

---

---

# *Fundamentals of Criminology*

---

---

HENRY W. MANNEE  
J. DAVID HIRSCHL

# ***Fundamentals of Criminology***

**HENRY W. MANNLE  
J. DAVID HIRSCHER**

**COPYRIGHT © 1982  
BY DELMAR PUBLISHERS INC.**

All rights reserved. No part of this work covered by the copyright hereon may be reproduced or used in any form or by any means — graphic, electronic, or mechanical, including photocopying, recording, taping, or information storage and retrieval systems — without written permission of the publisher.

**10 9 8 7 6 5 4 3 2**

**LIBRARY OF CONGRESS CATALOG CARD NUMBER: 80-70490  
ISBN: 0-8273-1750-6**

**Printed in the United States of America  
Published simultaneously in Canada  
by Nelson Canada,  
A Division of International Thomson Limited**

# ***Fundamentals of Criminology***

**HENRY W. MANNLE  
J. DAVID HIRSCHL**

**COPYRIGHT © 1982  
BY DELMAR PUBLISHERS INC.**

All rights reserved. No part of this work covered by the copyright hereon may be reproduced or used in any form or by any means – graphic, electronic, or mechanical, including photocopying, recording, taping, or information storage and retrieval systems – without written permission of the publisher.

**10 9 8 7 6 5 4 3 2**

**LIBRARY OF CONGRESS CATALOG CARD NUMBER: 80-70490  
ISBN: 0-8273-1750-6**

**Printed in the United States of America  
Published simultaneously in Canada  
by Nelson Canada,  
A Division of International Thomson Limited**

## *Preface*

Crime is a complex, multifaceted problem with seemingly more issues than answers. Acquiring a mastery of the subject requires a firm grasp of statistical procedures, research methodology, and theoretical constructs. Because of time restraints or insufficient preparation, this presents a formidable task for the beginning student or interested layman. Unfortunately, many current textbooks confuse rather than clarify the issues by attempting to cover all of the bases.

This text is not designed to provide a complete exploration of criminology. It is, as the title indicates, an attempt to present the fundamentals. Statistics are used to illustrate relatively stable and broad trends, not as narrow or immutable facts in and of themselves. Research findings are sparingly selected for their capacity to enrich a given topic rather than to supply the introductory student with a working bibliography. Theoretical discussions are geared to providing readers with a general overview of past and present explanations of crime with a minimal use of abstract jargon. Finally, substantive areas dealing with offenses, offenders, the law, police, courts, corrections, and crime control are written to be informative through a concise, not exhaustive, coverage of subjects.

The book's format is also intended to facilitate comprehension. Each chapter outlines learning objectives, subdivides material at appropriate points, and provides learning checks. Instructors should encourage students to complete the chapter quizzes and reread troublesome material before advancing to the next chapter.

The authors wish to acknowledge those who have assisted this project in one way or another. Our special thanks to Julia Horner, Edith Mannle, and Ted and Betty Winters for their interest and encouragement. To our good friends, Professors Dennis Dorin and Peter Lewis, we extend our appreciation for their comments and suggestions. Heartfelt gratitude goes to our wives, Beth and Fran, for many long and frenzied hours of critiquing, inspiring, and cajoling. And to Fran Hirschel, who undertook prime responsibility for much of the learning materials in this book, the authors are much indebted. This project was also made possible through Betty Grimes' tireless efforts at the typewriter. Acknowledgment is also due the

reviewer, Leon Hoffman, and the consulting editor, Ken McCreedy, for their efforts. Finally, we wish to express our sincere appreciation to the staff of Delmar Publishers for their professional advice and guidance in the production of this manuscript.

Henry W. Mannle  
and  
J. David Hirschel

#### **ABOUT THE AUTHORS:**

Henry W. Mannle is currently professor of criminology and director of the criminal justice program at Tennessee Technological University, Cookeville, Tennessee. He received a Ph.D. from the School of Criminology, Florida State University. Dr. Mannle has authored several articles in legal and criminological journals.

