

Criminology

Freda Adler

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Criminology

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Fifth Edition

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CRIMINOLOGY

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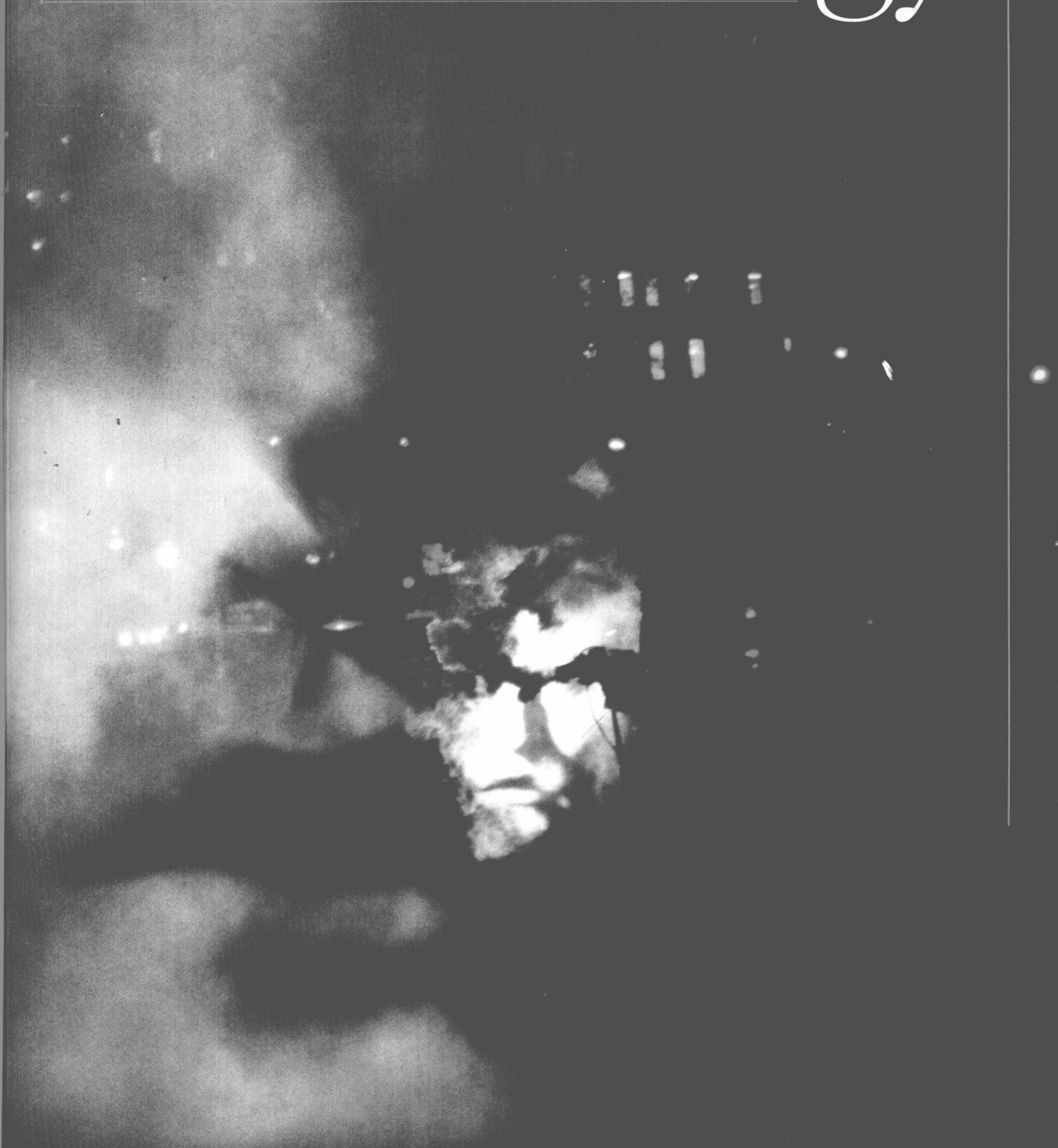
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Criminology



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WILLIAM S. LAUFER is Associate Professor of Legal Studies Sociology at the Wharton School of the University of Pennsylvania and Director of the Carol and Lawrence Zicklin Center for Business Ethics Research. Dr. Laufer received his BA in social and behavioral sciences at the Johns Hopkins University, his JD at Northeastern University School of Law, and his PhD at Rutgers University, School of Criminal Justice. Since 1987, he has taught such subjects as corporate and white-collar crime, business ethics, criminal law and criminal procedure, and criminology. Dr. Laufer's research has appeared in law reviews and a wide range of criminal justice, legal, and psychology journals, such as the *Journal of Research in Crime and Delinquency*, *American Journal of Criminal Law*, *American Criminal Law Review*, *Law and Human Behavior*, *Journal of Personality and Social Psychology*, and *Business Ethics Quarterly*. He is coeditor of the *Handbook of Psychology and Law; Personality, Moral Development and Criminal Behavior*; and *Crime, Values and Religion*. Dr. Laufer is coeditor with Freda Adler of *Advances in Criminological Theory*.



Preface

Criminology is a young discipline—in fact, the term “criminology” is only a little over a century old. But in this brief time, criminology has emerged as an important social and behavioral science devoted to the study of crime as a social phenomenon. Criminology fosters theoretical debates, contributes ideas, and suggests solutions to a crime problem that many consider intolerable. Problems as vital and urgent as those addressed in this book are challenging, exciting, and, at the same time, disturbing and tragic. Moreover, these problems are immediately relevant to students’ lives. This is especially true today, where we see threats of additional terrorist attacks against the United States and daily revelations of new corporate scandals.

Our goal with this book has always been, and remains, to discuss these problems, their origins, and their possible solutions in a clear, practical, straightforward fashion that brings the material to life for students. We invite teachers and students alike to join us in traveling along criminology’s path, exploring its domain and mapping out its future.

