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Imagine a society of saints, a perfect cloister of exemplary individuals. Crimes, properly so-called, will there be unknown; but faults which appear venial to the layman will create there the same scandal that the ordinary offense does in ordinary consciousness.

—Émile Durkheim (1895/1950, pp. 68–69)

Crime is a sociopolitical artifact, not a natural phenomenon. . . . We can have as much or as little crime as we please, depending on what we choose to count as criminal.

—Herbert Packer (1968, p. 364)

CRIMINOLOGY

Remorseless suicidal terrorists hijack four airplanes and, with all passengers aboard, are successful in crashing two of these into the World Trade Center and one into the Pentagon, murdering nearly 3,000 people in the worst terrorist attack in history. A disturbed student at Virginia Tech University kills 32 in the worst mass murder in U.S. history. Major corporations and their accounting firms conspire and cause a major stock market plunge losing stockholders billions of dollars.

What all of these events have in common is that they refer to various forms of criminal behavior; as we have just begun the twenty-first century, we can only guess what new, unforeseen horrors await us. The field that addresses this issue of crime and criminal behavior and attempts to define, explain, and predict it is criminology.

Criminology is generally defined as *the science or discipline that studies crime and criminal behavior*. Specifically, the field of criminology concentrates on forms of criminal behavior, the causes of crime, the definition of criminality, and the societal reaction to criminal activity; related areas of inquiry may include juvenile delinquency and victimology (the study of victims). While there is considerable overlap between criminology and criminal justice, criminology shows a greater interest in the causal explanations of crime, whereas criminal justice is more occupied with practical, applied concerns, such as technical aspects of policing and corrections. In reality, the fields are highly complementary and interrelated, as indicated by overlapping membership in the two professional organizations representative of the fields: the American Society of Criminology and the Academy of Criminal Justice Sciences.

If you tell your friends that you are taking a course in criminology, many will assume that you are a budding Sherlock Holmes, on your way to becoming a master detective trained in investigating crime scenes. That describes the field of *criminalistics* (the scientific evaluation of physical evidence), which is sometimes confused in the media and public mind with criminology. Criminology is more concerned with analyzing the phenomena of crime and criminality, in performing scientifically accurate studies, and in developing sound theoretical explanations of crime and criminal behavior. It is hoped that such criminological knowledge and scientific research can inform and direct public policies to solve some crime problems. The major concentration in this text will be on the central areas of criminal behavior, research methodology, and criminological theory. Of particular interest will be the exploration of crime typologies, the attempt to classify various criminal activity and criminals by type.

Fads and Fashions in Crime

A variety of crimes were of major concern in the past, but appear in modern societies only in old movies on the late show. Train robbery, piracy, stagecoach robbery, cattle rustling, gunfights such as that at the OK Corral, and grave robbery have some modern remnants, but for the most part have disappeared. Some of these practices have reappeared in different forms. In the seventies, South Vietnamese “boat people” attempting to escape from their

homeland were robbed, raped, and murdered by Thai pirates. Brinks trucks have replaced stagecoaches, and semi-trailer trucks full of prepared beef are hijacked instead of herds of live cattle. Post-Civil War gangs of Wild West robbers such as those of Doc Holliday, Jesse James, the Daltons, Black Bart, the Younger brothers, and Butch Cassidy disappeared with the settlement of the frontier only to reappear on wheels during the Depression of the thirties in the persons of such infamous characters as Dillinger, “Pretty Boy” Floyd, the Barrows, Bonnie Parker, and the Ma Barker gang. Mobile, organized gangs of bank robbers have largely faded into a quaint, unsavory history; they are now replaced by cybercriminals who can commit global electronic robbery.

Skyjacking, a very big problem in the sixties, was virtually eliminated as a result of better security measures, only to reappear in the United States in the early eighties as Cuban refugees attempted to use this method as a means of escape or as a means by suicidal terrorists to wreak mass destruction. Kidnapping, a major concern in the United States in the thirties (as illustrated by the famous Lindbergh case), is less of a concern today despite the rash of child kidnappings by noncustodial parents. On the other hand, since the seventies, kidnapping has become a major crime in Italy, as best illustrated by the highly publicized kidnapping of billionaire J. Paul Getty’s grandson; the kidnapers mailed one of the young man’s ears to a daily newspaper to impress upon the family the seriousness of their intentions. In 1995 in Colombia, a kidnapping was reported every 6 hours. This was believed to have been precipitated by huge income disparities and inefficient police. The United States, by contrast, has experienced fewer than 12 kidnappings for ransom every year (Brooke, 1995, p. A7). Slavery continues to be practiced in the form of human trafficking. Nostalgic views of the past tend to romanticize bygone violence or suppress its memory. Most apt to be forgotten are conditions of the past that more than match any chronicle of horrors of the present.

Crime File 1.1 examines the FBI’s “Ten Most Wanted Fugitives” list. It features photographs of the most wanted criminals, including one of Osama bin Laden. Consult www.fbi.gov for the most recent list.