J. David Hirschel received a B.A. from Cambridge University, England, and an M.A. and a Ph.D. from the School of Criminal Justice at the State University of New York at Albany. He has worked in the criminal justice system in both the United States and England, and for two years was criminal justice coordinator of the Erie County, New York, Department of Anti-Rape and Sexual Assault. He is currently assistant professor of criminal justice and coordinator of the graduate program in criminal justice at the University of North Carolina at Charlotte. His previous publications include the book, *Fourth Amendment Rights*.

# *Contents*

Preface .....	iv
<b>✓SECTION 1 THE STUDY OF CRIME</b>	
Chapter 1 Definition of Crime, Criminals, and Criminology .....	1
Chapter 2 Significance of the Crime Problem .....	13
Chapter 3 Scope of the Study .....	28
<b>✓SECTION 2 CRIME STATISTICS</b>	
Chapter 4 Official Sources of Crime Statistics .....	42
Chapter 5 Criticisms of Official Crime Statistics .....	64
Chapter 6 Secondary Sources of Crime Statistics .....	75
Chapter 7 Known Crime and Population Characteristics .....	89
<b>✓SECTION 3 THEORIES OF CRIME</b>	
Chapter 8 Pre-Classical Notions About Crime and the Law .....	105
Chapter 9 Classical and Neoclassical Interpretations of Crime .....	115
Chapter 10 Biological and Psychological/Psychiatric Theories .....	125
Chapter 11 Sociological Theories .....	141
Chapter 12 Political Explanations .....	154
<b>△SECTION 4 TYPES OF CRIME</b>	
Chapter 13 Predatory Personal Crime .....	163
Chapter 14 Conventional Property Crime .....	179
✓Chapter 15 Victimless Crime .....	189
Chapter 16 Organized Crime .....	205
Chapter 17 Occupational and Career-Oriented Crime .....	218
Chapter 18 Political Crime .....	230

## **SECTION 5 TYPES OF CRIMINALS**

Chapter 19	Violent Offenders . . . . .	238
Chapter 20	Property Offenders . . . . .	249
Chapter 21	Offenders of Public Morality . . . . .	259
Chapter 22	Career/Occupational Criminals . . . . .	271

## **SECTION 6 THE CRIMINAL LAW**

Chapter 23	Nature and Purpose of Law . . . . .	283
Chapter 24	Origins and Features of Criminal Law . . . . .	296
Chapter 25	Law and Social Control . . . . .	305
Chapter 26	Law and Interest Groups . . . . .	319
Chapter 27	Criminal Responsibility . . . . .	329

## **SECTION 7 THE POLICE**

Chapter 28	History of the Police . . . . .	340
Chapter 29	Role of the Police . . . . .	352
Chapter 30	Police Professionalism . . . . .	362
Chapter 31	The Police and Suspects . . . . .	373

## **SECTION 8 THE COURTS**

Chapter 32	The Criminal Courts . . . . .	384
Chapter 33	Judges and Lawyers . . . . .	393
Chapter 34	Initial Stages of the Court Process . . . . .	405
Chapter 35	Case Resolution . . . . .	416

## **SECTION 9 CORRECTIONS**

Chapter 36	Sentencing the Convicted Offender . . . . .	427
Chapter 37	Noninstitutional Corrections . . . . .	443
Chapter 38	Institutional Corrections . . . . .	455
Chapter 39	Reintegrating the Offender . . . . .	470

## **SECTION 10 CONTROLLING CRIME**

Chapter 40	Reforming the Young . . . . .	487
Chapter 41	Reducing Social and Legal Inequality . . . . .	501
Chapter 42	The Direct Approach . . . . .	512

GLOSSARY . . . . .	524
INDEX . . . . .	532

# SECTION 1

## THE STUDY OF CRIME

### Chapter 1

### *Definition of Crime, Criminals, and Criminology*

#### OBJECTIVES

After studying this chapter, the student should be able to:

- State a social definition, a strict legal definition, and a less rigid legal definition of crime.
- Define *corpus delicti* as well as the two major elements that form the *corpus delicti* of a crime.
- Compare common law and statutory law.
- Distinguish between crimes which are felonies or misdemeanors and crimes which are *mala in se* or *mala prohibita*.
- Define crime, criminal, and criminology according to the concepts that will be used in this book.

