem of some "unconnected" or persons committing nonorganized crime is laundering of funds obtained in illegal operations. Who brought down Al Capone? Not Elliot Ness with a Tommy gun, but Frank Wilson of the Internal Revenue Service with pencils, ledgers, and a green eyeshade (Marbin, 1989). In the history of U.S. organized crime, even "connected" figures such as Al Capone were convicted of income tax violations, and this lesson was not lost on other crime organizations, as many began trading in their black shirts and white ties for Brooks Brothers suits. With funds obtained

in illegal operations, crime organizations can infiltrate legitimate businesses, an even more fertile field for their activities. Finally, experience in such operations enables movement into even bigger businesses.

Strategic and Tactical Crimes

The strength of organized criminal groups is based on their willingness and ability to use force or threats of force to ensure discipline within and outside the organization. Although activities such as assault, coercion, extortion, and murder are not the exclusive property of crime organization, they seem to be used more frequently by this group than by most other types of persons committing crime.

Assault, coercion, extortion, and murder are bottom-line tools employed by organized crime, weapons of last resort to ensure the "rational" pursuit of profit. "Make him an offer he can't refuse" is black humor, but it is an all-too-apt phrase to describe methods used by organized criminals to accomplish their will. Violence and threats of violence, demands for protection money (extortion), and, when necessary as a last resort, murder ("making your bones") are part of the repertoire. Decades of internal wars and assassinations within the ranks of organized crime attest to the fact that outsiders are not the only victims of Mob discipline.

Blackmail, bribery, and corruption are essential strategic tools of organized crime. The American Bar Association, in its *Report on Organized Crime* (1952), concluded, "The largest single factor in the breakdown of law enforcement dealing with organized crime is the corruption and connivance of many public officials" (p. 16). Blackmail is more easily achieved by organized crime figures because of their involvement in gambling casinos, pornography, and servicing of vice-related activities. Bribery and corruption of public officials make up the largest operating cost of organized criminal groups, a sort of underground tax or license to steal. Organized crime has been so successful in corrupting public officials that cities, counties, and entire states have been "in the bag." Success in strategic and tactical crimes provides the money, "muscle," and "respect" for success at principal illegal businesses and activities. The strategic and tactical crimes are for the most part rackets, services that lack or do not require public demand. Organized criminal involvement in illicit enterprises or illegal businesses satisfies public demand for services or vice activities that either cannot be or are not met by legal businesses. Thus, the loan shark is a banker of last resort, and the fence is a less expensive shopping center.

Illegal Businesses and Activities

From the end of the Prohibition era until recently, gambling has been viewed as the number one moneymaker for organized crime. Lotteries flourished in the United States as far back as colonial times, used during that period to pay for public works (National Institute of Law Enforcement and Criminal Justice, 1977). In addition to lotteries, syndicates are involved in other gambling activities, such as bookmaking (taking bets on sporting events), illegal gambling devices (slot machines, punchboards, sports polls), the running of illegal gambling establishments, and the **numbers game**, the basic strategy of which is similar to that of legalized state lotteries: The bettor tries to choose a winning three-digit number. Traditionally, number-selection methods differed from those of lotteries: Numbers were chosen that matched the numbers of win-place-show horses at a track or Dow Jones averages. State lotteries choose numbers by spinning a wheel or by some other "honest" means. Sports betting such as on NFL games is the most popular.



PHOTO 13.5 Betting on horses and other sports is part of the "numbers game," which is the most popular gambling activity.

©iStockphoto.com/RgStudio

The advent of legal state lotteries may not have made the dent in the illegal numbers business that many had hoped for. Many numbers

writers simply use the legal daily number as their own, increasing the nontaxed payoffs and sometimes even laying off bets with the state. In the latter practice, they simply replay the same bet with the state in case it has too big of a run on certain numbers. Illegal casino gambling still exists in many American communities. Dice or craps games, wheels, and high-stakes card games can often be found by simply asking local cabbies, "Where's the action?" Reuter, in his book *Disorganized Crime* (1984b), is quick to point out that the Mafia control of illegal markets is exaggerated and that the numbers game, loan sharking, and bookmaking are very disorganized businesses.

Related to gambling operations is the **loan shark** or shylock (the latter name derived from Shakespeare's character Shylock in *The Merchant of Venice*, a money lender who demands his "pound of flesh" as repayment). Loan sharks provide quick loans on the spot to borrowers who are either high risk or in a tight spot. These loans are given at usurious (illegal and exorbitant) rates. Although rates vary, a typical loan might be a "six for five" arrangement. That is, for every five dollars borrowed, six dollars must be repaid (20% interest) per week. Sharks are more interested in collecting periodic interest payments (called "juice," "vigorih," or "vig") than in having the loan paid off. Often borrowers give their bodies as collateral because, if they were good risks or could share their problem, they could have gone elsewhere. Gambling is the usual manner in which the successful businessperson, but poor gambler, is introduced to loan sharks and, if their luck does not improve, they may have some new business partners.

The Pennsylvania Crime Commission (1992) reported on organized crime infiltration of legitimate, charitable, and Indian reservation bingo games. Racketeers and mobsters were described as practicing fraud, misrepresentation, and diversion of monies from such games and using charitable organizations as fronts for skimming millions of dollars. Ironically, the Pennsylvania Crime Commission itself was dissolved when it began to investigate illegal campaign contributions by gambling operators to Pennsylvania attorney general Ernie Preate, who later served time in jail for his activities.

Other successful illegitimate activities of organized crime figures involve labor racketeering, narcotics trafficking, the sex trade, pornography (although now much of this is legal), stolen property (such as cars, stocks, and bonds), and even illegal sale of alcohol. Members of crime organizations will involve themselves in any scam (illegal activity) so long as it is relatively safe and profitable (Kwitny, 1979). In 1997 in Russia and Georgia (the country), it was estimated that one in five dwellings produced illegal alcohol. Organized criminal groups, sometimes protected by customs personnel, deliver the products in small ships (Konstantinova, 1997). The mortality rate from the consumption of illegal alcohol in the former Soviet Union is very high.

In recent years, scandal has tainted the NFL with charges that the New England Patriots were guilty on two separate occasions of trying to gain unfair advantage by spying on another team and deflating footballs. Imagine if the story was instead that the games were fixed. Such was the case in 1919 when organized crime figures fixed the World Series. Gangster Arnold Rothstein fixed the World Series by striking a deal with eight members of the Chicago White Sox to throw the games. The team featured "Shoeless" Joe Jackson and had previously won the 1917 Series. The players were called the Black Sox because their cheap owner supposedly made them pay to have their uniforms cleaned, which they seldom did. A year after the World Series, two players confessed to taking part in the fix. Rothstein paid the players to throw the games. "Say it ain't so, Joe" was supposedly yelled from the stands by a young fan to Joe Jackson.

Criminology in Context 13.1 describes the 3-year FBI investigation of another more recent sports scandal, Operation Hook Shot.

Labor **racketeering** generally refers to the infiltration of unions to use their influence for personal profit. Such operations, which may take the form of bribes, kickbacks, and extortionary threats, permit mobsters to use pension funds and to offer "no-strike insurance" (the guarantee that workers will not strike) and sweetheart contracts (collusion between the employer and union officials at the expense of workers), as well as other operations.

Four unions with historically substantial organized crime control and influence are the International Longshoremen's Association, the Hotel and Restaurant Employees Union, the Laborers International Union of North America, and the International Brotherhood of Teamsters. Construction costs in New York City are estimated to be 25% higher due to the need for organized crime payoffs, because of Mob

control (Powell et al., 1986). Mob-controlled Teamster locals 295 and 851 enabled Anthony "Tony Ducks" Corallo to shake down air transport service companies for $1.1 million between 1978 and 1985 (Rowan, 1986). In 1990, the federal government charged that for 20 years, Nicodemo Scarfo, head of the Philadelphia Mafia, had been running the 22,000-member Local 54 of the Hotel and Restaurant Employees International Union from his cell in prison. The local chapter included Atlantic City casinos (Hagedorn & Lambert, 1990). "The Outfit" in Chicago charges a "street tax" on all illegal activities. Gamblers, vice operators, and even owners of parking lots and legitimate businesses must pay 10% to 50% of their gross revenues to the Chicago Mob. Mob infiltration of the American labor movement has not been significantly addressed by scholars in the past.

The largest illegal business of organized crime is now drugs. In 1986, the President's Commission on Organized Crime estimated that organized crime in the United States took in as much as $106.2 billion, and by far the biggest moneymaker was illegal drug trafficking. Success and money from illegal operations, although welcome, present organized crime members with potential tax problems, further encouraging them to move into legitimate businesses. Such businesses provide many opportunities for organized crime. They provide a source of legal income that can help explain gangsters' high lifestyles. Because of their methods, members of organized crime can monopolize markets and make more money than competitors. Such businesses also yield a cover, or respectable occupation, as well as a base of operation and a meeting place, particularly for dealing with public officials. They enable the washing or laundering of funds and provide a diversification of operations.

Favorite businesses of crime organizations include auto sales, bakeries, clothing manufacturing, construction and demolition, import/export, garages, hotels, vending machines, produce, trucking, bars and restaurants, garbage collection, and the like. Businesses such as vending and bars are fertile ground for "skimming" (hiding or not counting money earned, for tax purposes). One hundred dollars skimmed every day from a busy bar would amount to over $30,000 a year, tax free, from just one business. Extortion and monopolization in vending businesses enable organized criminals to force out competitors.

Ianni in *A Family Business* (1972) suggests that the seeds of many American fortunes began with "dirty business" and progressed in a couple of generations to respectable business, a natural "ethnic succession" and progression. In discussing federal enforcement, Ianni is concerned that this progression not be entirely blunted. In the main, however, people who participated in organized crime in such enterprises often carry over all the same illegal techniques.

CRIMINOLOGY IN CONTEXT 13.1 OPERATION HOOK SHOT

It's a cautionary tale for college and professional athletes alike.

Following a 3-year FBI investigation dubbed Operation Hook Shot, eight people—including former University of San Diego (USD) basketball star Brandon Johnson, the school's all-time point and assist leader—were convicted and sentenced to federal prison terms for taking part in a sports bribery conspiracy. The eighth and final defendant, illegal bookmaker Richard Francis Garmo, was sentenced last month.

The case began—as most of our sports bribery matters do—as an organized crime investigation. In 2009, we began looking into the activities of a criminal enterprise operating in the San Diego area. Along with selling marijuana, the group was operating an illegal online gambling business. A related criminal activity, bureau investigators discovered, was a scheme to fix USD men's basketball games.

Playing a pivotal role in the scheme was Thaddeus Brown, an assistant basketball coach at USD during the 2006–2007 season. Brown had placed bets with the illegal gambling business operated by Garmo and two partners-in-crime. Though no longer with the team, he still had contacts among the USD players. During the 2009–2010 season, he recruited Johnson—USD's starting point guard—to influence the outcome of basketball games in exchange for money. Brown was paid handsomely for his role in the conspiracy—up to $10,000 per game.

During that season, it's believed that at least four games were "fixed" with Johnson's assistance. Perhaps the senior point guard would miss a free throw now and then or draw a technical foul. Or he would just pass up a shot—at one point Johnson was heard on electronic surveillance talking about how he wouldn't shoot at the end of a particular game because it would have cost him $1,000.

The co-conspirators routinely got together to discuss the predictions of oddsmakers and to pick which games to fix. They would then make their bets—often on the other team (USD was usually favored to win)—which would enhance their winnings even more. And with Johnson manipulating the games, they usually won their bets, netting them more than $120,000.

The following season—2010–2011—Johnson had graduated, but he nonetheless tried to recruit another player to continue the scheme. His attempt ultimately failed. Brown also tried—even making attempts at two other schools—but he failed as well.

To penetrate this close-knit conspiracy, the FBI made use of its array of investigative techniques, including court-authorized wiretaps, physical surveillance, confidential informants, subpoenaed documents, and interviews. We also had the cooperation of USD officials and the NCAA. By April 2011, an indictment in conspiracy had been announced.

At the time of the indictment, U.S. Attorney Laura Duffy of the Southern District of California said, "Whether in the area of politics, law, or sports, the phrase 'the fix is in' sends chills down the spines of all Americans. . . . Tampering with sports events strikes at the integrity of the games; this kind of betrayal is not merely disappointing—it is criminal and worthy of prosecution."

Although the FBI focuses on the criminal leadership in these sorts of enterprises, athletes and coaches willing to sell out their teams for money can get caught in the net and pay the price. Our advice: think twice before gambling with your future.

For Further Thought

1. Identify some other recent scandals in the world of sports.

Source: Federal Bureau of Investigation. (2013, May 20). "The fix was in: Crime in college hoops." https://www.fbi.gov/news/stories/2013/may/crime-in-college-hoops/crime-in-college-hoops.

With major crackdowns on traditional organized crime activities such as extortion and bid-rigging rackets, Mafia crime groups in New York in the 1990s were shifting some of their focus to health frauds, prepaid phone cards, and Wall Street scams. Raab (1997) indicates,

> The authorities in New Jersey said they uncovered what might be the prototype of the mob's medical care strategy in August, when they arrested 12 men accused of being members of a Genovese crew, or unit. The crew's leaders were charged with siphoning payments from Tri-Con Associates, a New Jersey company that arranged medical, dental, and optical care for more than one million patients in group plans throughout the county. Investigators said that the mobsters set up Tri-Con, investing their own money and using employees as managers, and intimidated some health plan administrators into approving excessive payments to the company. New Jersey authorities said Tri-Con in effect became a broker, linking networks of health-care providers, including physicians, hospitals, and dentists, with group plans for companies and unions. (p. A1)

Prepaid phone cards were grossing $1 billion in the United States in 1996 and provided a new target for organized crime. The Gambino crime family stole over $50 million from companies and phone callers by selling $20 cards that became worthless after only $2 or $3 in calls (Bastone, 1997). Other New York City crime families have infiltrated Wall Street, particularly over-the-counter stocks handled by small brokerage firms. Brokers who are in debt or wish to expand their businesses borrow money from the Mob. They are then forced to sell most of the low-priced shares in a company before they are available as initial public offerings. The value is artificially inflated by fake transactions and trading among themselves. At the same time, brokers push the stock on unsuspecting investors. The mobsters then sell, making high profits before the overvalued stock collapses (Bastone, 1997).

Incredibly, in something that sounds like a James Bond movie, in 1997 police investigations revealed that Russian organized crime figures in Miami Beach had claimed to Colombian drug cartel members that they could supply them with tactical nuclear weapons, as well as a submarine. Many of the Russian organized crime figures are believed to be ex-KGB members.

Big Business and Government

Success at small business permits Mob infiltration of *big business*, the heart of our nation's economy. We have already suggested the impact of Mob influence on big labor unions such as the Teamsters and the Longshoremen. Banking, construction, entertainment, insurance, real estate, and even Wall Street are not immune. By the 1990s, the Mob had moved from shaking down indebted stockbrokers to stock price manipulation. As alluded to earlier, in a classic "pump-and-dump" operation, brokers use high-pressure sales tactics to pump up the price of a stock they owned and then the shares are dumped before their worth plummets.

Given the classic pattern of organized crime, we must ask the question of what remains. Only government. Can or does organized crime have the capability of compromising the government itself? In Operation Mongoose (Ashman, 1975), the Central Intelligence Agency used criminal syndicate members to put a hit on Cuban premier Fidel Castro in 1963. Although apparently a scam on the part of the Mob in that no serious attempts took place (Demaris, 1981), the deal apparently called for cooperation by the CIA in smuggling sex workers from Marseilles to staff Mob brothels in Las Vegas ("Gangland Enforcer Paid With Life," 1977). One principal figure, John Roselli, who hinted at tie-ins with the Kennedy assassination before the House Assassination Committee, was killed by the Mafia before he could testify further (Anderson & Whitten, 1977). The U.S. House of Representatives Select Committee on Assassinations (1979) concluded that there was a conspiracy in the assassination of John Kennedy as well as possible conspiracies in the assassinations of Robert Kennedy and Martin Luther King Jr. Chief counsels to the committee, G. Robert Blakey and Richard Billing (1981), more specifically point the finger, as the title of their book indicates: *The Plot to Kill the President: Organized Crime Assassinated JFK* (see also Scheim, 1988).

Although it is not proven, it is alleged that the Mafia felt betrayed by John Kennedy. They claimed that they were responsible for getting him elected by stuffing ballot boxes in Illinois. When Kennedy became president and appointed his Mob-busting brother, Robert, to the post of attorney general, a crusade against the Mob began, particularly on associates such as Teamster leader Jimmy Hoffa. This campaign did not sit well with his "subordinate," FBI director J. Edgar Hoover. Although not proven, it has been charged that Hoover avoided any efforts against organized crime because he had been compromised, having received favors from gamblers and perhaps having been blackmailed regarding an alleged secret sex life. Columnist Jack Anderson and others (Anderson & Whitten, 1977) claimed that JFK was assassinated for two reasons: first, in retaliation for assassination attempts on Castro (Santo Trafficante, one of the would-be assassins, may have defected) and, second, as a way of removing Robert Kennedy from power. This is, of course, all speculative, but the day after the assassination of President Kennedy, Hoover, the nation's top law enforcement officer, spent the day at the racetrack.

Concerns have risen regarding organized crime and drug dealers' infiltration of the Medicare system, a $250 billion-a-year business already rife with rip-offs by other crooked operators. Many moved out of the drug trade into the safer and more lucrative medical swindle business. They have set up thousands of fake clinics, medical equipment stores, and laboratories, and they use a maze of bank accounts and offshore accounts to move their money. It is a particular favorite area for Russian organized crime groups (Hedges, 1998).

As a testimony to the power of organized crime groups, shortly after the arrest of Cali cartel leader Gilberto Rodrigues Orejuela, Ernesto Samper (1995), then president of Colombia, stated, "In the past decade, Colombia has lost countless lives, including more than 3,000 police officers and soldiers, 23 judges, 63 journalists, and four presidential candidates" (p. A16).

The infiltration of organized criminal groups into large business enterprises is also assisted by activities of legitimate organizations themselves, some operations of which resemble those of organized crime. Bribery and corruption of national and international public officials, violence either indirectly

through sale of unsafe products or directly in deposing foreign leaders such as Allende in Chile, and pushing of drugs far in excess of the medicinal needs of consumers are just a few such examples. A detailing of criminal activities of organized crime syndicates, particularly the IAS, is not intended to ignore their corporate counterparts but to recognize the former as having distinct characteristics of its own. Similarly, although the IAS did not invent and control all of organized criminal operations, it has been the most powerful of such groups in the United States since the 1930s.

CRIME CAREERS OF ORGANIZED CRIMINALS

Similar to professional crime, but unlike most other types, organized criminal activity is an example of career crime, in which crime is pursued as a livelihood. People participating in organized crime exhibit varying degrees of the following characteristics, with those who are members of established syndicates expressing these qualities to a greater degree: They identify with crime and criminal activity, possess strong organizational identity, and tend to belong to structured groups that maintain continuance of operation.

Based on our previous description of organized crime, such people tend to come from low-income, high-crime areas of large central cities, where illegitimate opportunity structures appear more available than legitimate ones. Most begin in conventional crime but, rather than retiring from crime as most do in their early 20s, they continue to progress in criminality and in association with organized crime (Clinard & Quinney, 1973).

To varying degrees, organized criminal groups subscribe to a code of secrecy, whether it be the *cosa de hombre* (code of manliness) of the Nuestra Cosa (Mexican Mafia), rules of conduct of gangs such as Hell's Angels and the Pagans, or the prototype code of "omerta" described by people like Valachi. Omerta is a Cosa Nostra code of intense loyalty, honor, secrecy, obedience, and "manly" silence—a code that renders loyalty to the organization above loyalty to country, God, or family and whose violation means death.

CRIME FILE 13.2 J. EDGAR HOOVER, THE MAFIA, AND THE KKK

J. Edgar Hoover was a career civil servant who became head of the FBI in 1924 and served in that capacity until 1972 at the age of 77. He was the first civil servant whose body was laid to rest in the Capitol rotunda, a practice usually reserved for presidents. His unusual longevity in office was secured by his practice of collecting potentially damaging information on others, including presidents.

Hoover served 48 years under eight presidents, each of whom had to reappoint him to the position. He began his career by professionalizing the bureau and insisting on integrity, training, and high standards. Later in his career, he became corrupted and vulnerable ironically because the Mob had collected potentially damaging information and photographs of his private sex life. These files secretly provided immunity for the Mob against federal law enforcement activity. Only after Hoover died were the first blows against the Mob struck by the FBI. The Mafia in the United States was able to grow in strength and apparent immunity from federal law enforcement efforts because the director of the FBI was rendered impotent.

J. Edgar Hoover became personally corrupt and tainted by his ties to organized crime. He fell far short of his standards for his own agents. He persecuted Martin Luther King Jr. and others in the civil rights movement as well as feminists and environmentalists. Although his hiring procedures would not admit homosexuals, his ties to agent Clyde Tolson, who was promoted to deputy director after only 2 years on the job, raised eyebrows. Hoover was self-indulgent and took many goods and services as gifts, including free lunches at the Mayflower Hotel. He enjoyed taxpayer-financed vacations in Florida and California, vacations often sold to the public as investigations. The Mafia grew rich and powerful due to Prohibition but was never mentioned in agent training or field office investigations. If it had been attacked earlier, the Mafia could have been nipped in the bud. Agents were forbidden from using the word *Mafia* and investigating it. During this time, the movies celebrated

the FBI and Hoover as gangbusters. The Mob and Frank Costello even fixed horse races for Hoover and helped him with insider trading tips in the stock market. Hoover also had sex parties, but with no females present.

The Apalachin meeting raid removed Hoover's excuse for inaction. He set up his top hoodlum's program about this time. He did not get along with Robert Kennedy, particularly when RFK was appointed attorney general. Attorney General Kennedy was an enemy of the Mafia. Hoover sent memos to RFK alleging that his brother, the president, had many girlfriends, including Judith Campbell, who also was Sam Giancana's (the Chicago Mob boss) girlfriend. RFK forced Hoover to address the Mafia. JFK's assassination rendered RFK impotent in dealing with the Mob. The day after JFK's assassination, Hoover and Tolson went to Pimlico Race Course to play the horses.

The Mafia Versus the KKK

It is ironic that one extremist organization would give rise to another extreme criminal organization that would later assist in its doom. In the early 20th century, a major supporter of the passage of Prohibition were rural Protestant forces in the South. Prohibition had little support in the North among immigrant, Catholic, ethnic groups. In fact, the immense wealth to be made in trading illegal alcohol gave rise to a powerful, national criminal organization, the Mafia. The Ku Klux Klan opposed alcohol, Jews, and Catholic immigration and in the 1950s and 1960s committed murder and assaults to prevent the implementation of new civil rights legislation. The FBI had at their disposal during much of this time an insider from the ranks of the Mafia—Gregory Scarpa. Scarpa did dirty work for the FBI for more than three decades. In addition to providing valuable information even before Valachi's famous testimony before the McClellan Commission, Scarpa performed a number of "black bag jobs" off the books (Lance, 2013). The most famous of these cases was the MISSBURN (Mississippi Burning) case. As reported in Peter Lance's *Deal With the Devil: The FBI's Thirty-Year Relationship With a Mafia Killer* (2013), in the summer of 1964, the Justice Department employed Scarpa's services. They were challenged to investigate and resolve the disappearance of three young civil rights workers, Andrew Goodman, Michael Schwerner, and James Chaney. At the request of civil rights organization CORE (the Congress of Racial Equality), the three men had gone to Philadelphia, Mississippi, in order to look into the Klan's role in burning down the Mount Zion United Methodist Church. They disappeared, and the FBI was ordered to investigate the case.

In August, the FBI sent Gregory Scarpa to Mississippi to break the case. Scarpa kidnapped a Klansman who had been involved and tortured him until he identified who had been involved and the location of the bodies. During this period, the CIA had similarly employed Mafia figures to attempt to kill Castro. In return for his work, the FBI protected Scarpa from prosecution for his crimes and recruited him to participate in crimes under their direction. The FBI demonstrated their willingness to employ crime and criminals to fight crime.

Sources: Anthony Summers. (1993). *Official and Confidential: The Secret Life of J. Edgar Hoover.* New York: Putnam; Peter Lance. (2013). *Deal With the Devil: The FBI's Secret Thirty-Year Relationship With a Mafia Killer.* New York: HarperCollins.

Secrecy, discipline, corruption, planned violence, and public demand for illicit goods in either compromised or inept political climates provide a continuing good occupational outlook for the next generation of Valachis, whatever their ethnicity. The continuing public demand for illicit goods and services and corrupt relationships with government officials may be more important factors in the persistence of organized groups than the imperviousness of their organizations.

