

Criminological Theory

An Analysis of
Its Underlying
Assumptions

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WERNER EINSTADTER

STUART HENRY

Eastern Michigan University

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PREFACE

This book is intended as an analytical overview of criminological theory. It is designed to give upper-level students a clear understanding of the underlying assumptions of criminological thought by examining the ideas of its various theories on human nature, societal structure, criminal law, criminal behavior, crime causation, and criminal justice policy. It shows how criminological theories are constituted and how particular theorists' ideas contribute to an overall theoretical framework.

We believe that it is vitally important for students and anyone concerned with issues of crime to have a clear, comparative understanding of the core concepts and theories of crime before they attempt to:

1. evaluate these against research evidence;
2. apply them to particular crimes; and
3. consider the substance of criminal justice policy.

Without understanding the assumptions on which a particular theory rests it is impossible to comprehend its meaning. Without a clear idea of its internal logic it is impossible to understand the connections between ideas about causes and their implications for policy. This book, then, is a bare-bones approach to ideas about crime, society, and the nature of human beings, and it attempts to lay the foundation for more substantive and applied considerations.

We are not concerned, however, with the minutiae of contributions that each theorist has made to criminological thought, nor with how one interpretation of a particular theorists' work differs from another, or from the original. This is a task better suited for professional criminology journals or the classic monograph. Indeed, such a task may be almost impossible to assess and undoubtedly leads to disagreement and controversy.

Nor are we concerned with guessing the intention of particular authors' works, or with speculating about their commitment to the ideas that they express. We are not examining the extent to which a particular theorist is pure. It will be clear from our examination of the literature that most theorists implicitly subscribe to more than one position, simultaneously. To pretend that they are representatives only of a particular perspective would add to the distortion that already dominates the field. Certainly other criminologists may take particular

theorists as representatives or exemplars of a theoretical framework. This is not our task. Instead we suggest that some theorists have gained a reputation for being associated with certain theoretical perspectives. We are not concerned with contributing to the development of a hierarchy of criminological thought, involving, as it must, the privileging of some statements over others. Indeed, our argument is that a textbook interpretation of a theoretical perspective may make its own contribution to the selective refinement of criminological theory. We recognize that we too are involved in this process. However, we are concerned with the extent to which theoretical ideas are constituted as logical frameworks for the analysis of crime and society's response. Any single framework must necessarily be an ideal type. We are interested in presenting the culture of criminological theory (which we discuss in Chapter 1). As a result we draw on three crucial resources: original writings, journal articles and, importantly, and so often omitted, textbook discussions. Our view aims to capture the central themes of each perspective as presented in all three of these sources. We hope to have struck a balance rather than being biased toward any one resource.

Finally, and perhaps most importantly, this is a book about the logic of ideas, rather than their verification or validity. The reader will have to look elsewhere for the test, although our inclusion of a short evaluation of the main criticisms should help launch interested students in the right direction. However, our central aim is to identify the ideal or typical logical frameworks of theoretical perspectives on crime, free from the distracting detail of empirical research. We believe that only when the theory is clear can other tasks, such as testing, verification, assessment, and integration, begin.

We assume that students reading this book will have had some exposure to criminological ideas, typically through an introductory criminology course. If not, reading any standard introductory text is recommended. In addition, students who wish to achieve a greater theoretical depth will also benefit from consulting an edited collection of original works. Finally, because our analytical approach to criminological theory is concerned with common ideas organized around core assumptions, students who want to retain the integrity of a particular theorist's ideas would benefit from consulting Martin, Mutchnick and Austin's (1990) *Criminological Thought: Pioneers Past and Present*, Jacoby's (1994) *Classics of Criminology*, or even Hermann Mannheim's (1960) classic *Pioneers in Criminology*.