On a Friday evening, a man enters a "singles bar" and introduces himself to an attractive woman who has just seated herself at an adjoining table. After some drinks, an occasional dance, and much small talk, the conversation assumes sexual overtones. Both parties seem to be mutually interested in one another, and both appear to be free to discontinue their interaction at will. Responding to perceived cues, the man propositions the woman. The woman smiles and they leave, hand in hand, for the man's apartment.

During the same evening, another man walks into a cocktail lounge and strikes up a conversation with an attractive woman seated next to him at the bar. After some drinks, occasional dances, and much small talk, the conversation turns to



## 2 The Study of Crime

sex. As in the first instance, both individuals seem to be mutually interested in one another, and both appear to be free to part company at will. Responding to perceived cues, the man propositions the woman. The woman, however, frowns, announces that she is a vice officer, and that he is under arrest for soliciting for purposes of prostitution. This couple leaves, "hand in hand," for the nearest police precinct station.

In both cases we have two parties who are not acting under duress or force. In both cases we have an exchange of favors (dancing, buying of drinks, and so on). In both cases there is an apparent mutual interest in a potential sexual encounter. Nevertheless, in the latter case we might assume that the proposition included a more direct financial condition. This second episode also included an exchange involving a party with sworn arrest powers whose intention, unbeknownst to the man, was not to generate a sexual relationship.

Why is one situation possibly considered part of the "dating game" while the other may be dealt with as criminal behavior? Is it because in the first case the woman was seated at a table, while in the second episode she was at the bar? Is it because in the second situation the conversation was more sexually explicit? Is it simply because the latter case involved money in exchange for sexual favors? If sex-for-money is the distinguishing feature, then one may argue that occasionally marriages between wealthy elderly men and young beauty queens should be crimes!

Frequently what seems to be very clear and straightforward is, in fact, quite complicated. Arriving at a definition of crime is a difficult task. Defining a criminal act is much easier on an impersonal or abstract level than on a personal, case-by-case basis. For example, most of us would agree that the unjustifiable or inexcusable killing of a human being is a crime, that is, criminal homicide. Suppose, however, that the following circumstances have occurred:

A recently divorced man meets his former wife who is pregnant by another man with whom she is currently living. The ex-husband says, "I hear you're pregnant. If you are, you had better stay away from the girls [their children] and from here." Upon a closer look at his wife, the former husband becomes angry and says, "You sure are [pregnant]. I'm going to stomp it out of you." He then kicks her in the abdomen and strikes her face several times. The unborn child is delivered by Caesarian section and is dead.

Physicians later testify that the fetus [a girl]: (1) weighed 3 pounds and was 18 inches in length, (2) was 31 1/2 to 36 weeks old [the average full-term pregnancy is approximately 40 weeks], (3) would have had a 75 percent to 96 percent chance of survival had it been prematurely born under normal conditions at the time of the alleged offense, and (4) died of a skull fracture with consequent cerebral hemorrhaging likely as a result of force applied to the mother's abdomen by her ex-husband.

Given the above circumstances, has a criminal homicide taken place? What do you think?

This event actually did occur on February 23, 1969, in California.<sup>1</sup> The prosecutor filed a charge of murder against the defendant stating that he did

"unlawfully kill a human being. . . with malice aforethought." However, based on a writ of prohibition,<sup>2</sup> the California court subsequently ruled that the petitioner could not be charged with murder because he had not killed a human being. At the time of the alleged offense, California law stated that a fetus must be in the process of being born before it is considered a human being and is thus subject to the homicide statute. In this case, the fetus was not in the process of being born when attacked by the ex-husband.

## DEFINITION OF CRIME

Before any problem can be systematically studied, it must be adequately defined. The criminologist's major concern over the definition of crime is the extent to which that definition affects the specific field of inquiry. If crime is too narrowly defined, then one's research will omit much of what should be studied. On the other hand, if crime is too broadly defined, then the term may become meaningless and lost in a sea of conflicting or overlapping concepts.