SOCIETAL REACTION

In Chapter 14, we explore the issue of substance use disorder from the standpoint of those affected by it, but our concern in this chapter has been drug trafficking in which international drug kingpins are the new Al Capones and Meyer Lanskys. In the late 1980s, the United States began to go after major drug kingpins. In May 1988, Carlos Lehder Rivas, who had been extradited from Colombia, was convicted of being responsible for up to 80% of the cocaine smuggled into the United States. In 1989, leaders of Colombia's Medellin cartel were indicted on charges of cocaine trafficking and the slaying

of the Colombian justice minister as well as of a U.S. drug informant ("U.S. Indicts Colombian Drug Cartel," 1989). Attempts to put pressure on the underground empire of drug launderers and officials were illustrated by the U.S. military capture and imprisonment of Panamanian strongman Manuel Noriega.

Drug Control Strategies

Some drug control strategies or options include legalization, use of diplomacy, interdiction, targeting traffickers, coordination of rival departments, and prevention (M. Moore, 1988; Morganthau & Miller, 1988). Legalization is viewed by authorities and lawmakers as a last resort, an unnecessary risk, and a questionable moral decision. It would appear to be unwise to overreact to a crack epidemic by legalizing drugs as it might create more demand for drugs at a time when overall drug use is declining. The use of diplomacy or economic and political pressure to halt the drug war being waged against the United States by Colombia, Bolivia, Peru, and Mexico in particular is a supply-side strategy that is not without risk. "Anti-Yanqui" feelings may be fueled, and many countries are dependent on drug money. Interdiction involves stopping the transport and smuggling of drugs into the United States. With many ports of entry and endless borders, some deterrence is possible, but complete interdiction is impossible.

Targeting major traffickers, such as the Medellin cartel in the 1990s, while enhancing street-level enforcement has possibilities (Hayeslip, 1989). Departmental coordination and elimination of rivalry were claimed to be aided by the creation of a federal drug czar in 1989 to oversee and coordinate agencies involved in the drug war. Finally, a demand-side strategy of prevention offers the ultimate hope. Education and rehabilitation programs as well as policy experiments to discover programs that work are greatly needed.

Investigative Procedures

Law enforcement in the 1980s and 1990s finally became as organized as organized crime and began to effectively apply a variety of investigative procedures, including financial analysis, electronic surveillance, use of informants and undercover agents, citizens' commissions, and computer assistance (Albanese, 2001, 2004). Financial analysis involves following paper trails (records of transaction) to see if expenditures match earnings. Classic Internal Revenue Service procedures in enforcing tax codes such as analyzing net worth, expenditures, and bank deposits are used.

Electronic surveillance (the use of "bugs" and wiretapping in covert eavesdropping) is viewed by many authorities as one of the most effective weapons against organized crime. The use of 150 audiotapes and videotapes at the Commission Trial was very successful. The use of informants (insiders who provide information) as well as undercover agents has also been indispensable. Informants such as Jackie Presser (former Teamster president), Angelo Lonardo (former Cleveland don), and Tommaso Buscetta (Sicilian Mafia don) have been devastating to the syndicate. Citizens' commissions such as the Chicago Crime Commission are essential in providing an independent watchdog function in examining organized criminal activity (Albanese, 1989).

Finally, computer-assisted investigation has great potential for unraveling complicated transactions and network interrelationships. The FBI uses a sophisticated computer database, the Organized Crime Information System, and is experimenting with artificial intelligence using a supercomputer called Big Floyd.

Laws and Organized Crime

Some specific laws used against organized crime include special laws such as the Hobbs Act; features of the Organized Crime Control Act of 1970, especially RICO; the Bank Secrecy Act (1970); and **assets forfeiture** (seizure).

Hobbs Act

One effective piece of legislation on the books since the mid-1940s is the **Hobbs Act**, an antiracketeering law that can be interpreted to mean that any interference with interstate commerce to any degree

whatsoever is in violation of the act. This statute has been applied, for example, against politicians in Newark, New Jersey, in accepting kickbacks from contractors who had obtained supplies from out of state.

Organized Crime Control Act

The single most effective piece of federal legislation ever passed in the United States to fight organized crime activity is the controversial **Organized Crime Control Act** of 1970, a principal feature of which is the RICO statute. RICO prohibits proceeds from a pattern of racketeering activity from being used in acquiring legitimate businesses that are involved in interstate commerce. Generally, a pattern of racketeering involves participation in any two specified crimes, such as murder and extortion, within a 10-year period.

Some of the principal features of the act are the creation of special grand juries to investigate organized criminal activity and the provision of general immunity for witnesses appearing before the grand jury, in which the protection against self-incrimination is abrogated in return for protection against the use of such compelled information in a criminal proceeding. It provides for the incarceration of witnesses who refuse to testify (recalcitrant witnesses), authorizes a conviction based on irreconcilably inconsistent declarations under oath (perjury), and provides for protected facilities for housing government witnesses and their families. It also authorizes the government to preserve testimony by the use of a deposition (testimony given under oath but outside the courtroom) in a criminal proceeding (a right that previously existed only for the defendant) and prohibits any challenge to the admissibility of evidence based on its being the fruit of an unlawful government act (if such act occurred 5 years or more before the event sought to be proved). The act makes it unlawful to engage in the illegal gambling business itself and contains the RICO statute.

The Bank Secrecy Act (1970) is directed at controlling money laundering. It includes features requiring banks to report transactions over $10,000 or file a report if $10,000 or more leaves or enters the country and requires citizens to report foreign bank accounts on tax returns (Abadinsky, 2012).

Assets seizure (forfeiture) has emerged as one of the most powerful tools to break the back of criminal enterprises—"kick them in the assets," so to speak. Imprisonment and fines have been found inadequate in deterring capital organizations, so seizure of assets curtails the financial ability of such groups to continue criminal operations (Bureau of Justice Statistics, 1988). Assets may include money, property, businesses, cars, boats, or any item that may have been involved in or is the product of a criminal enterprise (Jacoby et al., 1992; Lombardo, 1990). Forfeiture, the ancient legal practice of government seizure of property used in criminal activity, has proven to be a particularly useful weapon against illicit narcotics trafficking (Stellwagen, 1985).

The RICO Statute

The RICO statute, as mentioned earlier, authorizes the federal government to seize legitimate operations if they have been purchased with illegally gained funds (laundering) or if they are used for criminal purposes. In addition, defendants can be subject to up to 20 years' imprisonment. The law permits prosecutors greater latitude in presenting to the jury a broader picture of patterns of racketeering; this enables them to trace the pattern back to formerly insulated bosses. Because of the broad sweep of the law, lawyers and others are fearful of the application of the law to nonsyndicate crime, such as crimes by legitimate business.

RICO charges offer a unique advantage in targeting an entire enterprise, and civil RICO laws can be used to seize cash and assets. Application of RICO charges to white-collar violations, such as insider trading by brokerage firm Drexel Burnham Lambert, raises controversy. Civil RICO permits victims of fraud to bring private civil suits, whether or not the Justice Department files charges ("RICO: Assault," 1989). Threatened companies, it is claimed, are forced to settle or be branded racketeers. Whereas some critics see it as a "statute run amok" (Boucher, 1989, p. 4E), others see it as a powerful tool to control white-collar crime in addition to organized crime (Waldman & Gilbert, 1989; see also Safire, 1989). Cecil Greek (1990) indicates, "RICO represents a major expansion of the federalization of crime and

which for now appears to be quite acceptable, despite those protesting its widespread use, to both the courts and a large segment of the American public as well" (p. 1).

Until 1981, many features of RICO had lain dormant. In a case against IAS boss Frank Tieri, the government alleged that Mafia families themselves constituted illegal enterprises. Los Angeles mobsters were also convicted of racketeering and conspiracy charges (Mitchell, 1981).

The civil provisions of RICO permit U.S. attorneys and private citizens to sue for three times their damages and the cost of the suit if it can be demonstrated that the plaintiff or his or her business or property was injured as a result of a pattern of racketeering. A Continuing Criminal Enterprise statute is similar to RICO but targets only illegal drug activity. The statute considers it a crime to commit or conspire to commit a series of felony violations of the 1970 Drug Abuse Prevention and Control Act in concert with five or more other persons (Carlson & Finn, 1993). By the mid-1990s, the growth in violent street crime perpetrated by gangs finally received serious federal attention. Federal agencies such as the FBI, Drug Enforcement Administration, and ATF (Bureau of Alcohol, Tobacco and Firearms) began to team up with local police to target such groups. RICO charges, for instance, were successfully employed against Chicago's Latin Kings, Atlantic City's Abdullahs gang, and Shreveport's Bottoms Boys.

THEORY AND CRIME

Organized crime as a subfield of criminology has developed a number of theories of its own. Most of these relate to the nature, definitions, and characteristics of organized crime. Readers of this chapter have a clear notion by now that not all organized crime is the Mafia. Organized crime exists internationally where groups use violence or threats of violence in order to profit from supplying illicit goods demanded by the public. They also enjoy immunity of operation through intimidation and corruption.

Although the ethnicity of the groups involved in organized crime changes, it has represented a ladder of mobility for various groups. Anomie theory explains that in the pursuit of the American dream of financial success, various groups have found themselves at a critical disadvantage and find that legitimate means to success are blocked. Innovators substitute other means (crime) as a ladder to success. According to Cloward and Ohlin's differential opportunity theory, some groups find themselves in neighborhoods where legitimate avenues of upward mobility are blocked; however, illegitimate means may abound. Such Mob neighborhoods spawn the next generation of wiseguys. In such subcultures, organized crime is viewed as a good opportunity for being admired and successful. Criminal subcultures may exist that socialize the individual into valuing criminal values and attitudes.

Theoretically, the traditional model of organized crime has been a picture of a group (often ethnic in nature) that stands apart from the larger society of which it is part. In fact, the political world of this larger society can be partners with organized crime. This explains the deep entrenchment of organized crime as a route to illegal fame and fortune. The theory of ethnic succession in organized crime characterized this as a situation where organized crime acts "as a queer ladder of upward mobility" (Bell, 1967, pp. 1–2).

CRIME & THE MEDIA 13.1 ORGANIZED CRIME

The love affair between the American media and organized crime in the 20th century entertained the American public and featured terrorism, white-collar crime, and public corruption. This bypassed "cowboy and Indian" stories and the gangster and bank robber themes of the period. Because FBI agents were forbidden by J. Edgar Hoover from using the term *Mafia*, Hollywood and television stepped in line and avoided use of the term. Televised coverage of the Apalachin meeting and the Kefauver and McClellan Commission hearings mesmerized and fascinated the public and was the nail in the coffin of J. Edgar Hoover's denial of the Mafia.

Now, popular television shows routinely have story arcs that include organized crime. (Spoiler Alert!) The show, *Breaking Bad*, which aired for five seasons between 2008 and 2013, tells the story of Walter White, who begins engaging in the producing and selling of methamphetamine. This turn of work is most shocking as White had been a high school chemistry teacher. To be successful as a drug manufacturer, he develops connections to the drug underworld, including a drug kingpin and multiple crime syndicates. As the story is told, *Breaking Bad* shows the inner workings of drug networks and how White manages to navigate new territory and relationships. It further shows how the different crime syndicates are governed. If you have not already, are you going to watch?

SUMMARY

The subject of much public interest, organized crime has been defined in a variety of ways. In the United States, most federal agency and state statutes use generic definitions, which indicate that organized crime is any criminal activity involving two or more individuals. Using a similar broad definition, Albini identifies four types of organized crime: political-social, mercenary (predatory), in-group, and syndicate. With the exception of the last type, syndicate crime, all refer to other types of criminal activity, such as political, conventional, and professional criminal behavior.

The field of criminology defines organized crime (henceforth synonymous with syndicate crime) as a continuing group or organization

1. that participates in illicit activity in any society by the use of force, intimidation, or threats;
2. that provides illicit services that are in strong public demand; and
3. that ensures protection and immunity through corruption.

In this chapter, an organized crime model was proposed as a useful device for avoiding confusion in the process of deciding whether a group's activities represent an example of organized crime. Organized crime as a concept is not a matter of kind but is rather a matter of degree—that is, to what extent this type of crime possesses the characteristics identified in our criminological definition of organized crime. Types of crime may be viewed as distributed along a continuum ranging from nonorganized to organized (syndicate) crime, depending on the degree to which the group exhibits organization, the use or threat of violence, the provision of illicit goods in public demand, and the ability to obtain immunity through corruption and enforcement. Types of organized (syndicate) crime include traditional crime syndicates, nontraditional syndicates, semiorganized crime, local politically controlled organized crime, and national politically controlled organized crime.

In addition to definitional problems, another problem in the study of organized crime is the poor scientific nature of much of the literature, which forces the social scientist to rely on many journalistic and autobiographical accounts.

A variety of street gangs were described, and some were noted to be undergoing transition into neighborhood-based drug trafficking organizations.

Internationally, organized crime thrives in two types of political environments: liberal democracies and corrupt dictatorships. Chinese Triad societies, highly ritualized Chinese secret organizations that are often involved in organized crime, were described.

Mafiya is a term used to refer to various Russian organized crime groups, which have grown in power since the collapse of the former Soviet Union. Organized crime, although dominated since the 1930s by the Italian American Syndicate (IAS), has participation from a variety of ethnic groups. According to the theory of ethnic succession, mobs have represented a strange ladder of mobility for a variety of minorities.

Money laundering involves making clean or washing dirty money (illegal funds). Such operations make use of unscrupulous banks that ask no questions in accepting large deposits of cash. Primary drug-smuggling routes—the Golden Triangle, the Golden Crescent, and Latin America—were discussed, as were the Colombian cartels and the underground empire.

Various theories regarding the origin of the term *Mafia* were traced, with the author agreeing with Albini that the most likely source is Rizzotto's 1863 play, *I Mafiusi di la Vicaria* (*The Heroes of the Penitentiary*). Three theories of the nature of syndicate crime in the United States were discussed: Cosa Nostra theory, confederation theory, and patron theory. The first theory, which has been accepted by federal commissions and agencies, views organized crime as centrally controlled by a formally structured Italian American syndicate, and confederation theory views it as controlled by a combination of ethnic groups, principally Jewish and Italian. The patron theory views organized crime as a set of shifting alliances, a client–patron relationship.

The Mafia myth is the belief that organized crime is the product of an alien conspiracy. More moderate expressions of this theme view the IAS as the most powerful of organized crime groups but not the product of an alien conspiracy. Critics of the Mafia or Cosa Nostra (LCN, La Cosa Nostra) model argue that the terms and descriptions of these organizations are fictitious, the creations of federal law enforcement agencies. A more moderate view admits that many of their criticisms are legitimate but still argues that the IAS exists, the vision being skewed, not false.

The classic pattern of organized crime involves a gradual evolutionary development from strategic and tactical crimes, to illegal businesses and activities, to legitimate businesses, to an infiltration of big business and government itself. Some typical operations of organized criminal groups are arson, assault, coercion, extortion, murder, blackmail, bribery, and corruption. Typical illegal businesses include gambling operations, loan sharking, labor racketeering, and any number of other activities detailed in the chapter. Infiltration of legitimate businesses such as trucking, construction, and the hotel and restaurant industry provides cover for organized crime operations. Although it is hazardous to guess, estimated gross revenues and untaxed net profits appear to make organized crime wealthier than the nation's largest industrial corporations.

Organized crime infiltration of legitimate business may be viewed on one hand as a natural ethnic succession of organized crime and on the other hand as yet another setting for illegitimate operations.

Crime careers of people in organized crime were briefly examined. Highlighted was their strong identification with criminal careers, their recruitment, and their relationship with the public. Finally, public and legal reaction to organized crime was discussed. Although public reaction to organized crime in the past was characterized as a fascinated apathy and sporadic and unorganized legal reaction, recent events suggest major inroads in the war on organized crime. Application of laws such as the Hobbs Act and the Organized Crime Control Act (1970) represent potent tools. The RICO statutes and sting operations by federal agencies represent creative law enforcement efforts in this regard. However, these more aggressive law enforcement efforts have been criticized for threatening civil liberties and for covering up corporate criminality.

KEY CONCEPTS

assets forfeiture (p. 385)
continuum model of organized crime
ethnic succession theory (p. 371)
Hobbs Act (p. 385)
iron law of opium trade (p. 375)
loan shark (p. 379)
mafiya (p. 370)
Medellin cartel (p. 375)
numbers game (p. 378)
Organized Crime Control Act (p. 386)
racketeering (p. 379)
RICO (Racketeer Influenced and Corrupt Organizations) (p. 365)
Triads (p. 367)
Yakuza (p. 366)

REVIEW QUESTIONS

1. Discuss the various attempts to define organized crime. How does the organized crime continuum approach this issue?
2. What are some important sources of information on organized crime?
3. Discuss some features of Triads. Where do they operate, and what are their major activities?
4. Discuss the history and present status of Russian organized crime. What are its major criminal operations, and why is it regarded as such an enormous threat?
5. Why was Joe Valachi so important in the history of the American Mafia?
6. What is the RICO statute? How effective has it been in the war on organized crime?
7. What are some investigative procedures and legal weapons that have been used in the war on organized crime in the United States?
8. Discuss some of the major features of the Organized Crime Control Act of 1970.



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14 PUBLIC ORDER CRIME

LEARNING OBJECTIVES

14.1 Explain the relationship between the broken windows theory and public crime.

14.2 Identify some types of sex work.

14.3 Examine paraphilia and list some examples of it.

14.4 Discuss the relationship between drug use and crime.

14.5 Review the role of overcriminalization and decriminalization in drug policy.

14.6 Assess how criminological theories apply to public order crime.

Is vice-related behavior a matter of civil liberties and individual choice in a free society? What is the role of the criminal justice system in enforcing a semblance of public morality and a sense of civic decency? **Public order crime**, sometimes referred to as **crimes without victims** (Schur, 1965) or legislated morality, refers to a number of activities that are illegal because they offend public morality. Such nonpredatory crime generally includes activities such as prostitution or sex work, alcohol and narcotics abuse, gambling offenses, disorderly conduct, vagrancy, and minor forms of sexual deviance. These crimes outnumber other recorded crimes and have traditionally represented the bulk of police work.

A number of other concepts have been used to refer to certain categories of public order criminal activity. H. Laurence Ross (1961) coined the term **folk crime** to refer to relatively common violations that occur in part because of the complexity of modern society. Traffic offenses, fish and game law violations, tax offenses, gambling, and sexual deviations all can serve as illustrations. Many, but not all, of the activities to be discussed in this chapter are examples of crimes that are *mala prohibita*—bad because they have been prohibited by law. They violate various conceptions in society as to appropriate moral conduct but lack the quality of acts *mala in se*, such as murder or rape, in which there is clear and abhorrent victimization of others. Offenses related to sex work, gambling, and the like serve as examples of consensual crimes in that there is free consent on the part of participants. In many victimless crimes, the offenders have customers rather than victims (Silberman, 1978).

BROKEN WINDOWS

In their classic article "Broken Windows," Wilson and Kelling (1982) give a different view of the need to regulate such deviant conduct. Kelling (1988b) explains,

> Just as unrepaired broken windows can signal to people that nobody cares about a building and lead to more serious vandalism, untended disorderly behavior can also signal that nobody cares about the community and lead to more serious disorder and crime. Such signals—untended property, disorderly persons, drunks, obstreperous youth, etc.—both create fear in citizens and attract predators. (p. 2)



PHOTO 14.1 City ordinances that make sitting or lying on city sidewalks illegal are one way of criminalizing homelessness.

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Deinstitutionalization of the mentally ill without adequate follow-up or community treatment facilities has added yet another population to an already existing homelessness problem. The public wants the police to assist the mentally ill, the publicly inebriated, and the homeless (Finn & Sullivan, 1988). Neighborhood disorder, drunks, panhandlers, youth gangs, and other incivilities unsettle a community, produce fear, and disrupt social, commercial, and political life.

A large decrease in crime in New York City in the 1990s was attributed in part to a new policing policy of zero tolerance for previously ignored squeegee men (who try to wash car windows when drivers are stopped at traffic lights), aggressive panhandlers, subway turnstile hoppers, the homeless, and disorderly conduct. By enforcing small things, the police claimed to have gotten a better handle on crime in general.

Although much of the reduction in crime beginning in the 1990s was attributed to application of **broken windows** theory by its advocates, critics point out that other cities without a broken windows policy also experienced similar decreases during this period.

A conservative political climate in the United States in the 1980s led to cuts in social programs and a burgeoning homeless population, as well as a deinstitutionalized mentally ill population. The police force became, by default, social workers of last resort. "They do so because peace officers are unique in providing free, around-the-clock service, mobility, a legal obligation to respond, and legal authority to detain" (Finn & Sullivan, 1988, p. 2).

Isaac and Armat, in *Madness in the Streets* (1990), note that homeless and neglected people with mental illness sometimes create the perception of craziness on our streets, which is destructive to the social order. The neglectful deinstitutionalization of people with mental illness brings them into oftentimes unpleasant contact with noninstitutionalized people, who then have a sense of public disrepair.

SEX WORK

Prostitution, also known as sex work, can be defined as the practice of having sexual relations with emotional indifference on a promiscuous and mercenary basis. In some countries and most U.S. states, prostitution itself is not a criminal offense; it is the act of soliciting, selling, or seeking paying customers that is prohibited. Sometimes referred to as the world's oldest profession, prostitution certainly has been widespread in societies both ancient and modern.

Until the Protestant Reformation in Western society, sex work was pervasive and tolerated as a necessary evil. It was often taxed by the Church and was a major source of community revenue in the Middle Ages. Public health concerns that arose with the discovery of syphilis and the emergence of the Protestant ethic with its strong emphasis on individual morality were instrumental in prostitution's prohibition. Essentially, concepts of sin were translated into legal notions of crime. Despite its prohibition, prostitution exists internationally, with the exception of some poor and underdeveloped societies where it would be in little demand. Although prostitution is generally regarded as a low-status occupation in societies in which it is approved of, in different cultures in the past, certain sex workers have enjoyed high status, such as the *hetaerae* of early Greece, the *lupanaria* in the Roman Empire, the *devadasis* in India, and the *geishas* of Japan (K. Davis, 1961). Such courtesans were often well-educated and trained entertainers or religious performers.

In most U.S. states, prostitution is considered a misdemeanor, and laws prohibiting it are generally enforced only when the public insists on it. Typically, sex workers are rounded up, booked, made to pay a small bail or fine, and then are put back on the streets. To control the undesirable activities often associated with prostitution and to avoid public complaint, many cities create vice zones or combat zones—adult entertainment areas or "red-light districts." Most public order offenders do not regard their behavior as criminal, perhaps in part because of general societal ambivalence toward much of it (Clinard & Quinney, 1973). Some of the behavior may reflect personal psychological disability, but much of it reflects either adult consensual relations that are agreeable to both parties and harmful to neither or personal choice to participate in activity that the individual desires, even though it may be illegal or societally disapproved of.

This discussion concentrates primarily on female sex work, which appears to persist despite wide variations in economic, political, and social systems. One explanation is that prostitution serves a function in society: It services otherwise unmet sexual needs. There is a strong demand in many societies for no-strings-attached sexual release, particularly in relatively isolated male environments. City leaders—particularly in seaport cities such as Hamburg, Marseilles, and Baltimore—would argue that toleration of prostitution enabled the servicing of armies, strangers, and deviants, thus protecting "decent"

females of the community. In addition to the strong demand for such services, sex work can offer relatively lucrative rewards for women, depending, of course, on the status of customers.

Eleanor Miller, in *Street Woman* (1986), interviewed 64 sex workers and, like Terrence Sullivan (1988), found that economic and social problems propelled young women into "hustling" as an alternative to boring, dead-end jobs. For others, it was an escape from abusive or dysfunctional families. Money and survival became key motivations for street workers (Ritter, 1988).

Armstrong (1983) points out that the role of pimps (procurers) in recruiting women to prostitution is actually minimal. James (1978) notes that this is a direct challenge to the view of sex workers as victims. James (1977) sees the view of pimps as active panderers (drumming up business and recruits) as based on past behavior of pimps, sensational journalism, and protectionist policies toward women. Lemert (1968) describes the "white slave myth," indicating that "the trauma of forced entry into prostitution inspires sympathy and provides a way to discount responsibility for one's actions" (p. 84). Although American explanations of recruitment point to disaffection with family, child abuse, drug use, and the like, McCaghy and Hou (1988) tell us that in Taiwan, a historical tradition of prostitution is sanctioned by a patrilineal system that devalues female children. Prostitution often occurs with the families' approval as a means of securing economic well-being during times of family stress.

Types of Prostitution

Prostitution involves a number of types and settings, including the following:

- Brothel prostitutes
- Bar girls



PHOTO 14.2 In 2005, law enforcement agents arrested more than two dozen people on allegations of smuggling foreign women into the country through Canada and forcing them into sex work in massage parlors in the San Francisco Bay Area.