THE FIFTH EDITION

In the four preceding editions of this text, we have prepared students of criminology to understand the contemporary problems with which criminology is concerned and to anticipate those problems which society would have to face in the twenty-first century. We have now entered that century. It is time to face the new century’s problems as we simultaneously continue to work on solutions to old problems. Because of the forward-looking orientation of previous editions of *Criminology* and the wide respect and acceptance that those editions have enjoyed, we have maintained the book’s established structure and approach with only two substantive changes.

First, we give the crime of terrorism center stage in Chapter 1. No single crime has ever shaped and reshaped the field of criminology like the crime of terrorism. Although it has only recently exploded into criminological prominence, there can be no doubt that terrorism will continue to be studied intensely by criminologists around the globe, and that their research will result in practical, policy-relevant proposals.

The emergence of a new age of corporate malfeasance represents the second substantive change in this fifth edition. We have expanded our coverage of white-collar crimes, from Martha Stewart’s questionable stock trades to the organizational deviance of Enron, Andersen, Tyco, Global Crossing, and a host of other Fortune 500 companies. Like the crime of terrorism, white-collar and corporate offenses have been on the periphery of the field of criminology—but not for much longer.

As in prior revisions, we have vigorously researched, refined, and updated every chapter of the text—not only to maintain the book’s scholarly integrity, but also to ensure it’s relevance for today’s students. In addition to updating every chapter’s research base and statistical information, we have expanded coverage of the most critical issues facing the field of criminology in the twenty-first century:

- As noted, Chapter 1, “The Reach of Criminology,” has been rewritten to introduce students to the crime of terrorism and the crimes that support terrorism. Not only does this new chapter provide timely and complete coverage of one of the key issues in criminal justice today, it also reinforces our commitment to making criminology relevant for today’s students. This commitment extends to integrating discussions of theory and policy in ways that allow students to understand the importance of theory in generating long-term, sustainable, criminal justice policies and programs.

- The text of Chapters 2 and 10 from previous editions now form a single chapter—a new Chapter 2, “Counting Crime and Measuring Criminal Behavior”—that focuses on what crime is *and* how we measure it. Our goal with this change is to make the material on crime measurement—which can sometimes be difficult for students to grasp—more meaningful, relevant, and understandable by presenting it alongside the more inherently concrete discussion of what crime is.
- Chapter 12, “White-Collar and Corporate Crime,” is a new and important addition to the text. Students will find the definitional and theoretical problems of white collar and corporate crime to be a welcome change from a field (and a text) that has as its focus more traditional violent and property offenses.

Inasmuch as developments in criminology influence and are influenced by media reports of national significance, the student will find discussion and analysis of recent major current events such as:

- The suburban Washington, D.C., snipers
- The indictment and conviction of Arthur Andersen, Ltd.
- The “hockey dad’s” deadly dispute
- The conviction of Andrea Yates for drowning her five children
- The arrest of *Baretta* star Robert Blake
- The conviction of Kennedy cousin Michael Skakel
- The conviction and sentencing of the killer of seven-year-old Danielle van Damme
- The murder conviction of long-time fugitive Ira Einhorn

As in previous editions, we have endeavored not only to reflect developments and changes, but to anticipate them on the basis of the latest criminological data. After all, those who study criminology with our text today must be ready to address and resolve new criminological problems tomorrow when they are decision makers, researchers, teachers, and planners.

The aim, however, remains constant: to reach a future as free from crime as possible.

ORGANIZATION

As with previous editions, there are two versions of this text. *Criminology* consists of three parts; *Criminology and the Criminal Justice System* has four parts. For schools that retain the traditional criminology course, which includes criminological coverage of criminal justice, *Criminology and the Criminal Justice System* would be the ideal text. For schools that offer both an Introduction to Criminology course and an Introduction to Criminal Justice course, *Criminology* is the more appropriate text for their course, since it omits Part IV, “A Criminological Approach to the Criminal Justice System.”

Part I, “Understanding Criminology,” presents an overview of criminology—now made more exciting via integrated coverage of terrorism and related crimes—and describes the vast horizon of this science. It explains what crime is and techniques for measuring the amount and characteristics of crime and criminals. It also traces the history of criminological thought through the era that witnessed the formation of the major schools of criminology, classicism and positivism (eighteenth and nineteenth centuries).

Part II, “Explanations of Crime and Criminal Behavior,” includes explanations of crime and criminal behavior on the basis of the various theories developed in the twentieth century. Among the subjects covered are theories that offer biological, psychological, sociological, sociopolitical, and integrated explanations. Coverage of research by radical, socialist, and feminist criminologists has been updated. Theories that discuss why offenders choose to commit one offense rather than another at a given time and place are also covered in this part.

Part III, “Types of Crimes,” covers the various types of crimes from a legal and sociological perspective. The familiar street crimes, such as homicide and robbery, are assessed, as are other criminal activities such as white-collar and corporate crime, which are so much in the spotlight these days, as well as other high-tech crimes that have been highlighted by re-

searchers only in recent years. The chapter on comparative criminology—an area with vastly increased practical and policy implications—has been expanded and updated in light of the growing research in the field.

Part IV, “A Criminological Approach to the Criminal Justice System” (only in *Criminology and the Criminal Justice System*), includes an explanation of the component parts and the functioning of the system. It explains contemporary criminological research on how the people who run the system operate it, the decision-making processes of all participants, and the interaction of all the system components.

PEDAGOGICAL AIDS

Working together, the authors and the editors have developed a format for the text that supports the goal of a readable, practical, and attractive text. In addition to all the changes already mentioned, we include plentiful, current photographs to make the book even more approachable. Redesigned and carefully updated tables and figures highlight and amplify the text coverage. Chapter outlines, lists of key terms, chapter review sections, and a comprehensive glossary all help students to master the material. Always striving to help students see the relevance of criminology in their lives, we also include a number of unique, innovative features in this edition:

- *Crime Surfing*. Particularly interesting Web addresses accompanied by mini-exercises that allow students to explore chapter topics further.
- *Did You Know?* Surprising factual realities which provide eye-opening information about chapter topics.
- *Research Informs Policy*. Brief sections at the end of theory chapters that demonstrate how problems identified by criminologists have led to practical solutions
- *New Theory Connects* marginal inserts. Notes in the text margins that correlate the intensely applied material in Part III of the text (“Types of Crimes”) with the heavily theoretical material in Part II (“Explana-

tions of Crime”), giving the students much needed cross-reference material and posing critical-thinking questions that will help them truly process what they are reading

- *New Criminology & Public Policy*. exercises End-of-chapter activities that challenge students to explore policy issues related to criminology

We are particularly proud of our new “box” program. In these boxes, we highlight criminologically significant issues which deserve special discussion. Each chapter has three boxes: “Of Immediate Concern,” “Window to the World,” and the all new “From the Pages of *The New York Times*.”