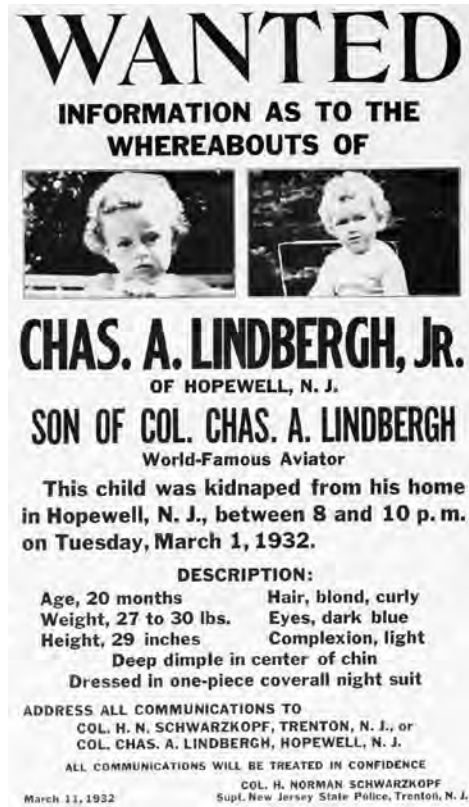


Photo 1.1 Wanted poster for the kidnapper of the Lindbergh baby. By the time the poster was released, Charles Jr. had already been murdered by Brune Hauptman.

Crime File 1.1 *The FBI's Ten Most Wanted Fugitives***the FBI's *ten most*
wanted *fugitives***

Jorge Alberto Lopez-Orozco
En Espanol



Usama Bin Laden



Diego Leon Montoya Sanchez
En Espanol



James J. Bulger
En Espanol
En Francais
In Italiano
auf deutsch
em portugues



John W. Parsons



Robert William Fisher



Victor Manuel Gerena
En Espanol



Glen Stewart Godwin
En Espanol



Richard Steve Goldberg



Donald Eugene Webb

In 1950, a news reporter asked the FBI for the 10 worst “tough guys” that they were hunting. The resulting publicity was so good that the list became an official FBI program. It satisfied the public’s hunger for details about notorious criminals and served as a means of exposing fugitives and encouraging citizen participation.

The FBI claims that since the program’s initiation, 134 of the “Ten Most Wanted Fugitives” have been apprehended as a result of citizen recognition. Perhaps the most memorable case was the arrest of bank robber Willie Sutton when a clothing salesman recognized him on the New York City subway. After the citizen’s story was run in the *New York Times*, mobster Albert Anastasia had the salesman killed because, as he stated, “I hate squealers.”

The list has reflected very well the social climates of various time periods in the United States. The 1950s list consisted primarily of bank robbers, burglars, and car thieves, while the 1960s version featured revolutionaries and radicals. The 1970s list was dominated by organized criminals and terrorists and, while this emphasis continues, serial murderers and drug-related offenders abound in later lists. A recent “Ten Most Wanted Fugitives” list features the following:

Jorge Lopez-Orozco—unlawful flight to avoid prosecution, murder (murdered three people, a woman and two young sons, aged 2 and 4)

Diego Montoya Sanchez—cocaine trafficking, money laundering, and retaliation against witnesses

Emigdio Preciado, Jr.—unlawful flight to avoid prosecution and attempted murder of a police officer

Victor Manuel Gerena—bank robbery, unlawful flight to avoid prosecution, armed robbery, theft from interstate shipment

Jon Savarino Schillaci—unlawful flight to avoid prosecution, aggravated sexual assault, and 23 counts of possession of child pornography

Osama bin Laden—murders of U.S. nationals, attack on federal facility resulting in death

James J. Bulger—racketeer influenced and corrupt organizations (RICO), murder (18 counts), conspiracy to commit murder, extortion, narcotics distribution, money laundering

Robert W. Fisher—unlawful flight to avoid prosecution, first-degree murder (3 counts), arson

Glen S. Godwin—unlawful flight to avoid confinement, murder, escape

Alexis Flores—unlawful flight to avoid prosecution, kidnapping, murder

Research Project

Visit the FBI website and examine the latest “Ten Most Wanted Fugitives” list. Are any of the people the same as in our “Crime Files” section? If yes, do they differ in any way from the “Crime File” above? Are any of them women or white collar criminals?

Web Exercise

Visit www.fbi.gov and report on any changes in the FBI’s “Ten Most Wanted Fugitives” list from the ones discussed in this Crime File. Also examine its “Most Wanted Terrorists” list. While visiting the FBI site, look up “Headline Archive: Top Ten Quiz on the Top Ten Program” and see how many questions you can answer correctly.

Sources: “In Demand for 50 Years: The FBI’s ‘Most Wanted’ List: Good Publicity, and a History of Success,” by J. Glasser, March 20, 2000, *U.S. News and World Report*, p. 60.

