CHAPTER 1

INTRODUCTION

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. Two snipers terrorize the Washington, D.C., area in an apparent ploy to demand extortion money. Major corporations and their accounting firms conspire and cause a major stock market plunge, costing 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 only begun the first part of 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.

While criminologists sometimes disagree regarding a proper definition of the field, 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). Applied criminology also claims what is labeled as the field of criminal justice: the police, the courts, and
corrections. Criminological investigation may probe any or all of these areas. While there is considerable overlap between criminology and criminal justice, criminology shows a greater interest in the causal explanations of crime, and 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. Other areas will be included only to the degree that they impact on these critical concerns.

Fads and Fashions in Crime

A variety of crimes that were once of major concern now appear only in old movies on the late show. Train robbery, piracy, stagecoach robbery, cattle rustling, gunfights such as those 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 1970s, South Vietnamese “boat people” attempting to escape from their homeland were robbed, raped, and murdered by Thai pirates. Brinks trucks have replaced stagecoaches, and semitrailer 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 1960s, was virtually eliminated as a result of better security measures, only to reappear in the United States in the early 1980s as Cuban refugees attempted to use this method as a means of returning home 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 highly publicized cases such as the Patty Hearst kidnapping and the rash of child kidnappings by non-custodial parents. On the other hand, since the 1970s, kidnapping has become a major crime in Italy, as best illustrated by the highly publicized kidnapping of billionaire John Paul Getty’s grandson; the kidnappers mailed one of the young man’s ears to police to impress upon them the seriousness of their intentions. In 1995 in Colombia, a kidnapping was reported every six 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). Nostalgic views of the past tend to romanticize bygone violence or suppress its memory. Most often forgotten are conditions of the past that more than match any chronicle of horrors of the present.
CHAPTER 1: Introduction

The year 2000 marked the 50th anniversary of the FBI’s “Ten Most Wanted Fugitives” program. Much of the public image of the crime problem is stirred by the media via celebrated cases as well as vehicles such as the Federal Bureau of Investigation’s “Ten Most Wanted Fugitives” list.

Figure 1.1 depicts the wanted poster for international terrorist Usama bin Laden, who is on the FBI’s Ten Most Wanted list for planning and supporting terrorist acts against Americans and American facilities. The official list is maintained on the FBI’s World Wide Web site (www.fbi.gov).

In the News 1.1 The FBI’s Ten Most Wanted Fugitives

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FBI TEN MOST WANTED FUGITIVE

Murder of U.S. Nationals Outside the United States;
Conspiracy to Murder U.S. Nationals Outside the United States;
Attack on a Federal Facility Resulting in Death

USAMA BIN LADEN

Date of Photograph Unknown

Aliases: Usama Bin Muhammad Bin Laden, Shaykh Usama Bin Ladin, the Prince, the Emir, Abu Abdallah, Mujahid Shaykh, Hajj, the Director

Description

Date of Birth: 1957
Hair: Brown

Place of Birth: Saudi Arabia
Eyes: Brown

Height: 6’ 4” to 6’ 6”
Complexion: Olive

Weight: Approximately 160 pounds
Sex: Male

Build: Thin
Nationality: Saudi Arabian

Occupation: Unknown
Remarks: Bin Laden is the leader of terrorist organization known as Al-Qaeda “The Base”. He is left-handed and walks with a cane.

Caution

Usama Bin Laden is wanted in connection with the August 7, 1998, bombings of the United States Embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya these attacks killed over 200 people. In addition, Bin Laden is a suspect in other terrorist attacks throughout the world.

Considered Armed and Extremely Dangerous
If you have any information concerning this person, please contact your local FBI office or the nearest U.S. Embassy or Consulate.

Reward

The Rewards For Justice Program, United States Department of State, is offering a reward of up to $25 million for information leading directly to the apprehension and conviction of Usama Bin Laden. An additional $2 million is being offered through a program developed and funded by the Airline Pilots Association and the Air Transport Association.

