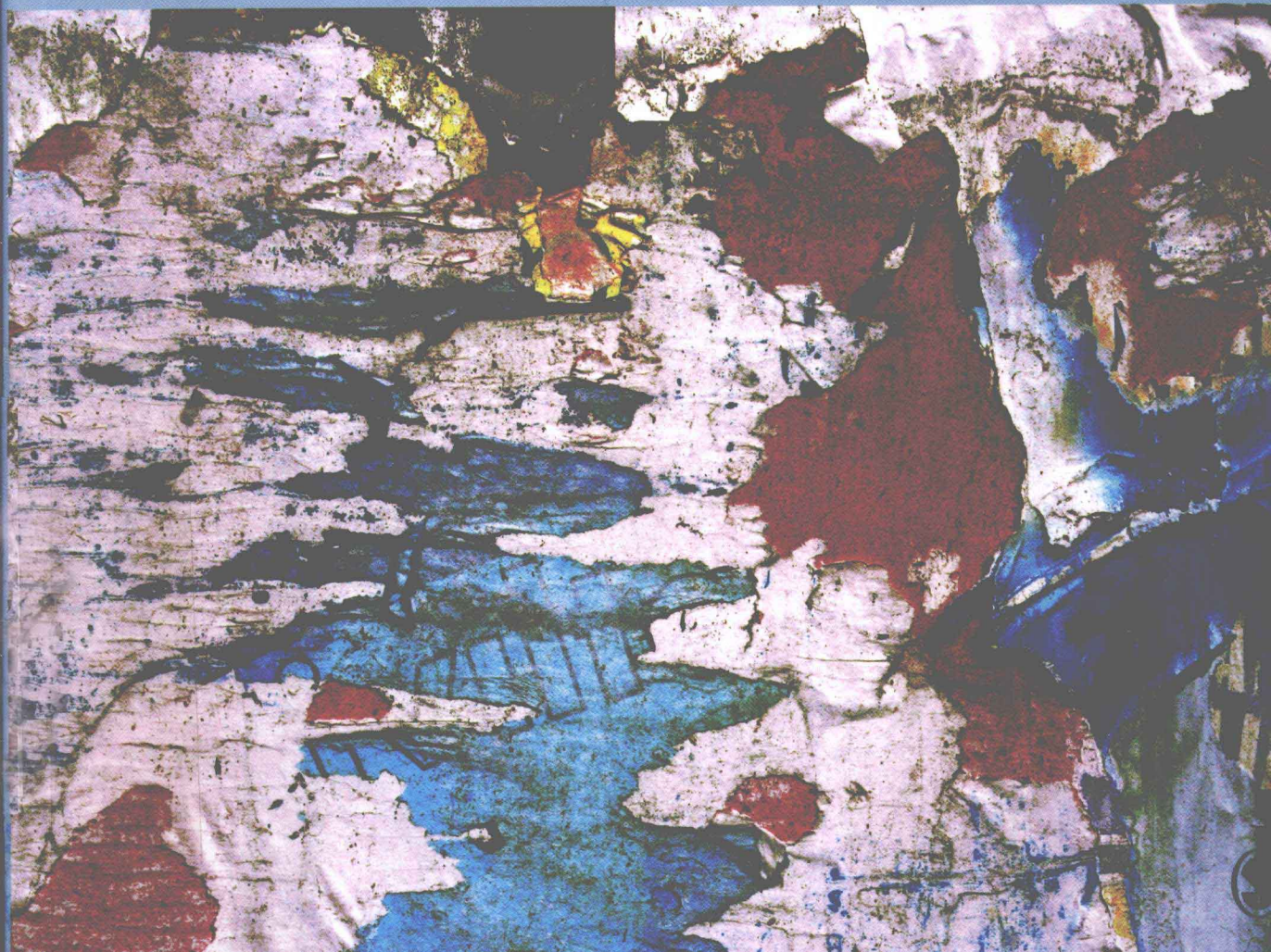


THE ESSENTIALS

ANTHONY WALSH

CRIMINOLOGY



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Preface

There are a number of excellent criminological textbooks available to students and professors, so why this one? The reason is that the typical textbook has become inordinately expensive (often as high as \$150), which is a true hardship for many students today. In addition, many of the books are filled with enormous amounts of information that cannot possibly be digested in one semester. Moreover, there is so much to try to cover that professors may be reluctant to bring in additional materials such as journal articles that they may consider very important.