Acknowledgments

Textbooks are collaborative efforts. Not only do they draw on the published wisdoms of others, they unwittingly rely on the insights and experiences of a host of colleagues. They would be intellectually poorer without the scrutinizing ques-

tions of friends, spouses, reviewers, and, most importantly, students. An exhaustive list of those we should thank would read like an award ceremony producer's nightmare but some do deserve a special mention. Foremost we thank Jock Young of Middlesex University, England, for without his original outstanding analysis "Thinking Seriously About Crime," we might well have written a different book. While we are not wholly in agreement with Jock's current "realist" direction (See Chapter 10), we have enormous respect for his pioneering criminology. We also thank both Stanley Cohen of the Hebrew University, Jerusalem, and Marty Schwartz of Ohio University, whose communications and published insights have tempered our soaring postmodernist zeal. Kathy Daly of the University of Michigan and Dawn Currie of the University of British Columbia strengthened our understanding of the feminist contribution. We thank them for devoting the time to what is not a feminist text. However, in keeping with the feminist perspective we have tried to infuse our chapters with gender awareness. For clarification on his power-control theory we thank John Hagan of the University of Toronto.

Early encouragement in our project was received in conversations and communications with Piers Beirne. In its making this book has gained sustenance from our colleagues at Eastern Michigan University, particularly, Gregg Barak and Joe Rankin, whose collegiality and constructive commentary made our task that much easier. Thanks to Lee Doric-Henry of Wayne State University for help with the original artwork. Thanks also to Laura Einstadter for her help in locating some obscure sources. Finally, we thank our various peer reviewers, whose tough but appreciative criticisms made this a far better work than it might otherwise have been: Theron T. Bowman, Texas Christian University; Theodore C. Chirocos, Florida State University; Dennis R. Longmire, Sam Houston State University; Robert Mutchnik, Indiana University of Pennsylvania; Melvin C. Ray, Mississippi State University; Calvin J. Swank, Youngstown State University; and Carol Thompson, Texas Christian University.

The promotion of a great idea may be of greater value
than the complete proof of its validity.

—Robert H. Gault

Not all memorable personages of science or philosophy are necessarily honored for their well received contributions; and certainly not all are respected for the validity of their ideas. It seems that in science we at times need a few good “bad” examples to help show us which way not to go.

—Randy Martin, Robert Mutchnick, and Timothy Austin

[We] have been both victims and perpetrators of deficient conceptions, if not damaging misconceptions of social conditions. To that extent problems have been... literally of our own making, our responsibility.

—Barry Smart

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The Analytical Framework

This chapter introduces our analytical framework and the various criteria we use to examine the theoretical models elaborated in each of the subsequent chapters. Our framework draws on the analytical approach developed by some sociologists and criminologists for theorizing about law, crime, and criminal justice. In particular we have used Jock Young's classic paper "Thinking seriously about crime: Some models of criminology" as a point of departure (see also Davis, 1975; Empey, 1982; and King, 1981, for similar approaches). Young (1981: 250) argues that theoretical models or perspectives compete, each having "its own intellectual history and each flourishing, with powerful support and a substantial body of research." Similarly, in his now classic distinction between models of the criminal justice process, Packer (1968: 217) captures the essence of our analytical approach when he argues that models represent "an attempt to abstract separate value systems that compete for priority in the criminal process."¹

However, abstracting and theorizing are not neutral processes: "Theory is a selective rendering of the world, as it categorizes reality in selective ways" (Davis, 1975: xii). As such, criminological theory generates "blind spots" that among other things obscure their "very real consequences for controlling human conduct." It is our intention to illuminate these blind spots by systematically examining different theoretical perspectives with the same set of critical questions about their underlying assumptions. These questions ask of each theory, What are the core ideas about humans and society, and about crime and criminal etiology,

