# 1 WHAT IS CRIMINOLOGY?

LEARNING OBJECTIVES

1.1 Describe the three primary domains of criminological study.

1.2 Differentiate the legalistic and interactionist definitions of crime.

1.3 Compare the consensus and conflict perspectives on the origins of law.

1.4 Identify characteristics of good criminological theories.

1.5 Explore career fields that use criminology.

On January 4, 2020, the World Health Organization (WHO) reported a cluster of pneumonia cases, none of which had been fatal, in Wuhan, located in China's Hubei province. China reported its first death from the new virus one week later, on January 11. Exactly two months later, on March 11, 2020, the WHO declared the new virus, SARS-CoV-2, also called COVID-19, to be a global pandemic.[1] Around the globe, the spring of 2020 brought a wave of national and local policies restricting travel and nonessential services. Schools and businesses shuttered, and residents were encouraged or required to remain at home.

FIGURE 1.1 ■ Average weekly homicide rate in 22 U.S. cities, January 2018 to June 2021
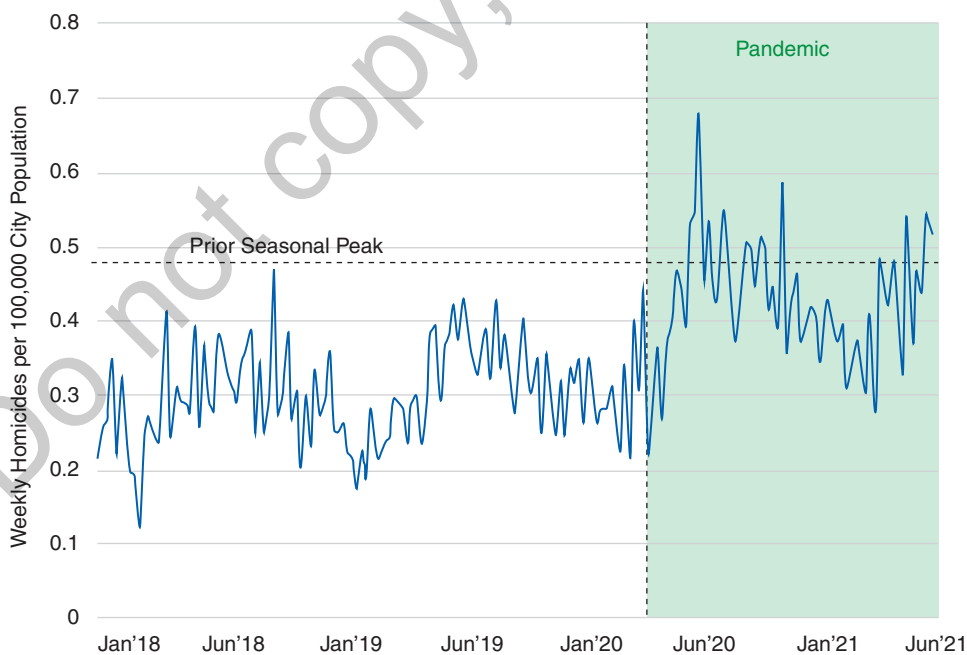
Source: Rosenfeld, R., & Lopez, E. (2021). *Pandemic, social unrest, and crime in U.S. cities: June 2021 update.* Washington, DC: Council on Criminal Justice.

As epidemiologists discussed infection rates and economists tracked unemployment numbers, criminologists were considering an entirely different set of outcomes.[2] What, they wondered, would this mean for crime? Will household burglaries plummet now that nearly everyone was at home? Will domestic violence and child abuse skyrocket as victims find themselves trapped with their abusers? What about robberies and murders now that bars are closed and fewer people are interacting in public? Will the inevitable financial stresses and a building sense of despair push people towards violence? Will crime run rampant when a large proportion of police officers cannot work due to illness or quarantine? Should jails and prisons release older and medically vulnerable incarcerated people? And what happens if lockdown orders stir antigovernment sentiment and public unrest, leading to violent confrontations? These were just a few of criminologists' concerns. Perhaps they were right to be concerned: Figure 1.1 displays the rise in homicides that corresponded with the start of the pandemic, though the pandemic's role in the uptick remains a source of criminological debate. Can you think of any other criminological questions about the virus's effects?

CRIMINOLOGY AS A SOCIAL SCIENCE

You were probably not expecting a book on criminology to begin with a description of a virus. After all, criminologists study crime. Best to leave the study of infectious diseases to medical researchers and public health experts, right? Maybe not. To understand why criminologists have something to teach us about a global pandemic, we first need to understand what criminology is.

One thing you need to know is that criminology is a *social* science. Modern criminology is a branch of **sociology**, the scientific study of society, including how individuals both shape and are shaped by society.[3] Sociology focuses on human groups and social behavior. We may think of crime as *anti*social behavior, but it is deeply social. What do prison gangs, hacker networks, corporate officials who collude to defraud consumers, and groups of teenagers who get drunk and destroy mailboxes have in common? They are human groups engaging in social behaviors. Even those who violate the law alone—criminologists call them solo offenders—are social creatures to the extent that they are influenced by the world around them, not to mention that crime often involves social interactions with victims. And what a society regards as serious crime, and who is regarded as dangerous, reflects that society's values and priorities. Criminal punishment, therefore, is a collective response to behavior that the community—or at least those with the power to make such decisions—deems unacceptable.

Now a disclaimer is in order: Not all criminologists are sociologists. Criminology, though sociological at its core, is multidisciplinary, meaning that people in a variety of fields conduct criminological research. Criminologists count psychologists, neuroscientists, economists, anthropologists, epidemiologists, and even some biologists among their ranks. For example, economists help us to understand how illicit markets for drugs and guns operate,[4] psychologists examine the role of mental illness in exposure to violent victimization,[5] and biologists and neuroscientists raise the alarm about the influence of toxins, such as lead, on the developing brain and the ability to control criminal impulses.[6] What unifies criminologists is their focus on the causes and consequences of crime, victimization, and punishment.

The second thing you need to know about criminology: it is a *scientific* study. That is the *-ology* part of criminology (the *crim-* part refers, unsurprisingly, to crime). The study of crime relies on systematic observation rather than just logic, intuition, or theory. That is not to say that criminology lacks theory. Quite the opposite, in fact! Criminologists develop and test many theories, or explanations, of crime, victimization, and punishment. It is the *testing* that makes criminology scientific, or empirical. The word *empirical* refers to the use of observational evidence to verify claims. Chapter 2 (Researching Crime) is an exploration of the many ways criminologists use empirical evidence to verify or disconfirm claims about crime.

The third thing to know about criminology is what *kinds* of claims criminologists examine using empirical evidence. So far, this chapter describes criminology as the study of crime. That is accurate but overly simplistic. Edwin Sutherland,[7] a titan of early 20th century criminology, offers a more nuanced definition:

> Criminology is the body of knowledge regarding delinquency and crime as social phenomena. It includes within its scope the process of making laws, breaking laws, and of reacting toward the breaking of laws. These processes are three aspects of a somewhat unified sequence of interactions. The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and reaction to crime. (p. 3)

Notice that Sutherland's definition includes three domains of criminological study: (1) law-making, (2) law-breaking, and (3) reactions to law-breaking. This remains true nearly a century after Sutherland first penned the statement, even though much of what criminologists study today would be unrecognizable to Sutherland (e.g., see the section on cybercrime in Chapter 4). In addition, contemporary criminology also includes the scientific study of victimization, called victimology, which is the focus of Chapter 12. We can thus define **criminology** as the scientific study of the characteristics of, extent of, causes of, and responses to crime and victimization. Now let's investigate the three domains of criminology identified by Sutherland, using the global pandemic to guide our exploration.

Making of Laws

North Carolina criminal statute 14-12.8 reads: "No person or persons shall in this State, while wearing any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, enter, or appear upon or within the public property of any municipality or county of the State, or of the State of North Carolina."[8] The statute, first introduced into law in 1953, sought to criminalize the masked activities of the Ku Klux Klan, a hate group that terrorized—and continues to terrorize—primarily Black, immigrant, Jewish (and, earlier in its history, Catholic), and LGBTQI individuals and communities.[9] As you might imagine, a law prohibiting the wearing of masks on public property poses serious problems during a pandemic. The 1953 law contained exceptions for "masquerade balls," "holiday costumes," and "gas masks for civil defense drills" but not for public health measures. On April 22, 2020, the North Carolina state legislature drafted a revision to the law exempting mask-wearing "for the purpose of ensuring the physical health or safety of the wearer or others."[10]

The law's revision meant that wearing a mask in public was no longer a crime in North Carolina. But what about failing to wear a mask while throwing a house party—definitely *not* a masquerade ball—in violation of the governor's month-long order prohibiting congregating for nonessential activities?[11] That became a Class 2 misdemeanor (a low-level offense typically resulting in fines or probation, if enforced), though not because of the face-showing. Mask-wearing was legal but not mandatory. The temporary law was not without discontents, with groups of armed protesters gathering in the state capital to decry the restrictions.[12]

These examples highlight how the creation of laws is an ongoing social process. Criminologists explore how some actions (or inactions) come to be defined as crime and some people as criminals. This part of criminology overlaps with the discipline of *legal studies* and another branch of sociology called the *sociology of law.* Importantly, criminologists do not always agree about the reasons that some, but not other, actions are prohibited by law. Their varied and conflicting views are explored in later sections of this chapter (see Origins of Law and Defining Crime).