By way of contrast, this book provides the essentials of criminology in a compact and affordable volume. It covers all the material that is necessary to know and omits what is merely nice to know. It does not inundate students with scores of minor facts that may turn them glassy-eyed, but it does engage them in straightforward language with the latest advances in criminology from a variety of disciplines (and it costs them one half to one third of the price charged for the more glitzy hardback texts). This book can serve as the primary text for an undergraduate course in criminology, or as the primary text for a graduate course when supplemented by additional readings available on the Sage website.

Structure of the Book

This book uses the typical outline for criminology textbook topics/sections, beginning with the definitions of crime and criminology and descriptions of how crime is measured, proceeding into theories of crime and criminality, and following with typologies. I depart from the typical textbook sequencing in one way only, that of the ordering of the theory chapters. The typical criminology textbook begins with a discussion of biological and psychological theories and proceeds to demolish concepts that others demolished decades ago such as atavism and the XYY syndrome. Having shown how wrong these concepts were, and leaving the impression that they exhaust the content of modern biological and psychological theories, they proceed to sociological theories.

Unfortunately, this is the exact opposite of the way that normal science operates. Normal science begins with observations and descriptions of phenomena on a large (macro) scale and then asks a series of “why” questions that systematically take it down to lower levels of analysis. Wholes are wonderful, meaningful things, and holistic explanations are fine as far as they go. But they only go so far before they exhaust their explanatory power and before the data require a more elementary look. Philosophers of science agree that holistic accounts describe phenomena, whereas reductionist (examining

a phenomenon at a more fundamental level) accounts explain them. Scientists typically observe and describe what is on the surface of a phenomenon and then seek to dig deeper to find the fundamental mechanisms that drive the phenomenon.

In the natural sciences, useful observations go in both holistic and reductionist directions, such as from quarks to the cosmos in physics and from nucleotides to ecological systems in biology. There is no zero-sum competition between levels of analysis in these sciences, nor should there be in ours. Thus, following a discussion of the early schools, the book moves into the most holistic (social structural) theories. These theories describe elements of whole societies that are supposedly conducive to high rates of criminal behavior such as capitalism or racial heterogeneity. Because only a small proportion of people exposed to these alleged criminogenic forces commit crimes, we must move down to social process theories that talk about how individuals interpret and respond to structural forces. We then have to move to more individualistic (psychosocial) theories that focus on the traits and abilities of individuals that would lead them to arrive at different interpretations from other individuals, and finally to theories (biosocial) that try to pin down the exact mechanisms underlying these predilections.

This book is divided into 15 chapters that mirror the sections in a typical criminology textbook, each dealing with a particular type of subject matter in criminology. Each of the theory sections concludes with an evaluation of the theories based on the policy implications derivable from them. These sections are as follows:

1. Criminology, Crime, and Criminal Law: This chapter opens with a discussion of criminology, describing crime and criminality and introducing the concepts, functions, and pitfalls of criminological theory. Criminals are not defined as such until convicted in a criminal court. Thus, this chapter takes students on a brief excursion of the criminal justice system from arrest to incarceration. It also offers a brief history of the discipline, which will allow readers to understand how the science of criminology got started. The social context in which various perspectives began, at key times in certain periods of cultural and political development, is discussed, as well as the technology available for criminologists seeking to understand the quicksilver of criminal behavior. I also discuss connecting criminological theory to social policy in this chapter.

2. Measuring Crime and Criminal Behavior: This chapter describes the various ways data on the prevalence and incidence of crime are collected. It describes the strengths and weaknesses of the Uniform Crime Reports, the National Incident-Based Reporting System, and the National Crime Victimization Survey, which are measures collected by government agencies, as well as self-report studies, which are collected by criminologists. I show how comparisons of the various measures can be used to address important criminological debates, such as racial disproportionality in arrests, that cannot be addressed by a single data source. The chapter also looks at crime trends and the pitfalls of trying to interpret them. Also included is a discussion of the FBI's Financial Crimes Report, which contains data on white-collar crime not reported in the UCR.