¹Several commentators (e.g., Michalowski, 1977; Young, 1981) employ the concept of *paradigm* rather than those of model, perspective, or school. In its simplest form the term *paradigm* refers to scientific thought that shares commonly accepted concepts and similar elements in common, including definitions of research problems and even researchers working to test empirically these assumptions for the purpose of validating theory. Thus a paradigm is "a school of thought within a discipline that provides the scientist with a model for choosing the problems to be analyzed, the methods for analyzing them, and the theoretical frameworks for explaining them" (Curran and Renzetti, 1994: 34). An elaborated discussion of the notion of paradigm was developed by Kuhn (1962, 1970) in expounding on the history of science, in which he saw paradigms as stable periods of the scientific development of "normal science" that eventually succumb to a buildup of anomalies before they enter a crisis during which several paradigms compete for prominence. Use of the concept, particularly in social science, has been subject to some controversy (Ritzer, 1975; Barnes, 1981). We tend to agree with Turner (1986: 31) that "the concept of paradigm has been so overused that it has lost any meaning." Partly because we do not examine all the elements of a paradigm (e.g., methods) and partly because of the controversy, we prefer the terms *perspective* or *framework*, which we use interchangeably.

and what are the preferred or implied criminal justice policies, correctional philosophies, and crime control practices?

Because of their different ideological stance, not all theoretical approaches make their assumptions explicit. In many cases these have to be teased out. For example, because they focus on individual choice, classical theorists have little to say about crime causation. Similarly, because of their belief in the individual nature of crime causation, biological theorists have little to say about society's role in the genesis of crime. Such silences obscure very real assumptions harbored by theorists. One of the main purposes of our systematic analytical approach is to elucidate these assumptions. We admit at the outset, however, that our interpretations of the theories and perspectives we analyze are subjective.²

ANALYTICAL DIMENSIONS AND CORE QUESTIONS

The following five interrelated analytical dimensions are at the heart of any criminological theory, whether or not these assumptions are made explicit by theorists.

Human Nature and Human Behavior This dimension addresses criminologists' assumptions about human freedom and constraint: whether people choose their actions or whether their actions are determined by internal or external forces; whether humans are *naturally* individuals or social and cultural products; whether people are isolated beings or socially interconnected; and whether they are different from or similar to other species. This dimension also identifies the behavior assumed to follow from such assumptions.

Society and the Social Order In this category we consider criminological views of society: whether these assume a consensus, or conflict; whether society is seen to be composed of groups, classes, or cleavages; and whether such divisions form a hierarchy of power. We also consider theorists' assumptions about the state and its relation to the wider socioeconomic order.

The Role of Law, the Definition of Crime, and the Image of the Criminal Ideas about the nature of criminal law and its role in defining the subject of criminology are the focus of this dimension of criminological theory. Do theorists assume that criminology should be restricted to a legalistic arena or do they think it should include any

²We have attempted to take a representative sample of the literature from each theoretical position. Biases aside, because space does not permit an exhaustive analysis, our selections may differ from other researchers'. Our objective, too, is complicated by the overlap that exists between theorists' contributions. We therefore encourage students to select and analyze their own materials, using the criteria we identify.

activity subject to regulation? Should criminology include the normatively deviant? Does the law or do agents of social control define crime? Is crime limited to that which the state defines as offensive or is it based on a broader definition of social harm? Moreover, is harm assumed to occur to individual or collective victims? Does the definition of crime also include victimless crimes and harms against the state?

Criminological theorists also imply or express images of the kind of person that commits offensive behavior. We might have considered this issue as a subcategory of the theorists' views of human nature; however, in our judgment, thinking about who is criminal *follows* decisions about what is offensive behavior. Typically such behavior is met with questions such as, "What kind of person would do such and such?" Finally, are offenders assumed to be the same as non-offenders or do they constitute several distinct and different types? Are crime and criminals viewed as real or as socially constructed categories?

Causal Logic Much criminological thought is based on assumptions, propositions, and hypotheses about the cause of crime. Do crime and deviance stem from the choices individuals make in varying socially structured contexts or would some be rule breakers in any context? Are criminal behaviors determined by internal or external forces over which actors have little control? How do these causes produce crime? Do they operate independently or interactively? Is cause an appropriate tool of analysis? Alternatively, is our search for causes part of the solution or part of the problem of crime?