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<th>Name</th>
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<td>Jorge Alberto Lopez-Orozco</td>
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<td>Usama Bin Laden</td>
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<td>Diego Leon Montoya Sanchez</td>
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<td>James J. Bulger</td>
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<td>John W. Parsons</td>
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In 1950 a news reporter asked the FBI for the ten 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 134 “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 American times. The 1950s list consisted primarily of bank robbers, burglars, and car thieves, while the 1960s version featured revolutionaries and radicals. The 1970s list featured 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, shown in Figure 1.2, features:

- Usama bin Laden—international terrorist
- Diego Montoya Sanchez—cocaine trafficking, money laundering and Racketeer Influenced and Corrupt Organizations (RICO) charges
- James Bulger—a Boston organized crime figure wanted for extortion and RICO charges
- Victor Manuel Gerena—a bank robber who robbed a security company, netting $7 million
- Glen Stewart Godwin—a murderer and escaped prisoner
- Robert William Fisher—allegedly killed his wife and two young children and then blew up the house in which they lived
- Richard S. Goldberg—sexual exploitation of children (production of child pornography and performing lewd acts upon a child)
- Donald Eugene Webb—murder of a Pennsylvania police chief
- Jorge Albert Lopez-Orozco—murdered three people and is wanted for unlawful flight
- Michael Astorga—wanted for two murders including of a sheriff’s deputy

While this list does not feature any women, they have been on the list in the past, beginning with Ruth Eisemann-Schier for kidnapping and extortion in 1968. The inclusion of antiwar activists such as Angela Davis and Bernardine Dohrn was greeted with public scorn engendered by growing disenchantment with the Vietnam War.

Now succeeded by television programs such as “America’s Most Wanted,” the list serves as an interesting chronicle of Americana.

Research Project

Visit the FBI Web site and examine the latest “Ten Most Wanted Fugitives” list. Are any of the people the same as in our “In the News” section? If yes, do they differ in any way from the “In the News” list? Are any of them women or white-collar criminals?

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Scientific Research in Criminology

Many, including practitioners in criminal justice, question the need and usefulness of much criminology research. They wonder why, for instance, after myriad research efforts, criminologists are still unable to answer the fundamental question, “What causes crime?” Many research results strike the layperson as irrelevant academic jargon, intimidating and indecipherable statistics, or confusing elaborations of what any person with common sense knows anyway. This view exists despite the fact that these research activities are usually conducted at great cost to the taxpayer, and at a time when needed operational programs are being eliminated. Some recent research findings are illustrative:

1. The elderly and females fear crime because they are the most heavily victimized groups.
2. Victims of crime seldom know or recognize their offenders.
3. The typical criminal offender is either unemployed or on welfare.
4. In general, residents of large cities believe that their police are doing a poor job.
5. Blacks and Hispanics are less likely than the population as a whole to report personal crimes to police.
6. Most residents of large cities think that their neighborhoods are not safe.
7. Blacks are overrepresented on death rows across the nation; this overrepresentation is more pronounced in the South than in other regions.
8. Crime is an inevitable accompaniment of complex, populous, and industrialized societies.
9. White-collar crime is nonviolent.
10. Regulatory agencies prevent white collar crime.
11. The insanity defense allows many dangerous offenders to escape conviction.

One might respond to all of this by noting that common sense could have told us the same thing; however, sometimes common sense is nonsense. The above statements represent myths regarding crime (Bohm, 1987; Pepinsky & Jesilow, 1992; U.S. Department of Justice, 1978; Walker, 2005; Wright, 1985), as we discover in subsequent chapters.
Unfortunately, those who criticize the need for scientific crime research tend to follow a convoluted line of argument; if the findings are agreeable to them and if after the fact they appear obvious, those findings are dismissed as simply examples of common sense. On the other hand, if the findings are disagreeable to these critics, they are condemned as unscientific or attributable to faulty research methods—and common sense tells the critics so. In following a scientific approach and seeking to isolate, define, and explain the critical features of crime and criminal behavior, it is one of the express purposes of this book to question such conventional wisdom or such common-sense views. A major purpose of criminology is to supply, through the sound application of research methods, accurate and objective data regarding crime and criminal behavior.

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, 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 (to be explored more fully in Chapter 4) used supernatural or otherworldly reasons 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, view it as an art similar to medicine, a field based on many sciences and disciplines (Sutherland & Cressey, 1974, pp. 20–24).

