

Criminology and Crime

AN INTRODUCTION



Harold J. Vetter
Ira J. Silverman

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CRIMINOLOGY AND CRIME: *An Introduction*

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PREFACE

This book explores the fascinating field of contemporary criminology. It assumes no specialized knowledge or background; all that is taken for granted is an interest on the part of the reader in learning more about the ways in which criminologists study crime, criminals, criminal behavior, and the criminal justice system. It represents the shared convictions of a psychologist and a sociologist that pooling the insights of two disciplines provides a broader perspective on crime and criminology than is afforded by a single discipline.

The book consists of four parts:

- Part One: Criminology and the Study of Crime
- Part Two: Patterns of Criminal Behavior
- Part Three: Theoretical Perspectives on Crime and Criminality
- Part Four: The Administration of Justice

Part One offers a view of criminal behavior and its systematic study within contemporary criminology. The opening chapter explores some of the ways in which societies attempt to contain and control deviance by means of sanctions ranging from informal disapproval to the use of the police powers of the state. Antisocial attitudes, conduct norm violations, eccentricities, odd behavior—all of these are useful in shedding light on criminal conduct and its causes. Chapter 2 provides a critical examination of the raw materials on which criminological research is based: data which come from a variety of sources within the criminal justice system, including federal, state, and local crime reports, and from victimization surveys, cohort studies, and investigations of self-reported crime and delinquency. Chapter 3 focuses on the techniques and approaches used by criminologists in their work and introduces the student to the relationship between criminological theory and research.

Part Two outlines the major patterns of criminal behavior. Each of the chapters in this section supplies the latest empirical data on the extent of various crimes, as well as specific approaches by the criminal justice system toward the control, reduction, elimination, and prevention of these crimes.

In Part Three, beginning with the historical background of criminological theory, various approaches to the explanation of crime and criminality in contemporary criminology are examined in breadth and depth. Economic conditions and their relationship to criminality are dealt with in detail. Radical and critical criminology are discussed, along with the impact of economic factors on crime rates, and attention is given to the new and growing use of econometric models in criminological theory and research.

The contributions of sociology are covered in three chapters: sociological theories of criminality, sociopsychological theories, and the labeling perspective. We should like to emphasize that these chapters go beyond a mere description of the various approaches and make a real effort to discuss the interrelationships among theories and theorists and the strengths and weaknesses of the respective approaches.

In the chapter on psychiatric and psychological theories of criminality, we stress the point that basic differences exist between these approaches—differences which are often blurred or even ignored in many texts, leaving the reader with the erroneous impression that the two approaches are identical. The following chapter pursues the topic of biological factors in criminality and reviews recent research and theorizing in this area.

The agencies and institutions of the criminal justice system are described and analyzed in Part Four. Our concern here is not with the operational aspects of the administration of justice, which is a task for an introductory text in criminal justice, but rather with some of the topics that engage the interest of criminologists. Is there such an entity as a “police personality” and, if so, how can it be identified? How scientific are “scientific” jury selection methods? Are less-than-unanimous verdicts in felony trials consistent with due process and equal protection under the law? Is parole headed for extinction? These are some of the questions for which answers are sought in research by criminologists.

In the Epilogue which concludes this book, we have focused on a number of problems and issues that confront our society in its efforts to deal with the impact of crime. The costs of imprisoning offenders make it increasingly prohibitive to confine any but criminals with a history of violent offenses. However, the public perception that rehabilitating criminals is beyond the skills of correctional science and technology tends to provide grudging support for a return to punishment as the proper goal of the criminal justice system. Deeply embedded in this controversy over the disposition of criminals are fundamental differences in moral, religious, political, and philosophical beliefs which baffle the best-intentioned efforts to find simple answers for complex questions. We hope that our discussion helps to place some of these issues and problems in proper perspective.

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Harold J. Vetter
Ira J. Silverman

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ONE

CRIMINOLOGY AND THE STUDY OF CRIME

When people read about crime in their daily newspapers or watch the television coverage of crimes on the evening news, their interest is likely to be rather general. They may be curious about what occurred, the identities of the criminal and the victim, whether or not a suspect was arrested, and what will happen to the person or persons accused of the crime. If the offense was unusual or shocking enough to arouse feelings of outrage and indignation, they may express concern over what society can do to reduce or prevent the occurrence of such crimes.