Breaking of Laws

On May 22, 2020, William Sadleir, a former executive at Aviron Pictures, was arrested in his Beverly Hills home for fraudulently procuring $1.7 million from the Paycheck Protection Program, a federal

loan program created to keep small businesses afloat during the COVID-19 pandemic.[13] Prosecutors claim he used the money on personal expenses, including making a $40,000 car payment and paying credit card bills. Four days later, New Jersey used car salesman Ronald Romano was arrested for wire fraud and conspiracy to commit wire fraud. Allegedly, Romano pretended to be an authorized dealer of personal protective equipment to get New York City to pay $45 million for nonexistent goods.[14] Romano did not invent the scam, however. One month earlier, Christopher Parris, of Georgia, attempted a $750 million scheme to sell the Department of Veterans Affairs 125 million masks that did not exist.[15]

What leads people like Sadleir, Romano, and Parris to risk prison time for the chance of an illicit windfall (allegedly)? Why do some people commit fraud, robbery, murder, sexual violence, or any other criminal act while the rest follow the rules? Criminologists are, above all, interested in answering the question: What causes crime? They investigate the factors that lead some individuals to break the law. For example, criminologists who study white-collar offenders like the COVID-19 pandemic fraudsters consider how they develop justifications for their actions—"insurance will pay for it," "no one got hurt," "everybody cheats"—that permit them to maintain a morally intact identity.[16] They look also to national, workplace, and peer cultures that support or tolerate unethical behavior that leads to crime, especially when combined with easy opportunities for lucrative dishonesty.[17]
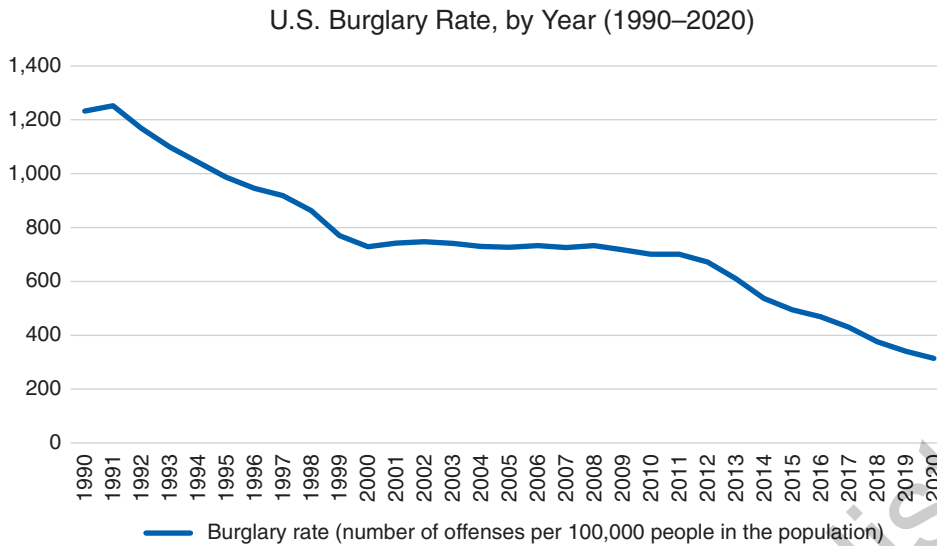
The "Why do they do it?" question captures only one slice of the criminological pie, though. Some frame the question as "Why *don't* people commit crime?" Those who ask this question often assume that "money without work, sex without courtship, revenge without court delays"[18] is inherently appealing and, therefore, we must focus our attention on why so many are able to rein in their wayward impulses (see Chapter 8 Control Perspectives). They seek to explain sources of control rather than focus on explaining criminal motivation.

Most importantly, criminologists turn their attention to explaining large-scale patterns in crime. The William Sadleirs and Ronald Romanos of the world capture the public's attention, made evident by the popularity of true crime podcasts and Netflix documentaries that explore the psychology and misdeeds of individuals who violate the law. But criminologists mostly regard individuals as data points, or tiles in a broader mosaic of crime patterns. We ask different questions when we look at the mosaic instead of the tiles. For example, criminologists ask questions such as the following:

- Why do some nations have more fraud than other nations?[19]

- What causes household burglary rates to go up or down over time, as observed in Figure 1.2?[20]

- Why are rates of police brutality higher in some communities than others?[21]

- Why do men commit more homicide than women?[22]

In explaining any person's criminal behavior or any large-scale crime pattern, criminologists invoke three factors: (1) motivation to commit crime, (2) controls that prevent crime, and (3) situational opportunities for committing crime (Figure 1.3). A would-be pandemic fraudster might be incredibly motivated by a personal financial crisis or simply a strong desire for easy money. They may also lack any controls, either internally (low self-control) or externally (no significant others, commitments, or watchdogs keeping them in line). Yet the fraud is unlikely if they do not have the opportunity to pose as, let's say, a ventilator distributor because they lack access to city officials, or because they do not have the knowledge required to be a convincing imposter. Motivation minus control does not equal crime if opportunity is absent. Likewise, all the opportunity in the world will not produce crime if no one is motivated to do wrong.

Motivation, control, and opportunity also help us make sense of large-scale crime patterns, including crime trends over time, across geographic locations, and between groups. Table 1.1 shows how we

FIGURE 1.2 ■ Reported burglary rate in the United States from 1990 to 2020

U.S. Burglary Rate, by Year (1990–2020)

Burglary rate (number of offenses per 100,000 people in the population)

Source: Federal Bureau of Investigation. (2021). Federal Bureau of Investigation Crime Data Explorer. https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend

FIGURE 1.3 ■ Three components of criminological explanations

can apply the three components to examples of crime patterns. Answering questions about the "breaking of laws" is the dominant task of criminology. That is why Chapter 5 (Patterns in Crime) takes a deep dive into a wide variety of trends criminologists observe. The chapters thereafter describe the theories—some focused on motivation, others on control or opportunity—criminologists develop to make sense of those empirical trends.

Engaged Criminology exercise 1.1 (Pandemic Criminology) asks you to think about and make claims regarding large-scale crime trends during the COVID-19 pandemic. You will use the three components—motivation, control, and opportunity—to hone your skills as a criminological thinker.

TABLE 1.1 ■ Applying the three components of criminological explanations to crime patterns			
Example questions	**Types of crime patterns**	**Possible questions**	**Example explanations**
What causes household burglary rates to go up and down over time?	Crime patterns over time	Have opportunities increased or decreased over time?	Household burglaries increased in the 1960s and 1970s, as consumer goods became more portable and women's entrance into the labor force meant houses were more likely to be empty during the day. Rates declined in recent decades as security systems reduced easy access, and opportunities for other property offenses increased, such as phone thefts and identity fraud.
Why are rates of police brutality higher in some communities than others?	Crime patterns across geographic locations	Are there fewer controls in some locations than others?	Police brutality is less likely to occur in communities where police departments set clear administrative boundaries for use of force, citizen complaints are investigated, and sanctions are imposed when complaints are substantiated.
Why do men commit more homicide than women?	Crime patterns across groups	Are these groups differentially motivated?	Men are found to be more motivated than women to commit homicide because violence, especially the use of firearms, can be used as an avenue for asserting masculine status for men, but it does not help women to achieve feminine status.

ENGAGED CRIMINOLOGY 1.1

Pandemic Criminology

This activity requires you to make claims about the impact of the COVID-19 pandemic on various types of crime. Examine the criminal offenses listed in the table provided. Use the table to organize your answers to the following questions for each crime:

1. Are rates of offending likely to increase, decrease, or remain the same during a pandemic? If you come up with multiple predictions, write each of them down.