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, p. 16). As will be described in greater detail in Chapter 4, 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 Punishment (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 has been largely a subdiscipline of sociology; even though criminology is interdisciplinary in focus, sociologists have devoted the most attention to the issue of criminality. Once regarded by sociology as a prodigal child, criminology has contributed a surprising depth of theory and research. 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 deservedly received the most recognition.
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 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 their 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), identified 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 shrugs and 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. The accompanying photo illustrates the attempted enforcement of laws that may not have the support of the mores.

The evolution of normative controls to laws is described well by Thomas and Hepburn (1983): “Everywhere we find that the increasing complexity of social, economic, and political relationships erodes the ability of less formal methods of social control to ensure a reasonable level of stability, to mediate conflict and to protect the weak from exploitation” (pp. 46–47). 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 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 in the mores for prohibition. The universality of laws against murder, rape, assault, and the like, irrespective of political or economic systems, bears 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 (to be explored more fully in Chapter 13). 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. They further state (p. 2): “Man has an inalienable right to go to hell in his own fashion, provided he does not directly injure the person or property of another on the way. The criminal law is an inefficient instrument for imposing the good life on others. In short, the law has become too much of a moral busybody.”

### Social Change and the Emergence of Law

Western societies have undergone a long-term evolutionary development from sacred or Gemeinschaft-type societies to secular or Gesellschaft-type 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, by a variety of moral views and political pressure groups. The assurance of social control is attempted by means of formal controls; codified laws administered by bureaucratic agencies of the state. Utilizing Sumner’s notions of norms, as a society industrializes, urbanizes, and becomes more
bureaucratic, complex, and pluralistic, clear consensus with respect to the mores as a means of social control becomes less likely. Complex societies must rely more and more on formal controls—laws. 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.

In a modern pluralistic society that has many conflicting values and norms, laws may reflect the values of only one particular group, usually one that has the power and resources to pressure the state to put its interests first on the social agenda. This conflict perspective of law, to be discussed in more detail shortly, points out that laws may not have the full support or consensus of all members of society and may, in fact, be detrimental to the interests of some.

Sumner (1906) suggested a general maxim: In general, 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 story is often told of the Christian missionaries in the South Sea Islands who, having been shocked by the unabashed nudity of the natives, ordered that all females must henceforth wear blouses. They were dismayed the next day to discover that, though all of the females abided by this new rule, they had strategically cut openings in their new clothing so as to display their breasts.

The introduction of changes or new laws in society can be explored by Merton’s concepts of manifest and latent functions (Merton, 1961, p. 710). 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. 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 more effective 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. To present once again the quotation from Durkheim with which we began this chapter:

> “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. If then, this society has the power to judge and punish, it will define these acts as criminal and will treat them as such” (pp. 68–69).

Thus Durkheim’s “Crime as a Functional Necessity” 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.

Viewing crime as a normality is not to say that criminologists perceive it as a desirable prospect. Gibbons (1982) puts it succinctly: “When sociologists speak of the normality of crime, they often have in mind the broad claim that lawbreaking arises out of root causes or criminogenic conditions that are part and parcel of the social structure of societies” (pp. 10–11). It is indeed a possibility that
rising crime rates in a society may serve as an indicator of modernization, growing affluence, and rising standards and expectations of morality. Crime itself, in being a violation of criminal law, is socially defined and is affected by social change. Abortion and drug laws are just two examples.

The term *Crime of the Century* seems to be perennially used to refer to the latest dramatic crime. Crime Files 1.1 explores crimes to which this label was attached this past century.

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**Crime Files 1.1  The Crimes of the Twentieth Century**

Every year, it seems that 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 its “Ten Crimes of the Century” based on input from its editors, historians, criminal justice experts, and users who voted in its poll, as well as those answering its telephone survey. The “Ten Crimes of the Century” in the APBnews.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
- Watergate break-in
- Ted Bundy serial killings
- O.J. Simpson trial
- Oklahoma City bombing

The assassination of President William McKinley in 1904 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 twenties illustrated the ascendancy of ruthless organized crime groups during Prohibition. The tragic kidnapping of the Lindbergh baby led to legislation designating kidnapping as a federal offense. The trial and subsequent execution of Julius and Ethel Rosenberg, native Americans who betrayed their country by giving the Soviets America’s atomic secrets, solidified the Cold War. The assassinations of President John Kennedy and, five years later, civil rights leader the Reverend Dr. Martin Luther King, Jr. gave rise to numerous conspiracy theories that secret, sinister forces were responsible.