- *Of Immediate Concern* boxes highlight problems “of the moment,” due to their technological nature or human implications, that challenge us to come up with specific effective responses right now. Thus, in the wake of school killings, should we create maximum security schools? In light of our experience with hate-motivated crimes, are harsher laws called for? Cyberporn is viewed as a major global problem; what can we do about it?
- *Window to the World* boxes examine developments abroad that affect America’s crime situation. Since international terrorist threats plague nations around the globe, in countries as diverse as the United States and Russia, what can be done to deter terrorists? Now that ethnic gangs have emerged around the world and are, among other things, forcibly transporting women and young girls to be sex slaves, how can nations deal with the problem?
- *From the Pages of The New York Times* boxes discuss current issues and problems reported on in *The New York Times*. These boxes are doubly beneficial to students: not only do they relate chapter material to what students see every day on the news—Al Qaeda, the newly created Homeland Security Office, the film “Gangs of New York,” racial profiling, and so much more—because they are pulled from the

pages of *The New York Times*, a policy-oriented media outlet, they provide yet another means of keeping students focused on all important policy issues in criminology.

SUPPLEMENTS PACKAGE

As a full-service publisher of quality educational products, McGraw-Hill does much more than just sell textbooks. The company creates and publishes an extensive array of print, video, and digital supplements for students and instructors. This edition of *Criminology* is accompanied by an extensive, comprehensive supplements package:

For the Student

- *Making the Grade CD-ROM*. This free electronic study guide packaged with every text includes chapter quizzes with feedback indicating why each answer is right or wrong, an Internet guide, a study skills primer, and much more.
- *Online Learning Center Website*. An innovative website features unique *Interactive Explorations* that allow students to explore some of the hottest topics in criminal justice today—terrorism, serial killers, gangs, and so on. The website also features PowerWeb, online access to articles from the popular and scholarly press, weekly updates, daily newsfeeds, a search engine, and more. All of this material—plus flashcards that can be used to master vocabulary and a wealth of other review materials—is organized by chapter for ease of use when studying for exams or writing papers.
- *CyberJustice Website*. This custom-crafted criminal justice supersite features a large library of URLs for help in writing papers, a unique assortment of supplementary readings on terrorism, and much, much more.

For the Instructor

- *Instructor's Manual/Testbank*. The manual includes detailed chapter outlines, key

terms, overviews, lecture notes, and a complete testbank.

- *Computerized Testbank*. Easy-to-use computerized testing program is compatible with both Windows and Macintosh computers.
- *PowerPoint Slides*. Complete, chapter-by-chapter slide shows feature text, art, and tables.
- *Online Learning Center Website*. Password-protected access to supplements and other important instructor support materials and additional resources.
- *NBC News Lecture Launcher Videotape*. Available for the first time with this fifth edition, this unique video features several brief clips from *NBC News* that can be used to jump-start lectures in the most exciting, relevant ways.
- *Full-Length Videotapes*. A wide variety of videotapes from the *Films for the Humanities and Social Sciences* series is available to adopters of the text.
- *Course Management Systems*. Whether you use WebCT, Blackboard, e-College, or another course management system, McGraw-Hill will provide you with a *Criminology* cartridge that enables you either to conduct your course entirely online or to supplement your lectures with online material. And if your school does not yet have one of these course management systems, we can provide you with PageOut, an easy-to-use tool that allows you to create your own course Web page and access all material on the *Criminology* Online Learning Center.
- *Primis Online*. This unique database publishing system allows instructors to create their own custom text from material in *Criminology* or elsewhere and deliver that text to students electronically as an e-book or in print format via the bookstore.

All of the above supplements are provided free of charge to students and instructors. Orders of new (versus used) textbooks help us defray the cost of developing such supplements, which is substantial. Please contact your local McGraw-Hill representative for more information on any of the above supplements.

IN APPRECIATION

We greatly acknowledge the assistance and support of a number of dedicated professionals. At Rutgers University, the librarian of the N.C.C.D./Criminal Justice Collection, Phyllis Schultze, has been most helpful in patiently tracking and tracing sources. We thank Professor Sesha Kethineni, Illinois State University, for her tireless assistance on the first edition, Deborah Leiter-Walker for her help on the second, Kerry Dalip and Nhung Tran from the University of Pennsylvania for their assistance on the third, and Smita Jain from the University of Pennsylvania for her assistance on the fourth. Gratitude is also owed to the many former and current Rutgers University students who have valiantly contributed their labors to all editions. These include Susanna Cornett, Dory Dickman, Lisa Maher, Susan Plant, Mangai Natarajan, Dana Nurge, Sharon Chamard, Marina Myhre, Diane Cicchetti, Emmanuel Barthe, Illya Lichtenberg, Peter Heidt, Vanja Stenius, Christine Tartaro, Megan McNally, Danielle Gunther, Jennifer Lanterman, Smita Jain, and Jim Roberts.

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We thank our colleagues overseas who have prepared translations of *Criminology* to help familiarize students of foreign cultures with criminological problems which are now global, with

our theories, and with efforts to deal with the persistent problem of crime in the years to come:

The Arabic translation:

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A combined total of over 100 years of teaching criminology and related subjects provides the basis for the writing of *Criminology*, Fifth Edition. We hope the result is a text that is intellectually provocative, factually rigorous, and scientifically sound and that offers a stimulating learning experience for the student.