2. What are your reasons for the expected increases and decreases (or neither)? Record your reasons.

	Increase, decrease, or stay the same?	Reasons
Bank robbery *Definition:* Stealing money from a bank while subjecting employees or customers to force, violence, or a threat of violence		
Serial murder *Definition*: Murders of three or more people, with a significant time period between them and with the murders occurring over more than a month		

	Increase, decrease, or stay the same?	Reasons
Credit card fraud *Definition:* Form of identity theft in which an unauthorized person uses another's credit card information in order to charge purchases to the account or remove funds from it		
Vandalism *Definition:* Intentional destruction of, or damage to, public or private property		
Prescription drug trafficking *Definition:* Illegal sale, purchase, manufacture, delivery, or knowing possession at or above a specified quantity of prescription drugs		

Reactions to Law-Breaking

Laws prohibiting intentional spitting were in the news throughout the U.S. while the COVID-19 pandemic raged on. While such laws were not new, they took on a new level of seriousness, as many spitters—as well as coughers—claimed to have the virus. In one high-profile case, a 35-year-old Pennsylvania woman, Margaret Cirko, coughed and spat on approximately $35,000 worth of food at a grocery store, which had to be disposed of because she stated, "I have the virus. Now everyone is going to get sick." Cirko was not the only grocery store shopper expectorating maliciously. A 50-year-old New Jersey man, George Falcone, angered by a supermarket employee asking him to maintain physical distancing, leaned in to tell the worker he had the virus and intentionally coughed on her. Both Cirko and Falcone were charged with making terroristic threats, a felony. Cirko also faced one charge of threatening to use a "biological agent."[23]

Another kind of malady—one far more serious—was gripping the nation at the same time. On February 23, 2020, Ahmaud Arbery, a 25-year-old Black man, went for a jog in a suburban Georgia neighborhood near his home. Two white residents, a father and son armed with a shotgun and a .357 magnum revolver, followed Arbery, accosted him, and shot him twice, killing him, with a third man recording the murder on his cell phone.[24] Initially, police made no arrests and prosecutors did not seek criminal charges, citing Georgia's controversial "stand-your-ground" self-defense statute. "Stand your ground" laws allow people to use force, even lethal force, against threats or perceived threats to themselves or others. Unlike other self-defense laws, "stand your ground" laws can be invoked even if the person could have safely left the situation without using force. For this reason, "stand your ground" laws are also sometimes called "shoot first" laws. It took more than two months of public pressure and the release of graphic video footage for arrests to be made in Arbery's murder.

Less than three weeks after Arbery's murder, Breonna Taylor, a Black 26-year-old EMT, and her boyfriend, Kenneth Walker, were awakened after midnight by sounds of someone entering their Louisville, Kentucky, home. Taylor's boyfriend, a licensed gun owner, shot at the intruders in self-defense. They returned fire, striking Breonna Taylor eight times, killing her. Walker called 911, telling them "somebody kicked in the door and shot my girlfriend."[25] It turned out that "somebody" was police officers executing a "no-knock" warrant that permits law enforcement to enter without providing warning (i.e., knocking) or identifying themselves as police. Their apartment was raided because police suspected that two men being investigated for selling drugs, and who were already in police custody, had had packages delivered to Taylor's home, though no drugs were found. Walker was

initially charged with first-degree assault and attempted murder of a police officer, but the charges were later dropped. No one has been charged in Taylor's homicide, though one police officer was indicted by grand jury for three counts of wanton endangerment for putting Taylor's neighbors at risk when shooting. The city of Louisville ultimately paid a $12 million settlement to Taylor's family and agreed to a series of reforms, including banning no-knock warrants and tracking police use-of-force incidents.[26]

Booking photos of Travis McMichael, his father Gregory McMichael, and William "Roddie" Bryan Jr., the three Georgia men found guilty in the murder of Ahmaud Arbery.

Glynn County Detention Center via AP, File

These cases—from malicious spitters like Margaret Cirko to the far more serious cases of the murder of Ahmaud Arbery and the police killing of Breonna Taylor—reveal something about modern-day responses to crime. They are, like all individual cases, tiles in a mosaic of broader patterns of criminal justice responses. The **criminal justice system** is comprised of the institutions and agencies, including policing, courts, and corrections (i.e., jail, prison, probation, parole), that are responsible for apprehending, prosecuting, defending, sentencing, imprisoning, and supervising individuals who are suspected, charged with, and convicted of criminal offenses. Criminologists study the functioning of criminal justice agencies and outcomes of criminal justice processing. Looking to our examples, criminologists might ask:

- Does the threat of jail time reduce the likelihood of low-level offending, like malicious spitting, relative to other forms of punishment, such as probation or fines?[27]

- What impact do "stand your ground" laws have on a finding of justifiable homicide (i.e., that the shooter will not face criminal charges)? And does it depend on the race of the offender and victim?[28]

- What are the predictors of police-involved shootings?[29]

- How does the public feel about militarized police tactics, like the use of "no-knock" raids?[30]

Some criminologists, observing patterns of injustice in the application of law and criminal justice processing based on race, ethnicity, and socioeconomic status, question whether *criminal justice* is the correct term for what we study. They offer alternatives, such as *criminal legal system* or *carceral system* (the word *carceral* refers to prison). People who favor the use of *carceral system* point to mass incarceration as the most prominent feature of U.S. crime control. **Mass incarceration** refers to the fact that United States has the highest imprisonment rate in the world, following a prison boom that began in the late 1970s and accelerated over the next 30 years, as in Figure 1.4. The U.S. is home to less than 5% of the world's population but more than 20% of the world's incarcerated population. Currently, 1.07% of all working-age adults in the U.S. are in local jails, state prison, or federal prison.[31] Furthermore, mass incarceration is experienced disproportionately by Black men, who are more than five times as likely as white men to be imprisoned.

FIGURE 1.4 ■ Number of people incarcerated in U.S. state and federal prisons at year end, 1978-2019
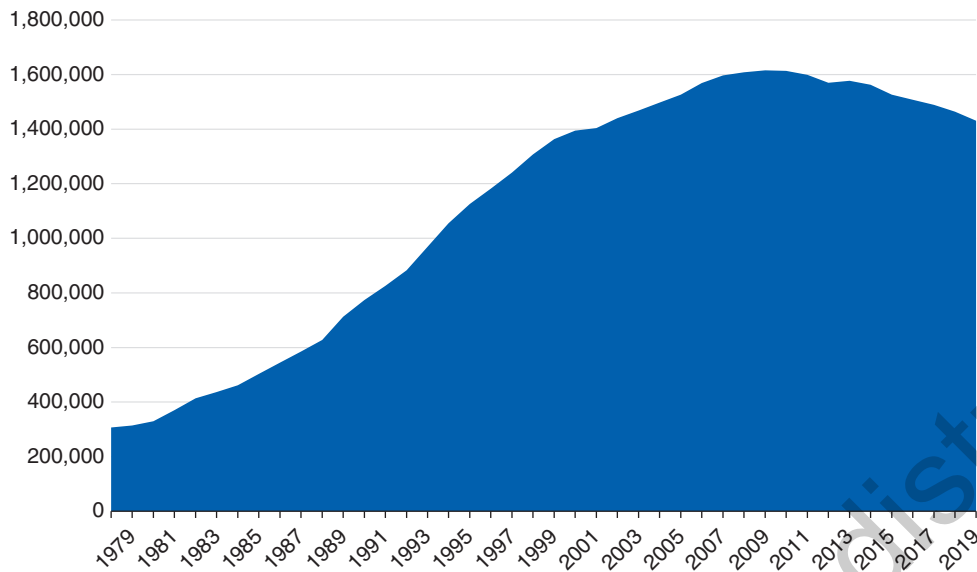
Sources: Bureau of Justice Statistics. *Prisoners under the jurisdiction of state or federal correctional authorities, December 31, 1978-2019.* Correctional Statistics Analysis Tool - Prisoners. https://www.bjs.gov/index.cfm?ty=nps

ORIGINS OF LAW

Imagine that a cashier in Virginia is pocketing money that should be going into the cash register. Over the course of several months, the employee has stolen $500. In the state of Virginia, as in every U.S. state, it is a crime to steal money from one's employer. This type of workplace crime is called embezzlement, and in Virginia, it is a felony if the amount stolen is $200 or more; it is a misdemeanor if the amount is less than $200. A felony conviction is more serious than a misdemeanor conviction, as it carries a greater level of punishment, including the possibility of a prison sentence and a lifelong felony record. This is bad news for our cash register embezzler. But what if an employer steals money from workers by shorting their paychecks every week, amounting to a loss of $9,000? Fortunately for the victims in this case, Virginia recently passed a wage theft law,[32] which means that unscrupulous employers can face criminal penalties. However, in this case, the employer would only face misdemeanor charges, if charged at all. For wage theft, the threshold for a felony is $10,000 (versus $200 for employee theft). It bears noting here that Virginia's law is more extreme than in other U.S. states, most of which do not impose *any* criminal penalties for wage theft.[33]

Law is always a statement about what is acceptable and unacceptable in a society. But *whose* statement is it? Our answer depends on the assumptions we make about the origins of law. Is the more punitive legal response to the devious cashier than the devious employer a result of shared understanding of what is most harmful or immoral, or does it simply reflect power differences between businesses and the people who work for them? This is the distinction between a consensus perspective and a conflict perspective.

Consensus Perspective

The **consensus perspective** assumes that laws reflect general agreement (or consensus) in society about what is and is not acceptable behavior. Criminologists who adopt this position claim that there are shared values in society, and that law and its enforcement are expressions of an agreed-upon view about what is morally wrong. In sum, law and morality are inseparable. As a result, it is not criminalization or fear of legal repercussions that keeps most people from violating the law. Rather, people follow the

rules because they have internalized social norms. Acts are criminalized *because* they are regarded as unacceptable by the society, and so criminalization is unnecessary for ensuring law-abiding behavior. In the words of Émile Durkheim, the famous 19th century sociologist and consensus thinker: "When mores are sufficient, laws are unnecessary; when mores are insufficient, laws are unenforceable." **Mores** (pronounced *mor-ays*) are social rules that have a moral dimension. The consensus perspective was common in late 19th century and early 20th century criminology but most contemporary criminologists have abandoned it, favoring a conflict perspective.