## The Relative Nature of Crime

Crime is not absolute. Crime is relative. That is, what is a crime varies with time and place. There was a period when crime was not officially defined and criminal acts were handled through private vengeance. Justice was left to the concerned individuals. Punishment was intended to satisfy revenge. No outside parties acted as referees. Reactions to crime eventually passed from those of private vengeance to the kinship or blood revenge. Blood feuds involved the administration of unspecified punishments by the victim's family (blood relatives) or tribe against the offender's kinship group. Crimes as well as punishments were not typically codified under this system. The concept of crime and criminal law developed with the emergence of the state or monarchy. At first, only acts against the king were considered a crime by the state. In the due course of events, the notion of collective state responsibility and financial compensation acted to eliminate private vengeance and blood feuds. Consequently, the state by way of the king's authority assumed the administration of justice by defining crimes, codifying laws, establishing fines, and implementing the jury system. The development of law in Western society is more fully explored in Section 6.

Today we have specific laws that pertain to income tax evasion and skyjacking. At the turn of the century such laws were nonexistent because there was no federal income tax and air piracy was not a problem for a nation that lacked a commercial airline industry. Likewise, our drug laws that make the possession or sale of certain substances a crime were unheard of prior to World War I.

In the past there have been laws making it a crime to teach blacks to read, to sell Indians firearms, and to teach the biological theory of evolution. Some

rather curious, outdated laws still remain on the books in some states even though they are rarely enforced. According to Hyman's investigation, it is illegal (or was so until recently) to: hunt or shoot camels in Arizona, use a beanshooter in Arkansas, slap a man on the back in Georgia, whistle underwater in Vermont, use a mule to hunt ducks in Kansas, slurp soup in New Jersey, lasso fish in Knoxville, Tennessee, and race turtles within the city limits of Key West, Florida.<sup>3</sup>

Crime is also relative to place. What is against the law in one jurisdiction may be perfectly legal in another. Gambling, per se, is legal in Nevada but not so in many other states. Various kinds of gambling (dog racing, horse racing, state lotteries) are permitted in some states while prohibited in others. Interestingly enough, states that criminalize all forms of gambling do not prohibit playing the stock market. Unlike other jurisdictions, Nevada also provides for legalized prostitution on a county-option basis. As of this writing, only Alaska permits the cultivation of marijuana for personal use. Most jurisdictions consider mere possession of a specified small amount of the substance a misdemeanor (minor offense). Some deal with it as a felony (major crime) entailing a possible prison sentence. Certain forms of sexual behavior are defined as crimes in some places but simply as private matters elsewhere. Only a few states (e.g., Illinois, Connecticut) do not criminalize homosexuality between consenting adults. Some jurisdictions label premarital sex, adultery, and oral-genital sex as crimes; whereas other states view such conduct as simply a matter of personal discretion.

### The Legal Definition of Crime

Behavior may be dealt with as criminal only when it violates a criminal law. Without a law, there can be no officially recognized crime. This is not to suggest that only acts prohibited by law are "wrong." Many individuals feel that some acts currently labeled as crimes should be legalized or that certain legal acts should be criminalized. The issue of what should or should not be a crime is different from that of what is a crime according to law. The political and social implications of lawmaking are more fully discussed in Section 6.

From a strict legal point of view, a crime is an act or omission to act that endangers the public, is prohibited by the law, and is prosecuted and punished by the state. Criminal wrongs refer to those prohibited acts that harm the public. Civil wrongs (torts) refer to private injuries (e.g., slander, libel) whereby the injured party (plaintiff) seeks protection of his or her civil rights or compensation for their violation.

The criminal law originates from two major sources: (1) common law, and (2) statutory law. The common law is that body of customs, precedents, and traditions that developed over time without formal legislative action. Following the Norman Invasion of 1066, the king's messengers began to communicate the results of criminal prosecutions occurring throughout England. As various cases were decided, certain legal principles emerged and became common to all jurisdic-

tions. It is these principles that make up the common law. Criminal law in the United States has been greatly influenced by the English common law.

Statutory law refers to those acts or omissions defined as crimes through the legislative process. Most of the states have criminal laws that are derived from both the common law and statutory law. Even though most jurisdictions have incorporated the entire common law into statutory law, the common law remains as a guide for interpreting the provisions of certain statutes.