Freda Adler
Gerhard O. W. Mueller
William S. Laufer



A Guided Tour

CHAPTER 1

The Reach of Criminology

The Reach of Criminology

Illicit Drug Trafficking
Money Laundering
Infiltration of Legal Business
Computer Crime
Illicit Arms Trafficking
Traffic in Persons
Restrictions of Cultural Property

What Is Criminology?

The Making of Laws

Law
The Concept of Crime
The Development and Social
Wound of Law and Crime

The Breaking of Laws

Society's Reaction to the Breaking of Laws

Criminology and the Criminal
Justice System
The Global Approach to the
Breaking of Law

Research Inform Policy

REVIEW

CRIMINOLOGY & PUBLIC POLICY
YOU BE THE CRIMINOLOGIST

KEY TERMS

Words

From the Pages of *The New York Times*: *Research Suggests Rough Legitimacy*
Fraud
Violence to the World: Racism and Americans Share a Crime Problem
Unsolvable Cases: Vigils in the Street

Special Features

Did You Know?

KEY TERMS

conflict model
consensus model
crime
criminal justice system
criminologist
criminology
deviance
social norms

Our world isn't a collection of the unknown. It is a place where we can learn about the criminal justice system and the role of law enforcement in keeping law abiding, orderly, and safe.

Criminologists study crime from a broad scientific perspective in an effort to understand its causes and, ultimately, its prevention. They are not, as some TV programs suggest, the scientists who engage in crime scene investigations. (The people who do that are called "criminalists" or "forensic scientists.")

Largely as a result of media portrayals, a second popular misunderstanding is that criminologists are only, or at least primarily, interested in street crime as it affects our lives and our fears. It is true that criminologists are very much concerned with murders, robberies, burglaries, and thefts. But

consider for a moment that while all of America's thieves (excluding automobile thieves) cause us a loss of \$4 billion annually, a single rogue Wall Street trader may cause that much of a loss all by himself. So criminologists must extend their focus beyond street crimes. The criminal activities that may be less visible but cause far greater harm to human beings all over the globe.

A third popular misconception is that crime is a local matter, to be handled by the local police force or the sheriff's department. That is far from correct. The most dangerous types of crime reach beyond local

boundaries and may even be global, threatening all humans on earth (e.g., terrorism).

A fourth misconception is that criminologists examine only crimes, as defined in penal codes, and only criminals convicted of such crimes. This notion, held half a century ago by some notable criminologists, has given way to an expansionist view which includes in the criminologist's domain not only crime as defined in penal codes, but all other forms of deviance which once have been, or easily could become, or currently incorporate, parts of existing criminal definitions. Once again, terrorism is an example.¹

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Terrorism and the crimes that support it are now given center stage in Chapter 1, and corporate and white collar crime receive more extensive coverage.



CHAPTER 12

White-Collar and Corporate Crime

Defining White-Collar Crime
 Crimes Committed by Individuals
 Types of White-Collar Crimes

Corporate Crime
 Vagueness and Problems of Definition
 Process of Corporate Criminal Law
 Importance of Corporate Liability
 Methods of Corporate Criminal Government Control of Corporations
 Investigating Corporate Crime
 Environmental Crimes
 Creating Corporate Crimes
 The Future of White Collar and Corporate Crime

REVIEW
 CRIMINOLOGY & PUBLIC POLICY
 YOU ARE THE CRIMINOLOGIST

KEY TERMS

KEYS

How to Use the World, Tracking Progress in the Fight against Corruption: The Employment of a National Integrity System
 From the Pages of the New York Times: "Rectification of Greed-Motivated Deeds?"
 Investigative Advertising Goes to the Moon
 Of Inevitable Corruption: Recurrent Greed: The World of Hazardous Waste Cases

Special Features

Good Reading
 Did You Know?
 Twenty Comments

KEY TERMS
 bankruptcy fraud
 boiler rooms
 churning
 consumer fraud
 corporate compliance programs
 corporate crime
 corporate due diligence
 corporate ethics
 corporate policy
 disbursement
 embezzlement
 insider trading
 occupational crimes
 proactive corporate faults
 reactive corporate faults
 Sherman Antitrust Act
 stock manipulation
 violations
 securities liability
 white-collar
 white-collar crime



Once the largest and seventh-largest company, Enron filed for bankruptcy after massive allegations of fraud. Enron's collapse in December 2001 shocked Wall Street.

perjury charges against senior management and fraud charges against the company. Daily, the list of casualties appears never ending, with recent allegations of insider trading and securities fraud in Global Crossing; and high profile civil investigations of WorldCom, Qwest, Martha Stewart, Dynegy, CMS Energy, El Paso Corp., Halliburton, and Williams Cos.

"This is not our proudest day," said Donald J. Carty, chairman of AMR Corporation, the parent company of American Airlines. Prosecutors in Miami, Florida, felt otherwise. On December 16, 1999, one of the nation's largest airlines pleaded guilty to transporting hazardous and poisonous materials on its passenger jets for more than five years. The passengers and employees of American Airlines were placed at risk by the dangerous handling of hazardous materials, according to Assistant

David Duncan, a Fred Arthur Anderson LLP partner, took the witness stand a week into the criminal trial of Anderson in May 2002, and admitted that he intentionally obstructed justice when he asked his employees to shred documents relating to the Enron Corporation. "Yes, I obstructed justice. I instructed people on the Enron audit team to follow the document retention policy, which I knew would result in the destruction of documents," Duncan's statements all but sealed the fate of the Arthur Anderson partnership—one of the largest and most highly respected accounting firms in the world. Anderson (as a partnership) was convicted of obstruction of justice nearly a month later and is now in bankruptcy—one more casualty in the latest round of corporate scandals.

Add Tyco International CEO Kozlowski to this list of scandals for possible tax evasion. Next, add CEO Rigas of Adelphi for securities fraud charges. We cannot help but mention Enron for securities, insider trading, and

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New, Policy-Oriented From the Pages of The New York Times Boxes

Detailed discussion of the very issues and problems students hear about in the news helps them relate these issues to chapter and lecture material.