Émile Durkheim

Émile Durkheim (1858-1917), often called the father of sociology, is famous for two major contributions to criminology: (1) his concept of anomie, which is the focus of Chapter 10, and (2) his ideas about crime having important functions for society, which is addressed here. Understanding both requires diving into structural functionalism (also called functionalism), a perspective on human societies that dominated early 20th century sociology.

Let's start by imagining human societies like bodies. Human bodies contain many systems that work together to keep us alive and healthy—the central nervous system, the respiratory system, the circulatory system, and so on. The systems must work together in harmony to keep us chugging along. Functionalists use this as an analogy for societies. Like bodies, societies are also composed of many interrelated systems necessary to their survival. These systems are called social institutions, and they include family, education, economy, military, medicine, law, government, religion, and more. Change in one system requires adaptation in other systems so that harmony—or the status quo, if you're feeling critical—is maintained. For example, education must adapt to changes in the economy; as jobs become more technologically advanced, so too must education.

Functionalism presumes that features of social organization persist *because* they are functional for society. If they weren't functional, they would cease to exist (they would change through adaptation)! That brings up another important point about functionalism: It treats society as a thing that is separate from the individuals that comprise it. Conditions that are harmful to some—for example, inequality or crime—are presented as good for "society" because they serve a vital, positive purpose.

The spirit of functionalism infused Durkheim's position on crime. He began with two observations in his essay "The Normality of Crime"*:*

1. Crime exists in all societies and in all time periods.

2. What is *called* crime differs across societies and time periods.

Durkheim reasoned that if a society without crime is impossible, then crime must serve an important function. It is an "integral part of all healthy societies."[34] Therefore, crime is normal, not abnormal or pathological (though too much or too little crime would indicate dysfunction). We generally regard crime as a bad thing—bad for victims, bad for businesses, bad for a fearful public. Can you think of any good outcomes of crime for society overall?

If you're struggling to come up with a positive consequence of crime, then follow Durkheim's suggestion to imagine a "society of saints." By our standards, the saints are exceptionally well behaved. They don't steal or fight or cheat on their taxes. But there will still be actions that are punished as crime. Crime might be spitting on the sidewalk or raising one's voice. The definition of crime will look different from our standards, but there must be *something* that is criminal. Why? Because it allows the saints to clarify their community's moral boundaries. In punishing the voice-raiser, they come together to passionately reaffirm their social solidarity, their sense of unity. Functionalism, therefore, is most assuredly a consensus perspective: It presumes that there is agreement in society about what is acceptable. Asserting their shared values strengthens their "collective consciousness." Durkheim dismisses deterrence and rehabilitation as punishment's goals. For him, punishment is about (and only about) strengthening the community's collective norms and values.[35] The audience for punishment is not the person who commits an offense but the honest onlookers.

The society of saints also depicts Durkheim's stance that the wrongfulness of crime is not in the act itself but in the social response to the act. That is why the definition of crime varies across places and time periods with different moral realities. He wrote,

> *The only common characteristic of all crimes is that they consist… in acts universally disapproved of by members of each society… crime shocks sentiments, which, for a given social system, are found in all healthy consciences.*[36]

A modern example is found in laws about child safety in vehicles. It was not unusual in the U.S. for unrestrained infants and toddlers to bounce around in backseats up through the 1980s, even though car seats were available and nearly all vehicles on the road had seatbelts. Today, however, it is considered a crime—albeit a traffic crime punishable primarily by fines—to fail to restrain a young child while driving.[37] Indeed, it "shocks the sentiments" of many people to see a toddler standing up on the passenger seat of a car going 70 miles per hour down the highway. Plus, actions that may shock the sentiments of U.S.-raised parents, such as motorcycle passengers holding babies, raise no eyebrows and invoke few penalties in other regions of the world.[38]

Many of Durkheim's ideas continue to shape criminology more than a century after his death, even though modern social scientists roundly reject functionalism. We will revisit the notion that social responses create "crime" in Chapter 11, on labeling theory. Plus, one of Durkheim's most important contributions to criminology—anomie theory (also called structural strain theory)—is so important that it gets its own chapter (Chapter 10).

Conflict Perspective

The **conflict perspective** assumes that law reflects the interests of those who are most powerful in society. Conflict thinkers assert that there are competing (or conflicting) values in society, and only some have their values written into law. In this view, law and its enforcement—or lack thereof—operates to maintain the advantages of the powerful. They draw attention to how the legal system deals disproportionately with the misdeeds of people with low incomes, criminalizing and punishing acts such as street-level drug sales, robbery, and behaviors associated with homelessness. Meanwhile, they argue, harmful actions of the wealthy are either not punished or not considered crime at all. For evidence, they

These demonstrators draw attention to Purdue Pharma's role in creating the opioid crisis, which aligns with the conflict perspective's emphasis on how power determines whose behaviors are worthy of punishment.

AP Photo/Seth Wenig

point to pharmaceutical company executives knowingly manufacturing and distributing highly addictive narcotics far in excess of legitimate demand, manufacturing and agricultural businesses polluting the environment through lax toxic waste disposal practices, and deaths or injuries caused by unsafe workplaces.

DEFINING CRIME

Tania Head was the president and director of the World Trade Center Survivors' Network and a ground zero tour guide. While leading tours, she would recount how she was working for Merrill Lynch on an upper floor of the south tower of the World Trade Center on September 11, 2001. Tania Head described how she was one of only 19 survivors who were at or above the area of impact when the plane hit the building. Her arm had been severely burned and she was close to death when someone picked her up and carried her to safety. Her fiancé Dave was not so lucky, having been killed while working in the north tower that day.

Only it never happened. Tania Head's real name was Alicia Esteve Head. She was not in the World Trade Center on September 11, 2001. In fact, she wasn't even in the United States. She was taking classes in Barcelona, Spain, where she grew up. Though her burn scars were real (the result of a car accident) and the man whom she falsely claimed was her fiancé did die tragically in the north tower, everything else in her story was fake. Tania Head's lies were exposed when the *New York Times* fact-checked details of her story for an article in September 2007. The public was appalled by Head's deception, and she was promptly removed from her position with the Survivors' Network. There is no doubting that Tania Head's—or Alicia Esteve Head's—acts were deviant and perhaps even immoral, but were they criminal? And should they be? Our answers depend on the approaches we adopt. We must, as criminologists, define our subject matter. The first step is to differentiate between crime and deviance.

Crime Versus Deviance

Proclaiming an act (or inaction) to be crime necessarily entails a judgment of social unacceptability, but not all frowned-upon behavior is against the law, like lying about being a 9/11 survivor for attention rather than financial gain. Furthermore, not all illegal acts violate social sensibilities, such as underage drinking. Social norms are rules of behavior that guide interaction, telling us what is desirable, allowable, and unacceptable in a given cultural setting. **Deviance** is the term given to violations of social norms, only some of which are codified in law. It helps to consider a Venn diagram whose overlapping circles are "crime" and "deviance," as in Figure 1.5. See if you can come up with examples of

FIGURE 1.5 ■ The overlap between crime and deviance

Crime
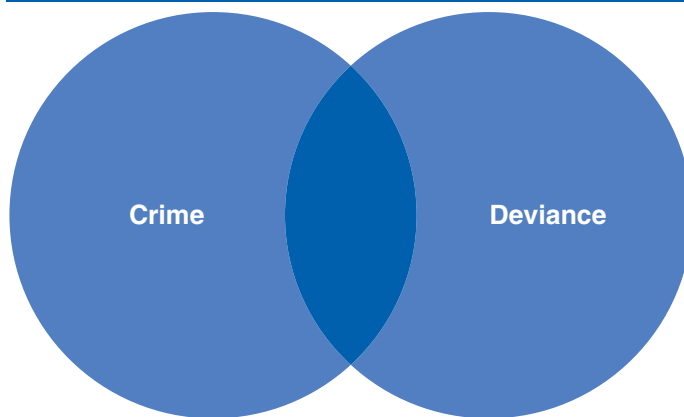
Deviance

Use this Venn diagram to organize examples of acts that are (1) criminal but not deviant, (2) deviant but not criminal, and (3) criminal and deviant.

(1) criminal acts that are not generally regarded as deviant, (2) noncriminal acts that are typically considered to be deviant, and (3) acts that are both criminal and deviant.

Social norms include three types: folkways, mores, and laws. **Folkways** are the rules, often taken for granted, that govern everyday behavior. Think about the standards for how to act in a classroom (sit down, be quiet, don't wear a bear costume) or a public restroom (close the stall door, wash your hands, don't try to make friends). Those are folkways. Folkway transgressions usually evoke mild shows of disapproval. Mores, in contrast, are serious rules that dictate what is morally acceptable. For example, rules regarding religious rituals (e.g., prayer and handling of the deceased), human rights (e.g., freedom from slavery and torture), and acceptable sexual relationships (e.g., consenting, of age, and among nonrelatives) are mores. Transgressions of mores strike observers as morally wrong and therefore result in serious social sanctions. **Laws** are rules of behavior that have been formally codified by a governing authority, such as the state or federal government. Law violations result in formal punishments, including fines, probation, jail or prison time, and—where permitted—even death. Understandably, many mores, like those prohibiting killing and stealing, are written into law.