© AP Photo/Ben Margot

- Streetwalkers
- Massage parlor workers
- Call girls
- Madams
- Other

Like any other occupation, prostitution is stratified, the lowest status and remuneration assigned to brothel or house prostitutes and streetwalkers and the highest prestige and reward attached to expensive escorts, who are able to command higher prices from more exclusive clientele (MacNamara & Sagarin, 1977; Perkins & Bennett, 1985).

Brothels—what used to be called whorehouses, cathouses, or bordellos—were widespread in the United States until the post–World War II period. Often clustered together in red-light districts, brothels were managed by "madams" with whom sex workers shared the proceeds from their "tricks" (sexual transactions). The term *red-light district* supposedly had its origin when railroad construction workers in the American West hung their red signal lanterns outside brothels they were frequenting in order to keep in contact with their dispatchers (Winick & Kinsie, 1971). Although some illegal brothels still exist in the United States in some counties in Nevada, most have disappeared.

The following description of a red-light district in Erie, Pennsylvania, in 1907 is illustrative:

> In the three blocks of French Street mentioned, there are roughly sixteen immoral houses. Within these resorts a conservative total of 75 girls have been leading a life of shame. None of these resorts hold a liquor license, but at all of them, drinks of any description can be obtained at any hour of the day . . . by a visitor of almost any age.
>
> Seventy-five percent of the girls of the tenderloin are under 21 years of age. Ninety percent of the visitors are young men under 20. Fully thirty percent are boys of 16 and 17. ("Erie Red Light Resorts," 1988)

Street workers, also known as streetwalkers or "hookers," parade and negotiate the sale of their wares on the public streets. The term *hooker* was apparently derived from camp or circuit traveling prostitutes who followed and serviced the Union troops of General Joseph Hooker during the Civil War (Winick & Kinsie, 1971). Such "working girls" earn the lowest fees of all prostitutes and are most vulnerable to police interference. Street workers also are most likely to have arrangements with pimps, who play the combined roles of managers, protectors, and pseudo-fathers. In the United States since the 1960s, the majority of street pimps have been Black. Research suggests that pimping is held in less regard than in the past and may be of less importance in the world of sex work than it was at one time (Winick & Kinsie, 1971). Although relationships between pimps and those workers who have an arrangement with them vary, many sex workers are required by their pimps to earn a certain amount per day or suffer physical harm.

Bar girls, or B-girls, are common in seaport cities and areas serving military populations, such as in combat zones, or adult entertainment sections of some large cities. Such sex workers entice customers to buy them drinks, usually nonalcoholic ones, for ridiculous prices, while also arranging for tricks, which may occur on the premises or at nearby "hot sheet" hotels.

Call girls represent the top of the prostitution profession. Such sex workers generally are very selective in their clientele and are highly rewarded. Most are from more educated and middle-class backgrounds than street workers or house girls and usually operate on referrals. Escort services generally are fronts for sex work in which clients may pay per hour for the company and "services" of usually attractive young women. In 2008, then New York governor Elliot Spitzer was forced to resign in disgrace after it was revealed that he paid a call girl over $4,000 for a visit and had done so on numerous occasions. In April 2018, the federal government shut down a website, Backpage, which provides classified ad content that has been used for escorts to identify clientele. The website, it was argued, helped facilitate human trafficking. While the shutdown is hailed by many as a way to combat prostitution, others fear that it may make sex work more dangerous (Ovalle, 2018).

Massage Parlors

Breslaw Executive Health Spa! 15 Lovely Girls Upstairs and 15 Lovely Girls Downstairs to Serve You!

Advertisements such as that just quoted appeared on Canadian commercial television (CKCO-TV, Kitchener, Ontario, September 1, 1983, 12:45 a.m. EST). The massage parlor, in which forms of commercial sex are sold under the guise of a health spa or massage service, became quite common in North America in the 1970s. Journalist Gay Talese (1979), who recorded extensive participant observation studies of such operations in his book *Thy Neighbor's Wife* (1979), concluded that for all practical purposes, under existing laws, such operations constitute legalized prostitution. Because "extras" (prohibited sexual services) must be negotiated and requested by the customer, parlor girls can avoid actual solicitation, and law enforcement agencies must be careful of *entrapment*, or causing illegal activities to occur that would not otherwise have taken place. Such an example occurred in Spotsylvania, Virginia, in 2006, where it was discovered that officers had received sexual services from the masseuses on four different occasions. The officers even left a $350 tip! (Jackman, 2006).

Johns

Although an extensive literature exists on prostitution, there has been a paucity of information regarding **johns**, or customers, except from interviews with sex workers. Holzman and Pines (1979) note that much of the literature on johns portrays them as socially, psychologically, or physically inadequate, having to pay for that which others can obtain free as a matter of course (Benjamin & Masters, 1964; A. Ellis, 1959; Gibbens & Silberman, 1960; Laner, 1974; Morris & Hawkins, 1970). The term *trick* is derisively used to refer to the fact that the hooker tricks the john into paying for what he should be able to obtain for free (Milner & Milner, 1972). Holzman and Pines indicate that much of this negative evaluation of johns has come from sex workers and mental health practitioners and that field studies of such customers by social service researchers present a different picture.

M. L. Stein (1974), employing one-way mirrors in order to observe and record hundreds of sessions between sex workers and clients, was struck by the normal or "straight" quality of the customers. Employing in-depth interviews of a snowball sample of 30 primarily white, middle-class johns (a snowball sample asks the initial interviewee to suggest other subjects), Holzman and Pines (1979) were also unable to support the "pathology-ridden depictions of the clients of prostitutes" (p. 4). All of the subjects indicated current involvements in relationships that involved sex and that they experienced little problem in obtaining sex from civilians. Some prevailing motivations for visiting sex workers mentioned by their sample included expectations of mystery and excitement, special "professional" services, and guaranteed, easy, nonentangled sex, which excluded possible rejection.

A controversial, although apparently relatively effective, means of cracking down on open solicitation by sex workers in given urban areas is to prosecute and embarrass johns by publishing their names and addresses in the local newspaper. Modeled after drunk driving and shoplifting programs for first-time offenders, some jurisdictions are experimenting with schools for johns. These remedial classes are designed to make such former customers of sex workers aware of the seriousness of their offense.

Despite the increased visibility of sex work in the United States beginning in the 1970s, most studies suggest that sex work has experienced a decline since the pre–World War II period. There appears to be an inverse or negative relationship between sexual permissiveness in a society and the strength of organized prostitution. Prostitution is strongest in countries with traditional concepts of marriage and the double standard code of sexual behavior that encourages sexual promiscuity on the part of males but discourages such behavior for females. Countries such as France and Italy, for example, discourage divorce and tolerate different expectations of sexual conduct for men and women. Because female sexual expression is discouraged outside of marriage, a small proportion of women serves the illicit, erotic desires of the male population. The decline in sex work can be noted by comparing Kinsey's 1948 and 1953 surveys of sexual behavior with more recent ones (Hunt, 1974). These show that, whereas prior to World War II, roughly 50% of white males had visited prostitutes, in the 1970s only 25% of

college-educated men had visited prostitutes. More recently, 12% of men indicated having paid for sex (E. Brown, 2016). The erosion of the double standard has eliminated some of the demand for sex workers' services. Farley (2007) describes Las Vegas as the epicenter of North American prostitution and sex trafficking. She states, "If you peel back the thin, supposedly sexy veneer of the commercial sex trade, you'll quickly see the rotten inside, where females are bought, sold, raped, beaten, shamed and in many, many cases, physically and emotionally wrecked" (pp. 1–2). Former mayor Oscar Goodman of Las Vegas wanted to legalize prostitution there, as it already is in other parts of Nevada.

Underage Sex Workers

A large proportion of teenage sex workers come from damaged families and often represent "throwaway children." Many had been raped or sexually abused by surrogate fathers. A Boston ring of boys being used to sell sex was run by the school bus driver, who peddled the bodies of 8- and 9-year-olds and advertised them through photographs all along the East Coast. When the ring was broken, police arrested a child psychiatrist, a clinical psychologist, a former assistant headmaster, and a teacher at a boys' prep school. The sexual exploitation of children will remain a matter of serious concern, particularly with respect to the long-term psychological impact of such victimizations on the young people involved (A. W. Burgess, 1984; Ritter, 1988; T. Sullivan, 1988; Weisberg, 1985). With the adoption of the Trafficking Victims Protection Act, underage sex work is now considered trafficking. Any person under the age of 18 who engages in sex work (sexual services in exchange for anything of value) is considered to be a victim of trafficking. As such, underage persons engaging in sex work should no longer be viewed as offenders but as victims (Mapp, 2017).

One of the biggest trends in sex work has been a movement from the streets to the internet. The internet, cell phones, and escort services have all made sex work less noticeable. Advertisements for sexual services flourish on websites.

Other Types of Sex Work

We have discussed prostitution, which is a form of sex work, but not other forms of sex work. Some of these are legal such as web-camming or cam modeling, exotic dancing, phone sex, and pornography. Similar to how the internet has spurred the growth of prostitution off the streets, the internet has provided new mechanisms of sex work. Cam modeling, which involves a model performing live shows while being watched by people, most often for tips, likely generates over a billion dollars each year (Ritchtel, 2013). Some of the type websites receive 30 million visitors per month. The pornography industry has largely seen its market move to the internet as well—but piracy is common. Although both web-camming and performing in pornography are legal in the United States as long as people are consensually engaging in it and are adults, there is the potential for these behaviors to lead to criminal involvement and victimization. For example, a person may work as a cam model under a pseudonym, but have their personal information posted on the internet by a customer and outing them. Clients may also pressure cam models into behaviors they are uncomfortable with or meet in person for paid sexual activity, which could be illegal. What first starts as legal behavior, may then, progress or slide into illegal conduct (although not always). Some research on exotic dancing suggests that there is an increased risk of engaging in prostitution among some dancers, with those who use illegal drugs, having a history of sexual abuse and childhood neglect, and those who allow customer touching at particular risk (Liles et al., 2022).

SEXUAL OFFENSES

Although sexual assault, rape, and adult sexual relations with minors are taken very seriously by the criminal justice system, other acts have been given less attention by authorities and attract a response only when they involve other criminal activity (see Lowman et al., 1986; T. Sullivan, 1988). In addition to prostitution, some other sexual offenses that have criminal implications include exhibitionism, voyeurism, fetishism, **incest**, and pedophilia. Related deviant sexual activity that may attract

criminal predators includes sadism and masochism. **Exhibitionism** usually involves the purposive and unsolicited indecent exposure of sexual parts, usually of a man's penis to an unsuspecting woman. **Voyeurism** consists of invading the privacy of another by viewing them either unclad or in a sexual situation ("peeping Toms"). **Fetishism** involves obtaining erotic excitement through the perception and often collection of objects associated with a desired human sexual object. **Pedophilia** is sexual desire for prepubescent children.

Paraphilia

Paraphilia refers to abnormal sexual practices involving sexual interest in nonhuman objects (e.g., underwear of the opposite sex) and giving or receiving pain. Some of these activities, when harmless and committed in private by adults, are of little interest to the criminal justice system (Hickey, 2006). Areas of interest to the criminal justice system include asphyxiophilia, or autoerotic asphyxia, such as binding or partial strangulation as a means of sexual gratification; frotteurism (rubbing against people in crowded areas); voyeurism; exhibitionism; and sadomasochism.

Exhibitionism generally involves the purposive public exposure, usually by men, of private sexual parts, in order to elicit shock in unsuspecting victims. Although laws prohibiting indecent exposure are equally applicable to both sexes and are usually enforced as a result of public complaint, most "flashers" are male (Forgac & Michaels, 1982). Illustrated by the "dirty old man in a raincoat" who exposes his genitals, exhibitionism may also take the form of adolescent pranksterism consisting of "mooning" (displaying one's bare buttocks to an unsuspecting audience) and "streaking" (running naked through a public gathering). Mooning and streaking are performed for kicks; there appears to be little erotic motivation on the part of the participants. The following annual tradition at one university is illustrative (Landers, 1991):

> Hundreds of Princeton University sophomores shed jeans and down jackets for a traditional event dubbed the "Nude Olympics," held to celebrate the area's first snowfall of the year. About 1,500 spectators cheered them on last week as the students, clad only in boots and hats, lit the torch before doing sit-ups and push-ups in a campus courtyard and ran up and down Nassau Street in Princeton, NJ, reported United Press International. (p. C8)

Flashers, on the other hand, participate in such activity as a means of sexual arousal and gratification. Most are described as the least harmful of sexual offenders; such exhibitionists are generally immature in their sexual development, wish to evoke fear or shock, and actually would be fearful if the victim acted interested or wanted further contact (Gebhard et al., 1965).

Voyeurs attain sexual gratification by viewing others in an unclad state. Although legal voyeurism can be practiced in establishments catering to such trade—for example, topless bars or adult entertainment districts—illegal voyeurism involves uninvited "peeping" into private homes, parked cars in "lovers' lanes," or other areas. Voyeurs are often called peeping Toms, a name derived from the fable of the man who stole a peep at Lady Godiva on her naked ride through Coventry. Although some patterns of burglary may be associated with voyeurism, in most instances it appears to be pursued as an end in itself. Voyeurism is primarily practiced by juveniles as a means of achieving erotic excitement. Most persistent voyeurs are also at a relatively immature level of psychosexual development and, contrary to the fears of many female victims, do not employ voyeurism as a prelude to sexual attack. In this sense, voyeurs are much like obscene phone callers in that they often fear contact with the opposite sex; otherwise, they would avail themselves of readily obtainable erotic outlets in the adult sexual marketplace.

Fetishism involves sexual arousal from the perception of inanimate objects or articles of clothing usually associated with the opposite sex. Although some level of fetishism is normal, it becomes abnormal when an individual acquires such items, often through theft, and venerates such articles as a displaced sexual object. There are, for instance, some episodes of shoplifting associated with fetishistic behavior in which the objects are sought because they have significant value for the erotic feelings they arouse.

Of possible concern to law enforcement are sexual practices involving sadism and/or masochism. *Sadism* involves the attainment of sexual gratification by means of inflicting pain on others. Often

unable to achieve sexual arousal or orgasm through any other means, such individuals may harm nonconsenting partners. *Masochism* refers to the attainment of erotic satisfaction through suffering pain. The masochistic individual must be physically punished in order to gain sexual fulfillment.

Although many states still have laws prohibiting certain sexual acts between consenting adults, regulations against cohabitation, fornication, adultery, and the like are usually ignored by law enforcement. Societal attempts to regulate obscenity and pornography continue to stir debate.

Not every sexual deviation yields a predictable mode of behavior. Although only a very small minority of sexual deviants are potentially dangerous, any type may be associated with more serious criminality in the individual case. Most persistent offenders exhibit immature psychosexual development, and if their behavior elicits a police response, such offenders are usually treated under civil commitment proceedings. Because most research on sexual offenders relies on official statistics and the majority never come to official attention, far more reliable research is required in this area (Hickey, 2006; Laws & O'Donohue, 2008; Toch, 1979).

On February 5, 2018, the worst sex abuse scandal in sports history ended with the sentencing of Larry Nassar. He was an osteopathic physician and sentenced to 40 to 125 years for molesting young female athletes. Over 250 women and girls gave statements. He had been reported as early as 1997 while serving at Michigan State University but not investigated until 2004. Nassar had taken advantage of his position and inappropriately molested these athletes, some as young as 6, under the guise of helping them. He pled guilty to also recovering child pornography. His behavior has drawn comparisons with convicted serial molester Jerry Sandusky at Penn State. Sandusky was an assistant football coach under Joe Paterno who was convicted of systematically molesting young boys who had attended a football camp that he had headed at the university. Over 150 lawsuits have been filed against Michigan State, the USA Olympic Committee, the Michigan State President, and Director of Athletics.

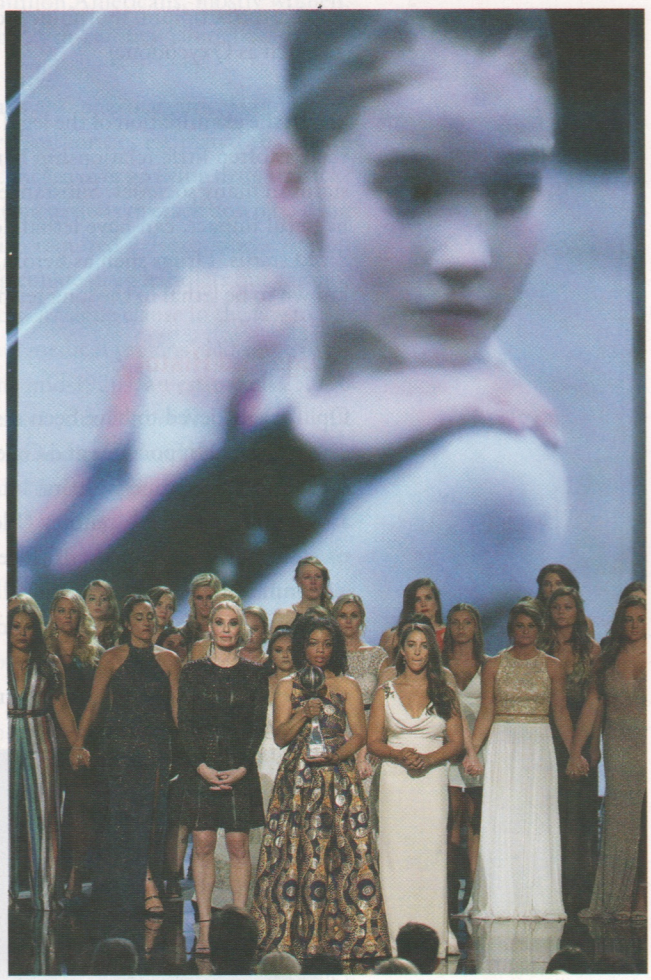


PHOTO 14.3 Larry Nassar's victims take to the stage to receive the Arthur Ashe Courage Award during the 2018 ESPY Awards. On February 5, 2018, osteopathic physician Nassar was sentenced to 40 to 125 years in prison for molesting young female athletes.

Kevork Djansezian/Getty Images Entertainment/Getty Images

DRUG USE

Drugs, chemical substances that alter psychological or physiological functioning, have been used for centuries in various cultures as stimulants or depressants for medical, social, and often religious reasons. Even today in some Middle Eastern countries, alcohol is strictly forbidden by religious law, whereas the use of other highly addictive substances is tolerated. The fact that substance use has moved into the U.S. mainstream can be illustrated by reports of widespread heavy habitual use, particularly by professional athletes, entertainers, and other prominent figures. Although alcohol is a drug, it is generally not included in most discussions of substances that are abused.

The types of common drugs in heavy, habitual use include the following:

Cannabis: marijuana, THC, and hashish

Depressants: barbiturates, methaqualone, and tranquilizers

Stimulants: amphetamines, nicotine, caffeine, methamphetamines, MDMA, Molly

Hallucinogens: LSD, mescaline, peyote, PCP, psilocybin

Inhalants: nitrous oxide, butyl nitrite, amyl nitrite, and aerosols

Narcotics: opium, morphine, codeine, heroin, and methadone (along with prescription pain killers such as Oxycodone)

In the examination of the legal status of drugs and their known harmful effects, the surprise is that there is often little relationship between the known harmful effects of a particular drug and its legal status in many societies. Substances such as alcohol or nicotine, although possessing mild, short-term, harmful impact, can have lethal, long-term effects, and yet they enjoy a legal, sometimes even subsidized status. Drugs such as heroin, which may be lethal in the short run because of overdose, are not known to be lethal in the long term but nevertheless are strongly forbidden.

Drugs and History

Opium is believed to have been discovered as early as the Neolithic Age and was used by early physicians such as Hippocrates and Galen (McCoy, 1972). Opium, the raw base of other derivatives such as morphine and heroin, was first introduced on a wide scale to the rest of the world by Turkish traders around the 8th or 9th century (Block & Chambliss, 1981) and was a trade commodity of European mercantilists as early as the 16th century, providing at one point almost half of the revenue of colonial governments. Opium dens controlled by European governments could be found in most Asian cities. When one Chinese emperor objected to such trade, the Opium Wars (1839–1842) were fought, in which the Europeans (the pushers) were the victors. American "China clipper" ships, known as opium clippers, had a major piece of this trade (Nash, 1981).



PHOTO 14.4 Doping in professional sports is all too common. Russian skater Kamila Valieva tested positive for banned heart medication prior to the Beijing 2022 Winter Olympic Games. The Court of Arbitration for Sport cleared Valieva to continue competing despite failing a doping test while her case was being adjudicated.

© Nikolay Muratkin/Anadolu Agency via Getty Images

In 1805, morphine was derived from opium, but widespread medicinal use of morphine and other derivatives such as codeine brought the onset of serious addiction problems. By 1874, heroin, another opium derivative, was developed and was at first believed to be a nonaddicting miracle drug. Cocaine, which was isolated from coca in 1858, was first thought to be a cure for morphinism (addiction to

morphine) and was a popular ingredient of tonics such as Coca-Cola when the first soda fountains were introduced in the 1890s (Inciardi & McElrath, 2001). Its inclusion was outlawed by the Pure Food and Drug Laws of 1906. Backwater patent-medicine peddlers of the late 19th-century American frontier provided highly addictive remedies such as Dover's Powders, Sydenham's Syrup, and Godfrey's Cordial, which were so widely used that by 1900, an estimated 1 million Americans, mostly women, were opiate users (Brecher, 1972). Brecher described the turn-of-the-20th-century United States as a "dope fiend's paradise" (p. 4).

The relatively unregulated distribution of narcotics by physicians and pharmaceutical companies was creating a tremendous substance use problem. By 1924, federal authorities estimated that there were 200,000 people with addiction (McCoy, 1972). International concern over growing drug trafficking led to the Hague Convention of 1912, which called for participating nations to crack down on drug distribution. The U.S. response was the **Harrison Act** of 1914, which required a doctor's prescription for narcotics and cocaine. The act required the registration of all legitimate drug handlers but was not intended to interfere with the legitimate medical treatment of addicts. A vague clause in the law to the effect that physicians could dispense such drugs "only for legitimate medical reasons" led some overzealous federal agents to crack down on offending physicians. By the mid-1920s, an estimated 25,000 physicians had been arrested, with 3,000 serving jail or prison sentences (Goode, 1984). The net result of the Harrison Act was that physicians abandoned the treatment of addiction, and the people with addiction were abandoned as patients and were labeled as criminal, "dope fiend," or outside menace (Duster, 1970; Goode, 1972; Lindesmith, 1965).

Howard Becker (1963) coined the term **moral entrepreneurs** to refer to individuals who personally benefit from convincing the public to label the behavior of others as deviant or criminal. Crime File 14.1 describes two classic moral entrepreneurs: Richard Hobson, "the hero of Santiago Bay," and Harry Anslinger, "the Carrie Nation of marijuana." Thomas Szasz, in *Ceremonial Chemistry* (1974), perhaps with some exaggeration, compares the drug war with the war on witches and heretics in Europe from 1430 to 1730; the latter cost 300,000 lives and was a reflection of ignorance and superstition. Successive federal legislation from the time of the Harrison Act until the 1970s, such as the Marijuana Tax Act (1937), the Boggs Act (1951), and Narcotics Control Act (1956), were all aimed at controlling drug abuse by means of criminalization and harsher penalties. In a related moral crusade, David Hajdu, in *The Ten Cent Plague: The Great Comic Book Scare and How It Changed America* (2008), describes the "comic book panic" of the first half of the 20th century. The moral entrepreneur that led the onslaught against comic books was Fredric Wertham in his book *The Seduction of the Innocent* (1954). His campaign led to the 1954 televised U.S. Senate hearings on the "comic book menace" and delinquency (Kennenberg, 2008).

Drug Use in the United States: The Drug Dip?

Surveys of student drug use had shown declines since the late 1970s. Beginning in 1991, however, there was a disturbing reversal of this trend. In the annual Michigan survey of teenagers for the National Institute of Drug Abuse, illicit substance use by 8th graders nearly doubled from 11% to 21%, use by 10th graders increased from 20% to 33%, and high school seniors' use grew by about half to about 33%. This increase still left the level well below that of peak periods of the 1970s and 1980s (P. Thomas, 1995), and it finally peaked and began to show declines beginning in 1999. In 2017, 37% of 12th graders reported using marijuana or hashish, but past-year use of heroin and methamphetamine were at their lowest levels since the beginning of the survey (National Institute on Drug Abuse, 2017). In 2021, the lowest percentage of students indicated using illicit substances since 1975. About 1/3 of 12th graders, 31% of 10th grades, and 14.8% of eighth graders reported substance use in the past 12 months (National Institute on Drug Abuse, 2021).

