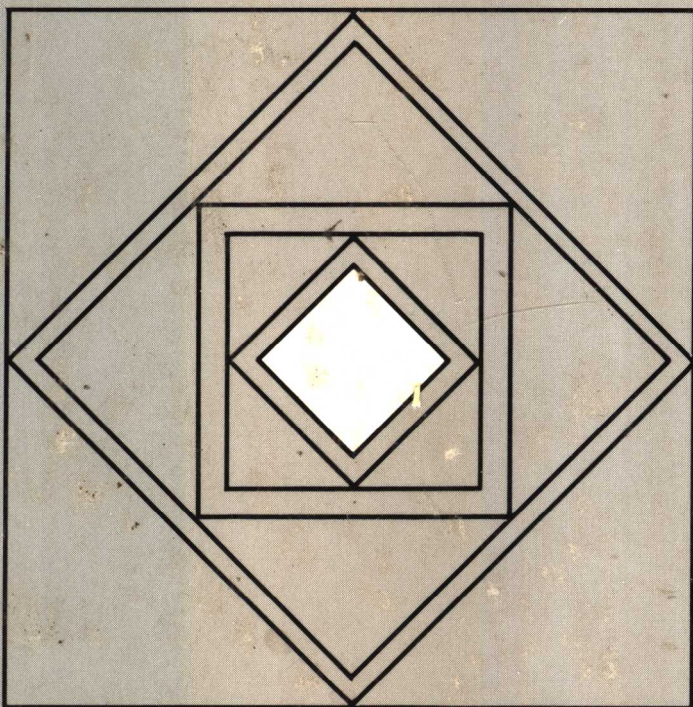


# Positive Criminology

EDITORS

Michael R. Gottfredson

Travis Hirschi



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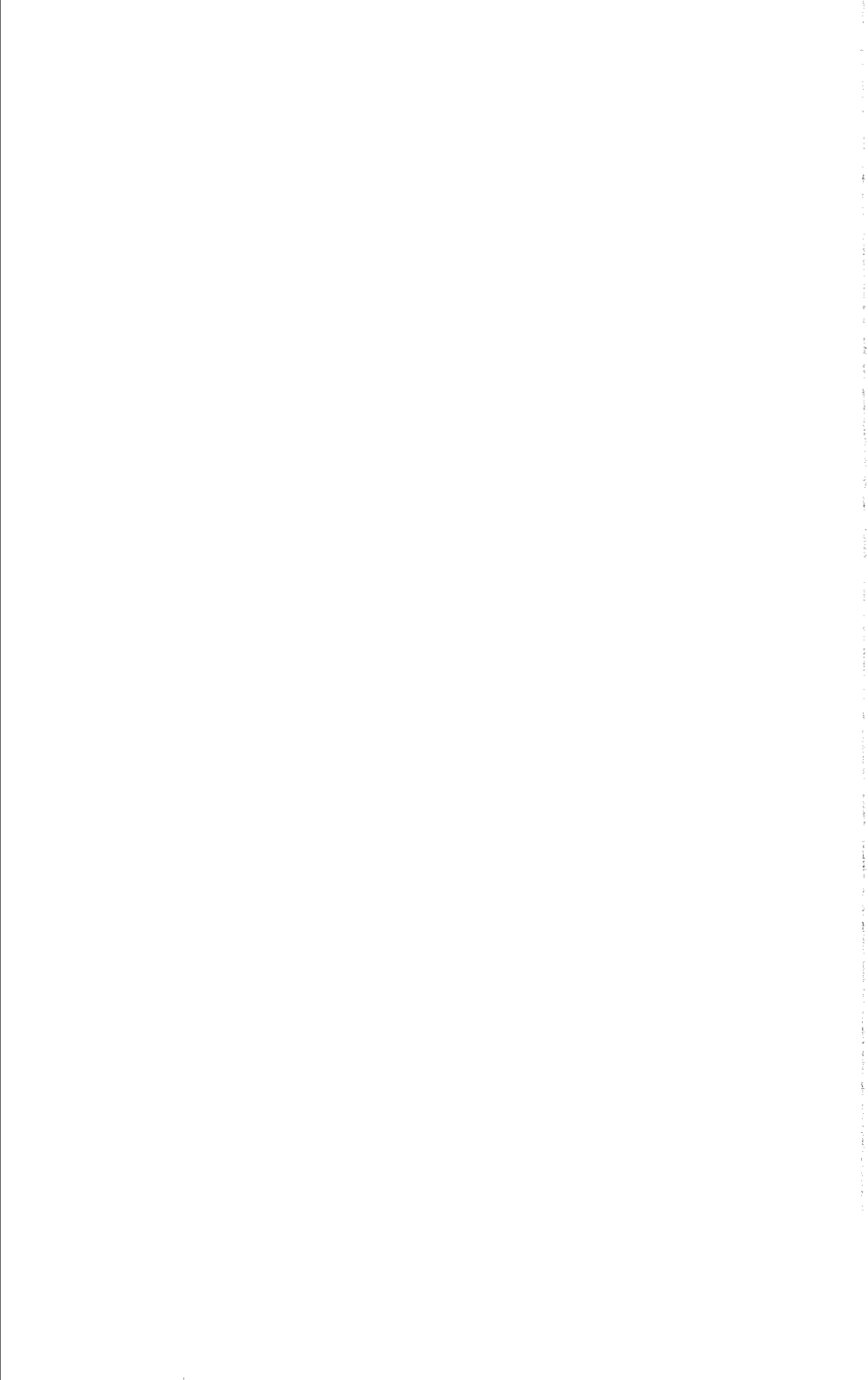
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## **In Memoriam: Michael Hindelang**