3. The Early Schools of Criminology and Modern Counterparts: This chapter explores a basic dichotomy in criminology: classical versus positivist. The Classical School emphasizes human rationality, free will, and choice; the Positivist School emphasizes the scientific search for factors that influence how these human attributes are exercised. The chapter looks at how modern thinkers view the argument about "free will" and "determinism" in the context of criminal behavior.

4. Social Structural Theories: Social structural theories are “macro” theories that explore the behavioral effects of how society is structured on criminal behavior. They look at such things as culture, neighborhood, and social practices and how these things serve to generate crime. They do not seek to explain individuals’ criminal behavior, but rather aggregate crime rates of different groups who are exposed to these factors.

5. Social Process Theories: Social process theories are “micro” theories that explore how individuals subjectively perceive the kinds of factors social structural theories identify; all people do not react similarly to similar situations. Theorists in this tradition concentrate on exploring the influence of smaller social groupings (such as peer groups and the family) on the behavior of individuals.

6. Critical Theories: Critical theories are also structural theories, but they differ on the critical stance that they have on society and on their emphasis on social conflict rather than social consensus. The capitalist mode of production is *the* cause of crime for many theorists in this tradition, although many others do not share this extreme view. Feminist theories are also discussed as part of the critical tradition. The major concerns of feminist criminology are the generalizability of traditional “male” theories to female crime, and to understand why always and everywhere females commit far less crime than males.

7. Psychosocial Theories: Although some writers have classified social process theories as “psychological” because of their emphasis on subjective interpretation, the primary difference between them and the material in this chapter is that psychological traits such as IQ, impulsiveness, and empathy are emphasized more than influences outside of the actor. This chapter also discusses the “antisocial personalities”: psychopaths and sociopaths.

8. Biosocial Approaches: Biosocial perspectives are having an ever-increasing impact on criminology. This chapter examines what the disciplines of genetics, evolutionary psychology, and neuroscience have to offer our discipline. Theorists in these disciplines go to great pains to convince us that we cannot understand the role of genes, hormones, and brain structures without understanding the complementary role of the environment—there is no nature versus nurture argument here; only nature *via* nurture.

9. Developmental Theories: Developmental theories bring the disciplines of biology, psychology, and sociology together to offer a more complete understanding of antisocial behavior. This chapter looks at offending in terms of the onset, acceleration, deceleration, and desistance from it along with all the risk and protective factors for it. This is followed by discussions of major developmental theories.

10. Violent Crimes: This chapter examines the UCR Part I violent crimes (murder, rape, robbery, and aggravated assault). It also features multiple murder (mass, spree, and serial killing) and discusses how different disciplines and theories try to explain violence.

11. Terrorism: This chapter examines the very contemporary problem of terrorism, with emphasis on al-Qaeda and its influence on the recruitment of domestic terrorists. The causes and context of terrorism are addressed with reference to previously discussed theories.

12. Property Crime: This chapter examines the UCR Part I property crimes (burglary, larceny-theft, motor vehicle theft, and arson) as well as some important Part II crimes. It concentrates primarily on the subjective

reasons for engaging in property crime by looking at what offenders themselves have to say about why they engage in crime. In addition, the growing area of cybercrime is discussed.

13. Public Order Crime: Public order crimes can be more harmful than many other types of crime, although they may be legal at some times and in some places. This chapter looks at the links between alcohol, drugs, and crime. It also examines prostitution and drunk driving.

14. White-Collar and Organized Crime: White-collar crime is more costly to American society than common street crime. In this chapter, I differentiate between occupational and corporate crime, and look at such issues as the similarities and differences between white-collar and street criminals. The chapter then examines organized crime and the reasons that it exists, as well as where it is most likely to occur. Theories explaining white-collar and organized crime are discussed.

15. Victimology: The final chapter discusses the neglected topic of victimology. I examine who is most likely to be victimized in terms of gender, race, age, and socioeconomic class, and find that those most likely to be perpetrators of crime are also those most likely to be victims of crime. Also explored are victimization theories and the consequences of victimization.