Substance Use Epidemics

Coke—also known as snow, blow, nose candy, Bolivian marching powder—became the drug of Hollywood, of Wall Street, of "sex, drugs, and rock and roll." Cocaine had become the "hip" drug of the last decades of the 20th century. Although at first believed to be nonaddictive, it has emerged as

very dangerous, and what was at first thought to be a propaganda film meant to scare people, *Cocaine Fiends*, actually bore a close resemblance to reality (Maranto, 1985). A variation of cocaine, crack has considerably raised the level of violence in urban areas The crack cocaine epidemic began in 1986 and peaked by 1992, its declining use reflected in decreasing crime rates. The crack epidemic was associated with the War on Drugs, which led to increases in harsh penalties for its use. For example, the 1986 Anti-Drug Abuse Act established mandatory minimum sentencing schemes, which included penalties for crack cocaine that were more serious than for powder cocaine. These penalties in part contributed to the mass incarceration we see in the United States that has disproportionately impacted Black Americans.

Another emergent drug is related in part to the fitness craze. Steroid abuse came to international attention during the 1988 Olympics when Canadian gold medalist Ben Johnson was asked to give up his medals because of such a drug violation. Bodybuilders and athletes use steroids to promote tissue growth and to gain weight and muscle. Although outlawed in most athletic organizations, steroids are used despite increasing research that shows tremendous potential harm. This may include injury to organs, possible increases in aggressive and psychotic behavior, and early death (Weaver, 1988).

A major drug of concern in the 21st century is methamphetamine (meth). Meth affects people across the socioeconomic spectrum and seems to be particularly prevalent in white, working-class families in rural areas and small towns. It is considered highly addictive and more powerful than cocaine but longer lasting in effect. It is produced in simple but dangerous home labs from ingredients found in patented cold medicines such as Sudafed. Crystal meth from Mexico is twice as strong as that produced in home labs.

CRIME FILE 14.1 MORAL PANICS AND THE STRANGE CAREER OF CAPTAIN RICHMOND HOBSON—MORAL ENTREPRENEUR

Moral panics refer to periods in which a previously peripheral issue is pushed onto the social agenda and perceived as a major social menace. Myths associated with such panics may lead to wasteful and dangerous diversion of scarce resources (Jenkins, 1992b; Jenkins & Katkin, 1990). Such panics may be "symbolic crusades" (Gusfield, 1963) in which moral entrepreneurs attempt to place their social, moral, or political views at the top of the social agenda or in the forefront of the moral landscape. Even if unenforceable, new laws may make symbolic statements that benefit particular groups (Ben-Yehuda, 1990). Many laws aimed at regulating public morality, although nearly unenforceable, reinforce the values of moral guardians and agencies of social control.

On June 3, 1898, Captain Richmond Hobson, a recent Annapolis graduate and temporary skipper of the USS *Merrimac*, piloted his vessel into the mouth of Santiago Bay, Cuba. His mission was to sink his ship in the channel and thus block the Spanish fleet. Premature charges sank the ship before the mission could be accomplished, and Hobson not only failed in his mission but was captured by the Spanish (Epstein, 1977).

Ironically, Hobson became the first hero of that short war, lauded in the American press while he was a prisoner in Cuba. When he was released as part of a prisoner exchange, the navy chose to decorate rather than court-martial him for his incompetence in not accomplishing his mission, and they soon sent him on a cross-country lecture tour. Elected to Congress in 1906, Hobson campaigned first against the "Yellow Peril" (mass immigration of Asian peoples) and later was an organizer of the Women's Christian Temperance Union. A campaigner against the evils of alcohol, he was the highest paid speaker on the U.S. lecture circuit in 1915. With the demise of the anti-alcohol campaign in the 1930s, the undaunted Hobson shifted his target to an anti-heroin crusade, describing heroin as a vampiric, demonic drug that created the "living dead" and desperados. Heroin was viewed as an "enslavement substance" that caused addicted people to commit crimes.

Hobson's propaganda campaign usefully served the moral entrepreneurship of Harry Anslinger and his efforts to expand the Federal Bureau of Narcotics, which he headed. Anslinger influenced public opinion against marijuana by means of his writing and speeches. One of his articles was titled "Marijuana: Assassin of Youth." In it, he portrays a marijuana "addict" who axe-murders his family (Anslinger & Cooper, 1937). Another propaganda feat of the period was a film titled *Reefer Madness*, which similarly displayed marijuana users as rampaging, raving maniacs. Primarily as the result

of Anslinger's efforts, the U.S. Congress passed the Marijuana Tax Act of 1937, making marijuana use a criminal matter.

For Further Thought

1. Examine the issue of moral panics. In what ways may moral panics be used to marginalize minorities?

Drug Abuse and Crime

Some government figures estimating the cost of street crime due to people with substance use issues have amounted to statistical overkill. Estimates in the early 1970s, such as $18 billion, were several times greater than the total sum of property stolen but unrecovered throughout the entire country using Uniform Crime Report (UCR) data for the same year (Epstein, 1977; Singer, 1971). Overall, state prisoners and inmates are more likely than the general population to report drug use, and almost half of women in prison and 60% of women in jail indicated they had used drugs in the month before the current offense. Slightly more than one third of men in prison and just over half of men in jail reported such use. These numbers are particularly shocking when considering that only 5% of the general adult population in the United States meets the criteria for drug dependence of abuse (Bronson et al., 2017).

The concept of **addiction** is used to describe those who have become dependent on opium and opium derivatives such as morphine, heroin, and various medicines that contain opiates. Addiction involves a physiological dependence commonly referred to as *tolerance,* in which the body requires larger and larger dosages of the substance to experience the desired effect. Once this dependence is developed, absence of the required dosage produces a **withdrawal (or abstinence) syndrome**, physical discomfort experienced by an addicted person when deprived of the drug on which they have become dependent. Finally, psychological dependence involves mentally connecting the withdrawal syndrome with one's physiological dependence and the decision thereafter to continue to use the substance. A survey of Vietnam veterans found that although about one third used opiates in Vietnam and one fifth were addicted, only 1% continued using the drugs on returning to the states (Robins, 1974).

Much of the crime associated with substance addiction is due to the high cost heavy users must pay for illegal sources of supply in order to support their need for a "fix." Known as the economic compulsive relationship to crime, the perceived need for the drug leads some to offend (Goldstein, 1985). Although costs of heroin vary, assuming a hypothetical $50-per-day habit, users would have to come up with over $18,000 a year for heroin alone. Unless people with substance use disorder have occupations that provide either high income or easy access to drugs (such as the medical field), most must steal to support their habit; the major means of support for many is dealing in drugs themselves (Inciardi, 1979, 1981; Stephens & Ellis, 1975). For others, other types of crime provide the source of funds. Gropper (1985) indicates that, contrary to what has been found in past research, people who commit crimes and use heroin are as likely as non-users to kill and rape and are more likely to commit robbery and weapons offenses. In addition, there is a wide variety of types of substance-involved offenders requiring different types of responses by the criminal justice system (Chaiken & Johnson, 1988).

B. D. Johnson et al. (1983) did a related in-depth study of 201 New York City heroin abusers. They found most of their subjects were polysubstance abusers. None used only heroin, and almost all also used cocaine, alcohol, and other drugs. Most were involved in criminal activity such as shoplifting and burglary and also supported their habits through being user–dealers. Nurco et al. (1988) study of criminal activity by drug addicts found that, for those previously involved in crime, addiction simply increases an already established criminal lifestyle, whereas "for those not involved in pre-addiction crime, addiction status is associated with a much sharper exacerbation in criminal behavior" (p. 418).

Drugs have been connected to crime through two other means: psychopharmacological effects and systemic. The psychopharmacological explanation suggests that the effects of psychoactive substances leads a person to commit crime, mostly violence. That is, these substances cause the body to react in ways that may lead a person to behave in ways that are criminal. If people using drugs commit crime

because they lack access to formal means of dispute resolution, the drug is having a systemic relationship to crime (Goldstein, 1985). For example, if a person selling drugs is robbed of their drugs, they likely perceive that they cannot go to the police for assistance because drugs are illegal. Thus, they may decide to retaliate against the robber by assaulting them.

The Opioid Crisis

Nearly 64,000 died in the United States in 2016 due to drug overdose, two thirds of which was due to opioids. In 2020, the number of drug-involved overdose deaths reached over 91,000, with over 56,000 deaths tied to opioids (National Institute of Drug Abuse, 2022). Reminiscent of legislative hearings in 1994 in which the top tobacco executives denied that cigarette smoking caused lung cancer deaths, in 2018, all of the pharmaceutical heads denied that their management contributed to the opioid crisis. The opioid epidemic is the worst drug epidemic in U.S. history. The companies know that they are pushing a drug that will kill many people. In 2018, the maker of the painkiller oxycontin announced that it would cease marketing opioid drugs to doctors. It had been hailed as a breakthrough painkiller when approved in 1995 (Associated Press, 2018). The epidemic is so severe that it has caused life expectancy in the United States to decline.

Drunkenness

In 1984, the U.S. Congress passed the National Minimum Drinking Age Act requiring that all states set a minimum drinking age of 21. This sets the United States apart from other developed Western nations. People can vote, marry, serve in the armed forces, and enter into legal contracts at younger ages. Wine and beer can be purchased in Germany at 16 and in France, Italy, and the United Kingdom at 18.

Under English common law, drunkenness itself was not a crime; only when a disturbance of the peace or disorderly conduct occurred was it punished. In the United States, *public drunkenness* is covered by a variety of laws in different jurisdictions, such as public intoxication, breach of peace, disorderly conduct, and inability to care for one's own personal safety. **Problem drinking** is a primary ingredient in other criminal activity, particularly interpersonal violence. The majority of homicides, aggravated assaults, a large proportion of rapes, and about half of all vehicular deaths are believed to be alcohol related. Alcoholism or problem drinking remains the number one substance use problem in the United States, despite official concern with more esoteric drugs.

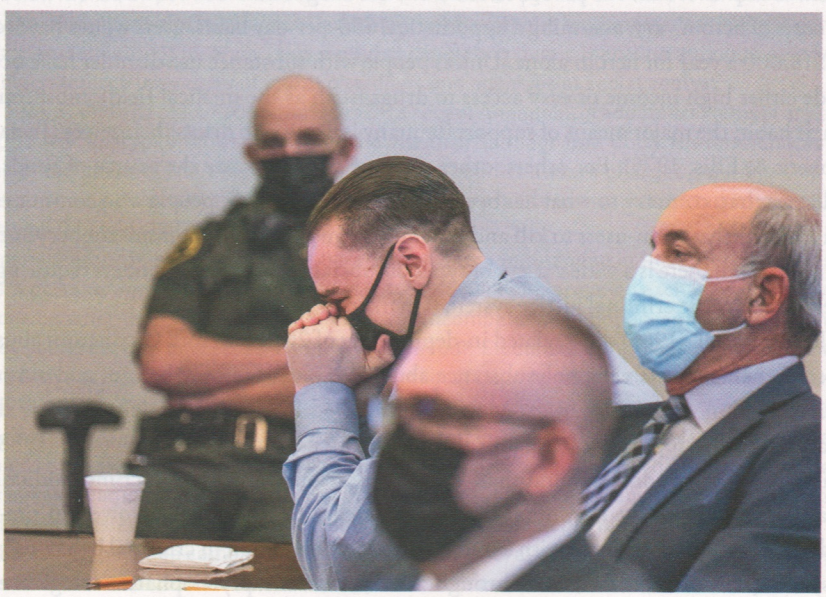


PHOTO 14.5 Stephen Taylor Scarpa was sentenced 15 years to life after striking and killing an off-duty Costa Mesa fire captain while allegedly driving under the influence. Mike Kreza, 44, was riding his bike along Alicia Parkway in Mission Viejo, California, in 2018 when he was struck.

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The Prohibition Experiment

In a period of missionary zeal, the temperance movement, spearheaded by the WCTU (Women's Christian Temperance Union), pressured the U.S. Congress to pass a Prohibition amendment. This was ratified in 1919 and would, until 1933, constitute what some called the noble experiment and others the great illusion.

Prohibition did not eliminate the alcohol problem. Bootlegging—circumvention of the Volstead Act, the enforcement law of Prohibition—became a national pastime and one of America's largest industries, spawning corruption, organized crime, and public cynicism. As a result of its own failure as a social control policy, as well as of counterpressure from rival urban forces, Prohibition was repealed in 1933. Although alcohol use was decriminalized, it is still regulated by state laws. Just as Brecher (1972) had described the turn-of-the-20th-century United States as a "dope fiend's paradise" (p. 4), Rorabaugh (1979) indicates that U.S. consumption of alcohol was much higher during the 18th and 19th centuries than it was in 1979. Even today, examination of the problem of substance abuse in the United States finds alcohol abuse still constituting the nation's number one drug problem. The U.S. Centers for Disease Control and Prevention estimate that for 2001 to 2005, the deaths annually attributable to alcohol use were about five times greater than from all illicit drugs combined.

Problem drinking has already been described as a major lethal ingredient in crimes of violence as well as in vehicular homicide (Collins, 1981). The other major alcohol-related problematic area in criminal justice relates to chronic inebriates, who make up over half of U.S. misdemeanor arrestees and county jail inmates.

Problem drinkers consume alcoholic beverages in excess of dietary or social custom to an extent that affects their health and social relationships. Immersed in a drinking culture, some people cross the line into problem drinking or alcoholism. Although there is no universally accepted medical or psychological model of alcoholism, many accept a medical model, which describes it as a disease. A useful descriptive model that illustrates this approach is Jellinek's (1960) profile of the stages of alcohol addiction. These are the prealcoholic phase, the intermediate stage, the crucial phase, and the final or bottom phase. The prealcoholic phase involves occasional relief drinking as a means of alleviating tension. After a time, greater amounts of alcohol are needed to generate the desired effect. The intermediate stage occurs when drinking is no longer simply a source of relief but is sought as a drug. Secretive drinking, occasional blackouts or amnesia, faking alibis, and a compulsion to drink are accompanied by a loss of control. In the crucial phase, the loss of control becomes more complete; the drinker is no longer able to maintain a resolution not to drink. Isolation from others, including family, increases as life becomes alcohol centered. The final or bottom phase is characterized by the drinker's extensive emotional disorganization. Ethical deterioration, impaired thinking, and obsessive drinking characterize the bottomed-out, chronic alcoholic. Problematic drinking is a particularly thorny problem facing college campuses. Alcohol abuse remains a bigger problem on campuses than other drugs. Reporting of such figures is now required by federal law. Over half of college student report binge drinking, which is defined as drinking at least five (men) or four (women) drinks in a row at least three or more times in the 2 weeks before the survey. Over 1,500 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries. Alcohol is also involved in other crimes against college students. Over half of sexual assaults among college students involve alcohol use (National Institute on Alcohol Abuse and Alcoholism, 2021).

SOCIETAL REACTION

The rapid pace of social change and the subsequent cultural lag it creates have been endemic in the United States in the post–World War II period. We tend to forget that early in the 20th century, cigarette smoking was considered deviant. Similarly, the consumption of alcohol was so dimly viewed that it resulted in a constitutional amendment to forbid its usage.

As previously indicated, Edwin Schur's (1965) concept of crimes without victims refers specifically to consensual, adult activities, usually conducted in private, in which there is no apparent harm to others. The criminalization of such activities, as illustrated by the Prohibition experiment, often involves

ineffective overcriminalization, an inappropriate extension of the criminal law into areas of personal conduct and morality. Most public order crime constitutes violations of legislated morality. Prohibition of such crimes represents an effort to control or regulate moral and personal behavior through formal laws, often without attempts to mold public opinion, which is necessary to support the legislative and police activity. Because much of the activity is consensual and private, law enforcement efforts often involve invasion of privacy and the use of extraordinary efforts that threaten civil liberties, leading some observers to describe such efforts as not only expensive and ineffective but also criminogenic (Morris & Hawkins, 1970). Sumner's (1906) notion, discussed in Chapter 1, that if laws fail to obtain the support of the mores they will tend to be ineffective, suggests that criminalization of these offenses has not markedly decreased their activity. Only a small proportion of offenders are reached by the criminal justice system or deterred by the criminal status of the offense.

CRIME & THE MEDIA 14.1 #METOO

The *New York Times* outing movie producer Harvey Weinstein opened a pandora's box of allegations of the rich and famous who used, among other things, the "casting couch" to take advantage of young female aspirants to careers and fame in acting, sports, and other higher positions. Fox News commentator Bill O' Reilly was alleged to have paid out $32 million to a woman who had accused him of sexual harassment (Pitts, 2017, p. 85). #MeToo is a shorthand expression of the many women who came forward and charged often powerful men of sexually harassing them. And of thuggery, piggery, and dominance (Pitts, 2017). "One guy bragged of being a sexual predator and he was elected president" (Pitts, 2017, p. 18). Among those accused of being sexual predators were Harvey Weinstein, Bill Cosby, Charlie Rose, Matt Lauer, New York attorney general Eric Schneiderman, Mike Tyson, and Donald Trump. The #MeToo movement was transformatory: Women and girls were coming together in large numbers to name the predators who have been hurting them. The movement tossed many men from prominent positions and promises that such practices will never again be tolerated.

Source: Leonard Pitts Jr. "Opinion: Men Must Do Better." *Erie Times News*, October 31, 2017.

In harmful, nonconsensual areas, the criminal justice system can have an impact in reducing prohibited activity. For example in 1988, a U.S. Customs Bureau sting, Operation Borderline, set up a phony child pornography mail-order house in Toronto and then rounded up many pedophiles who ordered such materials. They were charged under a 1984 Child Protection Act, which outlawed the distribution of all sexually explicit material involving children. Such programs are believed to have reduced considerably the child pornography trade (Anderson & Van Atta, 1986; B. Cohn, 1988). In consensual vice activities, however, P. J. Cook (1988) points out, "The criminal law is a cumbersome, costly tool to wield against the harms associated with vice" (p. 1).

In April 1992, the U.S. Supreme Court overturned a conviction and ruled that a Nebraska farmer had been entrapped by postal agents who coaxed him for 2 years to buy mail-order child pornography. Project Looking Glass, as it was dubbed, resulted in 147 convictions, of which 35 cases showed ongoing or past child abuse, although it also resulted in four suicides by offenders (R. Marcus, 1991).

The history of the regulation of vice has been one of constant symbolic political posturing with little relationship between what is said and what is done. In 1987, President Ronald Reagan not only declared war on drugs but also declared victory, claiming his administration's drug jihad was an untold American success story. Two years later, national news magazines were sensationally claiming that sections of large cities were so overrun by drug gangs that they were "dead zones" or "Beirut, USA," and that "the drug problem and its accompanying violence has clearly outstripped the resources and capability of local governments, police departments, courts, and prisons to cope with them" (T. Moore et al., 1988, p. 28). At least one person connected to the policies tied to the War on Drugs have admitted that his "War" was racially motivated and designed to criminalize Black people (Taifa, 2021).

Overcriminalization

Overcriminalization, or extension of the criminal law into inappropriate areas of moral conduct, results in a number of outcomes:

- Many such laws are virtually unenforceable.
- They often lead to corruption of criminal justice personnel and politicians.
- They undermine public respect for the law.
- They create illicit monopolies for organized crime groups.
- They criminalize activities and stigmatize their participants.
- They reflect no consistent, defensible theory of harm (Richards, 1982).
- They isolate and embitter offenders.
- Penalties are often ineffective or inappropriate. In the past, for instance, tough drug laws netted many marijuana users and few big drug pushers.
- Such laws tie up law enforcement agencies in thankless tasks that could more appropriately be performed by other social agencies.

Decriminalization

Decriminalization refers to the process of lessening the penalties attached to particular offenses. Some arguments in support of decriminalizing many public order crimes include the following:

- Such activities should not be the concern of the state and formal agents of social control but are more appropriately handled by informal modes of control such as the family, community, church, and the like.
- State interference with much of this behavior often makes matters worse. The criminalization of substance users and view of them as criminals rather than people with medical problems has cut off the legal supply of drugs, created illegal monopolies, and forced many into criminal activity in order to support their habits.
- Such laws tend to accomplish little with those already favorably disposed to such activity. Sex work, gambling, and the like have been and will continue to be persistent activities in modern society.
- Law enforcement officers' focus on such public order crimes overburdens the criminal justice system with inappropriate tasks, preventing the deployment of resources in combating more serious crimes.

The issue of decriminalization is a matter of degrees of regulation or deregulation rather than of categorical legalization or illegalization. Proposals for decriminalization entail lessening of penalties but not total abandonment of public or official concern with maintaining some degree of control over such activities. Fears have been raised that decriminalization of such activities constitutes societal approval.

A 1957 British government study, the Wolfenden Report, in examining laws related to same-sex relationships and prostitution, concluded that private, consensual, adult sexual relations were not the law's business. With respect to same-sex relationships, one could ask whether individuals really have much choice in or power to change their sexual orientations.

The degree of decriminalization, of course, varies with the type of offense. Few propose decriminalization of predatory or harmful practices such as child molesting or incest, just as few would urge that acts that violate privacy, such as exhibitionism and voyeurism, simply be ignored. Civil commitment proceedings in which psychological treatment is prescribed are an important tool for the protection of society. In public inebriate programs, the police remain involved but maximize the use of

community social service agencies. Combined with decriminalization, public media programs can play a role in discouraging undesirable activity. There has been some recent rethinking of the wisdom of decriminalizing public drunkenness. As our earlier discussion of broken windows (Wilson & Kelling, 1982) suggested, "the presence on the streets of boisterous, obstreperous, and sometimes belligerent drunks contributes to a sense of social disorder" (J. R. Jacobs, 1987, p. 2). A field experiment in Lynn, Massachusetts, demonstrated the efficacy of street-level enforcement (making it difficult for drug dealers to make a sale and for buyers to "score" or purchase) in improving the quality of life in a community (Kleiman et al., 1988). Decriminalization of gambling finds it a major tax source for state and local governments.

The declining number of Americans who smoke tobacco, from 42% of adults in 1965 to 21% in 2006, shows the effectiveness of a more moderate approach to discouraging the use of harmful substances. Arnold Trebach, in "Peace Without Surrender in the Perpetual Drug War" (1984), indicates,

> We did not declare a war on tobacco. We did not make it illegal . . . we did not say that tobacco addicts . . . were evil. We did not seek to disrupt foreign or domestic tobacco supplies. Indeed, we still subsidize the production of the most dangerous psychoactive drug known to our people. We did not seek to convince our citizens not to smoke through persuasion, objective information and education. . . . Laws do not prohibit smoking entirely, only where and when an addict can take a "fix." In other words, the law did not confront the user head on by absolutely prohibiting this deadly practice. But the law did have a role: it discouraged, it controlled, it curbed, it coaxed. (pp. 136–137)

Erickson (1990) proposed an alternative to the criminalization/decriminalization debate, arguing that a public health approach to demand reduction using social disapproval; informal family, community, and peer group controls; and beefed-up educational efforts could reduce drug usage.

Evidence related to the criminalization or decriminalization debate is uncertain, as can be illustrated by attempts to control heroin or opium abuse (Inciardi, 1990). The pre-1972 British program that medically administered legal doses of heroin to people with substance use disorder may have meant both a smaller addicted population and little crime associated with such addiction (Trebach, 1984). On the other hand, the former British colony of Hong Kong, with the same British program but a different culture, has had an addiction problem much greater than that in the United Kingdom. A 5-year experiment in decriminalization of drug use was canceled in Zurich, Switzerland, as the number of people with substance use issues and dealers attracted from all over Europe overwhelmed the system (Lynch & Blotner, 1991). Similarly, in the early 1990s, the Netherlands decided to permit the sale of soft drugs (hashish and marijuana) in order to diminish crime and enable the police to concentrate on hard-drug trafficking. Possession of even small amounts of cocaine, heroin, and other hard drugs was tolerated and viewed as a public health problem to be addressed by treatment centers. However, what began as a successful experiment was flooded by "drug tourists" as European unity collapsed borders. Nevertheless, Dutch policy remains one of rejecting a war-on-drugs model in favor of a harm-reduction model (Leuw & Marshall, 1994). Many states in the United States have also moved to decriminalize some drug use and drug possession. Currently, 31 states and Washington, D.C. have laws to remove jail penalties for possession of small amounts of cannabis. Nineteen states have made it legal for adults 21 years and older to possess and use cannabis, and 12 have decriminalized possession (DISA, 2022).

In an example of decriminalization and changing times, Manhattan District Attorney Cy Vance Jr. announced in 2012 a new policy not to prosecute prostitution and unlicensed massage (manhattanda.gov, 2021). Decriminalization of marijuana led to a major reconsideration of the past sentences given to marijuana traffickers.

Arguments for more zealous law enforcement efforts can point to the People's Republic of China, which, through totalitarian policing, appears to have nearly eliminated the problem of habitual substance use. Such police powers would be culturally unacceptable in Western democracies and have not been particularly successful in brutal authoritarian regimes such as contemporary Iran. Many of the issues examined in this chapter are complex and laden with heavy moral implications. We have, of course, only scratched the surface of some intense debates on these subjects.