The Emergence of Criminology

French sociologist Auguste Comte (1798–1857) viewed the **progression of knowledge** as consisting of *three stages*, from the predominantly *theological* explanations to *metaphysical*

(philosophical) approaches to *scientific* explanations (Comte, 1851/1877). Prior to the emergence of modern criminal law in the eighteenth century, religion was the primary basis of social control beyond kinship organization. Theological explanations used supernatural or otherworldly bases for understanding reality. Recall, for instance, the papal condemnation of Galileo for heretically questioning biblical descriptions of the earth and of astronomy. In the metaphysical stage, philosophy sought secular (worldly) events to provide understanding through a new spirit of inquiry—rationality and logical argument. The two features of the scientific stage *combined this rational spirit of investigation with the scientific method*, emphasizing empiricism or experimentation. The scientific orientation emphasized measurement, observation, proof, replication (repetition of observation), and verification (analyzing the validity of observations).

Systematic application of the scientific method enabled humankind to unlock many of the mysteries of the ages. At first, breakthroughs in knowledge took place in the physical sciences; more recently, changes have also begun to occur in the social sciences, such as sociology and criminology. Since the scientific method provided major understanding and ability to predict and control physical reality, the hope is that these same methods are applicable to and will prove useful in the social sciences. While many view criminology as a science, others, such as Sutherland and Cressey (1974), view it as an art similar to medicine, a field based on many sciences and disciplines.

Criminology as a field of inquiry had its beginnings in Europe in the late 1700s in the writings of various philosophers, physicians, physical scientists, sociologists, and social scientists. Much of the early theory was heavily couched in biological frameworks that have largely been abandoned by modern American criminology (Gibbons, 1982). Criminology emerged along with eighteenth-century criminal law. In fact, it was the early writings of Cesare Beccaria (1738–1794), especially his famous essay *On Crimes and Punishments* (1963), which was first published in 1764, that led to the reform of criminal law in Western Europe.

Despite its European roots, most of the major developments in modern criminology took place in the United States. Criminology was closely linked with the development of sociology, gaining its place on the U.S. academic scene between 1920 and 1940. Criminology had been largely a subdiscipline of sociology; even though criminology is interdisciplinary in focus, sociologists have devoted the most attention to the issue of criminality. Since the 1960s, criminology has emerged as a discipline in its own right. The earliest U.S. textbooks in the field were by Maurice Parmelee, John Gillin, Philip Parsons, and Fred Hayes, but it was the text and later writings of Edwin H. Sutherland, the acknowledged “dean of criminology,” that received the most deserved recognition.

CRIME AND DEVIANCE

Deviance or *deviant behavior* may refer to a broad range of activities that the majority in society may view as eccentric, dangerous, annoying, bizarre, outlandish, gross, abhorrent, and the like. It refers to *behavior that is outside the range of normal societal toleration*.

Definitions of deviance are relative to the time, the place, and the person(s) making the evaluation, and some acts are more universally defined than others. For instance, in the

mid-nineteenth century in the United States, bathing in a tub was considered immoral as well as unhealthy.

All societies have *cultural values*—*practices and beliefs that are prized by or believed to be of benefit to the group*. For instance, despite cultural relativity in defining deviance, anthropologists have identified a number of cultural universals—practices or customs that in general form exist in all known cultures. All cultures that have been studied look dimly on indiscriminate lying, cheating, stealing, and killing. Societies protect their values by creating norms, which are basically rules or prescribed modes of conduct.

Sumner's Types of Norms

Early American sociologist William Graham Sumner, in his classic work *Folkways* (1906), identifies three types of **norms: folkways, mores, and laws**. These norms reflect the values of a given culture; some norms are regarded by its members as more important than others. *Folkways are the least serious norms and refer to usages, traditions, customs, or niceties that are preferred, but are not subject to serious sanctions: manners, etiquette, and dress styles, for example*. The character Reb Tevye in the musical *Fiddler on the Roof*, when learning that his daughter has rejected the marriage mate chosen by the matchmaker, wails, “Tradition—without our traditions, life would be as precarious as a fiddler on the roof.” Recognizing changing times or folkways, however, he ultimately accepts his daughter’s decision to choose her own mate. *Mores refer to more serious customs that involve moral judgments as well as sanctions (rewards or punishments)*. The mores cover prohibitions against behaviors that are felt to be seriously threatening to a group’s way of life. Our previous examples of lying, cheating, stealing, and killing are most certainly included in the mores. Both folkways and mores are examples of informal modes of social control and are characteristic of small, homogeneous cultures that feature simple technology and wide-scale consensus.

Laws represent formal modes of control, codified rules of behavior. If one accepts the consensus model of law (to be discussed shortly), laws represent an institutionalization or “crystallization” of the mores.

Mala in Se and Mala Prohibita

We have already identified deviant acts as those that violate group expectations and crime as any act that violates criminal law. Crime and its definition are social products. Society (human groups) decides what is a crime and what is not.