Michael Hindelang died in March 1982, at the age of 36. At the time of his death, he was Professor of Criminal Justice at the State University of New York at Albany, and President of the Criminal Justice Research Center. He had received bachelor's and master's degrees from Wayne State University in Detroit, his hometown, and a doctorate in criminology from the University of California at Berkeley in 1969. His first academic appointment was at California State University, Los Angeles, where he taught before joining the School of Criminal Justice at Albany in 1971.

In the ten years between his appointment at Albany and the onset of his illness, Michael Hindelang did as much as any scholar anywhere to bring the study of crime to academic respectability. He did so by insisting on establishing a factual base for the field, and by scrupulous adherence to the highest canons of scientific inquiry. In all of his work, from the creation of the *Sourcebook of Criminal Justice Statistics* (in 1973) to the many articles on such basic correlates of crime as age, sex, and race, Michael Hindelang demonstrated his devotion to criminology as an empirical science and his disdain for the ideological and political polemics that often characterized the field.

As a result of his efforts, the value for many purposes of criminological data from self-report, victimization, and even official sources is now generally acknowledged. It is no longer possible to dismiss the results of competent research simply by listing "potential" problems in the measures employed. And it is therefore no longer possible to claim that nothing is known about the causes and consequences of crime.

Michael Hindelang's impact on the field extends much beyond his extensive bibliography. His students occupy leading roles in many academic and research institutions in the country. All, we are sure, now think twice before regarding a piece of work as finished, and all, we are equally sure, recall with appreciation and affection the stern generosity of their mentor.

This book was assembled in his honor by friends of Michael Hindelang. Proceeds from its sale go to the Michael J. Hindelang Scholarship Fund administered by the Research Foundation of the



State University of New York. The editors solicited the chapters around a theme characteristic of Michael's work, a theme that quite naturally stimulates a variety of responses. No effort was made to impose a definition of positivism on the contributors. The introductory chapter by the editors was not meant to establish a theme for the book, but rather to show that the connection between classical criminology and positivism has been misunderstood. We hope this chapter, and those that follow it, can be taken to show that a major feature of positivism is a willingness to criticize its received point of view.

—Michael R. Gottfredson

—Travis Hirschi

*Tucson, Arizona*

# 1

## The Positive Tradition

MICHAEL R. GOTTFREDSON  
TRAVIS HIRSCHI

**In the history section** of their first survey course, criminology students learn the distinction between the positivists and the classicists. They learn that the positivists accepted the scientific idea that human behavior is determined, while the classicists believed in choice or freedom of the will. They also learn that, early in the twentieth century, the positivists, represented by Lombroso and Ferri, won the battle with the classicists, represented by Beccaria and Bentham, and thus elevated criminology to modern, scientific status.

After learning these important facts, the student hears little more about positivism or classicism until the course reaches the mid-1960s and "modern" theories of delinquency. At this point, the student is introduced to David Matza's *Delinquency and Drift* (1964), from which he or she learns that belief in determinism is old-fashioned, that criminology has not kept pace with current thinking in the philosophy of science, and that an alternative view of human behavior is easier to reconcile with the facts. This alternative view is, of course, the classical view, according to which the actor is free to choose one course of action rather than another.

Matza's work was only the beginning of the decline of positivism in criminology. His charge that criminologists were ignorant of modern trends in the philosophy of science was, by today's standards, mild criticism. According to more recent critics, positivism "dehumanizes man" (Phillipson, 1974: 3) and is synonymous with mindless acceptance of existing political arrangements (Quinney, 1975). It is probably true, as Greenberg (1981: 2) says, that "today the term 'positivist' is bandied about quite loosely, usually in a derogatory tone."