THEORY AND CRIME

The theory that best explains most public order crime is labeling or societal reaction theory. Much of the activity that is covered is deviant but need not be handled by the criminal law. Sin, amorality, and bothersome behavior become criminal when defined so by the criminal law. Moral crusades can result in the addition of activities to be regulated by the criminal justice system, and decriminalization may represent a decision to no longer use the criminal justice system as the means of ensuring conformity with respect to a particular type of behavior. The war on drugs and the war on alcohol serve as interesting examples. Both have in the past tied law enforcement up with trying to enforce activities that might be better regulated in another manner. Nonetheless, criminological theory may help understand the motivations behind substance use as well as why people may illegally sell drugs. It also may help us understand deviant sexual desires that lead to sexual offending. Whatever the reason, the law enforcement system must attempt to avoid being used as moral police, as moral busybodies, trying to enforce that which cannot be enforced.

The provision of illicit services covered by public order criminality has historically created an illegal market for meeting the insatiable public desire for illegal goods and services. The immense profits to be made in meeting such a public desire for illegal sex, gambling, drugs, and other commodities find no shortage of entrepreneurs who use meeting such demands as a road to illegal fortunes.

SUMMARY

Public order crime refers to a number of activities that are illegal because they offend public morality. Being primarily nonpredatory, *mala prohibita* acts such as behavior related to prostitution, drug and alcohol abuse, and sexual deviance are sometimes called crimes without victims, consensual crimes, or folk crimes. Wilson and Kelling's concept of broken windows suggests that neglect of public peacekeeping functions encourages disorder.

Prostitution involves sexual relations with emotional indifference on a promiscuous and mercenary basis; the act of soliciting or seeking paying customers is prohibited, not prostitution itself. With the exception of some preliterate societies, prostitution exists internationally and has in fact been tolerated throughout most of Western history. The wide variety of sexual offenses includes exhibitionism (indecent exposure), voyeurism (peeping), and fetishism (unusual veneration of sexual attire or objects). Drunkenness-related offenses are covered under a variety of state laws such as those prohibiting public drunkenness, breach of peace, disorderly conduct, and so on. The Prohibition experiment, complete criminalization of alcohol usage, was abandoned as a failure. Efforts to control drug abuse, the misuse of chemical substances, has followed much the same pattern as those aimed at controlling alcohol abuse; that is, primary control has been attempted until recently through criminal laws and penalties. There is an inconsistent relationship between drugs' known harmful effects and illegality.

Examination of the criminal careers of most public order offenders finds that most do not view themselves as criminals. Most are participating in either consensual adult relations or—in the case of activities such as exhibitionism—are suffering from some psychological disorder. Prostitution takes a variety of forms, including brothels, bar girls, streetwalkers, massage parlors, and call girls. Johns, prostitutes' customers, do not necessarily fit a pathology-ridden characterization. Underage prostitution, the sexual exploitation of children, is thought to be growing more prevalent in part because of the erosion of family structure.

The history of drugs and substance use disorders portrays increased criminalization of drug usage beginning with the Harrison Act of 1914, which resulted in the concept of addiction as a sickness being replaced with that of addiction as criminal. This legal approach to drug policy was viewed as being brought about in part by moral entrepreneurs such as Anslinger and Hobson. Drug trafficking is highly lucrative and practiced by a large number of groups. Although statistics regarding the association between drug abuse and crime have been subject to exaggeration, a tremendous amount of primarily nonviolent property crime is committed by addicts because of the high cost of obtaining

illegal drugs. Addiction—which includes physiological dependence (tolerance), psychological dependence, and abstinence—is less a permanent condition than is often suggested. Little crime is associated with substance use, however, if legal supplies are available. Problem drinking is associated with violent crime as well as with the chronic inebriate problem. The law enforcement burden imposed by the latter has been alleviated, in part, through greater use of social service agencies.

Societal reaction to public order criminality runs the gamut between overcriminalization and decriminalization. Totalitarian societies simply forbid such activities, whereas democratic societies must constantly balance the tensions between civil liberties and social morality. Various problems raised by overcriminalization were described, and arguments for decriminalization were also discussed.

KEY CONCEPTS

addiction (p. 403)
broken windows (p. 393)
crimes without victims (p. 392)
decriminalization (p. 407)
exhibitionism (p. 398)
fetishism (p. 398)
folk crime (p. 392)
Harrison Act (p. 401)
incest (p. 397)
johns (p. 396)
moral entrepreneurs (p. 401)
pedophilia (p. 398)
problem drinking (p. 404)
public order crime (p. 392)
voyeurism (p. 398)
withdrawal syndrome (p. 403)

REVIEW QUESTIONS

1. What are public order crimes? How do they and their offenders differ from other types?
2. What is the notion of broken windows? How has this been applied in modern policing?
3. Why is prostitution such a persistent crime? What have been some recent trends in prostitution and attempts to regulate it?
4. What do you feel should be the role of society in regulating pornography? Defend your views.
5. Discuss the history of attempts to regulate drug abuse. Do you feel that greater criminalization or decriminalization is required to properly deal with this problem?
6. What is a moral panic, and what are moral entrepreneurs? Give some examples.
7. What are paraphilias? Of what concern are these to the criminal justice system?
8. What was the effect of the Harrison Act of 1914 on drug regulation in the United States?



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15 CYBERCRIME AND THE FUTURE OF CRIME

LEARNING OBJECTIVES

15.1 Discuss the various types of cybercrime.

15.2 List some examples of attacks on computer systems.

15.3 Analyze the argot of cybercrime.

15.4 Discuss some operations of online predators.

15.5 Identify some examples of cyberterrorism.

15.6 Summarize the implications technology has for social change.

15.7 Describe the methods criminologists use to explore the future of crime.

15.8 Assess how criminological theories apply to cybercrime.

In 2015, the government of China was accused by the United States of systematic hacking of U.S. government and private corporation computers. Whole units of the Chinese military spend their entire time stealing such secrets. In July 2009, a major cyberattack took place against U.S. government websites, most likely by North Korea or another foreign government. Attacked were sites that included those of the White House and the Pentagon as well as some in South Korea. The "botnet" (compromised or remotely controlled computers) assault involved more than 100,000 "zombie" or "robot" computers that were used without the owners' awareness. These third parties were unaware that they were even involved. In 2020, the estimated international cost of cybercrime was set at $1 trillion which was more than double the cost in 2018 (Bremmer, 2021). The FBI identified more than 45,000 companies and networks in the United States that had recently been effected by Emotet malware (a Trojan spread through spam emails) which the FBI disabled. (FBI, 2021). This is just one illustration of the burgeoning area of **cybercrime** in the 21st century. In recent years, China and North Korea have continually been accused of cyberspying on U.S. computers and government computers in particular. The Chinese have used their military to steal confidential business data, trade secrets, and internal communications that would supply China with a competitive edge. Four major firms and a union were targeted in Pittsburgh. They were the United Steelworkers of America, Westinghouse, U.S. Steel, Alcoa, and Allegheny Technologies. The Chinese government denied charges of cyberspying for trade secrets. Also compromised were thousands of employment records from the U.S. Office of Personnel Administration.

In 2011, it was revealed that international hackers had perpetrated an online advertising scam to take control of infected computers throughout the world. Called Operation Ghost Click, this DNS (domain name system) malware shut down from the internet those unaware of being infected. In order to avoid this, one had to visit the FBI-led website to fix the problem.

Beginning in the 1960s, computers became essential elements of modern society. The internet was originally created in the United States for the Department of Defense. Later it was also used in higher education. With the advent of inexpensive personal computers (PCs), it expanded in the 1990s to business and the general public. Wall (2007) tells us that William Gibson (1984) popularized the term *cybercrime* in his 1984 novel *Neuromancer*. Cybercrime refers to crime committed using a computer. Major concern about criminal acts committed with computers has led to the passage of much cybercrime legislation. Hollinger and Lanza-Kaduce (1990) point out that both the experts at the time (particularly Donn Parker [1979, 1983] and Bequai [1978, 1987]) and legislatures relied heavily on media accounts to encourage more laws. The 1983 movie *WarGames*, in which a fictitious young hacker uses his computer to crack the North American Air Defense Command (NORAD) computer in Wyoming, almost triggering a nuclear war, caused the media to fixate on cybercrime (Hollinger & Lanza-Kaduce, 1990).

In 1988, in one of the earliest cases of computer forensics, David Copenhefer of Corry, Pennsylvania, had kidnapped and murdered his neighbor's wife. Police were led to him as a suspect when they noticed

that a sign in the window of his bookstore had the same distinct script that appeared on the ransom note. Obtaining a search warrant, they examined the files on his computer. Copenhefer did not know that deleted files could, with painstaking efforts, be rescrambled in part from the hard drive. With hard work, the police were able to reconstruct most of the 22-point kidnap plan, the ransom note, and drafts of the text for phone calls that he thought he had deleted. Their electronic discovery, lifting evidence from hard drives, although routine today, handed Copenhefer the death penalty (Hoppin, 2003). The case well illustrates the use of the computer as a tool for murder and also the fact that cybercrime is not a separate type of crime; rather, the computer is a tool that can be used in the commission of a variety of crimes. The computer could be used as an instrument to commit an offense, it could be the target of the offense, or it could simply be incidental (Grabosky, 2007).



PHOTO 15.1 The 1983 movie *WarGames*, in which a fictitious young hacker uses his computer to crack the North American Air Defense Command (NORAD) computer in Wyoming, almost triggering a nuclear war, caused the media to fixate on cybercrime.

AF Archive/Alamy Stock Photo

TYPES OF CYBERCRIME

Although many traditional crimes such as embezzlement, robbery, and burglary are now facilitated by a new tool—computers—other crimes are more specifically computer related. The illegal production of computer software is very big business in Southeast Asian countries and particularly in Hong Kong, where illegal copies of popular software are sold for a fraction of their normal cost ("Taking a Byte Out of Crime," 1990). Software pirates, those who illegally reproduce and use software, cost manufacturers billions of dollars a year in lost revenue. U.S. manufacturers have found hundreds of illegal copies of their software in legitimate firms such as Britain's General Electric Company or Atari Taiwan Manufacturing. When illegal software is discovered, manufacturers attempt to bring both civil and criminal charges against the offenders and their companies. Part of the problem is the ease of making duplicate copies of computer software. This is comparable to the technological ease of illegally reproducing movies onto a DVD. Some examples of cybercrime include insider crime, malicious hacking, activities in support of criminal enterprises, telecommunications fraud, online pedophilia, and high-tech espionage (Spernow, 1995).

It is estimated that about 80% of cybercrimes are committed by insiders or employees. Most of this, however, is not reported to police. Thirty-five percent of the theft of proprietary information is perpetrated by discontented employees; outside **hackers** steal 28%, U.S. companies 18%, foreign corporations 11%, and foreign governments 8%, according to a 1999 survey by Kessler and Associates, a New York security firm (cited in Noack, 2000). Malicious hackers desire forbidden knowledge. Many have an anti-establishment attitude or exhibit a **hacker's ethic** that there should be no restrictions on their

right to surf the Net and test systems. Computers can be used to support criminal enterprises. This could entail planning crimes or recordkeeping, and many such criminal operations are better equipped than law enforcement agencies. It is important to note that there exists a group of hackers who are actually not criminal in their practices. These **"white hat" hackers** are actually ethical people who work to protect systems rather than harm them. The stereotypical hacker who is commits cybercrimes is called a **"black hat" hacker** (Zetter, 2016).

Computers can also be used for gambling, child pornography, securities fraud, production of phony documents, counterfeiting, and the like. In 1993, it was estimated that U.S. banks lost $5 billion in fraud and $815 million to fraudulent checks created on PCs. Beginning in 2000, the National White Collar Crime Center (NW3C) and the FBI's Internet Crime Complaint Center began producing an annual Internet Crime Report (ICR). In 2021, they received over 847,000 complaints. The total dollar loss of reported complaints was $6.9 billion. Phishing/Vishing/Smishing/Pharming were the most common complaints, accounting for 38% of complaints. Nonpayment/nondelivery was the second most reported offense, accounting for about 10% of complaints. Personal data breaches were the next most common complaint, followed by Identity theft and Extortion (Internet Crime Complaint Center, 2021). The highest losses were for Business Email Compromise/Email Account Compromise, Confidence fraud/romance, and Nonpayment/nondelivery. In California, a Vietnamese Triad gang duplicated payroll checks on PCs. There is even an underground publication called "2600" in which hackers share their findings on compromised numbers. In 1994, Kevin Mitnick (code name "Condor") messed with computer expert Tsutomu Shimomura's home computer files, and Shimomura and others helped the FBI track him down. Mitnick at the time was being hunted by the FBI for various violations, including theft of about 20,000 credit card numbers from computer systems. He was captured in February 1995 after nearly destroying a computer service by reading its internet subscribers' mail and using their accounts as a way of attacking computers across the Net.

Online pedophiles target young "wannabe" hackers and participants in chat rooms, taking advantage of ready access to those with the age, gender, and intellectual and social characteristics they seek in their victims. Those involved in high-tech espionage are often industrial spies who sell their knowledge to rivals or foreign bidders. The FBI has established a computer analysis and recovery team to attempt to keep up with the burgeoning use of cybersleuthing (see also Icove et al., 1995). Table 15.1 lists some types of cybercrime.

TABLE 15.1 ■ Types of Cybercrime

Typology	Example
Spernow's (1995) typology of cybercrime	Insider crime Malicious hacking Activities in support of criminal enterprise Telecommunications fraud Online pedophiles High-tech espionage
Wall's (2001) typology of cybercrime	Cybertrespass—crossing boundaries into other people's property and/or causing damage (e.g., hacking, defacement, viruses) Cyberdeceptions and thefts—stealing money, property (e.g., credit card fraud, intellectual property violations; a.k.a. piracy) Cyberpornography—breaching laws on obscenity and decency Cyberviolence—doing psychological harm to or inciting physical harm against others, thereby breaching laws relating to the protection of the person (e.g., hate speech, stalking)
Wall's (2007) three types of online offending	Offending related to the integrity of the computer system (e.g., hacking, cracking, vandalism, spying, denial of services, use of viruses and Trojans) Offending assisted by computers (e.g., used to acquire money, goods, or services dishonestly; Internet frauds; phishing; "419" schemes; auction manipulation) Offending that focuses on the content of computers (e.g., hate crimes, pornography, incitement)

TYPES OF ATTACKS ON COMPUTER SYSTEMS

Coined by hackers in 1985 in order to defend against journalists misusing the term *hacker*, **crackers** are ill-intended hackers who attempt to crack (break into) computer systems, often in order to do damage. Grabosky (2007) explains that in time, the term *cracker* fell into disuse and the term *hacker* was used to describe unwanted electronic guests regardless of motive. We will use the more common term *hacker*, with the recognition that not all hacking is illegal or done out of ill will. They might be thought of as cybervandals. The following types of attacks on computer systems can be identified:

- Denial-of-service attacks
- Email bombs
- Dictionary attacks
- Trojan horses
- Password phishing
- Business email compromise (BEC)
- Vishing
- Smishing
- Web spoofing
- Worms
- Sniffers
- Social engineering
- Network scanning
- Key loggers
- Steganography
- Botnets

Denial-of-service attacks involve programming a computer to continuously send fake authentication messages to a targeted server, keeping it constantly busy and forcing out legitimate users. On February 9, 2000, an orchestrated attack of bogus traffic shut down Amazon, eBay, CNN, Buy.com, and Yahoo. Such a denial-of-service or synchronized (SYN-flood) attack floods the computer with requests; when the computer attempts to reply, it is unable to connect to the phony addresses. This type of attack is now routine, and many site operators claim they fend off nine or 10 similar attacks per week.

Email bombs involve overwhelming an email system with an enormous amount of mail. A Monmouth University (New Jersey) student crashed the university's email system by sending email bombs to two university administrators, consisting of 24,000 random text messages that damaged the system (NW3C, 2007). In a related



PHOTO 15.2 DefCon is one of the world's largest annual hacker conventions and attracts hackers as well as computer security professionals, journalists, lawyers, federal government employees, and security researchers.

© AP Photo/Isaac Brekken

"ping flood" attack, a "smurf" (malicious internet user) fooled hundreds of computer systems into sending traffic into one location, flooding the location with pings (hits).

A dictionary attack consists of guessing numerous common passwords in order to log on to a computer system. Software programs such as Cracker are used to run through potential passwords until the correct one is found.

A **Trojan horse** is a subprogram (hidden in a program) that contains a virus, bomb, or other harmful feature. These often masquerade as inviting attachments that offer harmless software upgrades, help files, screen savers, or pornography. When users open the attachment, a secret program steals their password and mails it back to the hacker, and then that outgoing message is deleted from the victim's email outbox (NW3C, Bureau of Justice Assistance, & FBI, 2007).

Password **phishing** entails a hacker stealing password, account, or credit card information. A specific type of phishing is **Business email compromise** in which attackers reach out to employees of a company to obtain money. They may impersonate legitimate employees and ask for funds to be transferred. **Vishing** and **Smishing** are similar to phishing in that a scammer tries to get personal information that can be used to commit identify fraud, but it is called vishing when the scammer reaches out by phone, robocall, voicemail, or voice over internet protocol and is called smishing when scammers use SMS or text messaging. Web **spoofing** creates a false (shadow) version of a website that is controlled by the attacker. All network traffic between the victim's browser and the shadow web is funneled through the attacker's machine. This enables interception and alteration of information and the acquisition of passwords, credit card numbers, and account numbers. In 1999, clients of the second-largest bank in the Netherlands attempted to log on to the bank's website to access their accounts and received an error message the first time they entered their password and user name but were able to get on the second time. The first attempt was actually on a shadow site set up by a hacker who used the stolen information to take five guilders (about $2.35) from each account (a "salami slice"), a sum not immediately noticed (Regan, 1999).

Worms are similar to viruses that reproduce themselves and subvert computer systems. Although a virus must be carried from system to system, worms can spread with no assistance. The term *worm* originated in a science fiction novel, *The Shockwave Rider*, by John Brunner (1975), where freedom fighters attack a totalitarian government's computer with a program called Tapeworm, which shuts down the network (NW3C et al., 2007).

Sniffer programs are used to gain passwords to access accounts. This can be used to access software, impersonate the owner, or gain access to other accounts.

Social engineering is the manipulation of people in order to obtain critical information about a computer or network system. A typical example involves the target receiving a telephone call from someone identifying themself as being with tech support and claiming the server is being reset with new passwords and that the caller needs the old password to get the account running again. Users of AOL or MSN, for example, might receive fake messages stating there is an account billing problem and requesting that the user enter their name and password. An old, low-tech standby is "Dumpster diving" in which hackers seek out old manuals, memos, program printouts, internal phone books, and other items from which to retrieve user information.

CRIME FILE 15.1 BOTNET BUST

Russian national Aleksandr Andreevich Panin pled guilty in an Atlanta federal courtroom to a conspiracy charge associated with his role as the primary developer and distributor of malware—called SpyEye—created specifically to facilitate online theft from financial institutions, many of them in the United States.

SpyEye infected more than 1.4 million computers—many located in the United States—obtaining victims' financial and personally identifiable information stored on those computers and using it to transfer money out of victims' bank accounts and into accounts controlled by criminals.

Ultimately, though, Panin sold his malware online to the wrong customer—an undercover FBI employee. And after an investigation involving international law enforcement partners as well as private-sector partners, a dangerous cyber threat was neutralized.

From 2009 to 2011, Panin conspired with others, including co-defendant Hamza Bendelladj (charged and extradited to the United States last year), to advertise and develop various versions of SpyEye in online criminal forums. One ad described the malware as a "bank Trojan with form grabbing possibility," meaning it was designed to steal bank information from a web browser while a user was conducting online banking. Another ad said that the malware included a "cc grabber," which scans stolen victim data for credit card information.

Panin sold the SpyEye malware to more than 150 clients who paid anywhere from $1,000 to $8,500 for various versions of it. Once in their hands, these hackers used the malware for their own nefarious purposes—infecting victim computers and creating botnets (armies of hijacked computers) that collected large amounts of financial and personal information and sent it back to servers under the control of the clients. They were then able to hack into bank accounts, withdraw stolen funds, create bogus credit cards, and so on.

In February 2011, a search warrant allowed the FBI to seize a key SpyEye server located in Georgia. It was several months after that when the FBI bought SpyEye online from Panin—which turned out to be very incriminating because that particular version contained the full suite of features designed to steal confidential financial information, make fraudulent online banking transactions, install keystroke loggers, and initiate distributed denial of service (DDoS) attacks from computers infected with malware.

Panin was arrested in July 2013 while he was flying through Hartsfield-Jackson Atlanta International Airport.

The investigation into the SpyEye malware is just one initiative worked under Operation Clean Slate, a broad public/private effort recently undertaken to eliminate the most significant botnets affecting U.S. interests by targeting the criminal coders who create them and other key individuals who provide their criminal services to anyone who'll pay for them. Much like the FBI's other investigative priorities where we focus on taking down the leaders of a criminal enterprise or terrorist organization, under Clean Slate we're going after the major cyber players who make botnets possible.

FBI executive assistant director Rick McFeely warns potential hackers: "The next person you peddle your malware to could be an FBI undercover employee . . . so regardless of where you live, we will use all the tools in our toolbox—including undercover operations and extraditions—to hold cyber criminals accountable for profiting illicitly from U.S. computer users."

For Further Thought

1. What types of cybercrime do you envision in the future?

Source: Federal Bureau of Investigation, https://www.fbi.go/news/stories/2014/january/spyeye-malware-mastermind-pleads-guilty/spyeye-malware-mastermind-pleads-guilty

Network scanning programs are used to find vulnerable networked computers, and key loggers are secret programs that record a user's keystrokes. Steganography hides text or information within other information or images. Botnets are computer robots—programs that run automatically. These are often used to transmit spam, or unsolicited bulk mail messages. Crime File 15.1 reports on the operations of a bot herder.

Ransomware

Ransomware involves people who commit cybercrime by infecting an organization's data and then demanding ransom to unscramble it (Suderman, 2021). Some of the best known examples have been the May 2021 attack on the Continental fuel pipeline, the nation's largest, and extortion against the world's largest meat processing company. The United States has charged hackers in China and Russia in particular in hundreds of attacks. The United States blamed Russian agents for the Solarwinds hack on U.S. government agencies. (*Solarwinds* was the name of the software company that was used in the operation.) In 2020, it was estimated that ransomware attacks targeted over 100 government agencies,

over 500 health care operations, nearly 1700 academic institutions, and thousands of businesses. Bajak (2021) explains:

> The criminal syndicates that dominate the ransomware businesses are mostly Russian-speaking and operate with near impunity out of Russia and allied countries. Though barely a blip three years ago, the syndicates have grown in sophistication and skill. They leverage dark web forums to organize and recruit while holding their identities and movements with sophisticated tools and cybercurrencies like bitcoin that make payments and their laundering harder to crack.

ARGOT OF CYBERCRIME

The world of computer offenses has produced its own argot, a fraction of which is defined here.

- Cyberpunks are computer hackers who develop harmful programs.
- **Salami techniques** are used to steal small amounts (slices) from assets of many sources and transfer them to the thief's account. For example, a fraction of a percent of thousands of savings accounts could be retained for the thief's account.
- Time bombs (logic bombs) are computer programs that perform a task, such as printing a message or destroying data, on a certain date.
- Vaccines are computer programs that seek out and destroy viruses.
- Viruses are rogue programs that copy themselves onto other programs or disks (Markhoff, 1988).

Cybercrime comes in a wide variety of forms:

- Sunbelt Software discovered a massive identity theft ring that used keystroke loggers (or keylogging—a method of capturing and recording user keystrokes) to obtain information that could be used to make fake online identities. They could then log in information connected to bank accounts.
- In 2007, Robert Soloway, the "Spam King," was arrested and charged with fraud, money laundering, and identity theft. He had hijacked computers from unsuspecting users and used them to send spam advertising his fraudulent marketing schemes. This was the first time that federal prosecutors used identity theft laws to prosecute a spam case ("Longtime Spam King Charged," 2007).
- In 2005, Sven Jaschan, creator of the Sasser worm and Netsky virus, was sentenced in Germany to 21 months' probation and 30 hours of community service. The Sasser worm attacked PCs throughout the world, and the Netsky email virus accounted for 25% of all viruses for the first 6 months of 2005 (NW3C et al., 2007).
- In 2007, it was disclosed that hackers stole information from 45.7 million credit and debit cards from retailers such as TJ Maxx and Marshalls in what was believed to be the largest breach of consumer information in history.
- Volkswagen lost nearly $260 million because of an insider computer scam involving fake currency exchanges.
- In Fort Worth, Texas, a former insurance company employee deleted more than 160,000 records from the company's computer.
- "Demon dialers," automatic speed dialers used by computer hackers, were used to dial 800 numbers until the codes were broken. The hackers then used the ID codes to steal $12 million in phone service from NASA (Rogers, 1992).

