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EIGHTH EDITION

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Criminology

John E. Conklin

Tufts University



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P R E F A C E

This book remains organized around a conceptual scheme, unlike the core of most textbooks, which use a “crime-of-the-week club” approach (for example, a chapter on violent crime, a chapter on organized crime, a chapter on white-collar crime, and so on). There is as much material on those crimes here as in other books, but that material appears in chapters that treat conceptual issues, such as learning to commit crime and the organization of criminal behavior.

In revising this book, I have, as usual, paid close attention to professional journals and books in criminology, sociology, and other disciplines. This literature develops and tests hypotheses and theories; it is conceptual in nature, rather than focused on telling the reader everything he or she might like to know about a particular type of crime. I believe that such a conceptual approach is the best way to introduce students to the tools and ideas with which to analyze and understand criminal behavior.

Boxes new to this edition examine Internet crimes against young people, fraud and student loans, hate crimes against French Jews, violent crime in South Africa, terrorism and the al Qaeda network, rape and adultery in Pakistan, and capital punishment in China. New sections deal with violence against intimate partners, terrorism, Internet fraud, rampage killers, the biological basis of antisocial personality disorder, the Enron–Arthur Andersen scandal, the subculture of violence among the homeless, delinquency in Japan, right-to-bear-arms laws, the criminal careers of white-collar offenders, racial profiling, cross-national differences in criminal justice expenditures, the impact of the police and prisons on crime rates, changing attitudes toward the death penalty, the broken windows theory, and the 2000 presidential election. At several points I have integrated material on terrorism and the September 11, 2001, attacks on the World Trade Center and the Pentagon.

Each chapter ends with a detailed summary; review questions that are helpful to students for studying the material and to instructors for preparing essay questions; and a new annotated section of recent books, articles, and websites for further study. Important terms are highlighted in the text, listed at the end of each chapter, and defined in the glossary at the end of the book. References in the text are to an end-of-text bibliography, which is followed by a name index and a subject index.

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J. E. C.

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John E. Conklin, professor of sociology at Tufts University in Medford, Massachusetts, was born in Oswego, New York, in 1943 and raised in Syracuse, New York. He is the father of four children—Christopher, Anne, Lydia, and Gillian—and is married to Sarah Belcher Conklin.

After earning a bachelor's degree from Cornell University in 1965, Professor Conklin attended Harvard University, completing his doctorate there in 1969. He then worked for a year at Harvard Law School's Center for Criminal Justice. He started teaching at Tufts University in 1970 and now offers courses in criminology, sociology of law, and sociology of sexual behavior.

Professor Conklin's first book, *Robbery and the Criminal Justice System* (1972), was based on data he gathered in Boston. He also wrote *The Impact of Crime* (1975), a study of community reactions to crime, and *"Illegal but Not Criminal": Business Crime in America* (1977). Two editions of *Sociology: An Introduction* were published in 1984 and 1987, and the first of eight editions of *Criminology* appeared in 1981. *Art Crime*—Professor Conklin's study of theft, forgery, and fraud in the art world—was published in 1994. His *New Perspectives in Criminology* (Allyn & Bacon, 1996) is an edited collection of papers published by leading criminologists during the 1990s. In 2003, Allyn & Bacon published Professor Conklin's *Why Crime Rates Fell*, a study of the reasons that crime declined so dramatically in the 1990s.