Criminologists make the distinction between acts **mala prohibita** and acts **mala in se**. Acts that are defined as *mala prohibita* refer to those that are “bad because they have been prohibited.” That is, such acts are *not viewed as bad in themselves but are violations because the law defines them as such*. Traffic violations, gambling, and infractions of various municipal ordinances might serve as examples. Such laws are viewed as assisting human groups in making life more predictable and orderly, but disobedience carries little stigma other than (usually) fines. The criminalization of such acts might be viewed as institutionalization of folkways. On the other hand, acts *mala in se* are “acts bad in themselves,” *forbidden behaviors for which there is wide-scale consensus on the mores for prohibition*. The universality of

laws against murder, rape, assault, and the like, irrespective of political or economic systems, bear witness to the lack of societal conflict in institutionalizing such laws. One can note that not all deviant acts are criminal, nor are all criminal acts necessarily deviant, assuming that laws against many acts *mala prohibita* are commonly violated.

Definitions of criminal activity may exhibit both undercriminalization and overcriminalization. **Undercriminalization** refers to the fact that the *criminal law fails to prohibit acts that many feel are mala in se*. Elements of corporate violence, racism, structured inequality, and systematic wrongdoing by political officials are examples. **Overcriminalization** involves the *overextension of criminal law to cover acts that are inappropriately or not responsibly enforced by such measures*. Examples are the legislation of morality and attempts to regulate personal conduct that does not involve a clear victim (drug abuse, sexual conduct, and the like). Morris and Hawkins (1970) claim that the United States has one of the most moralistic systems of criminal law in history, although one might suspect that ecclesiastical regimes such as Iran would more than give it a run for the money.

SOCIAL CHANGE AND THE EMERGENCE OF LAW

Western societies have undergone a long-term evolutionary development from sacred or **Gemeinschaft** societies to secular or **Gesellschaft** societies (Becker, 1950; Toennies, 1957). *Gemeinschaft societies are simple, communal, relatively homogeneous societies that lack an extensive division of labor and are also characterized by normative consensus*. Social control is assured by the family, extended kinship groups, and the community through informal modes of control: the folkways and mores. Such societies lack and do not need formally codified laws since sacred tradition, the lack of change, and cultural similarity and isolation assure a degree of understanding and control. *Gesellschaft societies are complex, associational, more individualistic, and heterogeneous (pluralistic); they are characterized by secularity, an extensive division of labor, and (in free societies) a variety of moral views and political pressure groups*. Social control is attempted by means of formal controls—codified laws administered by bureaucratic agencies of the state. Complex societies must rely more and more on such formal controls. As the mores or informal modes of control become weaker, the need for laws becomes greater. For example, as the family as an agent of social control becomes weaker, much of its responsibility is passed on to the state.

Sumner (1906) suggested a general maxim: If laws do not have the support of, or are not in agreement with, the mores of a particular culture, they will be ineffective. The introduction of changes or new laws in society can be explored using Merton's (1961) concepts of manifest and latent functions. The classic example is what has been described as "the noble experiment," the Prohibition Era in the United States. **Manifest functions** are *intended, planned, or anticipated consequences of introduced changes or of existing social arrangements*. In perhaps the last gasp of rural Protestant religious power in the United States, one group managed to pressure Congress into passing the Prohibition Amendment in 1919. Alcohol abuse was (and still is) a major problem, and the well-intended goal was for it to be stamped out by totally forbidding alcohol consumption by law. **Latent functions** *entail unintended or unanticipated consequences, ones that may have either positive or negative*

outcomes. The latent functions of Prohibition included increased corruption, disobedience, and public disrespect for the law. By eliminating legitimate suppliers of a commodity in high public demand, the state in effect created a monopoly for illegitimate entrepreneurs. It was Prohibition that converted small, localized gangs into large, powerful, and wealthy regional and even national organized criminal syndicates.

Laws are by no means the most efficient means of social control; the passage of more and more laws may indicate that social solidarity and informal modes of control in the society are weakening. The police and the criminal justice system become the agents or agencies of last resort. Many people view crime as an evil intrusion into an otherwise healthy society, whereas increased crime levels may be latent functions of increased freedom, affluence, competition, and other desirable manifest functions in society. Sociologist Durkheim (1950) suggested that crime may be a normality, a positive product, a functional necessity in a healthy society. As reflected in the quotation with which we began this chapter, Durkheim's theory of the **functional necessity of crime** proposes that wrongdoing or crime serves to force societal members to react, condemn, and thus establish the borders of and reconfirm societal values. It is this organized resentment that upholds social solidarity.

The phrase "crime of the century" seems to be perennially used to refer to the latest dramatic crime. Crime File 1.2 explores crimes to which this label was attached over this past century.