Criminologists are also interested in the details of crime events, in the characteristics of offenders and victims, and in the disposition of criminals and treatment of victims as part of the administration of justice. The concerns of the criminologist, however, go beyond description and disposition to deal with the *explanation* of criminal behavior. Criminologists study crime, criminals, and criminal behavior with the aim of achieving a scientific understanding of these phenomena. In recent years they have also devoted considerable attention to the criminal justice system and its operations as a potential contributor to the causes of crime.

The work done by criminologists has qualities which resemble those that characterize the efforts of other scientists: the precise statement and definition of terms; collection of systematic, objective observations under controlled conditions; the use of quantification in the description and analysis of results; and concern for the verification and reproducibility of findings. Like most scientists, criminologists hope their achievements will eventually prove to have useful applications. However, they feel the question of immediate practical application of results should not be allowed to dictate the direction of their research at the present time and at the current level of development in criminology. Some crimi-

nologists who teach believe the curricula they offer should serve as professional preparation for persons intending to work in the criminal justice system. Also, some see their discipline as having a clear responsibility to contribute to the improvement of the criminal justice system.

Laws are formal statements of some of the rules considered most fundamental to the continued existence and well-being of society and its members. Laws are enacted by the authority of legislative bodies and are codified in statutory form. Conformity is encouraged and deviation discouraged by the *penal sanction*, meaning the power of the state to invoke a variety of punitive actions, ranging from small fines and incarceration for a brief period of time to lengthy imprisonment and even capital punishment. In theory, laws apply equally to all members of our society; in practice, laws may exhibit many inequities in their application.

Crimes are considered offenses against the state; they are distinguished from *torts*, or private wrongs, for which redress may be sought through civil courts. Crimes are categorized by severity or seriousness into felonies and misdemeanors. Felonies are the more serious crimes, generally punishable by incarceration in a state prison for a term of one or more years; misdemeanors may be dealt with by fines or by sentences of up to one year in a county jail. Offenses may otherwise be classified into crimes against person, crimes against property, public order offenses, and political crimes. Criminologists have devised other *typologies* based on characteristics of the offender, rather than the crime, as part of the effort to seek underlying patterns of similarity and consistency that may be linked to causes of crime.

Conduct regarded as criminal varies considerably according to time and place, and it is nearly impossible to identify any type of behavior, no matter how extreme, that has been considered criminal in all societies and in every period for which we have an historical record. Cannibalism, incest, parricide, and infanticide have been positively sanctioned at various times within some cultures. At the present time in our own society, large numbers of people support the contention that such forms of behavior as gambling, prostitution, consensual adult homosexuality, and the consumption of marijuana should be exempt from legal sanctions (decriminalized) and left to individual discretion or, at worst, subjected to the disapproval and moral sanctions of the groups of which the individual is a member.

The actual amount of crime that occurs in our society—the *dark figure* of crime, as it is called—is unknown. Crime is exceedingly difficult to measure accurately because stealth and secrecy are among its basic characteristics. Offenders are not likely to identify themselves to a census taker or the Internal Revenue Service as robbers or burglars. Consensual crimes such as prostitution, where the “victim” is a satisfied customer, have little chance of appearing in the official crime statistics. Still other crimes such as embezzlement may never be reported to the police because the embezzler arranges to make restitution or the firm prefers to accept the loss rather than risk possible embarrassment or a steep increase in insurance rates.

Crime can be counted officially at the national level by means of documents

like the *Uniform Crime Reports*, which are published annually by the U.S. Department of Justice, and by some states.

Although we depend upon the federal *UCR* as a principal source of criminal justice information, it is necessary when using this document to be aware of the shortcomings and limitations in the reporting procedures by which the *UCR* is compiled. These shortcomings impose constraints on the kinds of conclusions and generalizations that can be made from the information summarized in the *UCR*.

Official information on crime can be supplemented by unofficial data sources, such as cohort analysis, a research technique which involves following the members of a group who meet some common criterion (birth date, type of offense, parole release date) for a period of time usually measured in years in order to observe developmental changes in these individuals; victimization studies, in which selected persons are interviewed for purposes of determining whether they have been victims of crimes and, if so, the nature and extent of the crime and its consequences; and self-report studies, which ask selected groups of people to indicate offenses they may have committed, regardless of whether or not these crimes have been officially reported.

It should be noted that crime statistics serve many important purposes. They provide the public and the government with a perspective on the nature and extent of crime and its trends over time. Current statistics are essential for planning because they form the basis for future projections of crime. They affect the budgets of criminal justice agencies, and they have an impact on law and public policy decisions. For these and additional reasons, concern over accurate crime statistics is shared by criminal justice authorities and criminologists.