Think about each example you came up with for the Venn diagram in Figure 1.5. Are those violations of folkways, mores, laws, or some combination of the three?

The Harm Principle

Not all socially nonconforming acts are criminal, as your Venn diagram probably reveals. Why are some deviant acts (and nondeviant acts) criminalized while others are not? One answer is that criminal law, ostensibly, concerns only those acts that cause social harm (i.e., harm to others in society). The harm principle was famously asserted by 19th century British philosopher John Stuart Mill, who wrote:

> That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise or even right. (p. 21)[39]

In other words, according to the **harm principle**, other people's distress, moral opposition, or belief that they know the "right way" to behave are not grounds for the criminalization of acts they do not like. Only that which causes harm to other people, such as physical injury, violations of privacy, or monetary loss, can justify criminalization.

We can see this principle in the U.S. legal system clearly in the landmark 2003 U.S. Supreme Court case, *Lawrence v. Texas,* in which the Court ruled in a 6-to-3 decision that laws prohibiting private sexual relations between same-sex consenting adults are unconstitutional. Justice Kennedy, writing for the majority, wrote, "The petitioners are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private sexual conduct a crime… the Texas statute furthers no legitimate state interest which can justify its intrusion into the personal and private life of the individual."[40] Others are not harmed by consensual sexual conduct that takes place behind closed doors; therefore, according to the majority opinion, the law is based only on moral beliefs about what people *ought* not to do, and that is insufficient justification for the law.

But which social harms are worthy of being outlawed? Though all may agree that murder and sexual assault represent harms to others, there is disagreement—or conflict—about what harms should be the domain of criminal law. Consider the following list of actions. All are criminalized in most or all U.S. states. Do you believe these acts cause harm to others, or just distress?

- Doctor-assisted suicide for the terminally ill

- Use of illicit substances by adults, such as cocaine or heroin

- Polygamy (marriage to more than one person)

- Providing sexual services for pay (or sex work)

Mala in Se Versus *Mala Prohibita* Crimes

Recall the crimes that you identified in your Venn diagram as violations of mores, or social norms that have moral weight. Those are *mala in se* offenses. **Mala in se** crimes are considered morally wrong irrespective of whether they are prohibited by law. The law, in this case, mirrors strong moral sentiments held by most people in society. *Mala in se* is Latin for "wrong in itself." In other words, the wrongfulness of the act is inherent in the act rather than in our labeling it "crime." Some examples include murder, assault, and child sexual exploitation.

Other offenses, called **mala prohibita** crimes, are regarded as wrong simply because they are against the law, not because they are inherently immoral, or a violation of mores. *Mala prohibita* is Latin for "wrong [because] prohibited." For example, think about the North Carolina law prohibiting public mask-wearing, from earlier, or laws banning the burning of garbage or public urination. Did your Venn diagram examples include criminal violations of folkways? If so, you identified *mala prohibta* offenses.

The photos in this Transgender Day of Remembrance memorial depict murder victims of anti-trans perpetrators whose *mala in se* offenses are violations of mores and laws.

Gillian Jones/The Berkshire Eagle via AP

Legalistic Definition

Criminologists study crime. But what do we mean by "crime"? There are several ways to answer this question. The most basic answer is: Crime is that which is illegal. Those who rely on a legalistic definition of crime believe that criminologists should focus on actions that violate criminal law. A *legalistic definition* of crime looks like this:

> Any culpable action or inaction prohibited by law and punishable by the state as a misdemeanor or a felony. (p. 30)[41]

Understanding the legal requirements of crime will help to explain each component of the legalistic definition. The two primary requirements of crime are *actus reus* and *mens rea.* The third requirement described—*nulla poena sine lege*—is a principle at the heart of the legalistic definition of crime.

1. *Actus reus* – A voluntary act must have occurred (or "guilty act" in Latin). *Actus reus* corresponds to the "action or inaction" portion of the legalistic definition. An act must be voluntary in that the person behaved with purpose rather than by reflex or accident. Your

professor has not committed a crime if they absentmindedly step on your foot, but they have committed a crime if they stomp on your foot in a fit of anger because your essay is late. In addition, conditions and beliefs are not subject to criminal penalty, as they are not actions. For example, it is not illegal to *be* a heroin addict (a condition), but it is criminal to manufacture, distribute, and possess heroin and other illicit substances.

There are exceptions to *actus reus*, called crimes of omission, which occur when there is a legal responsibility to act. For instance, adult citizens have a legal duty to pay taxes. Parents and legal guardians have a legal duty to provide basic education, medical care, shelter, and nutrition to dependent children. Tax evasion and child neglect are crimes of omission. It is the *failure* to act that presents the criminal conduct in crimes of omission.

2. ***Mens rea*** – An act or omission was committed with criminal intent (or "guilty mind" in Latin). *Mens rea* corresponds to the "culpable" portion of the legalistic definition. The word *culpable* means blameworthy. At the highest level of criminal intent, purposeful actions are intended to bring about a particular outcome, such as when Bryce Williams murdered his former coworkers during a live TV news broadcast. His was not a random act of violence. He fully intended to kill those individual victims. There is also criminal intent, albeit at a lower level, when people behave negligently or recklessly. For example, if a nursing home employee fails to provide food, water, and needed medication to a person in their care, and that person dies as a result, the employee might be charged with criminally negligent homicide. They may not have wanted the person to die, but they should have known it was a likely outcome. There are several legal defenses that counter claims of criminal intent, including claims of self-defense, entrapment, duress, and insanity. In those instances, the individual is denying *mens rea*.

Strict liability offenses constitute an exception to *mens rea*, as they do not require intent for a person to be legally responsible, or culpable. For example, traffic violations and driving while intoxicated are strict liability offenses. Even if a person claims ignorance of their driving speed or blood alcohol level, they are still subject to the law. In multiple states, statutory rape is also a strict liability crime, and claims that the offender did not know the child's age is not accepted as a defense.

3. ***Nulla poena sine lege*** – If there is no law, there is no crime (or "no penalty without a law" in Latin). *Nulla poena sine lege* corresponds to the "prohibited by law and punishable by the state" portion of the legalistic definition, as crime is an offense against the state, which creates laws and punishes the guilty. A person can intentionally engage in an act that harms another person, but if that act is not criminalized by the state, then the person cannot be punished for committing a crime. Consider the case of Hunter Moore, the self-proclaimed "professional life-ruiner" dubbed "the most hated man on the Internet" by *Rolling Stone*.[42] Moore created and ran a now-defunct "revenge porn" website called IsAnyoneUp, which hosted explicit images submitted by jilted exes, without the consent of the people in the photos. The images were often accompanied by personal details like phone numbers, social media profiles, and employer contact information so website users could harass the person, publicly shame them, and get them fired. At the time, in 2011, there was no federal or California state law criminalizing "revenge porn," or, more accurately, image-based sexual abuse of adults (Moore resided in California). Moore was ultimately convicted of hacking and identity theft because he had illegally gained access to email accounts to locate compromising photos, but he did not face criminal charges for hosting the website. Image-based sexual abuse of adults did not become a crime in the state of California until 2014.

Sofya Tsygankova, who murdered her two daughters, was found not guilty by reason of insanity. The judge determined that Tsygankova, due to severe mental illness, lacked the *mens rea* necessary for a finding of guilt. She was committed to a state mental hospital.

Fort Worth Star-Telegram/Tribune News Service/Getty Images

ENGAGED CRIMINOLOGY 1.2

Considering Crime Seriousness

This activity requires you to rate the seriousness of criminal offenses and apply concepts from the chapter. Assign each offense a rating of 1 (very minor/should not be illegal) to 5 (very serious/deserving of life in prison).

| 1 very minor (should not be illegal) | → | 2 minor offense | → | 3 relatively serious offense | → | 4 serious offense | → | 5 very serious offense deserving life in prison |

1. A person is a vagrant (has no home and no visible means of support). This person sleeps on a public sidewalk.

2. A person attempts to kill a victim with a gun. The gun misfires, and the victim escapes injury.

3. A person, using force, robs a victim of $10.

4. A person plants a bomb in a public building. The bomb explodes and 20 people are killed.

5. A person is drunk in public.

6. A physician recommends and performs a surgery that they know to be unnecessary. The patient dies from complications.

7. A factory knowingly gets rid of its waste in a way that pollutes the water supply. As a result, 40 people die.

8. A person robs a victim at gunpoint. The victim struggles and is shot to death.

9. A person plants a bomb in a public building. The bomb explodes and one person receives minor injuries.

10. Several large companies illegally fix the retail prices of their products, costing consumers $100 million.

Answer the following questions:

1. Which was more important in determining your ratings—social harm or *mens rea*?

2. Identify one offense from the list that is a *mala in se* crime.

3. Identify one offense from the list that is a *mala prohibita* crime.

Source: Adapted from Wolfgang, M. E., Figlio, R. M., Tracy, P. E., & Singer, S. I. (1985). *The National Survey of Crime Severity* (pp. vi–x). Washington, DC: U.S. Department of Justice.