Criminal Justice Implications This analytical category focuses on the procedures for determining culpability and for administering justice, the correctional ideology that guides the administration of justice, and the intervention techniques used to enforce it. Our concern here is not theories of social control per se but the models of criminal justice that are implied by and that are logically consistent with particular theories of crime causation. These theories may favor systems of justice and control that have already been constituted (by practitioners, politicians, lawmakers, etc.), or they may suggest their own. Typically theorists build on or critique the existing institutional forms, suggesting additions or new emphases that reflect their own ideological assumptions. What roles are played by the differing elements of the criminal justice system as shaped by the policy implications, philosophy of intervention, and criminal justice practitioners operating from within a particular theoretical framework? Does the system *implied by a particular theory* urge that police, for example, protect the public, afford rights of due process, fight crime, or divert offenders from the system through preventive intervention? Do formal procedures guarantee justice, as professed by some theorists, or can procedures alone not guarantee justice in an unjust society, as held by others.

Criminal Justice Policy and Correctional Ideology³ This subdimension explores the policy implications of theories of causation. What are the assumptions that logically follow from the different theories of crime causation? Is the policy implication directed at the individual or the wider social context? What policies toward crime do the various theorists recommend? The relevant debate is between advocates for different ideological positions justifying state intervention. These justifications, rationales, or philosophies for the use of state power will be defined in more detail later, but for the present purpose they can be organized according to five broad philosophical categories: (1) punitive philosophies, such as punishment, retribution, incapacitation, and deterrence, whereby offenders are harmed or deprived by the state with the aim of preventing them or others from committing future offenses; (2) therapeutic philosophies, such as treatment and rehabilitation, whereby offenders are forced or helped to refrain from future offending; (3) compensatory philosophies, such as restitution and reparation, whereby the offenders are forced to make amends for their past offenses; (4) conciliatory philosophies, such as mediation, whereby offenders and victims are encouraged to resolve their disputes; and (5) philosophies of social change, such as institutional reform and celebration, whereby crime and deviance are seen as indicators of structural, societal, or community pathology that requires social and organizational change. (see Black, 1976, for a similar analysis.)⁴

Techniques of crime control. Finally, we outline the logical techniques implied by theory and its associated policy and correctional ideology for implementing intervention or sanctioning. We consider to what extent the same methods can be justified under different philosophies. For example, prison can serve more than one ideology or philosophy simultaneously, providing, for example, incapacitation, punishment, deterrence, and/or rehabilitation (see Shover, 1979; Shover and Einstadter, 1988).

It should be remembered, however, that the theories we consider have different emphases in terms of these analytical categories. For some theoretical frameworks we provide greater detail in a particular analytical section because the theory either better lends itself to such analysis, or its assumptions are more clearly spelled out in the original sources. For others we combine categories where this is appropriate. Let us now look in more detail at what is meant by each of our analytical dimensions. In particular, we examine the range of theoretical positions that are taken within each of these dimensions.

³The term *correctional ideology* is defined by Shover and Einstadter (1988: 6) as "broad, abstract assumptions and beliefs about crime and how best to deal with it."

⁴Black (1976: 2) calls these categories "styles of social control" represented in law. He identifies the penal, compensatory, therapeutic, and conciliatory, suggesting that the first two are accusatory in nature, whereas the last two are remedial, designed to help and ameliorate. He fails to consider the fifth category, which we include here to address the structural level of intervention.

Human Nature and Human Behavior

Much has been claimed about human nature and what is essential to the concept of being human. We believe that assumptions about this are implicit or explicit in every criminological theory and have important implications for criminal justice practice. As Bartol (1991: 2–3) says, “Where crime is at issue, a society which believes that humans are by nature aggressive and violent will have different methods of social control than a society which believes they are by nature peaceful, loving and friendly.” Without a clear exposition of these assumptions any understanding of particular theories will be obscured. The range of characteristics that have been attributed to humans is vast. We will not document all of them here but only indicate those that criminologists have taken to be important in their thinking about crime. At the outset it should be clear that conceptions of humans typically occur by way of an analogy that tends to represent what is seen as their essential characteristics. To gain a better grasp of what is at issue when considering assumptions about human beings, let us look at some examples of ideas on human nature.

