

# Criminal Justice Theory

# Criminal Justice Theory

Explaining the Nature and  
Behavior of Criminal Justice

David E. Duffee  
Edward R. Maguire

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## PREFACE

This volume began when Professor Robert Langworthy served as the program chair for the 1996 meeting of the Academy of Criminal Justice Sciences in Boston under President Ed Latessa. Bob Langworthy and Ed Latessa asked David E. Duffee if he would give the plenary address at the meeting on the topic of theory in criminal justice education. Duffee accepted and took an empirical approach to the issue, surveying all criminal justice doctoral programs with the assistance of Ed Maguire and Jeff Snipes. What they discovered was alarming to them. While the doctoral programs all had courses on criminological theory — often required — these programs basically ignored theory building and testing and types of theories about criminal justice. When asked to submit a syllabus for the most relevant theory course, many programs submitted a criminology syllabus, which usually provided no theories that explained criminal justice behavior and covered only explanations of crime. Theory was synonymous with criminological theory.

The discoveries resulting from that survey were the motivation for this work. Criminal justice phenomena can be studied scientifically, just as crime can. But explicit attention to theory is necessary if this important step is to take place: there is no science and no knowledge building without theory. To the average undergraduate college student, the title of this book, *Criminal Justice Theory*, is an interesting clash of themes. For most students, the first two words of the title, *Criminal Justice*, constitute an interesting and exciting topic. Criminal justice programs in colleges and universities are growing, often at the expense of enrollments in other disciplines. Studying “bad guys” and the system that processes them seems much more interesting to many students

than pursuing traditional academic disciplines. But the third word in the title, *Theory*, often evokes the opposite reaction among students. Theories are frequently contrasted with “reality,” as if theory is somehow the opposite, or the antithesis, of what happens in the real world.

The idea that these two themes — criminal justice and theory — might for some people represent such divergent perspectives is why we chose to assemble this volume. Theory is a fundamental element of the social scientist’s toolkit. Theories are used in all social sciences, from economics and political science, to sociology and psychology. Yet, criminal justice, as a discipline, seems to struggle with the move toward establishing a theoretical foundation. It often seems that the field is so applied, and so tightly intertwined with an audience of practitioners who work, or have worked, in “the real world,” that there is less tolerance for theory. Yet, theory can inform practice. It can help us understand how the social world works. It can help us understand why some interventions work, why some fail, and why some might produce unintended, or perhaps even negative, consequences. Underlying all social policies and programs is some implicit theory of human behavior, whether as individuals or groups. For instance, most research shows that hiring more police officers is not the antidote for crime that the public and most police think it is. The assumptions about police behavior and crime that underlie this popular remedy are based on inadequate theories. Criminology, a sister discipline to criminal justice, is full of examples of how well-intentioned programs meant to reduce crime sometimes not only fail to work, but occasionally increase crime. This does not happen because of stupidity, individual human error, or laziness: it occurs because the underlying theories about the causes of crime on which the programs are based are incorrect. Kurt Lewin once wrote, “There is nothing so practical as a good theory.”<sup>1</sup> We agree, and that is why we chose to develop this volume.

Criminal justice theory is defined by Duffee and Allan in chapter 1 of this work as “explanations of the variations in responses to crime. ... Criminal justice theory seeks to explain and examine variations in, and the causes of, aspects of government social control systems, which select the criminal sanction over other forms of social control and share the nature of the criminal sanction to be employed.” In chapter 2, Snipes and Maguire define criminal justice theory as “the study of the official response to behavior that may be labeled criminal.” Both sets of authors make it clear that criminal justice theory would include the basic decisions about whether and when to use the criminal sanction. Consequently, criminal justice theory includes the basic decision about



whether to use punishment as a control and whether to consider people blameworthy for harmful acts.

This book is intended to advance the study of criminal justice by focusing on the role of theory in enhancing the discipline. It is meant for advanced undergraduate students as well as graduate students in criminal justice. The book presupposes that the student has had a basic course in research methods and is familiar with terms such as *independent variable*, *dependent variable*, and *cause and effect*. We have urged our authors to write using a language and tone that is appropriate for this audience. For those students who struggle with the challenging terminology and concepts used in this volume, we have included a series of discussion questions and exercises at the end of each section introduction. These can be used by instructors in the classroom as learning aids, assigned by instructors for homework, or used by individual students at home.