The Watergate affair 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 the numerous celebrity cases that have attracted public attention over the years. Finally, the Oklahoma City terrorist bombing (and the World Trade Center bombing, which is not listed) demonstrated the growing vulnerability to terrorism of modern society. The Oklahoma City bombing represented the worst terrorist attack, in terms of casualties, on American soil in history. It also punctuated for a complacent America that “it can happen here.”

*(Continued)*
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
- The St. Valentine’s Day Massacre
- The Lindbergh kidnapping
- The Rosenberg spy case
- The Lynching of Emmett Till
- The Charles Manson murders
- The “Son of Sam” killings
- Jeffrey Dahmer, cannibal

While the U.S. News list includes many of the same entries as APNews.com, it also includes lesser-known events, such as the high-society murder of Stanford White, a well-known architect, due to a romantic dispute. The execution of labor leader Joe Hill, of the radical union International Workers of the World, exemplifies the labor unrest early in the twentieth century. Other additions are more serial murderers: Manson; “Son of Sam” David Berkowitz; and Jeffrey Dahmer, the personification of our own 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, six of the ten 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 U.S. and does not include crimes such as, for example, Hitler and the Holocaust.

While the fascinating and mesmerizing quality of these crimes gives them a timeless quality that still enthralls the public, a dance macabre that appalls yet entices, it is the very rare, atypical quality of these crimes 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, theft, and other crimes bring crime up close and personal to its victims and will be more the subject of this text.

**Research Project**

What do you think was the “Crime of the Twentieth Century”? Search using your Web browser 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 posted on the site.

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- The “Son of Sam” killings
- Jeffrey Dahmer, cannibal

While the U.S. News list includes many of the same entries as APNews.com, it also includes lesser-known events, such as the high-society murder of Stanford White, a well-known 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” David Berkowitz; and Jeffrey Dahmer, the personification of our own 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, six of the ten 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 U.S. and does not include crimes such as, for example, Hitler and the Holocaust.

While the fascinating and mesmerizing quality of these crimes gives them a timeless quality that still enthralls the public, a dance macabre that appalls yet entices, it is the very rare, atypical quality of these crimes 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, theft, and other crimes bring crime up close and personal to its victims and will be more the subject of this text.

**Research Project**

What do you think was the “Crime of the Twentieth Century”? Search using your Web browser 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 posted on the site.

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Consensus vs. 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.

While both of these models will be explored in greater scope in Chapter 6, the criminal law appears to reflect both patterns. As Thomas and Hepburn (1983) indicate, “...nobody would be too elated at the prospect of being murdered, raped or assaulted” (p. 51); such prohibitions clearly reflect the consensus model. And Schafer (1976) describes the conflict view dramatically: “While ordinary criminals use a gun or knife to make the victim an ever-silent witness, the white collar criminals substitute for the gun or the knife their political or economic power to avoid appearing in the crime statistics” (p. 25).

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, even the mind and self-consciousness are social creations (Mead, 1934). Reflected in labeling theory (see Chapter 7), 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. Fox (1976) 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, is 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:

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 also 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 take place.

3. Social harm of a conscious, voluntary nature is required. There must be injury to the state or 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.

5. The voluntary misconduct must be causally related to the harm. It must be shown that the decision or act did directly or indirectly cause harm.

Crimes were originally considered simply 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.

Crime Files 1.2 describes some typical legal definitions of crimes in the United States.

Who Defines Crime?
Sociological Definitions of Crime

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, rather than the decisions of the rich; the "pathology" of the ghetto, rather than problems of the economy. (p. 11)
Crimes are defined by law

In this report we define crime as all behaviors and acts for which a society provides formally sanctioned punishment. In the United States, what is criminal is specified in the written law, primarily state statutes. What is included in the definition of crime varies among federal, state, and local jurisdictions.