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*New to this edition

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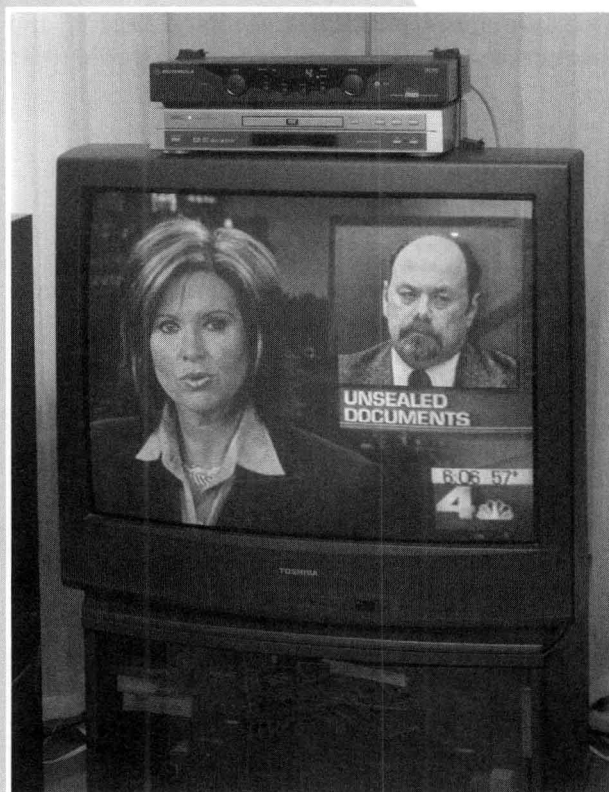
The Study of Crime

Watch an hour of local television news tonight, and notice how many stories deal with crime. Murders will probably get the most coverage, but child abuse, domestic violence, fraud, and political corruption may also be represented. Then look through the TV listings for the evening's "entertainment"; crime and violence will be featured. Pick up the newspaper and glance at the advertisements for the latest movies; at least a few will focus on crime. Chances are that several mysteries and suspense novels will be on the best-seller list as well. You can even buy trading cards depicting serial murderers and CD-ROM interactive murder mystery games. All of us are part of a vast audience for crime as entertainment. Crime stories offer escape, stimulation, relaxation, and the drama of a confrontation between good and evil.

The mass media rapidly disperse crime news throughout the nation and inform even the residents of relatively crime-free areas of the extent of crime in the society. The media focus on attention-grabbing events, bringing the most sensational and bizarre crimes to public attention. As a result, people develop a distorted view of crime as inexplicably and unpredictably violent, even though simple theft, burglary, and commercial fraud are much more common than murder and rape.

Because newspapers and television stations in this country are businesses trying to make a profit, the crime news they present is designed to attract as big an audience as possible. The crimes that appeal most to the news media are those that are visible and spectacular, have sexual or political implications, threaten the social order, can be presented in graphic—usually violent—terms, and seem to be the product of individual aberrations rather than social conditions. Newsworthiness is a product of a crime's seriousness, uniqueness, and salience; the characteristics of its victims and offenders; and the background and work environment of reporters and their sources (Ericson, Baranek, and Chan, 1991; Chermak, 1995). Media attention to sensational crimes can produce "echo effects" that influence the way the criminal justice system deals with other high-profile cases (Surette, 1999).

Violent crime, especially murder, occurs on prime-time television programs much more often



than in the real world, but more commonly experienced property crimes such as larceny and burglary appear much less often on television. Reality television programs such as *America's Most Wanted* and *Unsolved Mysteries* emphasize violent crime, especially murder (Cavender and Bond-Maupin, 1993). Television also distorts the characteristics of offenders. Compared to actual murderers, those appearing on prime-time shows are older, more likely to be white or Asian, have higher incomes, are more likely to be professional criminals or businesspersons, and are more apt to be motivated by greed than by anger. Only in portraying most murderers as males living in urban areas does television present an accurate picture. On television very few offenders get away with their crimes, but in real life four-fifths of serious crimes produce no arrest (Lichter and Lichter, 1983; Lichter, Lichter, and Rothman, 1994).

The news media sometimes convey incorrect impressions about trends in crime rates. From 1990 to 1995, the homicide rate in the United States dropped by 13 percent, but coverage of murders on ABC, CBS, and NBC nightly newscasts increased by 1,352 percent if the O. J. Simpson case is included, and by 336 percent if it is excluded (Center for Media and Public Affairs, 1997).