According to common law, some crimes were viewed as serious enough to merit the loss of property, loss of life, and/or other sanctions for the offender. Common law crimes considered grave enough to warrant these punishments were termed felonies. Common law felonies included the crimes of murder, manslaughter, rape, robbery, burglary, larceny, arson, mayhem (dismemberment), and sodomy ("unnatural" sexual relations). The common law also included less serious offenses known as misdemeanors. The common law designated treason as a crime separate from felonies and misdemeanors. Today, several felonies have been added to the common law list by way of statutory law. The current major distinction between felonies and misdemeanors is the degree of punishment that the state specifies for the offense. For example, felonies are crimes that may result in a death penalty or imprisonment for more than one year. Misdemeanors typically provide for a maximum period of incarceration that does not exceed one year.

Crimes may be classified in a way other than as felonies versus misdemeanors. Acts which are believed to be wrong in themselves, or naturally evil, or inherently dangerous to the public welfare are termed *mala in se*. On the other hand, acts prohibited by statute but not necessarily inherently wrong are referred to as *mala prohibita*. Consequently, some statutory felonies may be classified as *mala in se* if they are considered to be wrong in themselves. Statutory misdemeanors are *mala prohibita*.

Before an alleged crime becomes a legal fact, and after being reported to the police, the state (through the prosecutor) must present a *prima facie* (at first view) case that a crime has, indeed, been committed. The essential ingredients of a *prima facie* case are known as the *corpus delicti*. The *corpus delicti* of an actual crime includes: (1) *mens rea*, and (2) *actus reus*. *Mens rea* refers to a criminal state of mind. The kind of *mens rea* that is necessary, however, varies with the nature of the offenses. General *mens rea* is sufficient for those crimes which require no specific state of mind. General *mens rea* exists whenever the defendant did whatever he or she intended to do. Some crimes require a particular state of mind beyond the general *mens rea*. Some examples of specific *mens rea* are knowledge, recklessness, and negligence.

*Actus reus*, the second major element of the *corpus delicti*, refers to the actual occurrence of a criminal act. One may not be punished merely for thinking about committing a crime. The criminal act may be one of commission, or the criminal act may be one of omission to do something, where possible, when a legal duty to act exists. For example, X, a superior swimmer, accidentally rams

his boat into Y's boat causing it to sink. If X makes no rescue attempt, X may be criminally liable for Y's drowning even though X had no intention of causing harm to Y.

Regarding the association between *mens rea* and *actus reus*, the law requires that the criminal act (*actus reus*) must have resulted from the criminal state of mind (*mens rea*). Basically, this means that there is no true crime where an innocently committed act occurs prior to the criminal state of mind. Finally, the *actus reus* must have legally caused the injurious results that led to the criminal charge. Essentially this means that the relationship between the act and the resulting consequences must have been reasonably direct.

Once an individual is charged with a crime, the individual may present several defenses to the charge. That is, there are certain legally recognized defenses or justifications that reduce or eliminate culpability (blameworthiness). The establishment of legally recognized defenses is complicated and may be affected by legally specified exceptions that nullify the defense. One highly publicized defense is that of insanity. Although it is perhaps the most familiar defense, its usage is rather uncommon. One reason why the insanity defense is infrequently used is that it implies factual guilt ("I did it.") but denies culpability ("However, I'm not mentally responsible."). Consequently, a jury may be so overwhelmed with the gravity of the act itself that they are unsympathetic to the defendant's plea that he is "not guilty by reason of insanity." Other defenses to a criminal charge include entrapment, mistake of fact, self-defense, or justification. The matter of defense to criminal charges is more fully developed in Section 6.

### The Social Definition of Crime

When crime is defined socially rather than legally, the term usually takes on a much broader meaning. A social definition of crime, rather than a legal definition, is more likely to allow for ethical considerations of what should or should not be criminal behavior. One example of a social concept of crime is a definition stating that crime is "antisocial behavior that is injurious to those social interests which rules of behavior (including legal codes) are designed to support."<sup>4</sup> Under such a definition it would be possible to include present drug marketing practices that are legal but, according to some, injurious to the public and thus criminal in nature. Shaw notes, for example, that large drug companies take advantage of patent laws through a procedure known as molecular manipulation. This chemical practice involves juggling the chemical structure of a drug just enough to legally obtain a patent on a so-called new drug. The new drug, in fact, has essentially the same healing properties as the original compound. By doing this, one parent company may get a monopoly and price-fixing advantage on a large grouping of related drugs.<sup>5</sup> To remedy this situation, it has been suggested that patent privileges be withdrawn from goods, such as medicines, that affect the public welfare.