Scientific and technological accomplishments in the physical sciences have both enriched our lives and supplied the means for our self-destruction. Social and behavioral scientists believe the same methods of scientific inquiry that led to the discovery of antibiotics and the principles which underwrote the construction of the hydrogen bomb can help to solve social problems. Research is concerned with exploration, discovery, systematic observation, collection of data, and the testing of ideas in the real world. Theory is devoted to matters of explanation and interpretation, to ideas and hypotheses, and to the construction of a logical framework for fitting together the facts disclosed by research in order to determine what they mean. In addition, its task is to guide research into new and fruitful paths of exploration. Research and theory are inseparable partners: research without theory is like groping in the dark and theory without research is sterile.

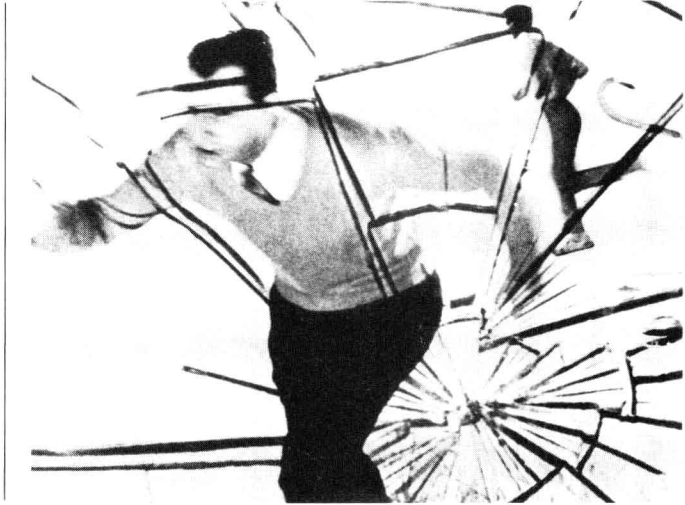
Research in criminology consists largely of trying to find valid and reliable answers to questions about crime, criminals, criminal behavior, and the functioning of the criminal justice system through the application of systematic methods of inquiry. "What kinds of criminal offenses are committed most frequently by women?" "Do incarcerated felons show a higher incidence of psychiatric disorders than people of comparable age and personality characteristics in the general population?" "What are some of the major factors that affect sentencing decisions in cases of assaultive violence?" These questions are typical of those which engage the efforts of criminologists.

Specific research designs are dictated to a considerable extent by the kinds

of information the investigator is seeking. *Archival research* uses documents, manuscripts, and records to help trace the influence of past events on present phenomena. *Descriptive research* uses such instruments as interviews, questionnaires, attitude scales, checklists, and inventories to gather meaningful data on crime-related topics in a variety of institutional settings. *Experimental* and *quasi-experimental* research involve attempts to assess the effect of a particular variable by subjecting it to manipulation under controlled conditions. This is the most exacting type of research in the scientific tradition, but its use in criminology is limited by ethical, as well as practical, considerations.

All research does not begin as an attempt to test some formal theory. Much valuable work of exploration and discovery in criminology has originated in the disciplined curiosity of investigators who sought to conduct a more precise measurement of some phenomenon or pursue an intriguing relationship between two variables. Nevertheless, the construction of theories and their continual reexamination and modification in the light of new information from research are two of the features which most clearly distinguish criminologists from other professionals in their approach to understanding crime.

chapter 1



CRIME, LAW, AND CRIMINOLOGY

WHAT IS CRIME?

NORMS AND SOCIALIZATION

SOCIAL VALUES AND LAW

DEVIANCE

LAW IN HISTORICAL PERSPECTIVE

SUBSTANTIVE CRIMINAL LAW AND CRIMINAL PROCEDURE

CLASSIFICATION OF CRIMES

CRIMINOLOGY AS A DISCIPLINE

SUMMARY

DISCUSSION QUESTIONS

TERMS TO IDENTIFY AND REMEMBER

REFERENCES

Few social problems can stir up as much controversy as crime. From the nature of crime and its causes to how to deal with offenders, nearly every aspect of the crime problem arouses disagreement and contention. Crime is an emotionally charged topic, and public attitudes toward lawbreakers are deeply divided. An understandable desire for vengeance and concern for the prevention of further crimes are in conflict with humanitarian impulses and liberal social philosophies.