Greenberg's characterization of the view of most criminologists is probably correct. "Positivist" is usually derogatory. And it is also loosely used. We cannot easily change the view of the field that positivism is an inadequate or inappropriate approach to crime, but we can give some precision to the definition of the term. In our view, *positivism* represents the scientific approach to the study of crime where science is characterized by methods, techniques, or rules of procedure rather than by substantive theory or perspective. In other words, no theory of crime can claim a priori support from science or positivism.

Some of the looseness of the definition can be traced to failure to make this distinction between method and substance. Thus criminologists, especially perhaps sociological criminologists, are likely to conclude that acceptance of positivistic method requires positive theories of crime. They are also likely to conclude that acceptance of positivistic method carries with it ineluctable implications for criminal justice policy.

Positivism has thus had its fortunes reversed twice in criminology's history: first when it triumphed over the classical school and, second, when it was shown to be passé and primitive compared to the classical school. What is intriguing about these dramatic turns of fortune is that they seem to have sources external to the tenets of positivism itself. In both the triumph and the decline, positivism was argued to be an important source of the operating system of criminal justice. (It has been difficult for criminologists to resist drawing a connection between methods of learning and systems of action throughout their history.) Given this connection, the implications of failures in the system of action (the criminal justice system) seem obvious for the method of learning (positivism). Thus the tide of positivism in criminology has ebbed and flowed with the favor and disfavor of its putative theories and their putative policy implications.

In the period of triumph, the theory of crime implicit in the classical school was denounced in order to justify procedural changes in the justice system (e.g., excuses for crime based on age or mental illness). In the current period of decline, positivism is blamed for an unjust and discriminatory justice system that, among other things, fosters class justice (Greenberg, 1981) and the indeterminate sentence (Jeffery, 1972). It seems, however, that neither revolution has been particularly faithful to the tenets of positivism as practiced by ordinary criminologists. The history of positivistic criminology is thus badly in need of revision, and a good place to start is with the apparent victory of positivism over the

classical school, where, historians argue, science defeated free will in the battle for the faith of criminologists.

### POSITIVISM VERSUS THE CLASSICAL SCHOOL

The standard histories of criminology (Radzinowicz, 1963; Vold, 1958) tell of profound tension between the free will assumptions of classical theorists, most notably Beccaria, and the hard-nosed determinism of the positivists, such as Lombroso, Garofalo, and especially Ferri. Indeed, the literature in criminology continually reminds us of the conflict between the positive school and its assumption of determinism and even compulsion and the classical school and its assumption of free will and choice. Given compulsion on the one hand and choice on the other, the conflict between the two perspectives is indeed absolute, and is loaded with implications for theory and practice. One leads to concern for the causes of crime. The other focuses almost exclusively on deterrence.

Obviously, these distinctions between the deterministic assumptions of the positive school and the choice assumptions of the classical-deterrence school were overdrawn by those attempting to make criminology scientific. Consider, for example, Ferri's (1973: 244) attack on the methods he claimed underlay the classical school:

For us, the experimental (i.e., inductive) method is the key to all knowledge; to them everything derives from logical deductions and traditional opinion. For them, facts should give place to syllogisms; for us the fact governs and no reasoning can occur without starting with facts. For them, science needs only paper, pen and ink and the rest comes from a brain stuffed with more or less abundant reading of books made with the same ingredients. For us, science requires spending a long time in examining facts one by one, evaluating them, reducing them to a common denominator, extracting the central idea from them. For them a syllogism or an anecdote suffices to demolish a myriad of facts gathered through years of observation and analysis; for us the reverse is true.

If the methods by which the classical school made claims to knowledge were so obviously defective, then the theory of crime implicit in their perspective (that crime is caused by the absence of restraints) must also be defective. But Ferri and the other early positivists were less interested in the crime causation aspects of classical thought than in reform of the criminal justice system. Again, consider Ferri (1968: 37-38):

Among the fundamental bases of criminal and penal law as heretofore understood are these three postulates:

- (1) The criminal has the same ideas, the same sentiments as any other man.
- (2) The principal effect of punishment is to arrest the excess and the increase of crime.
- (3) Man is endowed with free will or moral liberty; and for that reason, is morally guilty and legally responsible for his crimes.