In his encyclopedic review of the topic, Volkart (1964: 306) suggests that one approach to human nature is to reduce it to a cluster of essential needs required for humans to survive, as in Malinowski’s (1944: 75) definition of human nature that “all men have to eat, they have to breathe, to sleep, to procreate and to eliminate waste matter from their organisms.” But any approach that focuses solely on a limited range of biological endowments tells us little about what is distinctly human, since the same approach can be used to describe all animal organisms. This leads us to the issue of whether humans are *no different* from animals, as implied in Machiavellian and Hobbesian philosophy, *different by degree* from animals, as in Darwinian and Marxian philosophy and recent sociobiology, or *fundamentally different* from animals as some neurobiological and cognitive theorists have proposed (see Bartol, 1991: 4–6; Adler, 1967).

Another assumption made about human nature is that people are seen in varying degrees of isolation from or connectedness to one another. The theories range from those that envisage us as separate entities, units, individuals, even as “social atoms,” to those holding the idea that we are social beings or, in some cases, “ambassadors” for our “species” who represent a wider social formation. For example, Cooley (1909) argued that human nature is not something existing separately in the individual but is a reflection of the images derived from interaction with others in group life. He saw human self-identity as derived from the communication we have with others. Just as a mirror (“looking glass”) reflects our physical appearance, so group life reflects our social appearance (hence his concept “the looking glass self”). Goffman (1959) uses the analogy of drama, theater, and the stage to show this interconnectedness between humans as both actors and audience.

Some theorists, such as Marx (1844: 126), envisage us as partly separate individuals with the potential to be universal and free but also as dependent on

one another and forming a greater social whole, which Marx calls a “species-being” and in which we are bound to each other and to the social history of our past (Marx, 1852: 115). Within this frame of reference, the extent to which we cooperate or compete, the degree to which we are all in agreement or opposition, is also critical to our identity and our survival as humans.

A related assumption in criminological theory is the extent to which human beings are assumed free to act toward others or whether they are assumed to be driven by forces, either external or internal. As Young points out (1981: 250–51), the issue here is the age-old question of free will versus determinism: “of whether the act was committed willfully as part of a process of reasoning ... or whether it was non-rational, invoking determining factors outside rational control.” In other words, do we have the capacity for voluntary action and if so is this based on rational goal-directed choice or random, haphazard stumbling that may subsequently be rationalized? Alternatively, is it the case that human action is somehow generated, shaped, or channeled by forces over which we have little control, which, indeed, are part of some grand or not so grand plan? And if humans are determined by forces, do these come from inside a person, such as their biological constitution or personality (internal determinism) or from outside the person in their physical or social environment (external determinism)? (See Bartol, 1991: 6–10.)

Important, too, has been whether our behavior is essential to our nature. Are we no more than a series of instances of what we do, or are we separate from our actions, such that we act roles, play scripts, and interpret our parts from the vantage point of an inner self?

A related issue concerns whether human types are real or is “typing” a socially constructed category that we impose on the behavior of others and from which we impute an underlying difference that may not have any real existence. A belief in the reality of social types postulates that “there is not one human nature but many—as many as there are cultures, societies and social groups” (Kretch and Crutchfield, 1948: 47).

It is clear from this brief excursion into some of the ideas about the essence of human beings that what is “human” is open to many interpretations. It is equally apparent that criminologists rely on a number of these assumptions or models of humans in constructing their theories of crime. In examining criminological theories we need to establish what combinations of elements have been assumed or even boldly stated.

Society and the Social Order

Just as “a society’s social, political and economic structures are based on fundamental premises about human beings” (Bartol, 1991: 2), so its political and especially legal institutions are based on particular assumptions about society. Indeed, it has long been recognized that no answer to the question “What is