Criminologists devote a great deal of attention to defining crime in both general and specific terms. This definitional process is the first step toward the goal of obtaining accurate crime statistics.

To provide additional perspectives on crime it is sometimes viewed in ways other than those suggested by the standard legal definitions. Such alternatives define crime in terms of the type of victim (child abuse), the type of offender (white-collar crime), the object of the crime (property crime), or the method of criminal activity (organized crime). Such definitions usually cover one or more of the standard legal definitions. For example, organized crime may include fraud, extortion, assault, or homicide.

What is considered criminal by society changes over time

Some types of events, such as murder, robbery, and burglary, have been defined as crimes for centuries. Such crimes are part of the common-law definition of crime. Other types of conduct traditionally have not been viewed as crimes. As social values and mores change, society has codified some conduct as criminal while decriminalizing other conduct. The recent movement toward increased "criminalization" of drunk driving is an example of such change.

New technology also results in new types of conduct not anticipated by the law. Changes in the law may be needed to define and sanction these types of conduct. For example, the introduction of computers has added to the criminal codes in many states so that acts such as the destruction of programs or data could be defined as crimes.

What are some other common crimes in the United States?

- **Drug abuse violations** Offenses relating to growing, manufacturing, making, possessing, using, selling, or distributing narcotic and dangerous non-narcotic drugs. A distinction is made between possession and sale/manufacturing.

- **Sex offenses** In current statistical usage, the name of a broad category of varying content, usually consisting of all offenses having a sexual element except for forcible rape and commercial sex offenses, which are defined separately.

- **Fraud offenses** The crime type comprising offenses sharing the elements of practice of deceit or intentional misrepresentation of fact, with the intent of unlawfully depriving a person of his or her property or legal rights.

- **Drunkenness** Public intoxication, except “driving under the influence.”

- **Disturbing the peace** Unlawful interruption of the peace, quiet, or order of a community, including offenses called “disorderly conduct,” “vagrancy,” “loitering,” “unlawful assembly,” and “riot.”

- **Driving under the influence** Driving or operating any vehicle or common carrier while drunk or under the influence of liquor or drugs.

- **Liquor law offenses** State or local liquor law violations, except drunkenness and driving under the influence. Federal violations are excluded.
INTRODUCTION TO CRIMINOLOGY

Gambling Unlawful staking or wagering of money or other thing of value on a game of chance or on an uncertain event.

Kidnapping Transportation or confinement of a person without authority of law and without his or her consent, or of a minor without the consent of his or her guardian.

Vandalism Destroying or damaging, or attempting to destroy or damage, the property of another without his or her consent, or public property—except by burning, which is arson.

Public order offenses Violations of the peace or order of the community or threats to the public health through unacceptable public conduct, interference with governmental authority, or violation of civil rights or liberties. Weapons offenses, bribery, escape, and tax law violations, for example, are included in this category.

How do violent crimes differ from property crimes?
The outcome of a criminal event determines whether it is a property crime or a violent crime. Violent crime refers to events such as homicide, rape, and assault that may result in injury to a person. Robbery is also considered a violent crime because it involves the use or threat of force against a person.

Property crimes are unlawful acts with the intent of gaining property not involving the use or threat of force against an individual. Larceny and motor vehicle theft are examples of property crimes.

In the National Crime Survey (NCS) a distinction is also made between crimes against persons (violent crimes and personal larceny) and crimes against households (property crimes, including household larceny).

How do felonies differ from misdemeanors?
Criminal offenses are also classified according to how they are handled by the criminal justice system. Most jurisdictions recognize two classes of offenses: felonies and misdemeanors.

Felonies are not distinguished from misdemeanors in the same way in all jurisdictions, but most states define felonies as offenses punishable by a year or more in a state prison. The most serious crimes are never “misdemeanors” and the most minor offenses are never “felonies.”


Research Project
Using a Web browser, search for an article on criminal law reform, self-defense or mens rea. What is the major theme of this article?