- In August 1995, the managers at the Naval Command, Control and Ocean Surveillance Center in San Diego discovered in their computer system several innocuous-looking, unauthorized files with names like "sni 256" and "test." When they opened them up, they found a sniffer program. As noted, this is a program that secretly copies vital information such as the passwords given by legitimate users when they log into the system. Investigators tracked the intruder to Telecom Argentina and Julio Ardita ("Hacker Traced," 1996).
- Online stock traders and day traders use "pump-and-dump" techniques to personal advantage. Traders pump up their stocks in newsgroups and chat rooms to boost sales, then dump the stocks at a profit, causing the value of the stock to plummet.
- Of critical concern is information warfare by foreign intelligence services and terrorists.
- A bank employee hacked a computer and placed an order for Brinks to deliver 44 kilograms of gold to a remote site, collected it, and vanished.

Part of the problem with attempting to crack down on juvenile computer hackers is the hacker's ethic, noted earlier—a view that such illegal and potentially dangerous experimentation is a necessary part of the computer training for a creative next generation of hackers. Apple Computer co-founder Steve Wozniak claims that a little mischief is essential in the quest for knowledge. He points out that his experience in building illegal "blue boxes" for "phone-phreaking" (devices for making free phone calls) helped him develop his later computer hardware skills (J. Schwartz, 1990).

From 2014 to 2015, Rutgers University experienced a denial of service (DOS) attack. This resulted in online platforms being shut down, campus Wi-Fi networks and email services closing, and classes being canceled. In the aftermath, the university spent $3 million on security improvements and had to raise tuition by 2.3% (Kremling & Parker, 2018, p. 12).

Kremling and Parker give the example:

> "Imagine you are working on a term paper, trying to access a web link, when your computer sends you a reminder that you need to update Adobe Flash if you want to access the file. What do you do? You hit download. Your data has been encrypted. You will not be able to access your data until you pay the ransom of $150. Would you pay? Well it depends on how well your computer files are backed up. What if the attack was against a hospital? Would they pay?" (p.12).

The *darknet* (the criminal internet marketplace) employs such "ransomware" attacks. In 2017, global "WannaCry" ransomware cyberattack crippled a hospital network (United Kingdom), rail systems (Germany and Russia), auto assembly (Slovakia), and the social security system (Brazil). Seventy countries were hit (Hui et al., 2017). Hundreds of times larger than the World Wide Web exists this darknet or "deepweb." Although littered with derelict URLs and useless data, it is also the place where drugs and weapons are openly traded and terrorists and pornographers abound (McCormick, 2013).

ONLINE PREDATORS

The internet can also be used to disseminate images of child pornography. There is estimated to be more than one million pornographic images of children on the internet. Most believe that these images are not easy to access in open areas of the internet. Rather, people most often gain access to specific websites or groups that are closed without having a password or paying a fee for access. Peer-to-peer networks also allow for the file sharing between users in what are typically closed groups (Wortley & Smallbone, 2006). One example was the Wonderland Club, an international pedophile and pornography network. Members had to be approved by at least three other club members, and prospects had to demonstrate that they had access to 10,000 images of child pornography. The images they traded were of children as young as 2 being raped and tied up and having sex with animals, adults, or other children. Police in 12 countries synchronized simultaneous raids and arrested 100 suspects. In the operation, police were unsuccessful in infiltrating the group but traced about 200 members through wiretaps, online transmissions, and agents in chat rooms (Goodspeed, 1998). In 2007, undercover

officers in Britain, Canada, and the United States busted a pedophile ring. Its chat room featured images, including live videos of children, some as young as 1 month old, being subjected to sexual abuse such as rape and brutality. Fifteen children were rescued in the United Kingdom and seven in Canada. Criminology in Context 15.1 reports on an incident of online sexual predation.

In 1999, the FBI put online its National Sex Offender Registry, a computerized database of convicted pedophiles. There is now a database called the Dru Sjodin National Sex Offender Public Website which allows the public to also search information about known sex offenders throughout the United States. This provides instantaneous background checks to law enforcement agencies. The assumption of such a registry is that, once predatory pedophiles are convicted, they lose forever their right to hide.

The television public was mesmerized in 2006 by *Dateline NBC*'s "To Catch a Predator" series in which online predators were lured on internet chat rooms to show up at the homes of minors whose parents were supposedly not home. They were confronted instead by the *Dateline* host, who proceeded to interrogate them on camera before they were arrested by the police. Although performing a public service in alerting parents to dangers on the web, the impression may have been given that the major threat exists in cyberspace rather than the fact that the majority of sex crimes against minors are from someone known to the child, often a parent or guardian (S. Levy, 2006).

With the advent of the internet, many sexual predators moved from the schoolyard to the internet in search of young victims. Such stalking online is usually of adolescents (over 12 years of age) and not young children. The greatest number of victims have been 14 to 17 years old, and thus the perpetrators were technically not pedophiles who prey on children. Many predators use romance and seduction in order to corner their victims, and a surprising number are known to the youth in person (Finkelhor et al., 2001). Online predators troll the internet, actively seeking recruits. Finding an ASL (a sex location), they groom (brainwash) and build the trust of their victims and then move toward actual contact. The Youth Internet Safety Survey (Finkelhor et al., 2001) found that 6% of the young people they surveyed reported having been the victims of reputed harassment (threats, rumors, or other offensive behavior) during the past year. Two percent reported disturbing harassment. Few of the victims of solicitations, exposure to pornography, or cyberbullying reported this to authorities.

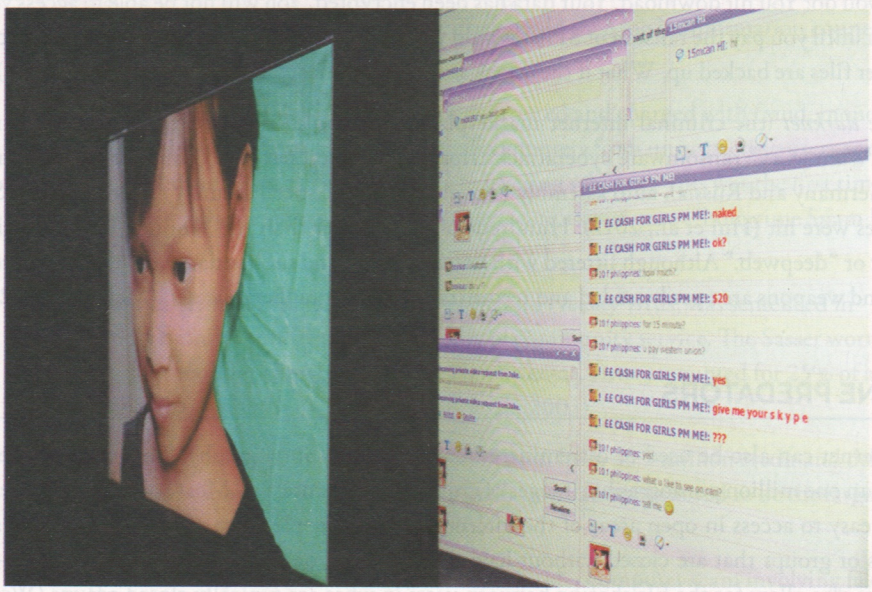


PHOTO 15.3 A child predator in a public chat room offers purported 10-year-old Sweetie from the Philippines (seen left in a computer-generated image) $20 for getting undressed in a private Skype session, as he actually chats with a researcher from Terre des Hommes, a Dutch-based organization that battles to stop child exploitation.

© AP Photo/Peter Dejong

Experts suggest that parents should play a more proactive role in monitoring their child's use of the internet and urge them to report inappropriate behavior to authorities. Online reporting resources include the National Center for Missing and Exploited Children's (NCMEC) CyberTipline (www.missingkids.org/home). One mother of a victim of abduction by an online predator simply states, "Our children are not supposed to be our friend. We have a right to read their e-mail. Who lets their children spend time with perverts? Who has computers in their bedroom?" (Kozakiewicz, 2007).

Another recent type of online predation comes in the form of **romance scams** (sweetheart swindles). These scams typically involve a scammer impersonating someone who then connects with an individual and pretends to develop romantic feelings for them. Over time, the scammer eventually asks for money, often for some made-up emergency (e.g., their parent was hospitalized, and they need help to pay the bills). These scams often take place over a long period of time during which the scammer builds trust so that when they ask for money the person willingly gives it to them. These types of scams can be particularly insidious because the victim has real emotions and often feels incredible shame and embarrassment once they realize their romance is not real (Whitty & Buchanan, 2016).

CYBERTERRORISM

If savvy young hackers can do major damage over the internet, one can only begin to imagine the possibilities of a hostile group or foreign power intent on doing harm to another developed country via computer. This could include, but is not limited to, critical infrastructure attacks and use for propaganda purposes, fundraising, fraud, recruitment, and covert communications. Virus attacks can cripple internet operations, and competitive intelligence of open-source data by hostile groups could supply information that would be very helpful in planning and executing terrorist attacks. (Competitive intelligence involves investigating and analyzing business operations; open-source data are data that are freely available either in hard copy or on the internet.) Terrorists, transnational hackers, and intelligence services are using exploitation tools such as computer viruses. Trojan horses, worms, logic bombs, and eavesdropping sniffers can all be used to compromise the integrity of or deny access to data. In 2007, European security officials were successful in identifying the attackers who infiltrated computers in the offices of the head of a European government: units of the Chinese military, the People's Liberation Army, in Shanghai and Beijing. The Chinese government denied such allegations (Hosenball, 2007).

SOCIETAL REACTION

The 21st century is still in its infancy, and one can only wonder what unbelievable technological breakthroughs await us. Sociologist William Ogburn (1922) proposed the concept of **cultural lag** in order to explain the influence of technology on social institutions. That is, he viewed change as taking place unevenly—technological changes take place far more quickly than the social aspects of a culture such as its laws and customs. Technological change is often a neutral force that occurs very quickly, and often the social values and institutions of the society are left behind, unable to adjust to the effects of such rapid technological change. Robert Merton (1968) viewed social change—including technological change—as often producing a two-edged sword. As covered in an earlier chapter, the *manifest functions* of social change are the anticipated or intended consequences of, for instance, new technology. The *latent functions* are the unanticipated, unintended, hidden functions of this same change. Modern postindustrial societies will continue to accelerate the pace of change, and certainly *cybernetics* (replacement of human mental processes by machines), the second industrial revolution, will continue to lead the way.

CRIMINOLOGY IN CONTEXT 15.1 PROTECTING CHILDREN IN CYBERSPACE: THE ICAC TASK FORCE PROGRAM

Children have embraced the internet with remarkable alacrity, as they go online to learn, play, and communicate with their friends. The internet clearly influences how a growing number of children discover and interact with the world around them. Unfortunately, cyberspace is not always a safe place for youngsters to visit. Some sex offenders use the privacy and anonymity of the internet to prey on vulnerable children and teenagers, whose access is often unsupervised. In exchanging child pornography or seeking victims online, sex offenders may face little risk of interdiction of their criminal activities. To combat computer-related sex crimes, the Office of Juvenile Justice and Delinquency Prevention funds the Internet Crimes Against Children (ICAC) Task Force Program, which protects children in cyberspace. Although apprehending sex offenders who use the internet to facilitate their crimes presents significant challenges, the ICAC Program can help state and local law enforcement agencies to develop an effective response to online enticement and child pornography cases. Included in this response are community education, forensic investigation, and victim service components.

Large numbers of young people are encountering unwanted sexual solicitations that, in the most serious cases, involve being targeted by offenders seeking children for sex. Research conducted by the University of New Hampshire and the National Center for Missing and Exploited Children (NCMEC) disclosed that 1 in 5 children ages 10 to 17 received a sexual solicitation over the internet in the past year (Finkelhor et al., 2000). One in 33 received an aggressive solicitation—that is, the solicitor asked to meet them somewhere, called them on the telephone, or sent them regular mail, money, or gifts. Cloaked in the anonymity of cyberspace, sex offenders can capitalize on the natural curiosity of children, seeking victims with little risk of interdiction. These offenders no longer need to lurk in parks and malls. Instead, they roam the chat room looking for vulnerable, susceptible children. Today's internet is also becoming the marketplace for offenders seeking to acquire material for their child pornography collections. More insidious than the exchange of sexually explicit material among adults, child pornography often depicts the sexual assault of a child and is often used by child molesters to recruit, seduce, and control their victims. Although not all molesters collect pornography and not all child pornography collectors molest children, significant consensus exists among law enforcement officials about the role pornography plays in the recruiting and controlling of new victims.

The debate about the role child pornography plays in triggering actual victimization continues. Many in the law enforcement community believe that the validation and nearly constant stimulation afforded to sex offenders by the internet put minors at great risk for sexual exploitation. The purpose of the ICAC Program is to help state and local law enforcement agencies develop an effective response to cyberenticement and child pornography cases that encompass forensic and investigative components, training and technical assistance, victim services, and community education.

ICAC Task Force Program in Action

A citizen contacts NCMEC's CyberTipline (http://www.missingkids.org/home) to report that an adult male is using the internet to locate minors for sex. CyberTipline analysts forward the information to the ICAC Task Force officers, who begin an inquiry into the subject's online activities. The subject forwards nude photographs as he schedules a meeting with the undercover officers. Upon arresting the offender, the officers learn that he had previously victimized four children who were ages 8 to 11.

A middle-age male sends child pornography photos and a video to an undercover officer posing as a 13-year-old boy. He invites the "boy" to his house to watch some other child pornographic videos and later admits his sexual intent. A search of his home reveals more than 1,000 pornographic videotapes (many of them containing child pornography), hundreds of photographs of child pornography, and numerous magazines and calendars depicting children in sexually explicit positions.

Task Force members execute a search warrant at the residence of a registered sex offender and seize his computer. An examination of the computer locates three additional victims living more than 2,500 miles away whom the suspect had abused for years.

A Task Force undercover operation results in the arrest of a middle-age man after he drives nearly 1,000 miles to meet a 14-year-old girl for sex. Following his arrest, officers seize an axe handle, shovel, and several gallons of gasoline from the trunk of his car. The suspect's house includes a dungeon outfitted with torture instruments and an extensive collection of serial killer videotapes.

Parents notify Task Force investigators of their concerns about a chat room relationship their 14-year-old son has developed with a stranger. Officers assume the boy's online identity and, within 2 days, the suspect makes arrangements for a sexual encounter with the boy.

Conclusion

If children are to thrive in today's world and compete in tomorrow's workplace, they must be able to safely play, learn, and grow in cyberspace. Challenges exist, but the work of the ICAC's Task Force Program and its federal agency partners is a vital step in protecting children in the information age.

References

D. Finkelhor, K. Mitchell, and J. Wolak. (2000). *Online Victimization: A Report on the Nation's Youth.* The National Center for Missing and Exploited Children.

For Further Thought

1. Visit the FBI's Innocent Images National Initiative website (https://www2.fbi.gov/publications/innocent.htm), and report on some of its services and activities.

Source: Quoted from "Protecting Children in Cyberspace," by M. Medaris and C. Girouard, *OJJDP Juvenile Justice Bulletin* 191213 (January 2002). http://www.ncjrs.gov/pdffiles1/ojjdp/191213.pdf

The difficulty of applying specific theories to cybercrime is that cybercrime is not a separate type of crime. It represents a tool or means of committing other types of crime. It makes possible more sophisticated means of committing vandalism, robbery, embezzlement, and espionage. It certainly ad ds a dimension to be reckoned with in the 21st century.

THE FUTURE OF CRIME

Exploring the Future of Crime: Methods

In describing the difficulty of performing accurate, long-term forecasts of the nature and future of crime, Schneider (2002) points out,

> Although all uncertainty cannot be removed, it is still possible to systematically formulate a range of possibilities using established methods and analytical tools. The tools of the disciplined futurists according to Cole (1995) are a sound methodology, a sense of history and theory, knowledge of key factual data, and the ability to examine in the contexts of broader social, political, technological, and economic trends. The data sources and methods used to guide forecasting include crime statistics; surveys of experts, practitioners, and the general public; literature reviews; scenario writing; and statistical (time series) models that extrapolate crime trends into the future. (p. 1)

Mathematical models use quantitative time series to forecast crime trends. Environmental scanning attempts to identify future developments (trends or events that might influence crime). These may include economic conditions, demographic shifts, governmental policies, enforcement resources, international events, social attitudes, and technological advances. Surveys and the judgment of experts are also used. **Delphi techniques**, named for the Greek oracle, are procedures that ask a panel of experts to predict the future. Schneider (2002) cites the 2000 Canadian Foresight Program that adopted a Delphi technique in using a questionnaire and surveying 80 experts in law enforcement, insurance, loss prevention, academia, science, and the computer industry to assess future developments affecting criminal activity. Scenario writing is yet another method. It attempts to describe how present developments might appear in the future. Usually, a number of possible scenarios are presented at the same time. Great Britain and its Home Office have done the most work on crime forecasting.



PHOTO 15.4 A U.S. Customs and Border Protection Officer photographs a traveler arriving at Orlando International Airport in Orlando, Florida. Using biometric facial recognition technology, the photograph is immediately matched with historical photos of the traveler to verify her identity.

Paul Hennessy/Polaris/Newscom

The Future of Digital Crime

R. W. Taylor et al., in *Digital Crime and Digital Terrorism* (2006), provide eight forecasts for the future of digital crime:

1. Crimes involving computers will increase substantially, requiring major changes in resource allocation and training and the creation of new police specialties.
2. Internet fraud, including identity theft, will be the largest computer problem.
3. Virtual crimes against persons will increase at a faster pace, requiring new laws and new types of crime investigation and prevention.
4. Some hacker groups will evolve into networked criminal enterprises.
5. Organized crime groups will increasingly use the computer as a criminal instrument.
6. Terrorist groups will increasingly use the internet for communications as well as for cyberterrorism.
7. Espionage will continue to evolve into information warfare, economic espionage, and intellectual property theft.
8. People who commit crimes, terrorists, and anarchists will accelerate the use of technology to steal data, destroy communications, and in other ways do harm.

Other Predictions

- Employee cybercrime will increase as computer literacy increases.
- Financial crimes and white-collar crime in general will increase.
- More harmful computer viruses will be generated and spread.
- Future technologies will produce new vices and crimes such as pleasure robots, sensic addiction, and neural simulation, which will become legally regulated.

- Internet threats will continue to evolve in their malice and technology.
- Public observation via closed-circuit television will increase, as will privacy invasion.

British Home Office Predictions

Some of the British Home Office predictions are based on social and lifestyle trends and consider the makeup of communities, changes in lifestyles, the interaction between technology and society, and developments in popular culture that affect crime. Other such predictions include the following:

- The development of newer synthetic substances like ecstasy poses future challenges for crime control.
- Virtual-reality addiction may increase.
- Alcopops, designer alcoholic drinks, will continue to increase in popularity with underage drinkers.
- Increases in telecommuting, more women in the workforce, and increased leisure activity outside the home will create new opportunities for criminals.
- Central-city regeneration based around alcohol and leisure may increase violent crime and disorder.
- The introduction of the 24-hour city could create more opportunities for crimes such as burglary and shoplifting.
- Decreases in the use of cash will continue to result in greater theft involving credit cards and checks.
- As skills in information communications technology become a prerequisite for work, those not computer literate will be more excluded from work.
- Identifying **hot products** may assist in understanding, anticipating, and reducing demand for stolen goods. Examples of hot products are TVs, tablets, and smartphones (Home Office, 2002).

Marc Goodman in *Future Crime* indicates that "Bad actors are primed to hijack the technology of tomorrow including robotics, synthetic biology, nano-technology, virtual reality and artificial intelligence" (2016). New technologies include implantable medical devices to drones and 3-D printers which can be used for disastrous results. Hackers can activate home monitors to spy on us, thieves can monitor social media posts to plan home invasions and stalkers can exploit the GPS on smart phones to track victims. 3-D printers can create weapons, bioterrorists can download formulae for viruses, and cartels can use drones to smuggle drugs across borders.

Thomas Frey (2017) lists 60 future crimes that exist on the horizon including: drone offenses such as the transport of illegal substances, drone voyeurism, their use as weapons, and drones killing other drones. History distortions involve blatant fabrications and super news fakery. Character assassination, the painting of false realities and false memes can create fake polls and research findings and power and data outages. Artificial intelligence plagues may include traffic accidents involving driverless cars and drones. Amateur rocketeers can launch attacks from space while "black hat robots" can use technologies to disrupt our businesses and government. Future cryptocurrencies can fuel future criminal transactions and clandestine wealth storage. Finally, brain hackers can attack our brains implanting false memories and other maladies.

Looking back at the tremendous change unleashed in the 20th century by technological advances such as automobiles, aircraft, television, telephones, and computers, one can only begin to imagine the fantastic changes awaiting us later in this century. Such changes, of course, will most likely be a mixed blessing containing the seeds of crime as well as providing the tools for the resolution of crime.

THEORY AND CRIME

Cybercrime is so new that most traditional theories do not specifically address it. One classic sociological theory that provides some explanation is Ogburn's (1922) theory of cultural lag. As previously indicated, he argued that social change takes place unevenly and that technological change occurs more quickly than the social aspects of a culture. Computers can change communications, commerce, and even dating behavior far more quickly than the capability of societal values and norms to keep pace.

CRIME & THE MEDIA 15.1 CYBERBULLYING AND ITS CONSEQUENCES

Although technological advances often bring efficiencies that make life easier, for some people, the widespread use of the internet and social media actually makes life worse. Rebecca Sedwick experienced widespread bullying and cyberbullying that eventually led her to commit suicide at the age of 12 by jumping off a tower near her home. Among other things, her tormentors sent her electronic messages encouraging her to kill herself. Two girls who sent these messages were arrested and charged with stalking (Dahl, 2013).

SUMMARY

Cybercrime promises to be the major technologically fueled crime of the 21st century. The Copenhefer case illustrated the use of a computer to commit a kidnap–murder and to solve the crime. Cybercrime is not a separate type of crime; rather, the computer is a tool or means of committing many crimes. It can be used to commit an offense, be the target of the offense, or simply be incidental to the offense. The types of cybercrime include insider crime, malicious hacking, activities in support of criminal enterprises, telecommunications fraud, online pedophilia, and high-tech espionage. Malicious hackers seek forbidden knowledge and often support the hacker's ethic, which is that there should be no restrictions on a hacker's right to surf the Net. Types of attacks on computers have generated their own argot (specialized language), which includes Trojan horses, phishing, spoofing, worms, botnets, key loggers, salami slices, time bombs, and viruses. Recent law enforcement efforts in beefing



PHOTO 15.5 Pallbearers wearing antibullying T-shirts carry the casket of Rebecca Sedwick, 12, to a waiting hearse as they exit a funeral home in Bartow, Florida. Sedwick experienced widespread bullying and cyberbullying that led her to commit suicide by jumping off a tower near her home.

© AP Photo/Brian Blanco

up cybersecurity are described in this chapter. *Cultural lag* refers to a gap created when technology changes faster than other aspects of a culture. Manifest functions are intended or planned consequences of social change, and latent functions are unintended, negative, or hidden consequences.

Futurists use a number of methods in order to predict the future of crime. These include mathematical models, environmental scanning, surveys, Delphi techniques, and scenario writing. The chapter features predictions from Police Futurists International, the British Home Office, Georgette Bennett's *Crimewarps*, Robert W. Taylor et al.'s *Digital Crime and Digital Terrorism*, and a variety of other efforts.

KEY CONCEPTS

"black hat" hacker (p. 414)
"white hat" hackers (p. 414)
business email compromise (p. 416)
crackers (p. 415)
cultural lag (p. 421)
cybercrime (p. 412)
Delphi techniques (p. 423)
hacker's ethic (p. 413)
hackers (p. 413)
hot products (p. 425)
phishing (p. 416)
romance Scam (p. 421)
ransomware (p. 417)
salami techniques (p. 418)
smishing (p. 416)
spoofing (p. 416)
Trojan horse (p. 416)
vishing (p. 416)
worms (p. 416)

REVIEW QUESTIONS

1. Discuss the various types of cybercrime.
2. What have you learned about online sexual predators?
3. Discuss the concept of the hacker's ethic.
4. What have been some recent law enforcement efforts in cybersecurity and the use of the computer in criminal investigations?
5. Discuss some recent examples of attacks on computer systems.
6. Discuss some of the terminology of cybercrime that you learned in this chapter.
7. Discuss some of the predictions of the future of crime in this chapter. Which ones do you view as the biggest threats in the future?
8. Discuss some of the methods used by futurists in attempting to predict the future.
9. Of what use is the concept of hot products?
10. What are virtual crimes? Give some examples.