Window to the World

Despite many differences, Americans and Russians had one thing in common: freedom from terrorism at home. This commonality was shattered for Americans on February 26, 1993, when a bomb tore a huge hole in the World Trade Center (WTC) in New York City, killing 6 people. Russians were awakened to the reality of terrorism on August 31, 1999, when a bomb exploded at Moscow's upscale Manezh shopping center near the Kremlin, killing 1 person and injuring 40. So, once again, Americans and Russians have something in common: domestic terrorism and the fear that goes with it. In America, the WTC terrorist attack was followed by the Oklahoma City bombing, on April 19, 1995, which killed 168 people, and the Olympic Park bomb explosion in Atlanta, Georgia, on July 20, 1996, which killed 1 person and injured many. And then came the shock of the 9/11 disaster that took almost 3,000 lives. Of course, Americans have been victimized by terrorist attacks outside the country, including the destruction of Pan Am flight 103 over Lockerbie, Scotland, in 1988 (270 dead).

- The destruction of a U.S. military residence in Dhahran, Saudi Arabia, in 1996 (19 dead, many injured).
- The destruction of the U.S. embassies in Nairobi, Kenya, and

Russians and Americans Share a Crime Problem

- Dar-es-Salaam, Tanzania, in 1998 (224 dead, 4,300 injured).
- Russians suffered five brutal terrorist attacks within the span of 3 weeks:
1. August 31, 1999, Manezh Shopping Center, near the Kremlin, Moscow (1 killed, 40 injured).
 2. September 4, 1999, Dagestan, Russia (64 killed).
 3. September 9, 1999, Moscow apartment building (94 killed).
 4. September 13, 1999, Moscow apartment building (118 killed).
 5. September 16, 1999, Volgogradsk, Russia, apartment building (18 killed).

There was a time when terrorism could be categorized in terms of political versus profit motive, foreign versus domestic, and so on. These lines have become blurred, and the profit motive seems to have disappeared. While there may still be a domestic form of terrorism, such as the terrorism perpetrated by fanatics and cultlike private militias who see the government as an enemy, most terrorism appears to have an international base and is directed against people and their governments. In particular, Islamic fanatic fundamentalist terrorists are increasingly identified with attacks against U.S. and Russian targets. There also was a time when terrorists enjoyed the support, both



Rescue workers search for survivors at the collapsed towers of the World Trade Center after September 11, 2001.

of the twenty-first century, it is clear that these problems demand more of criminology than it is capable of delivering as yet. The principal crime problems are totally globalized. Criminology has to become equally globalized.

Seemingly we have neglected street crimes and delinquency in this survey of the reach of criminology. These topics are, and will remain, a major focus of criminologists—in competition with all the other forms of criminality to which we have alluded. Now that you are acquainted with the reach, or expanse, of criminology, we next introduce you to what this discipline is all about.

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WHAT IS CRIMINOLOGY?

In the Middle Ages human learning was commonly divided into four areas: law, medicine, theology, and philosophy. Universities typically had four faculties, one for each of these fields. Imagine a young person in the year 1392—100 years before Columbus came ashore in America—knocking at the portal of a great university with the request: "I would like to study criminology. Where do I sign up?" A stare of disbelief would have greeted the student, because the word had not yet been coined. Cautiously the student

FROM THE PAGES OF

The New York Times

Street Gangs of New York: From the 1860s to the 1960s

In December of 2002, Martin Scorsese's long-awaited film, *Gangs of New York*, was released. It was based on a book by Herbert Asbury, written in 1928, about the gangs that existed in New York City in the late 1800s. These gangs caused major problems for law-abiding citizens, and were one of the precipitating factors behind the rise of a strong city-wide police force.

One of the most frightening times in New York City history (before September 11) occurred in 1863, when for three days gangs rioted and took over much of the city. Most of the members of the gangs were Irish workers who were angry at their plight in general (they lived in the most densely packed neighborhood in the world), and were specifically angry at the new National Conscription Act, which made virtually all able-bodied men eligible for the draft. The Act, however, allowed wealthy men to get out of service by paying a \$300 fee—more than most lower-class workers made in a year. Historians report that 119 people were killed in the riots, and hundreds more were injured.

Gangs of ethnic origins continued to flourish in New York, brought to public attention again in the late 1950s and early 1960s with the musical *West Side Story*. In 1968, *The New York Times* wrote a

seven-part, front-page series examining the antisocial behavior of adolescents in the "shock-up" generation. Some of these gang members attended a reunion of sorts in 1999. In the late 50s, photographer Bruce Davidson spent several months hanging out and photographing a street gang in Brooklyn. Forty years later, several gang members showed up to see an exhibit of these photos at the International Center of Photography.

The gang members recalled the violence of the time. They grew up in Brooklyn, and called themselves the Jokers and the Eighth Avenue Boys. Their fathers were factory workers who were frequently laid off, with no way to support their large families. Many came from homes with two alcoholic parents. It was a place, said one former gang member, where "a kid wished he was dead a million times." They didn't have guns then, but if they had, several former gang members said, they probably would have used them. They fought instead with chains and pipes, knives and baseball bats. Many of the gang members were long since dead. Some died in jail, some died from drugs, some from alcohol, and some from bullets that eventually became the weapon of choice.

There were, however, signs that gang life doesn't necessarily lead to death and destruction. Among the living gang members, who struggled long and hard to find their way out of poverty and addiction, were two retired police

officers, an electrician, a retired transit worker, a hospital administrator, a singer, and an addiction counselor. Most have children who grew up in New Jersey or on Long Island, and who knew nothing of gangs, except from the papers and dad's stories over dinner.

Source

Geoffrey C. Ward, "Gangs of New York," *The New York Times*, October 6, 2002. Blaine Harden, "With Brass-Knuckled Tales, 50's Street Gang Looks Back," *The New York Times*, February 15, 1999. Reprinted with permission.

Questions for Discussion

1. Obviously, gangs in New York (or anywhere else for that matter) are not a modern phenomenon. The gangs described in the story above—both in the 1860s and the 1960s—came from lower, working-class families. How does this support Albert Cohen's "delinquent boy" theory? How do the circumstances not support the part of the theory that says the delinquent acts serve no useful purpose?
2. What can we make of the fact that many of the gang members went on to get good jobs and raise middle-class families with middle-class lifestyles and values?