Web Exercise
Using the companion Web site: click on and read the article by Arrigo titled “Justice and the Deconstruction of Psychological Jurisprudence: The Case of Competency to Stand Trial.” What changes does he see taking place in competency laws?

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

Many “white collar crimes” that we will discuss differ from other crimes only in the implementation of the law, which segregates white collar criminals administratively from other criminals.
Reiman (1998) indicates that many acts that are not treated as criminal acts are as great or more a danger to society than acts that are: “Thus, the disproportionality between our heavy-handed response to crime and our kid-glove response to noncriminal dangers continues to need explanation” (p. viii). 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 suits.” 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 ignore the possibility that maybe Ivy League educations and working on Wall Street or for the defense industry 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 later 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 (to be discussed in Chapter 2), 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 series 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 loans in the 1980s and early 1990s are estimated to have cost the American taxpayer $500 billion, or 625 Los Angeles riots. As shown in the accompanying photograph, many depositors swarmed the failing thrifts in an attempt to recover their investments.

Perhaps the most ambitious comprehensive attempt to assess the total cost of crime was by David Anderson in an article titled “The Aggregate

Photo 1.2 Depositors line up in the parking lot of a failed Savings and Loan.

Source: Time Life Pictures/Getty Images
Burden of Crime” (1999). 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 U.S. save if we had a crime-free environment?” His answer: $1.7 trillion. The aggregate burden of crime for 1998 consists 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 lost time doing something more productive. Anderson (1999, p. 44) estimates these opportunity costs as:

- 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

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 refers 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.

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 our photograph, the costly L.A. riots of 1992 were dwarfed by the cost of the collapse of the nation’s savings and loans.
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), 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. Debunkers of the relevance of the scientific approach to criminology often recommend substituting common sense, but they should beware of this approach, since it often becomes nonsense.

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 laws regulating 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 the criminal law 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, while 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.
4. Do you think the American criminal justice system reflects a consensus or conflict model of law? Explain and defend your judgments.

5. Why don’t criminologists simply use the legal classifications of criminals in their studies of crime and criminal behavior?

6. The early European settlers in the U.S. sometimes referred to indigenous people as savages. Why were they wrong in this belief?

7. What is the purpose of scientific research in criminology?

8. What are some characteristics of the criminal law that you believe the common person on the street may be unaware of?

9. What is the difference between criminal law, statutory law, case law, civil law, and administrative law?

10. What are some elements that must be taken into account in the effort to count the cost of crime?

Criminology on the Web
Log on to the Web-based student study site at http://www.sagepub.com/haganstudy for additional web sources and study resources.

Selected Readings


This classic article reviews the many works on, and claims about, myths in criminology and criminal justice. A review such as this of misconceptions in criminology is an excellent means by which to assess the state of current knowledge in the field.


Elliott Currie has remained a consistent voice of liberal thought in the area of crime policy. He challenges conservative thought of crime, which tends to be defeatist, and tends to ignore the role of structural conditions such as inequality and discrimination in crime causation.


Fuller and Hickey provide an excellent collection of fourteen articles featuring a debate between two criminologists on each subject.


In this slim volume, Don Gibbons provides a very readable history of criminological thought that provides undergraduates with an excellent overview of the history on development of criminology and criminological theory.


This book by one of the most lucid writers in criminology provides a very readable, original, and scholarly discussion of a number of criminological controversies such as serial murders and moral panics.

In this small volume, the authors build on Robert Merton’s anomie or strain theory by speaking to the development of an institutionalization of deviant means in American society. According to this theory, legitimate institutions begin to adopt illegal means of achieving their competitive objectives.


This collection features eighteen articles on research on a variety of criminological issues. It particularly underlines the point that research in criminology stresses scientific analysis over mere opinion.


Reiman’s work is an acknowledged classic in the field that documents the continuing inequality in the U.S. criminal justice system. His analysis serves as an excellent illustration of the conflict model in criminology.


Surprisingly there is a shortage of good general readers in criminology. Scarpitti and Nielson more than fill the gap with a fine selection of 41 readings that serves to complement texts in criminology, including this one.


In this short book, Sam Walker provides a very succinct and readable coverage of critical issues in criminology using as an organizational gimmick the theme of myths in criminology.