Crime File 1.2 *Crimes of the Twentieth Century*

Every year it seems some particularly notorious or atrocious crime occurs that is described by the media as the "crime of the century." Now that the twentieth century is over, we might take stock of some that have been candidates. APBnews.com (www.apbnews.com), an Internet service specializing in crime news, chose their "Ten Crimes of the Century" based on input from their editors, historians, criminal justice experts, and users who voted in their poll, as well as those answering their telephone survey. The "Ten Crimes of the Century" in the APB news.com survey listed chronologically were

- President McKinley's Assassination
- The St. Valentine's Day Massacre
- The Lindbergh Baby Kidnapping
- The Rosenberg Spy Trial
- President Kennedy's Assassination
- Martin Luther King, Jr.'s, Assassination
- The Watergate Break-In

- Ted Bundy Serial Killings
- O. J. Simpson Trial
- Oklahoma City Bombing

The assassination of President William McKinley in 1901 by Leon Czolgosz was a political crime in support of a hoped-for class revolt, while the St. Valentine's Day Massacre by the Capone mob in the 1920s illustrated the ascendancy of ruthless organized crime groups during Prohibition. The tragic kidnapping and murder of the Lindbergh baby led to legislation designating kidnapping as a federal offense. The trial and subsequent execution of Julius and Ethel Rosenberg, native-born Americans who betrayed their country by giving America's atomic secrets to the Soviets, solidified the Cold War. The assassinations of President John F. Kennedy in 1963 and 5 years later of civil rights leader Dr. Martin Luther King, Jr., gave rise to numerous conspiracy theories that secret, sinister forces were responsible.

(Continued)

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The Watergate affair in the 1970s would lead to the first forced resignation of an elected president in disgrace in American history, and it remains the benchmark against which all political scandals are compared. Ted Bundy, the serial killer, represents just one of a number of bizarre multiple killers who seemed to proliferate in post–World War II America. The O. J. Simpson murder trial, in which a former National Football League star was found not guilty of murdering his ex-wife and her friend, despite considerable evidence to the contrary, exemplifies a number of celebrity cases that attracted public attention over the years. Finally, the Oklahoma City terrorist bombing (and the 1993 World Trade Center bombing, which is not listed) demonstrated the growing vulnerability to terrorism in modern society. The 1995 Oklahoma City bombing represented the worst terrorist attack, in terms of casualties, on American soil up to that time. It also punctuated for a complacent America the fact that “it can happen here.”

In its “Crime Stories of the Century,” *U.S. News and World Report* included

The Stanford White Murder
 The Execution of IWW Leader Joe Hill
 St. Valentine’s Day Massacre
 Lindbergh Kidnapping
 Rosenberg Spy Case
 Lynching of Emmett Till
 Charles Manson Murders
 “Son of Sam” Killings
 Jeffrey Dahmer, Cannibal

While the *U.S. News* list includes many of the same entries as APBnews, it also includes lesser-known events such as the high society murder of Stanford White, a prominent architect, due to a romantic dispute. The execution of labor leader Joe Hill, of the radical union International Workers of the World, for allegedly killing company owners exemplifies the labor unrest early in the twentieth

century. Other additions are more serial murderers: Manson; “Son of Sam” Berkowitz; and Jeffrey Dahmer, the personification of our worst nightmares. Many of these acts changed the country, inspired new laws, mesmerized a nation waiting for a verdict, or tore at the American collective conscience. While we might not agree with the specific selection of “crimes of the century,” most candidates share a celebrity quality, bizarre violent characteristics, or political implications. In fact, of those listed on the APB list, 6 of the 10 involved political crime, that is, crime for ideological purposes by those supporting a cause. The remainder illustrated organized crime, celebrity involvement (Lindbergh and Simpson), or bizarre violence (Bundy). Bundy seems to be a stand-in for any number of monsters of multiple murder in the twentieth century. Note also that the list is of crimes in the United States and does not include crimes such as Hitler’s Holocaust, for example.

While the fascinating and mesmerizing nature of these crimes gives them a timeless quality that still enralls the public—a dance macabre that appalls yet entices—it is their very rare, atypical quality that gives them notoriety. The typical picture of crime in most societies is far less dramatic, but often just as deadly, traumatic, or fear-inspiring. Domestic violence, rape, robbery, murder, burglary, and theft bring crime up close and personal to its victims and will be more the subject of this text.

Source: List of “crime stories” taken from “Crime Stories of the Century,” by A. Cannon, December 6, 1999, *U.S. News and World Report*.

Research Project

What do you think was the “Crime of the Twentieth Century”? Visit the Web and see if you can find other nominees for a “Top Ten Crimes of the Century” list.

Web Exercise

Visit www.fbi.gov and find an interesting investigation that they have posted on their site.

Consensus Versus Conflict Model of Law

The **consensus model** of the origin of criminal law envisions it as *arising from agreement among the members of a society as to what constitutes wrongdoing*. Reflecting the “social contract theory” of Locke, Hobbes, and Rousseau, criminal law is viewed, as in our previous discussion of Sumner, as a “crystallization of the mores,” reflecting social values that are commonly held within the society. The **conflict model**, on the other hand, sees the criminal law as *originating in the conflict of interests of different groups*. In this view, the definition of crime is assumed to reflect the wishes of the most powerful interest groups who gain the assistance of the state in opposing rival groups. The criminal law, then, is used primarily to control the behavior of the “defective, dependent, and delinquent,” the dangerous classes (Skolnick & Currie, 1988, p. 2); the crimes of the wealthy are very often not even covered. While the consensus model views criminal law as a mechanism of social control, the conflict approach sees the law as a means of preserving the status quo on behalf of the powerful.