Classic Window to the World and Of Immediate Concern Boxes

Acclaimed thematic box program—one box devoted to highlighting the international dimensions of criminology, another to introduce criminological problems that are "of the moment."

Or Immediate Concern

The media, academics, advocacy groups, and politicians have created what has been described as a hate-crime epidemic. But is the problem really as great as we have been led to believe? Consider that the media can shape public opinion and reinforce the idea that there is an epidemic through the use of these types of headlines:

• "A Cancer of Hatred Afflicts America!"

• "Rise in Hate Crime Signals Alarming Resurgence of Bigotry!"

Books and articles are often inflammatory, argue James Jacobs and Jessica Henry. "The authors suggest that some scholars simply assume a grave problem exists, in spite of an overwhelming lack of evidence. This can be a dangerous assumption, for the idea of hate crime divides the community and becomes a self-fulfilling prophecy. 'Crime sells—so does racism, sexism, and homophobia. Gender-variant crime has become mundane.'"

Advocacy groups representing blacks, Jews, and lesbians, women, and the disabled have embraced the idea of a hate-crime epidemic, much of which is based on dubious statistics. For example, the 1997 Uniform Crime Reports show only 8,049 reported hate crimes, less than .001 percent of all reported crimes. Is this an epidemic?

Jacobs and Henry point out that American history shows attacks on racial and ethnic groups started from the moment European settlers arrived and made Native Americans a target. Historically, blacks, Jews, Catholics, and recent immigrants have also been targeted. The 1990s brought a greater intolerance for this behavior, but, Jacobs and Henry say, there still is no epidemic. Yet it matters little whether the scale of hate crimes is real or merely per-

An Epidemic of Hate Crimes?

ceived; significant developments have taken place in consequence. Throughout the 1980s, media reports of increasing numbers of hate-motivated crimes (also known as bias crimes) pressured states to adopt statutes dealing with such crimes. These statutes prohibit acts of ethnically or religiously based intimidation, enhance penalties for these crimes, or raise the level of the crime from a misdemeanor to a felony. In addition, many criminal justice agencies have developed programs for dealing with bias crime, and at the federal level the Hate Crimes Statistics Act of 1990 mandates that local law enforcement agencies compile data on such crimes.

As defined by the federal Hate Crimes Statistics Act of 1990, hate crimes are crimes that show evidence of prejudice against certain group characteristics. The act mandates the collection of data that show evidence of prejudice based on race, sexual orientation, ethnicity, or religion. The Hate Crime Statistics Act was later amended by the Violent Crime and Law Enforcement Act of 1994 to include crimes motivated by bias against persons with disabilities.

Many bias crimes fall into the categories of simple assaults, vandalism, and harassment. Because these are relatively less serious crimes, they ordinarily get little attention. They can, however, have a major impact on the community by increasing the level of fear and hostility between groups. So extra attention to them is warranted. In the twenty-first century, two trends are likely to continue, with increased challenges for legislators, judges, and criminal justice specialists. First, legislatures are adding sentence enhancements for crimes committed with the motive of hate. Such statutes allow or require judges to add additional prison time for those convicted of

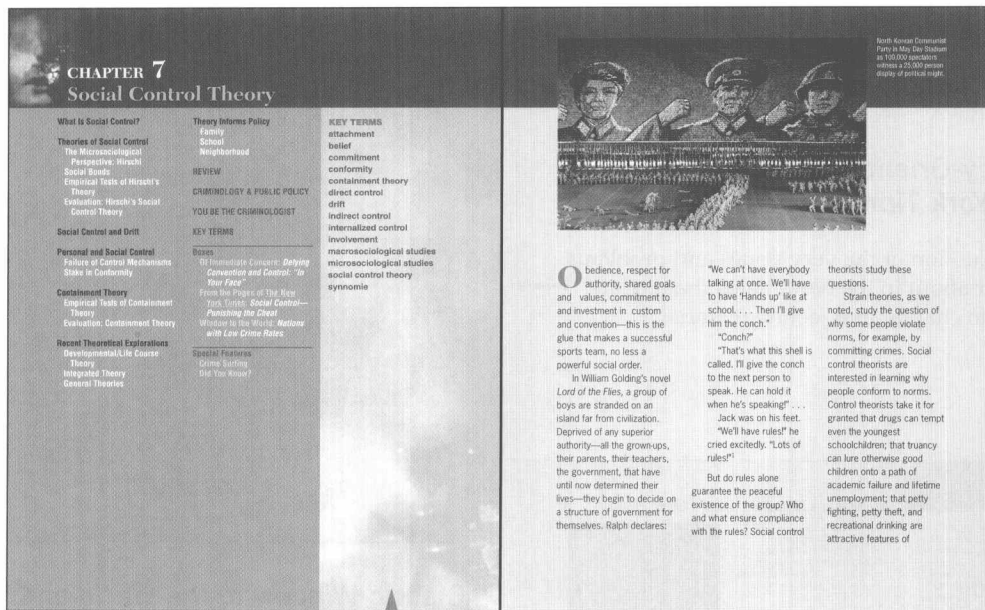
crimes committed with a hate motive. Second, the reach of hate-crime legislation is likely to be expanded. For example, under existing federal law, hate crimes can be prosecuted only if the hate (bias) is directed at religion, sexual orientation, national origin, color, and disability. But under the Hate Crime Prevention Act (of 1998), the reach has been expanded to any "violent act causing death or bodily injury 'because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, or disability' of the victim [emphasis supplied]." This likely will become law and be followed by similar state legislation.

Sources

1. Spencer Rumsey, "A Cancer of Hatred Afflicts America," *Newsday*, May 27, 1993, p. 129.
2. Benjamin J. Alvir, "Commentary on Tolerance," *Los Angeles Times*, Apr. 4, 1993, p. B9.
3. James B. Jacobs and Jessica S. Henry, "The Social Construction of a Hate Crime Epidemic," *Journal of Criminal Law and Criminology*, 86 (1996), 366–391.