Criminal Law Versus Civil Law

Criminology concerns violations of criminal law, which differs from civil law (also called tort law). In **criminal law**, an individual has committed an offense against the state or federal government. Perhaps that sounds odd, given that we tend to view crimes as offenses against victims. But in legal terms, it is the government, which represents the people and establishes laws, that has been wronged. That is why criminal cases have names like *People of the State of California v. Brock Allen Turner*,[43] with the prosecutor representing the people at the state or federal level.

Criminal law can be sorted into two types: (1) substantive law and (2) procedural law. **Substantive law** pertains to the "substance" of law—it is about what is criminal and what punishments are associated with given offenses. The criminal statute that states that animal fighting is a third-degree felony in Florida, with animal fighting defined as "fighting between roosters or other birds or between dogs, bears, or other animals" is part of substantive law.[44] **Procedural law** is about the "procedures" or processes that occur in a criminal case. For example, the rules of court that state that a person facing animal fighting charges (or any other criminal charges) has a right to an attorney is part of procedural law. Elements of criminal procedural law also include the requirement of probable cause for an arrest, rules of evidence, presentation of witnesses, and the right to appeal, among others.

Civil law, in contrast, deals with disputes between parties. Lawsuits are the domain of civil law. In civil cases, plaintiffs, who are typically persons or businesses, claim to have been harmed by the actions of other persons, businesses, or other entities. That is why civil cases have names like *Franklin v. Peterson*.[45] Civil cases differ from criminal cases in other ways, as well, including the burden of proof required and the penalties incurred. Criminal cases require "proof beyond a reasonable doubt," whereas the burden of proof for civil cases is "a preponderance of the evidence," meaning that the winning side's evidence was more convincing than the other side's evidence. And while a criminal conviction usually results in probation or incarceration, losing a civil case never leads to imprisonment but instead results in a financial penalty (called damages) or an order to change behavior (called an injunction).

Interactionist Definition

The French Enlightenment author Voltaire wrote, "It is forbidden to kill; therefore all murderers are punished unless they kill in large numbers and to the sound of trumpets."[46] Voltaire died more than a century before the first criminologists put pen to paper, but we can see an interactionist spark in his observation.

The *interactionist definition* suggests that what we call crime depends upon our shared understandings of the behavior and the reactions it generates rather than simply that which is most harmful to society. It is rooted in the sociological perspective of social constructionism. Social constructionism

holds that we create meaning through our interactions, and we act based on those meanings, thereby creating and re-creating our social reality. Money is a useful example of social construction. Imagine a $20 bill. The paper bill, itself, lacks any inherent value. However, it becomes valuable because we collectively define it as valuable and we act as if it is valuable. (You, your landlord, and the clerk at your local convenience store agree on this point.) According to the interactionist definition, the same is true of crime, deviance, and even harm itself. For example, interactionists point out that the commonly held stereotype of the "typical criminal" as young, male, low-income, and Black is created through a social process of criminalizing the harmful actions of people who lack social or economic power instead of the even-more-harmful actions of the wealthy and powerful.[47] Corporate crimes, like environmental violations and manufacturing of unsafe products, are not what comes readily to mind when we hear the word *crime* because we occupy a social world in which the legal system defines crimes of poverty—and those who commit them—as most dangerous.

The interactionist definition is based on **relativism**, or the notion that the deviance or moral wrongfulness of an act is dependent upon—or relative to—the cultural and historical context in which it occurs. Relativists argue that the wrongfulness of an act does not reside within the act itself but within the public's response to it. They point out that some acts that we regard as criminal today were considered socially acceptable in prior decades, such as driving while intoxicated or using a cane to discipline children. Other acts that were once considered immoral and criminalized are now regarded as ordinary, such as unmarried couples living together (or, according to an arcane Virginia statute, to "lewdly and lasciviously associate and cohabit together"[48]).

The relativist view of crime differs from **absolutism**, which posits that some behaviors are objectively, inherently wrong regardless of public sentiment or response. In essence, absolutists claim there are *mala in se* actions that are outside the reach of law. An absolutist might argue that doctor-assisted suicide for the terminally ill is morally wrong despite strong public support in favor of legalization (74% of Americans were in favor in a recent Gallup poll, as seen in Figure 1.6) and the fact that several states have legalized "medical aid in dying"—sometimes referred to as death with dignity laws—including California, Colorado, Hawaii, Maine, New Jersey, Oregon, Vermont, and Washington. From an absolutist perspective, this act would be viewed as criminal, regardless of law, and thus within the purview of criminology.

FIGURE 1.6 ■ Percentage in favor of doctor-assisted suicide for terminally ill being allowed by law, 2001-2020
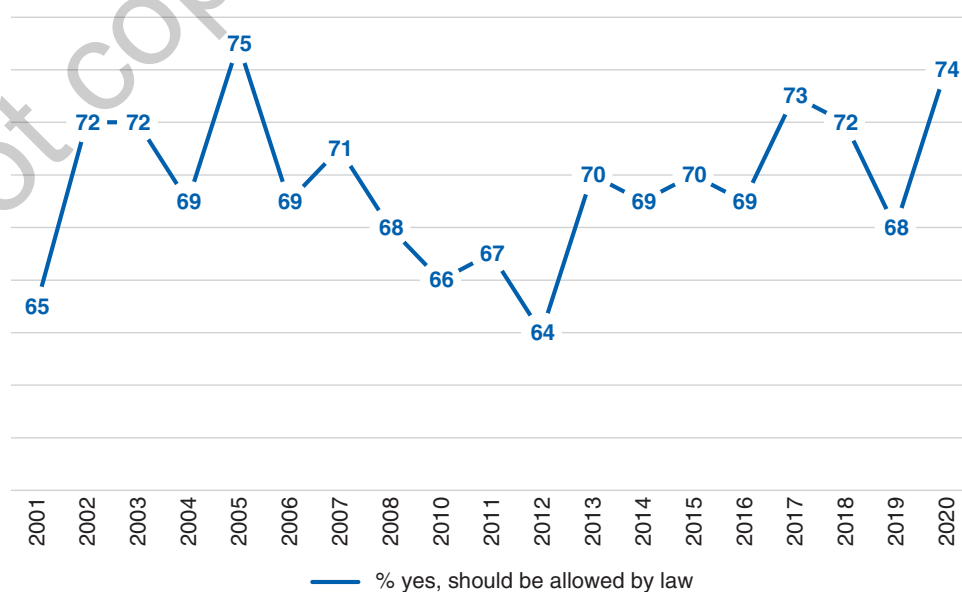
— % yes, should be allowed by law

EXPLAINING CRIME

One project of criminology is to measure the extent of crime (the "how much" question). But, as you know, explaining law-breaking (the "why" question) is the dominant task of the discipline. Criminologists are interested in the etiology of crime. **Etiology** is the study of causes. Criminologists develop theories, which they test using data, to describe why crime occurs. A **theory** is an abstract explanation composed of proposed relationships between two or more concepts. For example, labeling theory, the focus of Chapter 11, proposes a relationship between the application of a deviant label (e.g., "felon," "delinquent," "addict," "sex offender") and heightened risk of subsequent law-breaking. According to the theory, deviant labels *cause* more deviance. In offering etiological theories, criminologists identify **criminogenic** conditions, or risk factors for crime (the suffix *-genic* means produced or formed by). For example, labeling theory suggests that deviant labels cause further criminal offending in part because they make it difficult for the labeled person to get quality employment, and financial stress is a criminogenic condition.

You will learn about many different etiological theories of crime in this book. That can be confusing. Students sometimes ask: Which one is right? The answer is that there is no one "right" theory of crime. In fact, theories are never "right"; instead, they are either supported or not supported by empirical evidence. And evidence can change depending on the time period, the location, the type of crime examined, and more. Plus, more than one theory, or portions of more than one theory, can be empirically supported simultaneously. Remember, theories are simply tools that we create to help us make sense of crime patterns. Some of our tools remain incredibly useful many decades after they were first developed (think of the timeless simplicity of a hammer!), but others deserve to be relegated to the dustbin of history.

Spotting Good Theories

The best way to understand what a "good" theory looks like is to start with a bad one. Imagine I develop a theory that sugar consumption causes criminal activity: People who eat more sugar are more criminal because the sugar rush causes them to lose all control over their actions. Ridiculous, right? Yes! But it's not that far off from an actual, though unsuccessful, criminal defense strategy—dubbed the Twinkie defense—that was used by defense attorneys for Dan White, who murdered San Francisco city supervisor Harvey Milk and Mayor George Moscone. The attorneys argued that White's excessive consumption of junk food exacerbated his mental health troubles, contributing to his violence.[49] There are many reasons why my sugar-crime theory is a terrible theory. Examine the list of characteristics in Table 1.2 and determine the reasons why my theory is, in fact, not sweet at all.