GLOSSARY

addiction: An extreme physical and psychological dependence on drugs.

age–crime debate: A disagreement among criminologists as to whether all "mature out of crime" or whether some remain career criminals.

androcentric bias: The charge that criminology has reflected a male-centered bias.

anomie: A moral confusion or breakdown in mores or a gap between goals and means in society.

antisocial potential (AP): Farrington's notion that bad life events increase one's antisocial disposition.

argot: the distinctive or specialized language of a group.

arson: the purposeful setting of fires.

assault: threatening to do bodily harm to a person or placing him or her in fear of such harm.

assets forfeiture: Laws that require that property obtained through criminal activity is surrendered to the state.

astrology: the pseudoscientific belief that astrological signs such as configurations of the planets or stars influence human behavior.

atavism: the belief that criminals represent genetic "throwbacks to the ape" or earlier, more primitive humanity.

avoidance behaviors: Restrictions that people place on their own behaviors to protect themselves from harm.

badger game: a scam that preys on naive elderly victims. For example, an elderly man might be falsely accused of sexual relations with a young woman who is really a con artist.

bank examiner's scam: swindlers pretend to be bank examiners and ask to borrow "buy money" to catch a dishonest teller.

behavioral modification: the use of a system of rewards and punishments to modify or engineer behavior.

behavioral self-blame: When a person believes they did something to cause own victimization.

big dirty secret: that the criminal justice system is soft on white-collar crime.

biological positivism: theories that propose that crime is caused by inherited genetic and other biological causes.

"black hat" hacker: The stereotypical, criminal hacker.

boosters: professional shoplifters.

bourgeoisie: Marx's term for the capitalists or owners of industry.

box men: professional safecrackers.

brainwashing: a form of drastic resocialization of personality.

broken windows: An approach to crime control that advocates that police not ignore small disturbances lest they lead to bigger crimes.

burglary: the unlawful entry of a structure to commit a felony or theft.

business email compromise: Occurs when scammers reach out to business employees to obtain money usually by impersonating someone at the company.

Campbell Collaboration: An international organization that conducts meta-analyses to discover what works in criminology.

cannon: a name for professional pickpockets.

capable guardianship: Means by which a person or target can be effectively guarded so that a victimization is prevented from occurring.

career criminal: one who has a lifelong involvement in crime.

case study: See Life history.

catharsis hypothesis: The belief that the observation of media violence serves as an emotional release and lessens violence.

characterological self-blame: Person ascribes blame to a nonmodifiable source, such as their character.

cheater theory: theory that holds that males have a greater interest in mating and little interest in child rearing and use illegitimate means to maximize their offspring.

Chicago school: A school of sociology in the 1920s and 1930s that produced many urban ecological and ethnographic studies of Chicago.

child abuse: excessive mistreatment, either physically or emotionally, of children beyond any reasonable explanation.

churning: a dishonest practice by stockbrokers of unnecessarily causing many buys and sells of stock in order to collect commissions.

classical theory: Contained in the writings of Beccaria and Bentham, these theories assume that criminals are rational actors who weigh the pleasure and pain of an activity.

classic experimental design: A research design that has equivalence, an experimental and a control group, and a pretest and posttest.

code of ethics: Requirements that researchers behave ethically in conducting research.

coerced crime: a term used in the text to describe a practice in which auto dealer franchises are required to force accessories and unnecessary sales onto customers in order to keep their franchise.

COINTELPRO: a secret FBI program, the Counter Intelligence Program, to discredit legitimate social movements.

confidence (con) games: games that win the confidence of victims in order to take advantage of them.

confidentiality: The requirement in research that the researcher protect the identity of their subjects.

conflict model: The belief that criminal law reflects the conflicts of interest of groups and that the more powerful groups define the law.

consensus model: The belief that criminal law originates in the will of the majority.

containment theory: Reckless's theory that crime takes place when pressures are high and containments (protections) are low.

continuum model of organized crime: Model that shows organized criminal groups exist along a continuum from non-organized crime to highly organized crime groups.

conventional criminals: semiprofessional criminals who are generally unsuccessful at their trades of larceny and burglary.

copycat crimes: Crimes in which people who commit crime imitate crimes that were previously publicized.

corporate crime: crime within a legitimate occupation on behalf of one's employer.

corporate dumping: taking products that are prohibited in this country and selling them overseas where there is less regulation.

costs of crime: The costs of crime include financial and other costs, such as psychological and health costs. Estimates have been as high as $1.7 trillion.

crackers: Ill-intended hackers who attempt to crack (break into) computer systems, often in order to do damage.

crime: Violations of criminal law.

crime against government: political crimes against the government, from protests to terrorism.

crime by government: political crimes by the government, from human rights violations to genocide.

crimes without victims: Crimes that are described as "legislated morality" in which there is no identifiable victim other than the person engaging in the act

crime trends: In the post–World War II period, crime had declined until the mid-1960s, when it exploded. The crime dip began in the United States in 1992.

criminal behavior systems: A typology of crimes that looks at identification with crime, societal reaction, and group involvement.

criminal law: Violations of law that are enforced by the state in order to protect victims.

criminaloid: those who display criminal-like behavior. A term first used by E. A. Ross to refer to flagitious (wicked) practices that had not yet been condemned by criminal law.

criminal typologies: Attempt to identify types of crime.

criminology: The scientific study of crime and criminal behavior.

critical criminology: Consists of a variety of perspectives that challenge basic assumptions of mainstream criminology.

cultural lag: The idea that change takes place unevenly—technological changes take place far more quickly than the social aspects of a culture such as its laws and custom.

culture of violence: ways of life in societies that approve of violence as a means of resolving disputes.

cybercrime: Crime that uses the computer as a tool in crime commission.

dark figure of crime: Unmeasured or undiscovered crime.

decriminalization: The lessening of penalties attached to a particular behavior.

defensive or protective behaviors: Behaviors engaged in to guard against victimization, such as purchasing a weapon.

delinquency and drift: Matza's theory that delinquents exist in a limbo wherein they drift back and forth between delinquency and conventionality.

Delphi techniques: Procedures that ask a panel of experts to predict the future.

demonological theory: Assumes that supernatural forces cause and control crime commission.

desistance: In life course criminality theory, the quitting or cessation of criminal activity.

developmental and life course (DLC) theories: Espouse the belief that criminal activity changes over an individual's lifetime from onset to persistence to desistance.

deviance: Behavior that is outside the limits of societal toleration.

differential association theory Sutherland's theory: That crime is learned due to exposure to an excess of contacts that advocate criminal behavior.

differential opportunity theory: Cloward and Ohlin's theory that crime takes place due to a lack of legitimate opportunity and is also due to the availability of illegitimate opportunities.

diversion: Offender not formally charged if they complete required programs.

ecological fallacy: A problem in which group rates are used to describe individual behavior.

ecological school: School of thought that posits that crime is caused by environmental or geographic forces.

economic costs: Financial costs associated with victimization.

economic theory: Influenced by the writings of Karl Marx and views inequality and capitalism as the causes of crime.

embezzlement: theft from an employer by an employee who has reached a level of trust.

enterprise: the secret organization within the Reagan White House that was responsible for the Iran–Contra affair.

epigenetics: biological mechanisms that affect gene expression.

Equity Funding scandal: a corporate scam in which fake insurance policies (ghosts) were created in order to take advantage of reinsurers.

espionage: spying; the stealing of secrets.

ethical conduct in research: Basic behavior that is expected in moral and ethical research.

ethnic succession theory: The belief that organized crime has been a ladder of mobility for a succession of ethnic groups.

evidence-based research: Research findings that are based on replicated, experimental research.

exhibitionism: Individuals gaining sexual excitement by sexually exposing themselves in order to shock their victims, e.g., flashers.

experiment: Research that involves variations of the classic experimental design employing equivalence, pretests and posttests, and experimental and control groups.

fallacy of autonomy: The erroneous belief that failings of the family are separate and independent of inequality, racism, and discrimination.

Family Justice Centers: Centers that provide a wide range of services to crime victims and their families.

family structure: Household style or shape.

feeblemindedness: the belief by Goring that criminals were mentally defective.

felonies: More serious crimes generally punished by at least a year in jail.

feminist criminology: Approach that takes the view that criminology has been biased and does not express the female viewpoint.

feminization of poverty: The trend that poverty increasingly takes place within female-headed households.

fences: dealers in stolen property.

fetishism: When individuals have a sexual fixation on objects, attire, or body parts, usually associated with the opposite sex, e.g., feet, lingerie.

focal concerns: Miller's theory of crime that reflects an overemphasis on lower class values.

folk crime: Crimes that most everyone commits, e.g., traffic violations.

folkways: Nice customs, traditions, or less serious norms.

Ford Pinto case: in the 1960s and early 1970s, firetrap engineering of gas tanks on Ford Pintos resulted in the death and injury of hundreds of victims.

functional necessity of crime: Durkheim's theory that society defines itself by reacting to crime and wrongdoing.

Gemeinschaft: A communal or folk society.

gender: Most crime is committed by males historically and internationally with the exception of prostitution.

gene-environment interaction: how genes interact with environmental features to create outcomes.

genocide: the eradication of a group.

Gesellschaft: An associational or heterogeneous society.

global fallacy: The error of attempting to have a specific theory explain all crime.

gun control: attempts to regulate and limit the availability of guns to the public.

hackers: Unwanted electronic guests regardless of motive.

hacker's ethic: That there should be no restrictions on their right to surf the internet and test systems.

Hamas: in Arabic, "fervor" or "zeal"; a Middle Eastern, Islamic resistance movement.

Harrison Act: An antidrug act passed in 1914 that required a doctor's prescription for narcotics and cocaine.

hedonism: A pleasure-seeking philosophy.

heels: sneak thieves who operate in stores and offices.

Hezbollah: an Islamic, Iranian-backed terrorist group whose name means "party of God."

higher immorality: a term used by C. Wright Mills to describe the moral insensibility of the power elite.

Hobbs Act: A 1940s antiracketeering act that holds that any interference with interstate commerce is a violation.

hot products: Items that are in high demand to be stolen.

hot spots: Areas that are crime prone.

human ecology: The study of the interrelationship between human organisms and the physical environment.

human rights: basic human activities that are guaranteed in democratic societies such as the right to life, liberty, and the pursuit of happiness.

ideology: a distinctive belief system.

incest: Sexual activity between individuals who are viewed as too closely biologically related.

industrial espionage: spying in the commercial sector.

insider trading: using prohibited, confidential information in order to trade for one's advantage.

institutions: Organizations that serve a broad range of interests in society, such as the family.

interactionist model: Says that crime is defined by abstract meanings and symbols and is a label assigned by society.

intimate partner violence: physical, emotional, and sexual abuse of a person with whom the offender has an intimate relationship.

iron law of opium trade: Arnold Trebach's thesis that as soon as one source of heroin supply is shut off, another will emerge to meet the demand.

johns: Customers of prostitutes.

labeling theory: Asserts that crime is a label attached to wrongdoing, and often the label becomes a stigma that increases criminality (also called societal reaction theory).

larceny-theft: miscellaneous property theft.

latent functions: Unexplained, unanticipated (hidden) consequences of social activity.

laws: Codified (written) rules that are more serious norms and contain sanctions.

learned helplessness: Idea that victims believe they are unable to change their situation and stop trying to resist.

left realism: A theoretical attempt to translate radical ideas into realistic social policy.

life history: A qualitative, case study method of examining a subject's life history.

loan shark: One who illegally lends money at usurious interest rates.

lobotomy: the surgical removal of the frontal lobes of the brain.

looking-glass self: Cooley's theory of personality as a perceived perception of the reaction of others.

lower class reaction theory: Cohen's theory that delinquency involves a lower class reaction to unachievable middle-class values.

mafiya: A term for describing the Russian Mafia.

***mala in se*:** Acts that are bad in themselves.

***mala prohibita*:** Acts that are bad due to being prohibited.

manifest functions: Intended or planned consequences of social arrangements.

mass murder: the killing of four or more victims at one location on a single occasion.

Medellin cartel: Was a major Colombian drug trafficking organization.

methodological narcissism: The belief that one's favorite method is best.

methodology: The rules and principles that provide guidance to collect and assess data.

Minneapolis Domestic Violence Experiment: experiment that concluded that arrest works best in deterring repeat domestic violence.

misdemeanors: Less serious crimes that result in less than 1 year in jail.

modes of personality adaptation: Part of Merton's theory of anomie that results in personality adaptations: conformist, innovator, ritualist, retreatist, and rebel.

monozygotic concordance: similar behavior in identical twins.

moral entrepreneurs: Those who benefit by labeling activity as criminal.

mores: More serious informal social controls.

motivated offenders: People who will commit crime if given an opportunity.

motor vehicle theft: in the Uniform Crime Reports, motor vehicle theft includes things such as motorcycle and boat thefts but not bicycle thefts.

naive check forgers: those who pass bad checks in order to resolve a temporary financial crisis.

National Crime Victimization Survey (NCVS): A survey of the general public to measure claimed crime victimization.

National Incident-Based Reporting System (NIBRS): A system for recording far more detail on crime incidents that intended to replace the UCR.

natural areas: According to the Chicago school, these are subcommunities that emerge to serve specific, specialized functions.

nature versus nurture controversy: an attempt to examine whether crime is inherited (nature) or learned (nurture).

neoclassical theory: New classical theories that view crime as influenced by criminal opportunities to commit crime.

network analysis: Type of analysis that examines the structure of relationships that connect people, or other social units, to each other.

nolo contendere: a plea of no contest to charges.

norms: Prescribed rules of conduct.

numbers game: An illegal game of betting on numbers.

Nuremberg principle: the precedent established at the Nuremberg trials after World War II that says that, if a person has a conflict between morality and immoral orders, one is to obey morality.

objectivity: The idea that researchers should be neutral or unbiased in examining their subject matter.

occasional property criminals: avocational criminals who do not identify with criminal careers. They typically steal or damage property on an infrequent basis.

occupational/organizational crime grid: a model that looks at white-collar crimes in terms of whether the perpetrator and victim are individuals, employees, or groups.

occupational crime: crime committed during the course of a legitimate occupation for one's own benefit.

operationalization: Describing how a concept is being measured.

Operation Chaos: a secret CIA program to investigate activities of domestic groups.

organizational crime: crime committed during the course of a legitimate occupation for the benefit of the employee.

Organized Crime Control Act: The most powerful legislation ever passed to attack organized crime. It was passed in 1970.

overcriminalization: The overuse of the criminal law as an attempt to control deviant activity.

palmistry: a pseudoscience that claims to be able to read personality characteristics on the basis of lines on the palm of the hand.

paperhanging: passing bad checks and other counterfeit documents.

participant observation: A methodology that involves the observation of a group by participating in varying degrees in its activities.

patriarchal crime: crime committed in the name of male dominance.

peacemaking theory: Advocates peace and justice as the solution to the crime problem.

pedophilia: Sexual desire for prepubescent children

phishing: Entails a hacker stealing password, account, or credit card information.

phrenology: the pseudoscience that claims to determine personality and intelligence on the basis of the size and shape of a person's skull.

physical stigmata: Lombroso's theory that criminals could be denoted on the basis of their facial appearance.

physiognomy: a pseudoscience that measures facial and other body characteristics and their relationship to personality.

political crime: crime committed for ideological reasons.

Ponzi scheme: a con game (named after Charles "Get Rich Quick" Ponzi) that involves paying early investors high investment returns with money from later investors in a nonexistent enterprise.

positivism: A scientific or quantitative approach to criminology that searches for pathology, uses the scientific method, and suggests therapy.

post hoc error: an "after-the-fact" error. If a person exhibits a characteristic after the fact, it is mistakenly assumed to be the cause of the behavior.

postmodernism: A theoretical approach that attacks modernity or scientific rationality.

posttraumatic stress disorder (PTSD): Psychiatric anxiety disorder caused by experiencing traumatic events such as war or violence.

power-control theory: In egalitarian households, both boys and girls have more similar delinquency levels.

power elite: C.Wright Mills's theory that argues that a small group of corporate, military, and political elite run the United States.

praxis (practical critical action): In Marxist theory, such action is more important than theory.

precipitation hypothesis: The belief that the observation of media violence increases the propensity to violence.

primary deviance: In labeling theory, this refers to the initial criminal act itself.

principle of homogamy: The idea that people who share characteristics of offenders are more at risk of victimization, given that they are more likely to come into contact with offenders.

problem drinking: Also known as alcoholism; a dependency on or addiction to alcohol.

profession: an occupation that exhibits esoteric knowledge and a service orientation and achieves autonomy of operation.

professional crime, model: of professionalism in crime is a matter of degree. The more criminals exhibit each characteristic of professional crime such as skill, high status, and the like, the more professional they are regarded.

progression of knowledge: Comte's theory that knowledge has historically progressed from theological to metaphysical to scientific.

proletariat: Refers to the working class in Marx's writings.

psychological positivism: a group of theoretical approaches that look to the personality as the cause of criminal activity.

psychometry: attempts to measure personality.

psychopath/sociopath/antisocial personality: a disorder in which, due to inadequate childhood socialization, an individual never develops a full range of adult personality.

public order crime: Vice crimes, or crimes without victims.

pyramid scheme: a financial scam relying on the continual recruitment of investors in a nonexistent product (see also Ponzi scheme).

racketeering: Dishonest practices, particularly in the labor sector.

radical Marxist criminology: A theory that blames capitalism for crime and advocates violent revolution as a means of its eradication.

raison d'état (reason of state): Machiavelli's notion that any means are necessary in order to protect the state.

ransomware: Cybercriminals infect an organization'sdata and then demand payment (ransom) in order to prevent harm.

reciprocity: A system of mutual obligation between researcher and subject.

reliability: The consistency or stability of measurement.

residential mobility: The percentage of persons 5 and older living in a different house from 5 years before.

restorative justice: A movement recognizing that crime is a harm not just to the state but to the victim and the community as well. It seeks to use all entities in response to crime and allows for input from the victim, the offender, and community members harmed in making a determination of how to repair the harm caused by the offender.

revolving door: prisoners who are constantly in and out of prison are described as being in a revolving door.

RICO (Racketeer Influenced and Corrupt Organizations): Statute of the Organized Crime Control Act of 1970. It prohibits the use of the proceeds from criminal operations from being used to acquire legitimate operations.

romance Scam: Scammers pretend to be in romantic relationships with targets so that the target will willingly give them money when asked.

salami techniques: A computer crime in which small slices (amounts of money) are taken from many accounts and transferred to that of the thief.

sanctuary movement: a U.S. social movement in the 1980s that attempted to provide refuge for illegal political refugees from Latin America.

scam: illegal game to swindle people out of their money.

secondary deviance: Deviance that ensues as a result of a person being labeled and stigmatized as a criminal.

secret police: domestic security police whose purpose it is to protect the existing regime from violent overthrow.

self-report measures: Self-admission surveys of admitted crime.

serial murder: a series of murders over a period of time.

shaming theory: Offenders are made to feel humiliation due to their transgressions.

shoplifting: the stealing of merchandise from stores.

simulation: Games that mimic reality.

SMICE: an acronym for the method of recruiting spies: sex, motivation, ideology, commitment, and ego.

smishing: Attempts to glean personal information through SMS or text messaging.

snitches: in Mary Cameron Owen's study, amateur shoplifters.

social bond theory: People become criminal when their stakes in society are broken.

social class: Socioeconomic status is measured using income, education, and occupation.

social control theories: View crime as taking place when social control or bonds to society break down.

social Darwinism: the belief that there is a survival of the fittest in society.

social disorganization theory: Shaw and McKay's theory that crime is due to social disorganization and social breakdown of an area.

soft determinism: Theories that indicate that certain forces have an influence but do not determine behavior.

somatotypes: body types as described by Sheldon: endomorphs, mesomorphs, and ectomorphs.

sources of crime statistics: Include experiments, surveys, participant observation, case studies, and unobtrusive measures.

spoofing: Creates a false (shadow) version of a website that is controlled by the attacker.

spree murder: murder at two or more locations with almost no time between the murders.

structural density: The percentage of units in structures of five or more units.

subcultural theories: Theories that view the type of crime as due to various forms of delinquent subcultures.

subculture of violence: this is a "culture within a culture" in which violence is an approved manner of resolving interpersonal disputes.

sub rosa crime: another name for espionage (literally, "under the rose").

subterranean values: Underground values that exist alongside conventional values.

suitable targets: The idea that victims are chosen by offenders based on their attractiveness in the crime situation.

surveys: Various ways of gathering data that include mail questionnaires, interviews, and telephone and internet surveys.

sweetheart contract: secret deal between labor negotiators and management to the disadvantage of the workers.

systematic check forgers: professional criminals who specialize in passing bad checks (paperhangers).

techniques of neutralization: Rationalizations (excuses) used by juveniles to explain away responsibility for their actions.

terrorism: the purposeful targeting of innocents for political purposes in order to spread fear and intimidation.

the fix: the act of forestalling legal actions through bribery and corruption.

theoretical range: The types of crime a theory is intended to cover.

theory: Plausible explanation of reality that includes testable propositions.

thermic law of crime: Quetelet's theory that violent crime increases toward the equator.

Triads: Chinese organized crime groups.

triangulation: The use of multiple research methods.

Trojan horse: A secret, malicious computer program hidden within other programs.

undercriminalization: The underuse of the criminal law to control deviant activity.

unfounded crimes: Crimes that the police decide never took place.

Uniform Crime Report (UCR): Official police report on crime maintained by the FBI.

Universal Declaration of Human Rights: a United Nations declaration that calls for the respect of human rights.

unobtrusive measures: Nonreactive methods of data gathering in which the subjects are unaware that they are being studied.

urban versus rural crime: Crime is highest in urban areas and lowest in rural areas.

validity: The accuracy of measurement.

variable: Concept that varies or that can take on different numerical values.

victim compensation: The right of victims to have monies that they lost due to victimization be repaid to them by the state.

victim facilitation: When a victim makes it, unintentionally, easier for an offender to commit a crime.

victim impact statement (VIS): Statement made to the court by the victim or their family about the harm caused and the desired sentence for the offender.

victimization theory: Generally a set of testable propositions designed to explain why a person is victimized.

Victim of Crime Act of 1984 (VOCA): Created Office for Victims of Crimes and provided funds for victim compensation.

victim–offender mediation program: Sessions led by a third party in which the victim and offender meet face-to-face to come to an agreement as to what should happen to the offender.

victim precipitation: The extent to which a victim is responsible for their own victimization.

victim provocation: When a person actually does something that incites another person to commit an illegal act.

victim surveys: Surveys of the general public to measure the rate and circumstances of victimization.

vishing: Attempts to glean personal information through phone, robocalls, voicemail, or voice over internet protocol.

voyeurism: Gaining sexual excitement by secretly observing unknowing victims; such offenders are also called peeping Toms.

Watergate: the burglary of the Democratic National Headquarters in the Watergate complex by Nixon's "plumbers group."

whistleblowers: those who inform on wrongdoing within their organization.

white-collar crime: crime committed by those within legitimate occupations or organizations.

white-collar "deadbeats": convicted white-collar offenders who often do not pay penalties.

"white hat" hackers: Hackers who work to protect systems rather than harm them.

withdrawal syndrome: Uncomfortable feelings experienced when a person addicted to a substance who has developed tolerance to it is deprived of it.

workplace violence: violence that occurs within a place of work.

worms: Similar to viruses that reproduce themselves and subvert computer systems but can spread with no assistance.

XYY syndrome: the theory that males who possess an extra Y chromosome are more prone to violence.

Yakuza: Japanese organized crime groups (literally, "good-for-nothings").

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SUGGESTED READINGS

Abadinsky, H. (2012). *Organized crime* (10th ed.). Wadsworth.

This is the bible on organized crime. It is particularly useful and interesting for its historical coverage of the Chicago and New York Mobs.

Aho, J. (1994). *This thing of darkness: A sociology of the enemy*. University of Washington Press.

The author conducts a participant observational study of right-wing Christian Patriot groups in Idaho.

Akers, R. L., & Sellers, C. S. (2008). *Criminological theories: Introduction and evaluation* (5th ed.). Roxbury.

Akers and Sellers provide an overview of major criminological theories in a clear, concise manner. This book is very readable for undergraduates.

Akers, R., & Sellers, C. (2008). *Criminological theories*. Oxford University Press.

This book provides excellent coverage of major classical and contemporary theories.

Albanese, J. (2010). *White collar crime in America*. Prentice Hall.

A very readable presentation on the issue of organizational offenders by one of America's leading authorities on the subject.

Albanese, J. (2011). *Organized crime in our times* (6th ed.). LexisNexis.

This is one of the best-written books on the subject. It has excellent coverage of illegal activities as well as the investigation and prosecution of such activities.

Albini, J. (1971). *The American Mafia: Genesis of a legend*. Irvington Press.