Questions for Discussion

1. Wisconsin's sentence-enhancement law was challenged by a defendant who claimed that his First Amendment (freedom of speech) rights were violated because the statute punishes offenders' bigoted beliefs and not just their acts. Do you agree with the U.S. Supreme Court decision to uphold the Wisconsin statute?
2. An FBI study found that intimidation was the most common type of hate crime, followed by vandalism and assault. Do you think these crimes are serious enough to warrant the extra attention they receive?



Chapter-Opening Previews

Succinct chapter-opening outlines, key terms lists, and overviews help students focus on the chapter's critical theories, concepts, and terminology.

PART II Explanations of Crime and Criminal Behavior

ers. Habitual criminals, it is claimed, typically have an inability to form bonds of affection:

More often than not the childhoods of such individuals are found to have been grossly disturbed by death, divorce, or separation of the parents or by other events resulting in disruption of bonds, with an incidence of such disturbance far higher than is met with in any other comparable group, whether drawn from the general population or from psychiatric casualties of other sorts.¹⁴

Considerable research supports the relationship between anxious attachment and subsequent behavioral problems:

- In a study of 113 middle-class children observed at 1 year of age and again at 6 years, researchers noted a significant relationship between behavior at age 6 and attachment at age 1.¹⁵
- In a study of 40 children seen when they were 1 year old and again at 18 months, it was noted that anxiously attached children were less empathetic, independent, compliant, and confident than securely attached children.¹⁶
- Researchers have noted that the quality of one's attachment correlates significantly with asocial preschool behavior—being aggressive, leaving the group, and the like.¹⁷

Family Atmosphere and Delinquency

Criminologists also have examined the effects of the mother's absence, whether because of death, divorce, or abandonment. Does her absence cause delinquency? Empirical research is equivocal. Perhaps the most persuasive evidence comes from longitudinal research conducted by Joan McCord, who has investigated the relationship between family at-


on the childhood homes of 201 men and their subsequent court records in order to identify family-related variables that would predict criminal activity. Such variables as inadequate maternal affection and supervision, parental conflict, the mother's lack of self-confidence, and the father's deviance were significantly related to the commission of crimes against persons and/or property. The father's absence by itself was not correlated with criminal behavior.¹⁸

Other studies, such as those by Sheldon and Eleanor Glueck and the more recent studies by Lee N. Robins, which were

Did You Know?

... that, while evidence is lacking that deprivation directly causes delinquency, research on the impact of family-based crime-prevention programs is promising? Programs that target family risk factors in multiple settings (ecological contexts) have achieved success. (See Table 4.2.)

Experiments with young monkeys and surrogate mothers reveal the power of attachment in behavioral development. Here a frightened baby rhesus monkey holds on to a terry-cloth mother.



Crime Surfing

Material deprivation can be related to delinquent behavior. What happens to deprived (often abused and neglected) children? Is there a cycle of violence?

Fascinating Did You Know? Facts

Intriguing, little-known facts related to specific chapter topics engage students' natural curiosity about criminology.

Unique Crime Surfing Inserts

Brief Internet exercises integrated into every chapter enable students to explore the web in directed fashion.



Martha Stewart, an icon of good homemaking, is accused of selling thousands of shares of ImClone Systems, Inc., stock just prior to the company's announcement that it failed to receive Food and Drug Administration approval for an anti-cancer drug. Was this insider trading? Did she trade on material, nonpublic information?

the truth and fairness of their company's disclosures.

For those who think that the problem of white-collar and corporate crime is young, consider that in ancient Greece public officials reportedly violated the law by purchasing land slated for government acquisition. Much of what we today define as white-collar crime, however, is the result of laws passed within the last century. For example, the Sherman Antitrust Act, passed by Congress in 1890, authorized the criminal prosecution of corporations engaged in monopolistic practices.³ Federal laws regulating the issuance and sale of stocks and other securities were passed in 1933 and 1934. In 1940 Edwin H. Sutherland provided criminologists with the first scholarly account of white-collar crime. He defined it as crime "committed by a person of re-

spectability and high social status in the course of his occupation."⁴

The conviction of Arthur Andersen, LLP, demonstrates that Sutherland's definition is not entirely satisfactory. White-collar crime can be committed by a corporation as well as by an individual. As Gilbert Geis has noted, Sutherland's work is limited by his own definition. He has a "striking inability to differentiate between the corporations themselves and their executive management personnel."⁵ Other criminologists have suggested that the term "white-collar crime" not be used at all; we should speak instead of "corporate crime" and "occupational crime."⁶ Generally, however, white-collar crime is defined as a violation of the law committed by a person or group of persons in the course of an otherwise respected and legitimate occupation or business enterprise⁷ (see Table 12.1).

Just as white-collar and corporate offenses include a heterogeneous mix of corporate and individual crimes, from fraud, deception, and corruption (as in the S&L case) to pollution of the environment, victims of white-collar crime range from the savvy investor to the unsuspecting consumer. No one person or group is immune⁸ (see Table 12.2). The Vatican lost millions of dollars in a fraudulent stock scheme; fraudulent charities have swindled fortunes from unsuspecting investors; and many banks have been forced into bankruptcy by losses due to deception and fraud.⁹ Perhaps as important, public perceptions of the legitimacy of financial institutions and markets have been undermined, at least in part, by allegations of corporate abuses.

Crimes Committed by Individuals

As we have noted, white-collar crime occurs during the course of a legitimate occupation or business enterprise. Over time socioeconomic developments have increasingly changed the

Theory Connects

Crimes Committed by Individuals (White-Collar Crimes)
To what extent does Robert Merton's strain theory (page 215) offer an explanation for such white-collar crimes as embezzlement and tax fraud?

New Theory Connects Icons

Margin notes correlating the applied material in Part III of the text ("Types of Crimes") with the theoretical material in Part II ("Explanations of Crime") help students see how theory applies to and explains street and white-collar crime.