Social definitions of crime may also serve to emphasize its political nature. Pursuing this approach, some have proposed that crime should be defined on the basis of social morality rather than legalistic criterion. Accordingly, the Schwendingers have observed that the use of legal definitions of crime has resulted in criminologists overlooking injurious institutional and governmental acts that are not specifically prohibited by the criminal law. Further, the Schwendingers argue that any behavior that offends basic human rights is crime whether or not it is dealt with by the formal criminal law.<sup>6</sup> Quinney and Wildeman support this position by noting that:

Criminal behavior, according to critical analysis, is best conceptualized not as simply that behavior that the law so defines; for this is far too simplistic an interpretation of our social experience. Criminal behavior is formulated as behavior that results from social injury, social injury arising, for example, from the denial of the right to racial, sexual, and economic equality.<sup>7</sup>

Consequently, a broad sociopolitical definition of crime would include as criminal behavior such "immoral" acts, individual violations or governmentally sponsored policies, as international aggression, racial injustice, and sexual discrimination.

The social definition of crime also raises the question of the imperfect nature of our legal system. Suppose an individual commits a crime but is not caught. Would we still have a crime? Or, if caught, suppose the guilty defendant "beats the rap." Has a crime taken place? In these instances, we would not have a criminal according to a strict legal definition because the violator or defendant has neither been prosecuted nor punished. However, using a social definition, one could correctly assume that a criminal exists regardless of the legal outcome.

### Significance of Defining a Crime

Strict legal definitions confine crime to those acts which are: (1) harmful to someone, (2) forbidden by law, (3) committed by an offender possessing the necessary state of mind (*mens rea*), (4) causally related to the resulting harm (*actus reus*), and (5) prosecuted and punished by the state. If a criminologist's study were limited only to behavior that met these criteria, his or her knowledge about crime would indeed be slight. Other legal definitions of crime are considerably less narrow in that they do not insist on the requirement of formal legal processing. Sutherland thus has defined crime as "behavior which is prohibited by the State as an injury to the State and against which the State may react, at least as a last resort, by punishment."<sup>8</sup>

As indicated above, various social definitions of crime provide for even broader possible meanings of the concept. According to Sellin, a definition of crime should be based upon those acts which violate basic rules or "conduct norms" that

## 8 The Study of Crime

"arouse(s) a group reaction."<sup>9</sup> Expressed in terms of conduct norms, crime may be defined as

an act by a member of a given social group, which by the rest of the members of that group is regarded as so injurious or as showing such a degree of antisocial attitude in the actor that the group publicly, overtly and collectively reacts by trying to abrogate (abolish) some of his rights.<sup>10</sup>

Regardless of the range of actions encompassed (narrow or broad) by legal or social definitions, both perspectives dwell on the notion of behavior as a focal point. Hartjen has sought a compromise between these two positions by observing that behavior, *per se*, does not determine criminality.<sup>11</sup> Rather, it is the process of attaching a criminal label to someone that is crucial to the criminologist. For purposes of counting, classifying, and analyzing crime officially recognized by the state, some variant of a legal definition is appropriate. However, for purposes of studying the complex phenomenon that we call crime, the following definition is appropriate:

Crime is a socially recognized status constructed by societal members or their authorized agents in the course of labeling someone as a criminal.<sup>12</sup>

### DEFINITION OF THE CRIMINAL

A strict legal definition would limit the criminal label to those who have been convicted of a crime. As noted previously, however, many crimes go undetected, and many criminals go unapprehended and unconvicted. On the other hand, a broad social definition could result in the criminal label being assigned to anyone who does anything felt to be offensive to the subjective observer.