A third model of law is the *interactionist* approach, which takes its name from the symbolic interactionist school of criminology. This school of thought views humans as responding to abstract meanings and symbols as well as to concrete meanings. According to George Herbert Mead (1934), even the mind and self-consciousness are social creations. Reflected in labeling theory (see Chapter 3), criminality is viewed as a label or stigma attached by a societal reaction that is subject to shifting standards. Laws are viewed as reflecting moral entrepreneurship on the part of labelers.

CRIME AND CRIMINAL LAW

A *purist legal view* of crime would define it as violation of criminal law. No matter how morally outrageous or unacceptable an act, it is not a crime unless defined as such by criminal law. Vernon Fox (1985) indicates, “Crime is a sociopolitical event rather than a clinical condition. . . . It is not a clinical or medical condition which can be diagnosed and specifically treated” (p. 28). In this view, which is technically correct, unless an act is specifically prohibited by criminal law, it is not a crime. There are four **characteristics of criminal law**:

1. It is assumed by political authority. The state assumes the role of plaintiff, or the party bringing charges. Murder, for example, is no longer just an offense against a person, but is also a crime against the state. In fact, the state prohibits individual revenge in such matters; perpetrators must pay their debt to society, not to the individual wronged.
2. It must be specific, defining both the offense and the prescribed punishment.
3. The law is uniformly applied. That is, equal punishment and fairness for all, irrespective of social position, are intended.
4. The law contains penal sanctions enforced by punishments administered by the state (Sutherland & Cressey, 1974, pp. 4–7).

Criminal law has very specific criteria: “Crime is an intentional act or omission in violation of criminal law (statutory and case law), committed without defense or justification,

and sanctioned by the state as a felony or misdemeanor” (Tappan, 1960, p. 10). *Felonies* generally refer to offenses punishable by a year or more in a state or federal prison, whereas *misdemeanors* are less serious offenses punished by less than a year in jail. Some specific criteria that must be met in the U.S. criminal law in order for an act to be considered a crime include the following:

1. The act is *prohibited by law* and contains legally prescribed punishments. “Nullum crimen sine lege” (no crime without law) is the Latin expression, which can be expanded to include the notion that “ex post facto” (after-the-fact) laws are inappropriate. The act must be forbidden by law in advance of the act.
2. A *criminal act*, “actus reus” (the act itself, or the physical element), must have taken place.
3. *Social harm of a conscious, voluntary nature* is required. There must be injury to the state or to people.
4. The act is *performed intentionally* (although cases of negligence and omission may be exceptions). “Mens rea” (criminal intent or “guilty mind”) is important in establishing guilt. A person who may have committed a criminal act (for example, John Hinckley, who shot former President Reagan) may be found not guilty under certain conditions, such as insanity or a history of mental disturbance.
5. The voluntary misconduct must be *causally related* to the harm. It must be shown that the decision or act directly or indirectly caused harm.

Crimes were originally considered to be private matters: the offended party had to seek private compensation or revenge. Later, only offenses committed against the king and, still later, the king’s subjects were considered crimes. When compensation developed, fines were levied on behalf of the king (the state), thus making the state the wronged party. In addition to being defined by *legislative statute* (statutory law), criminality may also be interpreted by means of case law (common law). In contrast to laws enacted by legislatures, common law is based on judicial decision, with its roots in precedence, or previous decisions. In addition, administrative law, as enforced by federal regulatory agencies, may carry criminal penalties for offenders. Thus, criminal law provisions may be contained in statutory law, common law, and administrative law.

Who Defines Crime? Criminological Definitions

Since crime was previously defined as any violation of criminal law, should criminologists restrict their inquiry solely to acts so defined? Should the subject matter of criminology be decided by lawyers and politicians? This would relegate the field of criminology to a position as status quo handmaiden of political systems. Hitler’s genocide or Stalin’s purges were accepted conduct within their political ideological systems. Criminologists must study the deviants—the criminals—as well as the social structural contexts that define them. Skolnick and Currie (1988), in examining the analysis of social problems, state,

In spite of its claim to political neutrality, the social science of the 1960s typically focused on the symptoms of social ills, rather than their sources: criminals, rather than the laws; the mentally ill, rather than the quality of life; the culture of the poor,



Photo 1.2 Young men in gangs embody the public perception of crime in the streets. In this photo, Suffolk County New York Police officers of the anti-gang unit question two suspects on Long Island in October 2005. The suspects are members of the “Bloods.”

rather than the decisions of the rich; the “pathology” of the ghetto, rather than problems of the economy. (p. 11)

A *sociological view* of crime does not restrict its concept of criminality to those convicted of crime in a legal sense.