Unique Criminology & Public Policy Exercises

End-of-chapter activities that challenge students to explore and think critically about policy issues.

tion scheme, actual collection of compensation by victims remains a major problem.¹⁰

Nevertheless, great improvements have been made in our system to accommodate victims of crime. The drive for recognition of the role of the victim in the criminal justice process has had powerful effects in America and all over the world. Undoubtedly, it will create fur-

ther changes in our criminal justice system as criminology continues to widen its focus to include the victim as well as the offender. The ultimate aim is, as Senator Joseph Biden put it in his speech on the Brady Bill, on August 11, 1993, "to create a victim-friendly" system of criminal justice.

REVIEW

The criminal justice system has been perceived as a system for only a generation. Like any other system, it has components that are related and interdependent. The criminal justice process begins with the perception that a crime has been committed. After the crime has been reported, laws and standards guide authorities in following up. This process may lead to an arrest of a suspect and the presentation of charges. When the facts warrant a grand jury indictment or a prosecutor's information, the case moves to trial. Yet at this stage a plea agreement may be reached under which the defendant

turn for a plea of guilty to a lesser charge or to fewer charges. The conviction rate of defendants who go to trial is high.

The movement through the criminal justice system is not automatic and inevitable. At each stage of the process it is dependent on decisions made by criminal justice officials and by the defendant. These decisions may lead to diversion out of the system at any stage. The criminal justice path has many exits. These multiple exits explain the high attrition rate: Only a fraction of the offenders who enter the criminal justice system wind up in corrections.

A juvenile's path through the criminal justice system differs from an adult's. Juveniles are now granted constitutional rights that a generation ago were denied them. But they have also been increasingly subjected to some of the rigors of the adult criminal justice system. Juvenile justice has become punitive. The emergence of the victims' rights movement has drawn attention to the role and plight of victims. Legislation in most states has facilitated victims' participation in the criminal justice process, eased the burden on victims, and provided compensation for their losses.

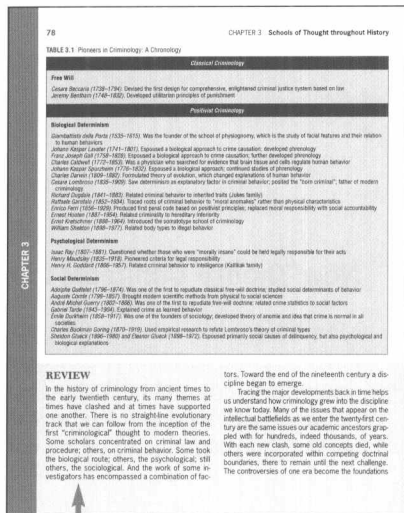


CRIMINOLOGY & PUBLIC POLICY

"Dear President Bush,

I profoundly condemn the cruel attacks in the United States on September 11. This was an assault not merely on one nation, but on principles of respect for civilian life cherished by all people. I urge the United States and all governments to unite to investigate this crime, to bring to justice those who are responsible, and to prevent its repetition. There are people and governments who believe that in the struggle against terrorism, ends always justify means. But that is also the logic of terrorism. Whatever the response to this outrage, it should not validate that logic. Rather, it should uphold the principles that came under attack on September 11, respecting innocent life. That is the way to deny the perpetrators of this crime their ultimate victory.

The United States has proclaimed a war against international terrorism. This war should pinpoint those responsible for the terrible attacks and their accomplices and minimize harm to innocent civilians. Any campaign should also include facilitation of the delivery of humanitarian assistance to those in Afghanistan and elsewhere who depend on such aid for their survival. There is also a danger that some governments may cynically take advantage of the anti-terrorist cause to justify their own internal repression, in the expectation that the United States will now be silent. The United States should send a strong signal to those seeking to join the coalition against terrorism that it will not tolerate oppressive opportunism in the face of this tragedy.



Clear, concise chapter summaries and key terms lists—tabbed along the side of the page for easy reference when studying for an exam—provide students with essential review materials.

of knowledge for the next. As societies develop and are subjected to new technologies, the crime problem becomes ever more complex. So do the questions it raises. In Part II we will see how twentieth-century theorists have dealt with those questions.

The execution methods debate is played out in legislative decision-making, and often times turn a blind eye to the concerns of those who actually have to live. In turn, a considerable portion of doctors, nurses, and other medical personnel willingly participate in executions. Prison officials take the word of both worlds: They have limited personal control by which to make their choices known and no normal process provided by which to make their choices for them. The system is made more perplexing because those who report the problem with the system—media witnesses—have questionable credibility when experts attempt to use their accounts in court. As "a result," in Foucault's words, "justice no longer takes personal responsibility for the violence that is bound up with its practice." The system is not designed to be fair, and it is not designed in the context of applying execution methods, which justice becomes unsupportable, it ceases to exist (source: Gordon V. Davis, "When Legislatures Delegate Death: The Troubling Paradox Behind State Uses of Electrocution and Lethal Injection and What It Says About Us," *Ohio State Law Journal*, 69 (2002): 63).

Questions for Discussion Beccaria voiced concerns over bad laws (see p. 63). He made an inspired call for an end to medieval barbarism. Punishment should be prompt and effective. Capital punishment should be abolished—and so, too, should the use of torture. Debate over the death penalty in recent years has turned on concerns over executing

nocents, the mentally ill, and the insane. Much has been written about the racial application of the death penalty as well. Professor Denno raises a very different concern: Are the methods we use to execute inmates justifiable? Interestingly, Professor Denno raises this concern about the use of lethal injection—considered to be the most humane of the methods of execution. If you agree with her reasoning, do you come to the conclusion that all methods of execution should be abolished?

A historical society has invited you to represent criminology in a discussion group made up of experts from various disciplines. The topic is: How do the foundations of your discipline help us to understand contemporary developments in the field? What would you discuss?

The numbers next to the terms refer to the pages on which the terms are defined.

- anomie (77)
- atavistic stigmata (68)
- born criminal (69)
- classical school of criminology (59)
- eugenics (72)
- laws of imitation (76)
- phrenology (68)
- physiognomy (67)
- positivist school of criminology (60)
- somatotype school of criminology (72)
- utilitarianism (66)

Chapter-ending exercises challenges students to use their critical thinking skills to apply what they have read about in the chapter.



Acclaimed coverage of the interrelated nature of theory, policy, and practice highlights the practical aspects of what criminologists do.