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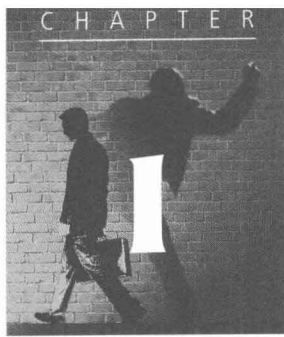
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Criminology, Crime, and Criminal Law

In 1996, Iraqi refugees Majed Al-Timimy, 28, and Latif Al-Husani, 34, married the daughters, aged 13 and 14, of a fellow Iraqi refugee in Lincoln, Nebraska. The marriages took place according to Muslim custom and everything seemed to be going well for awhile until one of the girls ran away and the concerned father and her husband reported it to the police. It was at this point that American and Iraqi norms of legality and morality clashed head-on. Under Nebraska law, people under 17 years old cannot marry, so both grooms and the father and mother of the girls were arrested and charged with a variety of crimes from child endangerment to rape.

According to an Iraqi woman interviewed by the police (herself married at 12 in Iraq), both girls were excited and happy about the wedding. The Iraqi community was shocked that the parents of the brides faced up to 50 years in prison for their actions, as would have been earlier generations of Americans who were legally permitted to marry girls of this age. The grooms were sentenced to 4 to 6 years in prison and paroled in 2000 on the condition that they have no contact with their "wives."

Thus, something that is legally and morally permissible in one culture can be severely punished in another. Did the actions of these men constitute child sex abuse or simply unremarkable marital sex? Which culture is right? Can we really ask such a question? Is Iraqi culture "more right" than American culture given that marrying girls of that age was permissible in the United States, too, at one time? Most importantly, how can criminologists hope to study crime scientifically if what constitutes a crime is relative to time and place?

What Is Criminology?

Criminology is an interdisciplinary science that gathers and analyzes data on various aspects of criminal, delinquent, and general antisocial behavior. It is different from the discipline of criminal justice. Criminal justice is concerned with how the criminal justice system investigates, prosecutes, and controls/supervises individuals who have committed crime, while criminology wants to know *why* those individuals committed crimes. As with all scientific disciplines, the goal of criminology is to understand its subject matter and to determine how that understanding can benefit humankind. In pursuit of this understanding, criminologists ask questions such as

- Why do crime rates vary across time and from culture to culture?
- Why are some individuals more prone to committing crime than others?
- Why do crime rates vary across different ages, genders, and racial/ethnic groups?
- Why are some harmful acts criminalized and not others?
- What can we do to prevent crime?

By a *scientific* study of crime and criminal behavior, we mean that criminologists use the scientific method to try to answer the questions they ask rather than just philosophizing about them from their arm-chairs. The scientific method is a tool for separating truth from error by demanding evidence for any conclusions. Evidence is obtained by formulating hypotheses derived from theory that are rigorously tested with data. How this is accomplished will be addressed after we discuss the nature of crime.

What Is Crime?

The term *criminal* can and has been applied to many types of behavior, some of which nearly all of us have been guilty of at some time in our lives. We can all think of acts that we feel *ought* to be criminal but are not, or acts that should not be criminal but are. The list of things that someone or another at different times and at different places may consider to be crimes is very large, with only a few being defined as criminal by the law in the United States at this time. Despite these difficulties, we need a definition of crime in order to proceed. The most often quoted definition is that of Paul Tappan (1947), who defined **crime** as “an intentional act in violation of the criminal law committed without defense or excuse, and penalized by the state” (p. 100). A crime is thus an *act* in violation of a *criminal law* for which a *punishment* is prescribed; the person committing it must have *intended* to do so and must have done so without legally acceptable *defense* or *justification*.

Tappan’s definition is strictly a legal one that reminds us that the state, and only the state, has the power to define crime. Hypothetically, a society could eradicate crime tomorrow simply by canceling all of its criminal statutes. Of course, this would not eliminate the behavior specified by the laws; in fact, the behavior would doubtless increase since the behavior could no longer be officially punished. While it is absurd to think that any society would try to solve its crime problem by eliminating its criminal statutes, legislative bodies are continually revising, adding to, and deleting from their criminal statutes.

Crime as a Moving Target

Every vice is somewhere and at some times a virtue. There are numerous examples, such as the vignette at the beginning of this chapter, of acts defined as crimes in one country being tolerated and even expected