Media distortion of the reality of crime has important consequences. It generates anxiety among the public; people who watch a lot of television are more likely than people who watch less to see the world as violent, dangerous, and crime-ridden (Gerbner and Gross, 1976). A study of crime news in *Time* magazine from 1953 to 1982 concluded that by focusing on violent rather than property crime, neglecting the role of unemployment in crime, and emphasizing crime by racial minorities, the magazine provided ideological support for the capitalist political economy (Barlow, Barlow, and Chiricos, 1995). Even when corporate crimes resulting in the loss of lives are reported in the press, they are less apt to be treated as criminal behavior than as the consequence of lax enforcement of government regulations (Wright, Cullen, and Blankenship, 1995).

The way that crime is portrayed in the media differs significantly from the actual patterns and causes of crime that criminologists have discovered from their research. Sociologists, psychologists, economists, political scientists, biologists, and others who study crime gather empirical data to test their ideas and then revise those ideas to fit the new information.

The Nature of Crime and Delinquency

Most people have an intuitive sense of what crime is, but social scientists try to define in precise terms the phenomena they study. By defining crime in an exact way, criminologists specify the domain of their study. Definitions of crime serve another, more subtle function: They influence the causes of criminal behavior that a criminologist will study. Let's look at several definitions of crime, see what they include and exclude, and consider how they affect the causes on which criminologists will focus their attention.

In their influential book *A General Theory of Crime* (1990: 15), Michael Gottfredson and Travis Hirschi define crimes as "acts of force or fraud undertaken in pursuit of self-interest." They explicitly avoid defining crime in terms of violating the criminal law, preferring as a definition one that focuses on "the nature of crime," which they describe in terms of selected research on what they call "ordinary crime." Ordinary or mundane crime is described as providing immediate and easy gratification of desires, few long-term benefits, little skill or planning, and pain for the victim. They exclude from their picture such highly organized crimes as Mafia domination of the garbage industry in the New York metropolitan area (Reuter, 1993) and a conspiracy

in the electrical equipment industry to fix prices in violation of federal law (Geis, 1967). Gottfredson and Hirschi suggest that such highly structured crimes are rare and only seem to be highly organized because scholars or law-enforcement officials have imposed organization on what is really the impulsive behavior of individuals. Their definition of crime also seems to include too much; a student of mine suggested that boxing fit their definition, as would hockey and wrestling. Those sports involve the use of force in the pursuit of self-interest.

A very different definition of crime was developed in an essay by Herman and Julia Schwendinger (1975). They define crime as violations of "the historically determined rights of individuals." They suggest that their broad definition would incorporate most current violations of the criminal law, but it would reconstitute the study of crime by focusing attention on imperialistic war, racism, sexism, and poverty. They would treat as criminals those people who deny basic human rights to others through such practices. A problem with such a definition is that criminologists would disagree over what are basic human rights. For instance, are political leaders who allow poverty to persist by not redistributing income to be regarded as criminal, or might they be seen as criminal if they taxed the rich at such a high rate as to deprive them of their property? The Schwendingers' definition of crime implies that the causes of crime exist in the institutions of society, and more specifically in the institutions of capitalist economies. This definition allows them to develop a radical critique of capitalism and to encourage criminologists to become "guardians of human rights" rather than "defenders of order."

Most criminologists adopt legalistic definitions of crime quite different from those offered by the Schwendingers and by Gottfredson and Hirschi. This book will define **crime** as an act that violates the criminal law and is punishable by the state. Criminal **laws** are formalized or codified **norms**, which are rules that make explicit certain social expectations about what is appropriate behavior for particular people in specific situations. Crimes, which are violations of these codified norms, are treated as offenses against the state rather than as acts against specific individuals. This definition has its origins in medieval Great Britain, where the king replaced formal vengeance by victim against offender with sanctions by the state. Thus, today a robbery is dealt with by the courts as *State v. Jones* rather than as *Smith v. Jones*. Smith as the victim of the robbery might sue Jones, the alleged robber, in civil court to recover money for damages caused during the holdup, but this rarely happens. Instead, the offense will be dealt with in criminal court, with a prosecutor or district attorney acting on behalf of the state in bringing charges against Jones. A person who is convicted of a crime is subjected to a **sanction**, a measure designed to ensure future conformity to the law and to punish past nonconformity.