Were we to restrict analysis of crime solely to the legal definition in most countries, we would discuss primarily “crime in the streets” and ignore “crime in the suites.” We would study the poor, dumb, slow criminal and conclude that low IQs and inferior genetics cause crime; we would ignore the fast, smart, slick violator, and the possibility that maybe Ivy League educations and working on Wall Street or for the defense industry also cause crime. Hyperbole (exaggeration) is useful at times for effect, and obviously we must not loosely throw around the label *criminal*, but neither should we ignore dangerous acts that do great harm, simply because the criminal justice system chooses to ignore them.

THE CRIME PROBLEM

Radzinowicz and King (1977), in commenting on the relentless international upsurge in crime in the latter decades of the twentieth century, indicate, “No national characteristics,

no political regime, no system of law, police punishment, treatment, or even terror, has rendered a country exempt from crime. . . . What is indisputable is that new and much higher levels of crime become established as a reflex of affluence” (pp. 3–5). Despite rival explanations such as problems with statistics, there has been an obvious increase in crime internationally since World War II.

The Cost of Crime

It is difficult, if not impossible, to measure the economic costs of crime. Estimates of the actual financial operation take us into the “megabucks” range where notions such as “give or take a few billion dollars” stagger the imagination and numb us to the reality of the amounts we are really talking about.

In 1992 in Los Angeles, riots broke out in response to a jury verdict of not guilty for police officers accused of the brutal videotaped beating of Rodney King. Those riots resulted in one of the bloodiest occurrences of civil unrest in the United States in recent history. Fifty-three people were killed, over 2,000 were injured, 15,000 were arrested, and property damage was estimated at nearly \$800 million. Although far less dramatic, losses at the nation’s savings and loan companies in the eighties and early nineties are estimated to have cost the American taxpayer \$500 billion, or 625 Los Angeles riots.

Perhaps the most ambitious comprehensive attempt to assess the total cost of crime was by David Anderson (1999) in an article entitled “The Aggregate Burden of Crime.” Anderson includes the cost of the legal system and criminal justice agencies as well as opportunity costs of victims,’ criminals,’ and prisoners’ time; the fear of crime; and cost of private policing. His basic theme is “How much could the United States save if we had a crime-free environment?” His answer: \$1.7 trillion. The *aggregate burden of crime* for 1998 consisted of

- Crime-induced production = \$397 billion
- Opportunity (time) costs = \$130 billion
- Risks to life and health = \$574 billion
- Transfers = \$603 billion
- Aggregate Burden = \$1,705 billion
- Net Transfers = \$1,102 billion

Crime-induced production refers to costs in resources to fight crime. This includes police (\$47.1 billion), corrections (\$35.9 billion), locks and safes (\$4 billion), surveillance cameras (\$1.4 billion), computer security (\$8 billion), federal agencies to fight crime (\$23 billion), and drug trafficking (the highest cost at \$160 billion).

Opportunity costs refer to lost time by potential victims and perpetrators who could have spent their time doing something more productive. David Anderson (1999) estimates these opportunity costs as follows:

- Time spent securing assets = \$89.6 billion
- Lost work days in prison and planning crime = \$40 billion
- Victim lost work days = \$0.8 billion
- Neighborhood Watch time = \$0.7 billion
- Approximate Total = \$130 billion (p. 44)

For *life and health costs*, Anderson estimates roughly 72,000 crime-related deaths per year and 2.5 million crime-related injuries per year at \$6.1 million per death and \$52,637 per injury for a total of \$574 billion. While these figures strike the author as somewhat high, Anderson is using accepted court, medical, and insurance estimates.

Transfers refer to money obtained through fraud and theft. It is called a transfer since the money (or property) is transferred from one person to the next. Estimated at \$603.1 billion, this figure includes items such as fraud at work (\$203 billion), unpaid taxes (\$123 billion), health insurance fraud (\$108 billion), telemarketing fraud (\$16.8 billion), and motor vehicle theft (\$8.9 billion). The aggregate burden of crime in 1999 using Anderson's figures was \$4,118 per person living in the United States.

While recent estimates rank the sale of illegal narcotics as the criminal world's greatest source of income, there is a problem with such assessments. These estimates do not even begin to measure the full impact of corporate price-fixing and other criminal activities. Added to these costs are economic costs incurred by victims of crime and the costs of running the criminal justice system. Not considered at all in these economic estimates are the social and psychological costs to society and to crime victims. Fear, mistrust, a curtailing of public activity, and a decline in the quality of life are but a few of the inestimable impacts of crime on society. Horror stories abound of the impact of crime on the forgotten figure in the criminal justice equation—the crime victim. As shown in the photograph, the costly Los Angeles riots of 1992 were dwarfed by the cost of the collapse of the nation's savings and loans.



Photo 1.3 A man passes in front of a line of policemen during the 1992 L.A. riots that broke out in the aftermath of the Rodney King beating. Losses at the nation's Savings and Loan institutions cost the American taxpayer an estimated \$500 billion or the equivalent of 625 L.A. riots.