Behavior itself does not constitute crime. Actions taken by authorized others against the individual determine who becomes a criminal. Rather than relying upon the legal or social boundaries of criminal behavior, the examination of crime as social status should be our starting point. Thus, crime viewed as a social status directs us to explore the process of being labeled a criminal. The crime-as-status approach encourages the criminologist to consider those forces that operate when assigning the criminal label to certain acts and actors while overlooking the actions of others that may merit, legally or socially, similar treatment. The notion of crime as a status also beckons the criminologist to study those forces that lead to the creation of new classes of criminals. That is, behavior of special interest groups that sponsor legislation making certain previously legal activities a crime, e.g., prohibition, becomes a key interest to one who interprets crime as a label. Consequently, this book will adopt the following definition:

A criminal is one who is given his or her status by those in society that have the legal or political power to establish the label as a social fact.

## DEFINITION OF CRIMINOLOGY

The study of crime includes many related areas. Quite often, the layman thinks of a criminologist as one who appears at a crime scene with a magnifying glass in one hand and a solution of ninhydrin powder and acetone in the other (a chemical that is commonly used to pick up latent fingerprints). That part of criminology which focuses upon the analysis of physical evidence is known as criminalistics. It is simply one subarea of criminology; it is not criminology *per se*.

Criminology also includes the study of etiological (causal) variables related to criminal behavior. In this sense, the traditional approach has been that of attempting to identify those factors which cause individuals to commit crime. Consequently, sociologists and criminologists have devoted much of their energy to the study of criminals and the methods of correcting or treating such behavior (penology). Unfortunately, sufficient answers to questions regarding cause and solution have not been forthcoming.

Within the past decade, criminology has enlarged its field of inquiry to include an analysis of the process of creating and applying criminal definitions to selected members of society. In this respect, criminology has become more meaningful by redirecting its focus to the "why, where, when, and how" of crime rather than simply the criminal who is the product of this process. Moreover, in a very real sense, criminology is no longer primarily the scientific study of crime and criminals but a humanistic discipline as well. By being humanistic, it is meant that criminologists should also concern themselves with: (1) the advancement of basic human rights, (2) the study of crime at all social and institutional levels, and (3) the search for responsible solutions that are neither repressive nor motivated by self-serving interests. Criminology may thus be defined as the scientific and humanistic study of the social process of identifying crime, criminals, and compatible solutions.

## SUMMARY

Establishing an acceptable definition of crime, criminals, and criminology is a difficult task. The foremost concern of the criminologist is that of arriving at a definition of crime that will give meaning to his or her research efforts. Concepts which are too narrow critically restrict the study of crime. Conceptualizations which are too broad may result in confusion and ambiguous research. No definition of crime is completely satisfactory to all who are concerned with this particular social problem.

This chapter has attempted to point out the shortcomings of various suggested legal and social definitions of crime. As a compromise, a definition of crime was adopted based upon the notion of crime as a status resulting from a social process involving the actions of authorized agents against selected individuals.



Further, the definition established for crime formed the basis of a definition of criminals and criminology.

### SUGGESTED ACTIVITIES

- Using different criminology textbooks, compare and contrast three definitions for each of the following:
  - a. crime
  - b. criminals
  - c. criminology
- Obtain a ~~copy~~<sup>137</sup> of your state's criminal code (prosecutors and other practicing attorneys usually have copies available). Determine: (a) if your state has incorporated the common law into statutory law, and (b) the number of additional felonies and misdemeanors, if any, since the code's last revision.
- Identify three of the more troublesome types of illegal activities in your area and discuss the advantages and disadvantages of basing research on legal and social definitions of crime.
- Carefully read your local newspaper for a period of one week. Cut out all articles relating to illegal activities (or alleged illegal behavior) and group them according to crimes which you feel are felonies or misdemeanors. Compare your selections with other students and your state's criminal code.

### REVIEW

- A. Define crime using a strict legal definition.
- B. Define the terms *mala in se* and *mala prohibita*.
- C. Define the terms *corpus delicti*, *mens rea*, and *actus reus*.
- D. Define crime using a social definition.
- E. Define crime, criminal, and criminology using the preferred definitions given in this chapter.
- F. Discuss the importance of selecting a definition of crime for purposes of criminological research.
- G. Multiple Choice. Select the best answer.
  - 1. The notion of private vengeance involved:
    - ✓ a. only the concerned parties
    - b. specific punishments
    - c. prosecution by the state
    - d. trial by a jury of peers