In its ideal form, the criminal law is specific in nature, uniform in its application, dispassionate in its enforcement, and reflective of the culture's informal norms (Sutherland and Cressey, 1978). Criminal law is a means to control behavior by allowing or prohibiting certain behaviors for particular individuals in specific situations. Thus, a police officer can use lethal force to stop a felon who poses a threat of serious harm to others, but a private citizen generally is not permitted to do so. The same act is treated differently because each individual occupies a different status. The law is also specific to the situation. A victim who fears for his or her life during a crime may use lethal force in self-protection and have the action treated as justifiable homicide, but people generally are not allowed to use lethal force to prevent a simple theft.

This book treats crime in a legalistic way, beginning with the law's definition of crime and studying behavior that violates the law, rather than regarding the development of the law as the primary topic of study. Some criminologists have criticized this legalistic approach, claiming that it implies acceptance of the values of those

who make the law (Platt, 1975). This is not necessarily the case, however, for it is possible to recognize the existence of a body of criminal law and examine the causes of behavior that violates that law, without at the same time giving one's moral support to that body of law or personally condemning behavior that violates it.

The Characteristics of Crime

Crime is behavior that is subject to legally defined punishment. The French sociologist Emile Durkheim (1895/1933) asserted in the late nineteenth century that punishment is the defining characteristic of crime and that other characteristics—such as social harm—are corollaries rather than defining traits. Punishable behavior includes a myriad of actions, from forcible rape to price-fixing, from murder to pollution of the environment. Because crime includes so many diverse acts, it makes little sense to speak of “crime increasing” or “the typical criminal” without referring to specific crimes or specific criminals. However, many crimes have some characteristics in common.

Crime usually involves **criminal intent**, the willed or conscious desire to commit an act that violates a criminal law. Before the twelfth century, the law did not include the idea of a guilty mind or *mens rea* that formed criminal intent; guilt was then based simply on the causing of injury. Over time, the idea of intent was gradually introduced into the law, partly as a result of the influence of Christian teachings about sin and moral blame. However, not all acts now designated as crimes involve criminal intent. Some crimes arise from negligence or recklessness. For example, in 1995 two German executives were charged with murder and attempted murder for distributing blood products contaminated with the HIV virus that causes AIDS. Other crimes are strict liability offenses, meaning that there is no need to prove criminal intent in order to convict the defendant. One strict liability offense is statutory rape, or sexual intercourse with an individual below a legally defined age of consent. In one highly publicized case, a thirty-five-year-old former grade-school teacher from Seattle, who had sex with a thirteen-year-old student and gave birth to his child, served 100 days in jail. She was rearrested and reincarcerated in 1998 after violating the conditions of her release by having further contact with him.

For most crimes, the law requires a causal connection among criminal intent, criminal conduct, and harm. For instance, an act that violates the law and causes harm may not be treated as a crime by the legal system if criminal intent is absent. This practice is based on the idea that punishment makes sense only if the violator of the law is responsible for his or her behavior. For intent to exist, an individual must have criminal capacity or be in control of his or her own behavior. Capacity is lacking in people who are too young to have criminal capacity (usually defined as being under the age of seven) or are not legally adults (often defined as being between the ages of seven and seventeen).

The law allows several excuses and justifications as defenses to criminal charges. **Excuses**, which deny criminal intent, include the insanity defense, which is examined in Chapter 5. The excuse that one committed a crime because of drunkenness or the influence of drugs is less likely to bring exoneration than to reduce the seriousness of the charge for which a defendant is convicted. Ignorance of the law is an excuse that is rarely accepted. Entrapment is the defense that one broke the law only because of illegal inducement by a law-enforcement agent.

A defense that the law allows a person to act in a particular way is called a **justification**. Self-defense against an offender threatening serious bodily injury is permitted if the potential victim uses no more force than necessary to prevent the harm. The defense of duress is the claim that another person coerced one into committing a crime; thus, stealing a bicycle because someone forced you to at knifepoint is not a crime. The justification that one had to violate the law to avoid the threat of some