Fear of crime is widespread in American society. No one can be sure of the exact figures, but it has been estimated (Wright and Rossi, 1982) that there are approximately 120 million privately owned guns in this country and that someone has used a gun in self-defense at some time or other in about 15 percent of all gun-owning households. As public confidence in the ability of the criminal justice system to deal effectively with crime has diminished, a corresponding growth can be charted in the sales of police whistles, deadbolts, intricate locks and latches, attack dogs, and training courses in the martial arts. When viewed in relation to this level of fear and apprehension, the instant popularity of Bernhard Goetz (see “The Subway Vigilante” this chapter) is easy to understand. Private security has become a multibillion-dollar business that employs a larger work force than public law enforcement agencies (Bilek, 1977; LEAA, 1978; Cunningham and Taylor, 1984).

Is the public justified in this much concern over crime? This is a simple question to ask, but one that is exceedingly difficult to answer. Social reality is largely what a society believes about itself. If the members of a society believe themselves to be unsafe from crime in their homes, places of work or business, or in public areas, then those feelings of apprehensiveness and insecurity become an important part of the social reality that shapes their perceptions. By that standard, we are a society which sees itself as beleaguered by crime.

If crime in the United States is really as prevalent as these views seem to suggest, we ought to be among the world’s best-informed people on the topic of crime. There are times when this appears to be true. When the cast of a popular television series kept referring to an obvious case of breaking and entering as a “robbery” on one of the episodes, thousands of indignant television viewers called or wrote to their local stations to point out the error. On the other hand, this might only prove that the public is better informed about crime than are some television script writers.

WHAT IS CRIME?

Legal authorities may find it sufficient to define a crime as “any social harm defined and made punishable by law” (Perkins, 1966), but criminologists are apt to find fault with definitions of this sort. For one thing, *crime is relative*, that is, the kinds of behavior covered by laws and statutes are not fixed and unchanging but vary according to time, place, and circumstances. For example, what the law says is illegal today may not be the same as what it said was illegal yesterday or may say is illegal tomorrow. Moreover, legal definitions prove unduly restrictive because they limit the study of criminal behavior to those persons who have been officially adjudicated criminal or delinquent; hence, a great deal of behavior potentially relevant to understanding and explaining criminality might never be examined.

The Subway Vigilante

Three days before Christmas in 1984, in a New York City subway car, a 37-year-old electronics technician named Bernhard Goetz shot four youths who had tried to shake him down for money. When they approached Goetz in a rowdy and intimidating manner (according to witnesses) and asked him for \$5, he replied, “I have \$5 for each of you,” and fired five bullets from an unlicensed .38 caliber handgun, wounding all four, two of them in the back. One of the four, Darryl Cabey, aged 19, who was shot in the spine and is paralyzed from the waist down, lapsed into a coma and was listed in critical condition. Goetz fled Manhattan and drove to Concord, New Hampshire, where he turned himself in to the police a few days later. While the first New York grand jury that heard the case only indicted Goetz for illegal weapons possession, a second grand jury, after hearing new evidence, indicted him on four counts of attempted murder, four counts of assault, one count of reckless endangerment, and one count of possessing a weapon with the intent to use it.

Almost immediately—and perhaps inevitably—the media dubbed Goetz the “subway vigilante.” Goetz is white and the youths he shot were black, but opinions about Goetz’s actions did not split entirely along racial lines. Roy Innis, chairman of the Congress on Racial Equality, called Goetz “the avenger for all of us” and offered to raise money for his defense. On the other hand, Jimmy Breslin—a New York *Daily News* columnist who is white—attacked Goetz in print for racism.

People who ride the New York subway daily and can readily identify with Goetz’s fear and frustration—he had been mugged four years earlier and had brooded ever since over the lenient treatment his attackers received in a New York court—were quick to applaud his actions. President Reagan sympathized with public frustration about crime but deplored their readiness to take the law into their own hands. But this is precisely the issue that Goetz’s exercise in freelance law enforcement dramatizes: If the “state of nature” has returned to our big cities, can people be blamed for resorting to violence in order to spare themselves from becoming victims of violence?

It is unfortunate that Goetz should have been labeled a vigilante, because the choice of terms is especially inappropriate. The term *vigilante*, as Richard Maxwell Brown (1969) points out in his thoughtful study of vigilantism in American history, has referred to a member of a vigilance committee—a group of people organized without legal authority to keep order and punish criminals when conventional law enforcement agencies fail to do so. Vigilantism, says Brown, is “a violent sanctification of the deeply cherished values of life and property” (p. 139). Vigilantism is a collective response which has a mandate, of sorts, from those whom it purports to protect. Goetz’s action as an avenger, however, has more in common with those portrayed by Charles Bronson in the movie *Death Wish*. Until more is known about Bernhard Goetz, many people are unwilling to stereotype him as either a folk hero or a pistol-packing psychopath.