Darrell Steffensmeier and Jeffrey Ulmer (2006) update Steffensmeier's classic *The Fence: In the Shadow of Two Worlds* (1986) by presenting three decades in the life of Sam Goodman (pseudonym), a professional thief and **fence** (a dealer in stolen goods). Their work was entitled *Confessions of a Dying Thief: Understanding Criminal Careers and Illegal Enterprises*. The close relationship that developed between Steffensmeier and a dying Sam Goodman underlines the fact that research subjects and researchers become more than just observers and subjects.

SUMMARY

Criminology is the science or discipline that studies crime and criminal behavior. Major areas of investigation include criminal behavior, etiology (theories of crime causation), and the sociology of law and societal reaction; related areas include juvenile delinquency and victimology. Criminology also shares with the field of criminal justice the areas of policing, the courts, and corrections.

Knowledge is defined as one's understanding of reality. This understanding is made possible through the creation of symbols or abstractions. Comte identified three stages in the progression of knowledge: the theological, metaphysical (philosophical), and scientific. *Science* combines the spirit of rationality of philosophy with the scientific method, which is characterized by the search for empirical proof. Criminology and sociology are more recent applicants for the scientific credentials already enjoyed by the physical sciences. Having its origins in the eighteenth century in Europe, particularly in the writing of Beccaria who was influential in codifying modern continental law, criminology has largely become a twentieth-century U.S. discipline. This is particularly reflected in the work of Sutherland, who has been identified as "the dean of criminology."

Deviant behavior refers to activities that fall outside the range of normal societal toleration. Definitions of such activities are relative to time, place, and persons. *Values* are practices or beliefs that are prized in society and that are protected by *norms*, which are rules or prescribed modes of conduct. Sumner in his classic work *Folkways* identifies three types of norms: *folkways*, *mores*, and *laws*. While *folkways* are less serious customs or traditions, *mores* are serious norms that contain moral evaluations as well as penal sanctions. Both folkways and mores are examples of informal modes of control. *Laws*—codified rules of behavior—represent formal methods of attempting to assure social control.

Acts *mala in se* refer to acts that are "bad in themselves," such as murder, rape, and the like; acts *mala prohibita* are ones that are "bad because they are prohibited," such as vagrancy and gambling. While not all criminal acts are viewed as deviant, neither are all deviant acts criminal. *Undercriminalization* involves the failure of the law to cover acts *mala in se*, while *overcriminalization* entails overextension of the law to cover acts that may more effectively be enforced through the mores. As societies undergo transition from *Gemeinschaft* (communal, sacred societies) to *Gesellschaft* (associational, secular societies), they must rely more on formal agencies of control. In order to be effective, laws require the support of the mores.

Manifest functions are intended or planned consequences of social arrangements, whereas *latent functions* refer to unintended or unanticipated consequences. While the manifest function of Prohibition was to eliminate alcohol abuse, its latent functions were

to encourage corruption, organized crime, and public disrespect. Durkheim viewed crime as a normal condition in society that served a positive function by the reactions it developed to encourage reaffirmation of values. *Crime*, a violation of criminal law, is characterized by politicality, specificity, uniformity, and sanctions. In explaining the origin of criminal law, the *consensus model* views it as reflecting agreement or public will, while the *conflict model* claims that it represents the interest of the most powerful group(s) in society. In reality, criminal law reflects elements of both models.

For official purposes, crimes are identified as felonies, misdemeanors, and (in some states) summary offenses. Although there is variation by state in the actual assignment to categories, a *felony* refers to more serious crime that bears a penalty of at least one year in a state prison, whereas a *misdemeanor* is a less serious offense subject to a small fine or short imprisonment.

The issue of “Who defines crime?” should not be answered simply by accepting current definitions, since to do so would permit others to define criminology’s subject matter. The crime problem is a growing international problem; the costs of crime are economic (which can only be estimated), psychological, and social in nature. The full social costs are inestimable.

Key Concepts

Characteristics of Criminal Law	Durkheim’s “Crime as Functional Necessity”	<i>Mala Prohibita</i>
Consensus vs. Conflict Model of Law	Felony	Manifest Functions
Costs of Crime	Folkways	Misdemeanor
Crime	Gemeinschaft	Mores
Criminal Law	Gesellschaft	Norms
Criminology	Latent Functions	Overcriminalization
Cultural Values	Laws	Stages of Progression of Knowledge
Deviance	<i>Mala in Se</i>	Undercriminalization

Review Questions

1. What are some crimes that were not much regarded as problems in the past but are currently? Conversely, what are some that were problems in the past and no longer loom as major concerns? Do you have any predictions of emerging, future crimes?
2. Besides “Prohibition,” what are some other social policies that have contained latent functions?
3. Do you think the American criminal justice system reflects a *consensus* or *conflict* model of law? Explain and defend your judgments.
4. Why don’t criminologists simply use the legal classifications of criminals in their studies of crime and criminal behavior?
5. What are the differences among criminal law, statutory law, case law, civil law, and administrative law?