We also introduce each section (usually a pair of chapters) with brief overviews that introduce key points in each chapter and connect the chapters to each other and to the different phases of the theory building and testing process. These introductions should help readers identify the various aspects of the theory development process that are represented in each part of the book. In general, each section serves two basic purposes. First, each section illustrates and examines a critical aspect of the theory development process. This collection of original papers progresses from defining theory, the domain of criminal justice theory, and the basic elements of theoretical thinking (chapters 1, 2, 3, and 4) through theory building (chapters 5 and 6), to the critical assessment of theoretical knowledge (chapters 7 and 8), to theory testing and revision (chapters 9 and 10). Second, each of these sections focuses on a set of substantive theories about some aspect of criminal justice behavior. Part I deals with criminal justice in general. Part II examines police. Part III examines court-related theories. Part IV examines corrections. In addition, parts III and IV provide coverage of two distinctly different levels of criminal justice analysis — the individual actor on the one hand (chapters 7 and 9) and some kind of “macrounit” on the other (chapters 8 and 10). In the section on policing, both chapters deal with the organizational level of analysis.

Several reviewers asked for coverage of other important aspects of criminal justice behavior. We recognize that not every important dependent variable is represented in this collection, but we doubt that any single collection could do so. Our authors did, we think, a reasonable job of covering micro- and macrobehaviors in police, court,

corrections, and system-wide contexts while simultaneously tackling a specific task in the process of theory development.

This volume is more than a textbook because in it we advocate a new method for thinking about scholarship in criminal justice. We urge our colleagues in colleges and universities around the world to present to their students more than simple descriptions or philosophical debates about criminal justice. We encourage them to think more and more about the *science* of criminal justice. What are its central questions? In what areas does research contribute to knowledge about criminal justice? In what areas are there major research gaps? In what ways might theories of criminal justice play a role in filling these gaps and enhancing practice? Using this volume in upper level undergraduate courses and graduate courses in the administration of criminal justice will enable instructors to expose the science of criminal justice to their students.

This volume, like others, was not born in a vacuum. Theoretical perspectives on criminal justice have played a central role for many years at the School of Criminal Justice, University at Albany. While still a graduate student at Albany, Edward Maguire had the benefit of learning these perspectives from a number of scholars including David Bayley, David Duffee, Graeme Newman, and Rob and Alissa Worden. As a longtime faculty member as well as a former graduate student and dean at the school, Duffee was particularly influenced by some of the founding faculty of the school, Vincent O'Leary, Hans Toch, and the late Donald Newman and Leslie Wilkins. While each was quite different in his or her interests and approaches to criminal justice, all four were equally devoted to the scientific study of criminal justice.

We thank all of those who paved the intellectual path on which this volume rests. We owe a special thanks to the School of Criminal Justice at the University at Albany for its longstanding intellectual devotion to the ideas espoused in this volume.

We also want to thank the chapter authors who contributed to the volume. They run the gamut from newly minted PhDs to leaders in their field of study. Several worked on short notice to prepare or revise drafts of their chapters. We thank all of them for their fine contributions. Alissa Worden also used the rough draft of the text in her graduate course on theory and criminal justice. Her reactions and her students' reactions were very helpful to the rather long and convoluted path to completion of the work. We also are indebted to Bob Langworthy whose 1996 request initiated our work. Both editors are deeply indebted to Stephanie Ainsworth, Megan Gantley, and Julie Willis, research assistants at George Mason University, for their help in preparing the manuscript.

We look forward to the readers' reactions.

**David E. Duffee**

**Edward R. Maguire**

#### NOTE

1. Lewin, K. *Field Theory in Social Science; Selected Theoretical Papers*, ed. D. Cartwright. (New York: Harper & Row, 1951).

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# 1

## CRIMINAL JUSTICE, CRIMINOLOGY, AND CRIMINAL JUSTICE THEORY

David E. Duffee and Edward Allan

### INTRODUCTION

This collection of original essays examines scientific theory about criminal justice. It investigates the place of scientific theory in the enterprise of building knowledge about the field of criminal justice. The authors of its various chapters:

- define scientific theory
- define criminal justice
- define criminal justice theory
- identify specific types of criminal justice theories
- review the strengths and weaknesses of different theoretical traditions
- illustrate the building or construction of theory
- illustrate the testing and revision of specific theories
- provide examples of theory integration.

In summary, collectively, the authors provide an introduction to social science theory and its application to criminal justice phenomena, provide examples of the different phases in the knowledge building process, and critically describe a variety of (although by no means all) criminal justice theories.