This is a classic in the field. Albini uses a variety of sources to trace the legend, myths, and history of the American Mafia.

Arquilla, J., & Ronfeldt, D. (2009). *Networks and netwars: The future of terror, crime and militancy*. RAND.

The notion of "netwar" examines the networked organizational structure of its practitioners (many leaderless) and their quickness in coming together in swarming attacks

Ashman, C. (1975). *The CIA–Mafia link*. Manor Books.

This is one of the few books to explore the neglected topic of international kidnapping. Although there is little kidnapping in the United States, it is quite common in some other countries.

Bartol, C. H., & Bartol, A. M. (2010). *Criminal behavior: A psychosocial approach* (9th ed.). Prentice Hall.

This is one of only a few criminology theory books devoted exclusively to psychological approaches.

Becker, H. (1963). *Outsiders: Studies in the sociology of deviance*. Free Press.

Becker, a major proponent of labeling theory, explores the role of moral entrepreneurs in making deviants into criminals and outsiders.

Belknap, J. (1990, October). Review of "Fraternity gang rape: Sex, brotherhood and privilege on campus" by Peggy Reeves Sanday. *Criminal Justice Policy Review, 4*, 285–287.

This book provides an excellent review and assessment of critical issues related to the issue of gender in criminology and criminal justice.

Belknap, J. (1996). *The invisible woman: Gender, crime, and justice*. Wadsworth.

This work presents an excellent example of feminist criminology.

Berg, B. (2011). *Qualitative research methods in the social sciences* (8th ed.). Allyn & Bacon.

This is a text devoted exclusively to qualitative methods in the social sciences, a subject that is sometimes neglected in standard methods texts.

Bernard, T., Snipes, J. B., & Gerould, A. L. (2009). *Vold's theoretical criminology* (6th ed.). Oxford University Press.

This classic work by George Vold has been updated for two editions by Thomas Bernard, and now Jeffrey Snipes and Alexander Gerould have been added. It does a sound, readable job of reviewing criminological theory.

Blakey, G. R., & Billing, R. (1981). *The plot to kill the President: Organized crime assassinated JFK*. New York Times Books.

This controversial book by the chief counsel to the House Assassinations Committee concludes there was major involvement of organized crime in the assassination of President John Kennedy.

Bohm, R. (1987). The Myths about criminology and criminal justice: A review. *Justice Quarterly, 4*, 631–642.

This classic article reviews the many works on, and claims about, myths in criminology and criminal justice. A review such as this of misconceptions in criminology is an excellent means by which to assess the state of current knowledge in the field.

Bohm, R. M., & Vogel, B. (2010). *A primer on crime and delinquency* (3rd ed.). Allyn & Bacon.

This brief (140-page) overview gives a succinct picture of major criminological theories. An excellent introduction for undergraduates.

Bottoms, A. E., & Costello, A. (2010). Understanding repeat victimization: A longitudinal study. In S. G. Shoham, P. Knepper, & M. Kett (Eds.), *The international handbook of criminology* (pp. 649–680). CRC Press.

In this chapter, the authors provide a nice overview of repeat victimization. They cover the extent to which people are repeatedly victimized, the main theoretical explanations, and the implications for crime prevention. They also provide results from their own empirical investigation.

Bowden, C. (2010). *Murder city: Ciudad Juarez and the global economy's new killing field*. Aperture Foundation.

An examination of the deadly cartels in Mexico that threaten the future of North America.

Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge University Press.

Braithwaite outlines his shaming and reintegration of offenders' conceptualizations.

Brightman, H. (2009). *Today's White collar crime*. Routledge.

The real strength of this work is that it is one of the few to discuss applied intelligence techniques in the study of competitive intelligence.

Cameron, M. O. (1964). *The booster and the snitch*. Free Press.

This is the classic study of shoplifters using a secondary analysis of the records of retail theft of private department stores.

Chesney-Lind, M., & Shelden, R. G. (2003). *Girls, delinquency, and juvenile justice* (3rd ed.). Wadsworth.

The authors present a more radical feminist perspective in examining gender and delinquency.

Clarke, J. (1982). *American assassins: The darker side of politics*. Princeton University Press.

This is the best work on the subject of assassins. Clarke refutes previous myths and develops an excellent typology of spies.

Clarke, R. V. G. (1980). "Situational" crime prevention: Theory and practice. *British Journal of Criminology, 20*(2), 136–147.

In this article, Clarke posits that crime prevention can be effective through target hardening and by paying attention to features of the environment.

Clinard, M. B., & Yeager, P. C. (1980). *Corporate crime*. Macmillan.

This is the largest study of corporate crime ever conducted and an excellent update of Sutherland's original investigation.

Cole, D. (1999). *No equal justice: Race and class in the American Criminal Justice System*. New Press.

Cole makes a strong case that inequality exists in the American criminal justice system primarily due to uneven enforcement as part of the war on drugs.

Coleman, J. (2005). *The criminal elite* (5th ed.). Worth.

Coleman's text provides in-depth coverage of both occupational and corporate crime. He also explores theoretical explanations for white-collar criminality.

Condon, R. (1958). *The Manchurian candidate*. Random House.

This novel is a Cold War classic that scared the American intelligence community into undertaking a variety of bizarre experiments in order not to fall behind a perceived Communist mind-control gap. This was later made into a movie starring Frank Sinatra and Angela Lansbury and a 2004 remake starring Denzel Washington and Meryl Streep.

Cressey, D. (1953). *Other people's money*. Free Press.

This is the classic case study on embezzlers, which proposes the hypothesis that embezzlers have a "nonshareable problem" that serves to motivate them to embezzle.

Cromwell, P. (Ed.). (2005). *In their own words: Field research on crime and criminals—an anthology* (4th ed.) Oxford University Press.

This is an excellent anthology of articles involving field research of uncaught criminals on their own turf.

Cullen, F., & Agnew, R. (Ed.). (2010). *Criminological theory: Past to present* (4th ed.). Roxbury.

This selection of 38 featured articles is one of the most informative anthologies available. The authors' clear, succinct introductions to the readings are superb and simplify some extremely complex theories.

Cullen, F., & Agnew, R. (Ed.). (2010). *Criminological theory: Past to present* (4th ed.). Oxford University Press.

This anthology has a selection of 38 classic and contemporary articles and features excellent introductory essays to each section.

Curran, D., & Renzetti, C. (2008). *Theories of crime* (4th ed.). Oxford University Press.

This book provides an excellent discussion of criminological theories.

Currie, E. (1985). *Confronting crime: Why there is so much crime in America and what we can do about it*. Pantheon.

Elliott Currie has remained a consistent voice of liberal thought in the area of crime policy. He challenges conservative beliefs of crime, which tend to be defeatist and tend to ignore the role of structural conditions such as inequality and discrimination in crime causation.

Daigle, L. E. (2012). *Victimology: A text/reader*. SAGE.

This text includes concise chapters that cover the theories relevant to victimization, the measurement of victimization, victim rights, and a variety of types of victimization, including terrorism, human trafficking, sexual victimization, and school victimization. It also includes edited articles that highlight important research connected to concepts in each chapter.

Davis, R. C., Lurigio, A. J., & Herman, S. (Eds.). (2007). *Victims of crime* (3rd ed.). SAGE.

This edited volume features 19 readings covering a variety of types of victimizations as well as the responses that victims receive from the criminal justice system and others.

Ellis, L., & Walsh, A. (2006). *Criminology: A global perspective*. SAGE.

This is one of the only introductory texts to feature a biological positivistic perspective.

Ferraro, K. F. (1995). *Fear of crime: Interpreting victimization risk*. SUNY Press.

In this book, Ferraro discusses definitional and measurement issues within the fear of crime literature. Also covered is perceived risk and how females and elderly persons are more fearful than their risk levels indicate they should be.

Ferrell, J., & Hamm, M. S. (Eds.). (1998). *Ethnography at the edge: Crime and deviance in field research*. Northeastern University Press.

The authors describe their articles as unorthodox invitations to heresy. Research among uncaught criminals often put researchers in compromising positions on the edge of illegality.

Friedrichs, D. O. (2009). *Trusted criminals: White collar crime in contemporary society* (4th ed.). Wadsworth.

Friedrich's text might very well be the most scholarly and thorough contemporary account of white-collar crime. It weaves together a mass of literature and is a must-read for anyone who claims to be informed on this subject.

Fuller, J. R., & Hickey, E. W. (Eds.). (1999). *Controversial issues in criminology*. Allyn & Bacon.

Fuller and Hickey provide an excellent collection of 14 articles, each featuring a debate between two criminologists.

Gamble, T. J., & Eisert, A. C. (2004). Delinquency theory: Emerging explanations from the biopsychological perspective. In P. J. Benekos & A. Merlo (Eds.), *Controversies in juvenile justice and delinquency* (pp. 43–68). LexisNexis.

This chapter contains an excellent presentation of the latest psychological theories of crime and delinquency.

Gerkin, P. M. (2009). Participation in victim–offender mediation: Lessons learned from observations. *Criminal Justice Review, 34*, 226–247.

Gerkin investigates whether victim–offender mediation programs are truly restorative, given the roles that each party plays. He addresses the barriers to successful programs through observing victim–offender mediations and examining agreements reached.

Gibbons, D. (1979). *The criminological enterprise: Theories and perspectives*. Prentice Hall.

In this slim volume, Don Gibbons offers a very readable history of criminological thought that provides undergraduates with

an excellent overview of the history of the development of criminology and criminological theory.

Gould, S. J. (1981). *The mismeasure of man.* Norton.

Gould launches a major criticism of eugenic studies such as those of the Jukes and Kallikaks and exposes their methodology and findings as fraudulent.

Grabosky, P. (2006). *Electronic crime.* Pearson Prentice Hall.

This short, engaging book provides the reader with a very useful introduction to cybercrime.

Gross, B. (1980). *Friendly fascism: The new face of power in America.* M. Evans.

Gross claims that the public is not being told the "big dirty secret of crime": that the criminal justice system is soft on white-collar crime. This highly cited classic features their typology of rapists as well as excellent examples.

Hagan, F. E. (1987b). The global fallacy and theoretical range in criminological theory. *Journal of Justice Issues, 2,* 19–31.

This is a classic article by the author discussing the need to limit the scope of most theories.

Hagan, F. E. (1997). *Political crime: Ideology and criminality.* Allyn & Bacon.

This is the author's attempt to resurrect and develop a successor to Proal's classic work. It provides comprehensive coverage of all areas of political crime, from crime by government to crime against government.

Hagan, F. E. (2010). *Research methods in criminal justice and criminology* (8th ed.). Prentice Hall.

This is the author's own text on criminological and criminal justice research and features detailed coverage of issues only introduced in our account in this chapter.

Hagan, F. E., & Tontodonato, P. (2004b). Delinquency theory: Classical and sociological explanations. In P. J. Benekos & A. Merlo (Eds.), *Controversies in juvenile justice and delinquency* (pp. 21–39). LexisNexis.

This article gives general coverage of classical and sociological theories of crime causation featuring early as well as contemporary selections.

Hagedorn, J. M. (2009). *A world of gangs: Armed young men and Gangsta culture.* University of Minnesota Press.

An expert researcher on field studies of gangs shares his insights.

Hamm, M. S. (1993). *American skinheads: The criminology and control of hate crime.* Praeger.

Author Mark Hamm uses imaginative, triangulated methods to study skinheads.

Inciardi, J., & McElrath, K. (Eds.). (2007). *The American drug scene* (5th ed.). Oxford University Press.

In perhaps the definitive work on the subject, the authors provide an excellent selection of current and classic articles on the ever-changing drug scene.

Jacoby, J., Severance, T., & Bruce, A. S. (Eds.). (2011). *Classics of criminology* (4th ed.). Waveland Press.

This is an excellent compendium of 57 classic and contemporary articles on criminology and criminological theory.

Jenkins, P. (1984). *Crime and justice: Issues and ideas.* Brooks/Cole.

This book by one of the most lucid writers in criminology provides an engaging, original, and scholarly discussion of a number of criminological controversies such as serial murders and moral panics.

Jenkins, P. (1992). *Intimate enemies: Moral panics in contemporary Great Britain.* Aldine de Gruyter.

One of the most lucid writers in the field tackles conventional wisdom regarding emergent crime problems, asking whether instead they are examples of moral panics.

Kean, T., Hamilton, L., Venist, R., & Kerry, J. (2004). *Report of the National Commission on Terrorist Attacks (The 9/11 Report).* Government Printing Office.

This is the congressional report on 9/11 and its aftermath.

Knetzger, M., & Muraski, J. (2008). *Investigating high-tech crime.* Pearson Prentice Hall.

This is an excellent detailed presentation on the latest in cybercrime investigations.

Laqueur, W. (1987). *The age of terrorism.* Little, Brown.

This well-written, classic text presents a very scholarly, historical account of terrorism from a European perspective.

Lilly, R., Cullen, F. T., & Ball, R. A. (2010). *Criminological theory: Context and consequences* (5th ed.). SAGE.

The authors provide a useful overview of major criminological theories of both a classical and a contemporary variety.

Lyman, M. D., & Potter, G. W. (2007). *Organized crime* (4th ed.). Prentice Hall.

This is a fresh approach to examining organized crime, presented in a very lucid, readable format for undergraduates.

Maas, P. (1986). *Manhunt: The incredible pursuit of a CIA agent turned terrorist.* Random House.

An exciting account of Edwin Wilson and his alleged "false flag" operations in support of Libya.

Maurer, D. W. (1964). *Whiz mob.* College and University Press.

Linguist Maurer examines the argot, roles, and lifestyles of professional con artists.

Mena, J. (2003). *Investigative data mining for security and criminal detection.* Butterworth Heinemann.

This handbook describes in detail the many computer-based intelligence programs available to fight cybercrime.

Merlo, A., & Benekos, P. (Eds.). (2000). *What's wrong with the criminal justice system: Ideology, politics and the media.* Anderson.

This book reviews what is "wrong" with the criminal justice system and what can be done to make it "less wrong." It reviews three themes: the impact of ideology, the role of the media, and the politicization of crime and criminal justice.

Merton, R. K. (1961). *Social theory and social structure* (Rev. ed.). Free Press.

This work contains many of the seminal ideas of a giant in American criminology, Robert Merton.

Messner, S. F., & Rosenfeld, R. (2006). *Crime and the American dream.* Wadsworth.

In a well-received update of Merton's strain theory, Messner and Rosenfeld discuss an institutionalization of deviant means to economic success as pervasive in American society. This theory can be used to explain white-collar crime.

Messner, S. F., & Rosenfeld, R. (2013). *Crime and the American dream* (5th ed.). Wadsworth.

In this small volume, the authors build on Robert Merton's concept of anomie or strain theory by speaking to the development of an institutionalization of deviant means in American society. According to this theory, legitimate institutions begin to adopt illegal means of achieving their competitive objectives.

Miller, E. (1986). *Street woman.* Temple University Press.

This is Miller's ethnographic study and interviews with 64 prostitutes. It examines their

motivations and escape from abusive domestic settings.

Miller, N. (1976). *The founding finaglers*. David McKay.

A readable, not-too-flattering account of scandal among early presidents and statesmen.

Osborne, D. (2006). *Out of bounds: Innovation and change in law enforcement intelligence analysis*. Center for Strategic Intelligence Research.

Osborne addresses the changing nature and role of analysis in policing. Her case studies make excellent use of computer analysis in crime solving.

Pennsylvania Crime Commission. (1990). *Organized crime in Pennsylvania: A decade of change*. Commonwealth of Pennsylvania.

Until its demise for political reasons by later jailed attorney general Ernie Preate, who was a subject of its investigation, this organization consistently presented very readable investigations complete with photographs.

Pepinsky, H., & Quinney, R. (Eds.). (1991). *Criminology as peacemaking*. University of Indiana Press.

The emergent peacemaking perspective is presented in a series of articles.

Pizzo, S., Fricker, M., & Muolo, P. (1989). *Inside job: The looting of America's savings and loans*. McGraw-Hill.

This is an account by three California journalists of the biggest series of white-collar crimes in American history, the savings and loan scandal of the 1980s.

Pope, C. E., Lovell, R., & Brandl, S. G. (Eds.). (2001). *Voices from the field: Readings in criminal justice research*. Wadsworth.

This collection features 18 articles on research on a variety of criminological issues. It underlines the point that research in criminology stresses scientific analysis over mere opinion.

Proal, L. (1973). *Political crime*. Patterson Smith. (Original work published 1898)

This is the classic on political crime. Proal's work is both eloquent and a benchmark for all other work on this topic.

Reiman, J. (2010). *The rich get rich and the poor get prison* (9th ed.). Prentice Hall.

Reiman's highly cited work is an acknowledged classic in the field that documents the continuing inequality in the U.S. criminal justice system. His analysis serves as an excellent illustration of the conflict model in criminology.

Russell, K. K. (1999). *The color of crime*. New York University Press.

Russell examines the role of race in the operations of the American criminal justice system.

Sanchez-Jankowski, M. (1991). *Islands in the streets: Gangs and American urban society*. University of California Press.

Forty-four youth gangs are studied in the field over a 10-year period by Sanchez-Jankowski.

Sanday, P. R. (2007). *Fraternity gang rape* (2nd ed.). New York University Press.

Sanday explores the all-too-neglected misogynistic world of college fraternities and the hidden rapes that occur on campus.

Scarpitti, F. R., Nielson, A., & Miller, J. M. (Eds.). (2008). *Crime and criminals: Contemporary and classic readings in criminology* (2nd ed.). Oxford University Press.

Surprisingly, there is a shortage of good general readers in criminology. Scarpitti, Nielson, and Miller more than fill the gap with a fine selection of 41 readings that serves to complement texts in criminology, including this one.

Schafer, J. A. (Ed.). (2007). *Policing 2020: Exploring the future of crime, communities and policing*. Futures 2007 Working Group.

This series of papers generated from the conference provides some leads in the latest thinking by police futurists.

Schreck, C. J. (1999). Criminal victimization and low self-control: An extension and test of a general theory of crime. *Justice Quarterly, 16*(3), 633–654.

Given the overlap of victims and offenders, Schreck uses the general theory of crime to explain why some people face elevated risks of victimization. He provides a justification for the theoretical application and an empirical test.

Sebold, A. (2002). *Lucky: A memoir*. Back Bay/Little, Brown & Co.

Sebold's memoir discusses her rape that she experienced as a college student and how she coped in the immediate aftermath as she navigated the criminal justice system. She also discusses the short- and long-term impacts of her victimization.

Shrider, E. A., Kollar, M., Chen, F., & Semega, J. (2021). Income and poverty in the United States: 2020. https://www.census.gov/library/publications/2021/demo/p60-273.html

The authors supply an excellent selection of 31 articles on the issue of white-collar crime. These include classic as well as contemporary selections.

Simon, D., & Hagan, F. (1999). *White-Collar deviance*. Allyn & Bacon.

Chapter 5 *looks at the world of professional crime, defined as professional white-collar deviance.*

Simon, D., & Hagan, F. (1999). *White-Collar deviance*. Allyn & Bacon.

In this work, David Simon and the author attempt to reconcile the elite deviance tradition (Simon) with that of white-collar crime (Hagan), thus the new concept of white-collar deviance.

Skinner, B. F. (1953). *Science and human behavior*. Macmillan.

This is Skinner's classic work on behavioral conditioning.

Snyder, H., & Sickmund, M. (2006). *Juvenile offenders and victims, 2006 national report*. Office of Juvenile Justice and Delinquency Prevention.

This annual report on the state of the U.S. juvenile justice system might better be titled "Everything you always wanted to know about the American juvenile justice system but were afraid to ask." This bible of juvenile justice features excellent, multicolored graphics. Contact the Office of Juvenile Justice for a copy.

Steffensmeier, D., & Ulmer, J. (2005). *Confessions of a dying thief*. Oxford University Press.

The authors follow up on an earlier study of the professional fence.

Stewart, J. (1991). *Den of thieves*. Simon & Schuster.

Journalist James Stewart examines the world of Wall Street inside traders such as Ivan Boesky and Michael Milken.

Straus, M. A., Douglas, E. M., & Medeiros, R. A. (2013). *The primordial violence: Spanking children, psychological development, violence, and crime* (1st ed.). Routledge. https://doi.org/10.4324/9780203808856

One of America's best-known family sociologists reports on a survey of spanking and concludes that it has negative impacts for future criminality and other antisocial conduct.

Sutherland, E. H. (1937). *The professional thief*. University of Chicago Press. (Reissued in 1956. Phoenix)

Sutherland's account of the professional criminal world of "Chic Conwell" is the beginning point in the analysis of professional crime.

Sutherland, E. H. (1949). *White-collar crime*. Holt, Rinehart and Winston.

Sutherland's classic text is the beginning point for any discussion or analysis of white-collar crime.

Taylor, R. W., Caeti, T. J., Loper, K. J., Fritsch, E. J., & Liederbach, J. R. (2006). *Digital crime and digital terrorism*. Pearson Prentice Hall.

This is a detailed textbook on cybercrime, particularly as it applies to terrorism. It provides excellent coverage and examples for law enforcement investigation.

Teresa, V. & Renner, T. (1973). *My life in the Mafia*. Fawcett.

This autobiographical account of a New England Mafia associate provides an inside look at the world of organized crime.

Terrill, R. (2009). *World criminal justice systems: A survey* (4th ed.). Anderson.

Terrill provides an incisive review of criminal justice systems in countries throughout the world, including updates on China and Russia.

Tobolowsky, P. M., Gaboury, M. T., Jackson, A. L., & Blackburn, A. G. (2010). *Crime victim rights and remedies* (2nd ed.). Carolina Academic Press.

With a special focus on the legal system, the authors investigate the rights that crime victims have and remedies available to them. This book is an excellent resource for legislation and court cases to understand how victim rights have been granted and how the judiciary has interpreted these rights.

Tontodonato, P., & Hagan, F. E. (Eds.). (1998). *The language of research in criminal justice*. Allyn & Bacon.

Thirty-four articles are featured, illustrating research in criminology and criminal justice. These are articles that are often cited in texts.

Tunnell, K. (2000). *Living off crime*. Burnham.

Kenneth Tunnel's in-depth interviews of jailed property criminals open the door to a little-explored world.

U.S. State Department. (Annual). *Human rights report*. Government Printing Office (available free on the web).

This annual report to Congress evaluates how well countries throughout the world are abiding by the UN Declaration of Human Rights.

Vold, G. (2010). *Theoretical criminology* (5th ed.). Oxford University Press. *This work provides broad coverage of a variety of criminological theories.*

Walker, S. (2010). *Sense and nonsense about crime* (7th ed.). Wadsworth.

In this short book, Sam Walker provides succinct and readable coverage of critical issues in criminology, using as an organizational gimmick the theme of myths in criminology.

Wall, D. S. (2007). *Cybercrimes: The transformation of crime in the information age*. Replika.

Wall's book is a must for obtaining a historical as well as current perspective on cybercrime.

Walsh, A., & Ellis, L. (Eds.) (2003). *Biosocial criminology: Challenging environmentalism's supremacy*. Nova Science.

This volume presents the literature on biological criminology, which they feel has been given short shrift in criminological theory.

Williams III, F. P. & McShane, M. D. (2009). *Criminological theory* (5th ed.). Prentice Hall.

This is an excellent general reference work that covers the entire range of criminological theory.

Williams III, F., & McShane, M. (2009). *Criminological theory* (5th ed.). Prentice Hall.

This work provides an excellent overview for undergraduates of the critical contributions made by each criminological theory.

Wilson, W. J. (2012). *The truly disadvantaged: The inner city, the underclass and public policy* (2nd ed.). University of Chicago Press.

In what has become a modern-day sociological classic, Wilson describes the "deindustrialization" and abandonment of areas of our inner cities.

Winfree Jr., T., & Abadinsky, H. (2009). *Understanding crime: Theory and practice* (3rd ed.). Wadsworth.

Winfree and Abadinsky detail major classical and contemporary theories in American criminology.

Wolfgang, M., & Ferracuti, F. (1967). *The subculture of violence*. Tavistock.

This is the classic work on the concept of the subculture of violence.

Wright, R., & Decker, S. (1994). *Burglars on the job*. Northeastern University Press.

Wright and Decker interview burglars in the field to gain information on their careers, modus operandi, and motivations.

Wright, R. T., & Decker, S. (1996). *Burglars on the job: Street life and residential breakins*. Northeastern University Press.

The authors interview uncaught burglars in the field, asking questions such as how they choose targets and avoid being arrested.

Wright, R. T., & Decker, S. H. (1997). *Armed Robberies in action: Stickups and street culture*. Northeastern University Press.

Wright and Decker report on their field study of uncaught robbers in the field. This is one of the few studies of unincarcerated robbers.

Yar, M. (2010). *Cybercrime and society*. SAGE.

This is a very informative account of cybercrime and provides excellent examples and case studies.

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