TABLE 1.2 ■ Characteristics of good criminological theories		
Characteristic	**What it means**	**Ask yourself...**
Parsimony	Theories that are concise and simple (or "elegant") are preferable to complex theories, all else being equal. When it comes to concepts and propositions of theories, smaller is better.	Is the theory simple rather than overly complex?
Scope	Theories with broader scope can explain more kinds of crime, such as property crime *and* violent crime or crime by juveniles *and* adults. When it comes to scope, bigger is better.	Does the theory explain many kinds of crime?
Logical consistency	Theories should pass the logic test given what we know to be true about crime patterns. Also, the claims of the theory must not be contradictory or built on incompatible assumptions about human nature or the origins of law.	Does the theory make sense?

(*Continued*)

TABLE 1.2 ■ Characteristics of good criminological theories (*Continued*)		
Characteristic	**What it means**	**Ask yourself...**
Falsifiability	Theories must be testable using data. Good theories can be falsified (or disconfirmed), whereas bad theories cannot be falsified no matter how much data one analyzes. Falsifiability requires that concepts in the theory are observable and measurable.	Can the theory be tested?
Empirical validity	Theories that are supported by evidence across multiple examinations are better than theories that receive partial, mixed, or no support.	Is the theory supported by evidence?

Source: Akers, R. L., Sellers, C. S., & Jennings, W. (2016). *Criminological theories: Introduction, evaluation, and application* (7th ed.). New York: Oxford University Press.

My sugar-crime theory has two things going for it: It is parsimonious and falsifiable. It is parsimonious in its simplicity (perhaps too much simplicity). Like nearly all contemporary crime theories, it is falsifiable in that I could measure and analyze individuals' sugar intake as well as their criminal conduct. However, as you probably figured out, it fails on the other three characteristics. Let's examine why the theory fails on scope, logical consistency, and empirical validity.

Scope: The theory is narrow in scope. It only explains impulsive crimes, such as assault. It cannot account for crimes that require planning or coordination, like accepting bribes, credit card fraud, or human trafficking (see Chapters 3 and 4 for descriptions of these and other crime types).

Logical consistency: The theory does not comport with what we know to be true about crime patterns. For example, we know that sugar consumption in the U.S. increased markedly over the past three decades. During those same decades, crime rates—particularly violent crime rates—decreased substantially. And countries with high per capita sugar consumption, such as Germany and the Netherlands, have very low crime rates relative to countries with less of a sweet tooth.[50] This, alone, is not enough to toss out the theory, though, as *individuals* who eat a lot of sugar may be more likely to engage in impulsive crimes, regardless of national patterns of sugar intake. Reaching conclusions about individuals based solely on nation-level evidence is inappropriate and called the *ecological fallacy*. This brings us to the third question: Is it empirical valid?

Empirical validity: We don't know. Criminologists have not tested the theory. After all, it is not a very good one. Other researchers have examined the impact of soft drink consumption on aggression in children or mice,[51] producing mixed findings. There is little logical or empirical reason to suspect, though, that adult crime can be predicted based on adults' taste for cookies and energy drinks. Other kinds of consumption, such as alcohol consumption, might be a better predictor of adult criminal conduct. Some criminologists even argue that the sharp decrease in violent crime during the 1990s in the U.S. was caused, in small part, by the fact that Americans were drinking much less than they had in previous decades.[52]

Determining Crime Causation

Criminological theories offer possible causes of law-breaking and other crime-related outcomes. For example, general strain theory, addressed in Chapter 10, suggests that stressful experiences, especially when they accumulate over time and undermine supportive connections to others, cause crime by producing frustration and anger. Chapter 8 includes a description of self-control theory, which argues that criminal offending is caused by low impulse control. Figuring out if those factors—strain, anger, low impulse control, or any others—are, in fact, causes of crime requires that three criteria are met:

1. *Statistical association* – To be a cause of crime, a factor must first be a correlate of crime. A correlate is a predictor, called a variable, that is statistically associated with an outcome, such as criminal conduct, incarceration, community crime rates, or risk of victimization. The predictor and the outcome are statistically associated (or correlated) if they vary together more

than would be expected by chance. For example, we know that having a parent who spent time in prison is a correlate of youth incarceration. Compared to children whose parents never went to prison, children of incarcerated parents are at much greater risk of ending up in juvenile or adult detention, a pattern referred to as the intergenerational transmission of incarceration.[53] Most children of imprisoned parents will not end up following in their parents' footsteps, and not all incarcerated young people have parents who also went to prison. However, by knowing whether a young person's parent spent time in prison, we can better predict whether the adolescent will spend time behind bars. Think about why that might be. Some possibilities include the loss of the parent's income and the emotional trauma of being separated, both of which might lead to youth law-breaking. But correlation does not equal causation. Two other criteria must be met.

2. *Temporal order* – For a correlate to be a cause, it must also precede the outcome in time. Temporal order is about the time ordering of the predictors and the outcome (notice the *tempo-* root, which refers to time or speed). Causes come before consequences. Let's stick with the parental incarceration example. A mother's incarceration cannot be a cause of her daughter's incarceration if the mother's stint in prison happened months or years after her daughter's imprisonment. In that case, the temporal ordering would be wrong. It is far more likely, though, that parental incarceration takes place prior to youth incarceration. We can be more confident in claims of causation if we find that to the be the case, as long as our last criterion is met.

3. *Nonspuriousness* – An association between a predictor and an outcome is spurious—and, therefore, *not* causal—if it is being driven by a third variable. We want the association to be nonspurious. In a spurious association, the predictor and the outcome have a shared cause (the third variable), which is making it appear that they are causally related even though they are not. A famous example of a noncausal, spurious association is the one between ice cream consumption and murder rates. When people eat more ice cream, more people get murdered. Of course, it's not that ice cream–induced brain freeze drives otherwise peaceful people into a lethal frenzy. The association is driven by a third variable: the weather. People eat more ice cream in warm weather months, and murder rates are higher in warm weather months. Our claim of a causal effect of parental incarceration on youth incarceration is far less outlandish. Nonetheless, it may also be spurious. Perhaps it is a matter of parents and their children experiencing similar conditions, such as substance abuse struggles or living in a high-crime, heavily policed community.

CAREER FIELDS THAT USE CRIMINOLOGY

Some college majors and minors have a clearly delineated career path. Nursing majors mostly become nurses. Education majors typically become teachers. For other disciplines, such as criminology, sociology, and psychology, the career path is not quite as proscribed. There are many options, with some but not all requiring education beyond a four-year degree. This section of the chapter will introduce you to career fields that interest students of criminology. The four fields described here do not encompass all possible criminology-related careers, but they do include a wide range of occupational paths.

Criminal Justice

The criminal justice system—or criminal legal system—includes policing, courts, and corrections (jail, prison, probation, and parole). Criminal justice is concerned primarily with official reactions of the state to violations of the law. In this way, the *study* of criminal justice is part of criminology: the part regarding reactions to law-breaking. But criminal justice, as a field, also includes the *practice* of criminal justice. For instance, a Department of Criminal Justice at a university might offer courses in Legal Procedure or Court Processes. Courses like these deal with the functioning of the legal system and the

tasks of criminal justice professionals, including law enforcement, corrections officials, probation officers, prosecutors, defense attorneys, and judges.

Criminology offers insights that benefit criminal justice professionals. For example, criminologists study the impact of police practices on public trust, willingness to call for help, and cooperation with investigations.[54] They also examine what types of penalties and programs are most effective for reducing re-offending and improving life outcomes for people who have been convicted of crimes. For instance, learning from ample research on the detrimental effects of juvenile incarceration,[55] the state of Kentucky reformed its juvenile justice system to divert qualifying adolescents away from juvenile detention and into community-based services.[56] Criminologists also draw attention to stark inequalities in criminal justice processing, including disparities in police stops, searches, arrests, use of force, and sentencing on the basis of extralegal (legally irrelevant) characteristics, such as race, ethnicity, and social class.[57,58] Research-informed criminal justice agencies and institutions are able to implement practices shown to produce the highest levels of confidence, fairness, and public safety.