On the other hand, one has only to go out of the scholastic circle of juridical studies and "a priori" affirmations, to find in opposition to the preceding assertions, these conclusions of the experimental sciences:

- (1) Anthropology shows by facts that the delinquent is not a normal man; that on the contrary he represents a special class, a variation of the human race through organic and physical abnormalities, either hereditary or acquired.
- (2) Statistics prove that the appearance, increase, decrease, or disappearance of crime depends upon other reasons than the punishments prescribed by the codes and applied by the courts.
- (3) Positive psychology has demonstrated that the pretended free will is a purely subjective illusion.

By throwing out the assumption of a free will as a basis for a legal code, the early positivists threw out, they hoped, the criminal justice system spawned by classical logic. They also threw out, at the same time, the theory of crime causation implicit in classical thought. Ironically, then, the scientific method excluded a theory of crime and a system of criminal justice on clearly nonscientific grounds, on the idea that science makes substantive claims about human nature and society, rather than on the principle of empirical falsification or (in the case of the criminal justice system) scientific evaluation. This error was and is made because criminologists, from Ferri to the present, overdraw the assumption of determinism.

As a central working assumption, determinism implies that all behavior is the product of antecedent causes. The task is to associate variability in causal factors with variability in crime until all crime has been explained. No deterministic explanation of crime can reasonably exclude the variables of the classical model on deterministic grounds. These variables may account for some of the variation in crime. If so, they have as much claim to inclusion in a "positivistic" model as any other set of variables accounting for the same amount of variation.

The illusion of conflict between determinism and free will has been further perpetuated by an overly narrow notion of general deterrence. As the term has come to be applied in the literature, *general deterrence* is the reduction in crime in the population as a whole that results from imposition of legal sanctions on persons convicted of crime. Typically, this definition does not arise from a clear perspective on crime causation, but from a research tradition tied to a narrow set of available indicators of crime rates and sanction levels.

It is an unfortunate artifact of the historical development of classical criminology that the idea of general deterrence came to be associated solely with legal penalties and to be divorced from the more powerful sanctions that may attend rule violations, such as those available to families and communities. But as mentioned, the classicists were interested primarily in a theory that would implicate and constrain the state, and they were therefore interested primarily in the impact of the criminal law. Such policy purposes are clearly not integral to the deterrence notion. The idea at the heart of the notion of general deterrence is that people fail to commit crime out of fear. The opponents of the logic of deterrence suggest there is only one source of fear worth mentioning, legal punishment. But most of us fail to violate the law much of the time because we fear losing the respect of those we care about (see Kornhauser, 1978).

To say that people do not commit criminal acts because they are afraid of what others may think of them if they do, or because they may see such acts as impeding their progress toward some cherished goal, is not to deny the preventive effects of legal restraints. Both social and legal restraints are legitimate aspects of the idea of general deterrence. But the point is that both allow "free will" in the sense that the individual may choose to ignore the wishes of his or her parents, to forget the cherished goal, or to ignore the legal consequences of the act and proceed to commit it. In which case, it seems reasonable to suspect that the hedonic calculus of Bentham and Beccaria may be at work. At the same time, it is equally correct to argue that (to the extent the theory is true) crime is caused by a lack of restraint, that it is therefore determined. If the threat of legal action did not exist, it could not cause someone to fail to commit an offense. Similarly, if there were no love to be lost, there could be no fear of losing it. General deterrence may simply be more general than most criminologists give it credit for being.

Members of the classical school would not deny this extension of the idea of deterrence. They were interested in legal punishment and

responsibility, and their theories were theories of the administration of justice. Beccaria's purpose was to define and limit the scope of criminal sanctions. For him, deterrence theory set natural and reasonable limits on state punishments. His principal focus was on legal punishments as a defense of human freedoms. "Free will" was thus a necessary component in the social contract because it established that society exists at the request of the people *to protect their rights*. Free will implied responsibility, choice, and rationality as elements of the social contract. But there was nowhere the idea that the will of the people could not be influenced, shaped, or changed. Nor did Beccaria imply that legal penalties are the only source of the fear that prevents criminal acts or even the most important source of the fear that might influence the will. The focus on legal restraints flowed from the purposes of the classical theorist, to achieve a moderate legal system with rules of procedure. Nothing in the classical theory suggests that there are no individual or group differences in the susceptibility of the will to influence. In short, the classical school is in principle, if not in common construction, compatible with the idea of determinism. As such, it has the same logical foundation as the "positive theories."

Nevertheless, in the first confrontation between positivism and the classical school, the victory of the positivists was decisive. Deterrence, in all its manifestations, was relegated to the realm of the unscientific, and free will became just another ancient superstition, along with magic, witchcraft, and the devil. Modern scholars were thus able to forge convincing links among a particular brand of theorizing (naturally good people are impelled to crime by individual or social circumstance), policy choices, and the scientific method. If the method was accepted, as it must be accepted, then the theory and the policy came with it. This was not to be the last time an intellectual victory was won by forging a link between the method of science and the substance of a particular theory. The recent decline of positivism may be traced to the same logical process.

### THE FALL FROM GRACE

In 1964, when David Matza published his influential critique of theories of delinquency causation, *Delinquency and Drift*, the prospects for scientific criminology seemed better than they had ever seemed before. Powerful theoretical statements had begun to emerge, each tied to respected master theories of the social and behavioral sciences. Some

of these theories asserted the hegemony of an established school over the raw material of delinquent behavior (Redl and Wineman, 1951; Miller, 1958). Others applied popular social theories to the facts of delinquency, yielding explanations that seemed to fit these facts and to be more generally "correct" (Cloward and Ohlin, 1960). Still others reflected deeply about the nature of theory, and about the complementary relations among disciplines, producing elegant statements honed to the realities of modern society (Cohen, 1955).

Indeed, the power of these theories seemed to obviate the need for the theorist to examine in detail the findings of research. All that was needed was a general *portrait* of the delinquent, a portrait that could be painted along with (deduced from?) the statement of the theory. As long as the theorist did not stray too far from what the man on the street could tell him about delinquency (i.e., that groups of young lower-class boys do most of it), everything else could be pretty much (and better) left alone. The theorist could assume, without too much trouble from colleagues in the social sciences, that everything one needed to know about delinquency was already known.

It looked as though the science of criminology had evolved from the chaos of the positivistic multiple-factor approach of the 1940s and 1950s to all-encompassing theories capable of explaining the meaning of just about everything. At last, criminology could be concerned with theoretical issues rather than narrow and often apparently pointless fact gathering. And with this thought in mind, research testing the new theories began in earnest, using the most sophisticated tools of the social sciences (Short and Strodtbeck, 1965).

Although no one since Enrico Ferri (1973) had spent much time defining and defending the positivistic approach, modern American criminologists, such as Glueck and Glueck (1950) and Shaw and McKay (1929), acted as though they knew how positivists were supposed to behave: One operationally defined the subject matter, gathered evidence relative to it, and then made public the definition, the method of gathering evidence, and the evidence itself. But if things looked smooth on the surface, strong crosscurrents lurked below. Many criminologists were simply uncomfortable with the plethora of "facts" generated by positivistic research. Although not denying the existence or possibility of correlates of crime, these theorists were most comfortable when such facts were subordinate to theory. Indeed, the idea that facts are nothing more than the preconceptions of researchers was about to be stated in articulate form. In order to free criminology and its theories from



positivistic competition, a metaphysic that demeaned data had to be invented.

Given the dominance of sociology in criminology and the strength within sociology of interactionist and conflict theories, it was not difficult for criminologists to adopt an antipositivistic metaphysic. Although the sources of this metaphysic may be disputed, one current statement will suffice to demonstrate that it has arrived:

[*Positivism*] generally refers to criminology characterized by one or more of the following assumptions: (1) The causes of crime are deterministic . . . and pathological. (2) Criminal behavior can be explained without reference to the meaning that the behavior has for the criminal actor. (3) Crime and criminals exist as phenomena independently of whether the behavior and persons in question are regarded as criminal by the government or the public at large. (4) Crime can be studied through the same methods (quantitative statistical techniques) and with the same goals (the formulation of historically invariant laws) as the natural sciences. (5) The government can and should take steps to eliminate the causes of crime, drawing on scientific knowledge provided by criminologists [Greenberg, 1981: 2].

Apart from the assumption of determinism, none of the other "assumptions" listed has an ineluctable connection to positivism. This strategy is, however, common. Positivism is described as a set of substantive or theoretical assumptions that no self-respecting modern social scientist could accept. In addition to the cleansing effect this provides critics, it also allows them frankly to admit their own biases and assumptions that will thereafter be regarded as off-limits to empirical test. The advantage of having a "theory" that is beyond the reach of empirical test is obviously enormous.

While Greenberg's "assumptions of positivism" are an odd lot, they serve to illustrate the ease with which critics of positivism move between logical and political criticism of the positivistic approach. If positivism requires pathological causes, mindless criminals, and governmental intervention, something evil cannot be far away. Indeed, modern critics of positivism delight in suggesting that scientific criminology is totalitarian in essence. For example, George Vold (1958: 35-36), who defines positivism as "the application of a deterministic and scientific method to the study of crime," also says:

[One] of the implications of positivistic theory . . . [is] the ease with which it fits into totalitarian patterns of government. . . . There is an obvious