Forensic Fields

Forensic fields may appeal to you if you are drawn to the study of crime, but you have professional goals related to nursing, accounting, toxicology, pathology, clinical psychology, chemistry, molecular biology, or computer science. The word **forensics** refers to scientific techniques used in the detection of crime or in legal processes. The descriptor "forensic," therefore, is less about the type of work a person does and more about the context in which they do that work. For example, a forensic accountant is an accountant who identifies and gathers evidence of criminal activity in financial statements. Someone who works in computer forensics locates, maintains, recovers, and analyzes digital evidence for criminal or civil cases. Forensic nurses specialize in treating crime victims, and they are trained to collect and preserve medical evidence. All three work with law enforcement and may be called upon to present their findings in criminal proceedings.
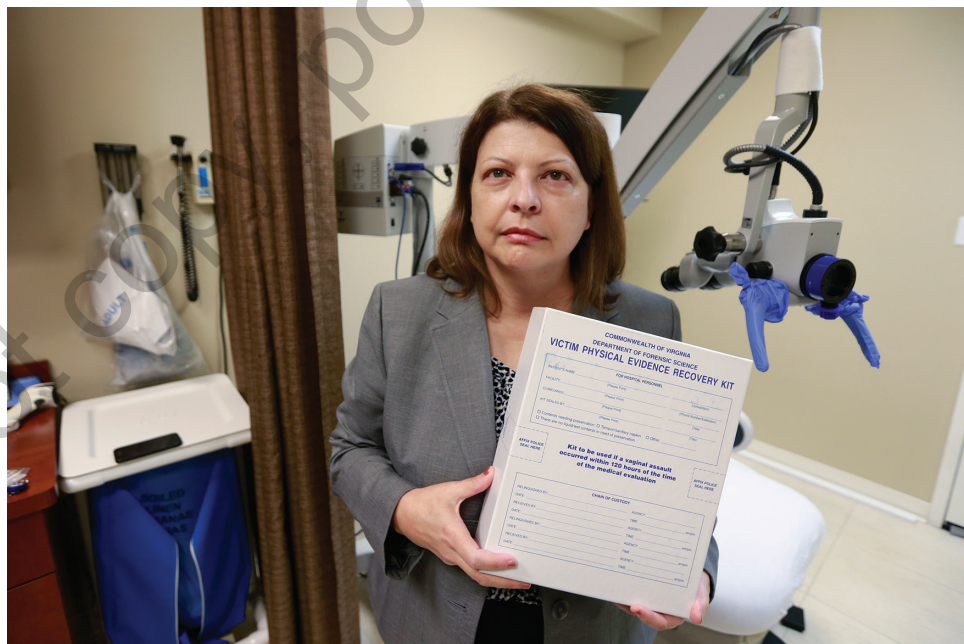
Forensic nurses use kits like this one to gather evidence used in rape cases. A national shortage of sexual assault nurse examiners means that rape survivors often must drive from hospital to hospital to find a nurse trained to examine them and collect physical evidence.

AP Photo/Steve Helber

Human Services

Human services is a broad career field that includes social workers, case managers, child advocates, crisis intervention counselors, substance abuse counselors, community outreach workers, and mediation

specialists. The common theme among human services professionals is serving the needs of a specified group of people, with a focus on prevention and remediation of problems.[59] Many human services careers are in the public and nonprofit sectors, serving individuals who are involved in the justice system, at risk of becoming ensnared in the juvenile or adult criminal legal system, or are victims of crime. Some work within the criminal justice system as probation officers, parole officers, or juvenile court liaisons. Because human services is an interdisciplinary field, these professionals draw on insights from psychology, sociology, public health, criminology, and the study of criminal justice to inform their practices. Table 1.3 includes examples of human services careers that deal with issues in criminology.

TABLE 1.3 ■ Examples of human services careers that use criminology	
Career	**Description**
Child advocate	Serve as a liaison between neglected and abused children and state agencies. Speak on behalf of children in court and other settings. Responsibilities may include testifying in court, reporting to the child welfare system, interviewing children and family members, creating formal reports, and arranging services for children and caregivers.
Mediator	Work with parties in conflict to resolve disputes outside of the court system by providing neutral guidance. Responsibilities may include facilitating communication, interviewing witnesses and those involved in the dispute, and preparing court reports and other documents.
Juvenile court liaison	Ensure communication between school districts, parents, social services, police, attorneys, and juveniles. May work for the courts, a school district, or a private company that contracts with local governments. Responsibilities may include conducting screenings and assessments for the courts, working with families to rectify attendance issues, working on a supervisory team for juveniles on probation, filing legal documents, examining records, and making recommendations.
Victim services coordinator	Assist crime victims in accessing services and compensation, as well as assisting criminal justice agencies in working with victims. May work with prosecutors' offices or law enforcement agencies. Responsibilities may include assisting victims with court processes, interviewing victims and witnesses to direct them to appropriate services, educating the public about crime victimization, and instructing police on effects of practices on crime victims and witnesses.

Applied Research

Criminology, like all social sciences, is a research field. Some of that research is basic research and some is applied research. **Basic research** investigates the foundational principles in criminology, including theory testing. We learn about the causes and consequences of crime, in general, from basic research. This type of research is typically conducted by professors and other people with advanced degrees, usually PhDs, who work at universities and their affiliated research centers. Criminological **applied research** focuses on particular settings (e.g., Boston subway stations, high schools in Sacramento, a Toledo women's shelter) in order to identify immediate, real-world applications. It aims to solve practical problems. For example, the Crime Lab at the University of Chicago "partners with civic and community leaders to design, test, and scale promising programs and policies to reduce crime and violence."[60] One of their projects examined the impact of a Chicago City Schools youth mentoring and counseling program called Becoming a Man, which increased graduation rates and reduced the chances of arrest for boys and young men. Other examples can be found at RTI International, a nonprofit research firm that employs analysts to study crime, law enforcement, and corrections as part of their Social and Justice Policy area. In one study, researchers identified, and made recommendations for fixing, inefficiencies in the processing of sexual assault kits.[61] Sometimes called "rape kits," these kits contain physical evidence gathered during a forensic exam of sexual assault survivors, and they can be used to identify and convict offenders as well exonerate the innocent.

Research analysts have varied educational backgrounds, ranging from bachelor's degrees to doctoral degrees. Applied researchers are employed in many different settings, including

- Universities and affiliated research centers that partner with community agencies and organizations to solve local problems, like the Crime Lab;

- nonprofit and for-profit research institutes that apply for grants, conduct applied research, and publish research and policy briefs, like RTI International;

- Federal, state, and local government agencies that conduct research and publish reports on issues related to public safety; and

- Crime data analysis units of law enforcement agencies, who analyze police data to assist law enforcement in more effectively preventing and responding to crime.

CHAPTER SUMMARY

LO 1.1   Describe the three primary domains of criminological study.

Criminology is the scientific study of crime, including (1) the creation of criminal laws, (2) the causes of criminal offending, and (3) societal responses to crime when it occurs. The subdiscipline of victimology addresses the extent, causes, and consequences of victimization. A central task of criminology is developing and testing theories, or explanations, of crime, punishment, victimization, and other relevant outcomes using empirical evidence.

LO 1.2   Differentiate the legalistic and interactionist definitions of crime.

The legalistic definition describes crime as any action or inaction prohibited by criminal law. For a crime to have occurred, it must cause harm to others and have been committed voluntarily (*actus reus*) and with intent (*mens rea*). The interactionist definition, rooted in relativism, approaches crime as a social construction, acknowledging that what we define as crime, deviance, and harm depends on cultural and historical context.

LO 1.3   Compare the consensus and conflict perspectives on the origins of law.

The consensus perspective assumes that there is a shared morality in society regarding unacceptable behavior and that criminal law accurately reflects those sentiments. The conflict perspective assumes that there are competing interests and values in society among groups with differing levels of social power, and that the most powerful in society have their interests codified in law.

LO 1.4   Identify characteristics of good criminological theories.

High-quality criminological theories are simple (parsimony), explain a wide variety of crimes (scope), make sense (logical consistency), can be tested using evidence (falsifiability), and are supported by evidence (empirical validity). Theories address causality. The causes of crime identified in theories are causes only to the extent that they are correlated with the outcome (statistical association), occur prior to the outcome (temporal order), and the association with the outcome cannot be explained away by some other factor (nonspuriousness).

LO 1.5   Explore career fields that use criminology.

Career fields of interest to students of criminology include those within the criminal legal system (i.e., law enforcement, corrections officials, probation officers, prosecutors, defense attorneys, and judges), forensic fields, human services, and applied research. Educational requirements for careers in these varied fields vary tremendously, with some requiring doctoral degrees and others requiring associate's degrees or less.

ENGAGED DISCUSSION

1. What term do you think is best—criminal justice system, criminal legal system, carceral system, or some other term? Why?

2. Think of a recent high-profile criminal case that caused public moral outrage. Did punishing the person who committed the offense strengthen the community's sense of solidarity and shared values, as Durkheim describes? Why or why not?

3. Do you think Tania Head's deception (about being a 9/11 survivor) should have been considered criminal rather than just deviant? If so, what might that law look like? If not, why not?

4. Rank the five characteristics of good theories—parsimony, scope, logical consistency, falsifiability, empirical validity—from 1 (most important) to 5 (least important). Why does your ranking make sense?

5. If you had to pick one criminology career field to work in for the first five years after college (criminal justice, forensic fields, human services, or applied research), which would you select, and why?

KEY TERMS

Absolutism (p. 18)

Applied research (p. 23)

Basic research (p. 23)

Civil law (p. 17)

Conflict perspective (p. 11)

Consensus perspective (p. 9)

Criminal justice system (p. 8)

Criminal law (p. 17)

Criminogenic (p. 19)

Criminology (p. 3)

Deviance (p. 12)

Etiology (p. 19)

Folkways (p. 13)

Forensics (p. 22)

Harm principle (p. 13)

Laws (p. 13)

Mala in se (p. 14)

Mala prohibita (p. 14)

Mass incarceration (p. 8)

Mores (p. 10)

Procedural law (p. 17)

Relativism (p. 18)

Sociology (p. 2)

Substantive law (p. 17)

Theory (p. 19)