

Chapter One

A THEORY OF CRIMINOLOGY

CRIMINOLOGY. Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting toward the breaking of laws. These processes are three aspects of a somewhat unified sequence of interactions. Certain acts which are regarded as undesirable are defined by the political society as crimes. In spite of this definition some people persist in the behavior and thus commit crimes; the political society reacts by punishment or other treatment, or by prevention. This sequence of interactions is the object-matter of criminology.

Criminology consists of three principal divisions, as follows: (a) the sociology of law, which is an attempt at scientific analysis of the conditions under which criminal laws develop and which is seldom included in general books on criminology; (b) criminal aetiology, which is an attempt at scientific analysis of the causes of crime; and (c) penology, which is concerned with the control of crime. The term "penology" is unsatisfactory because this division includes many methods of control which are not penal in character.

The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment or prevention. This knowledge will contribute to the development of other social studies and through these other social studies it will contribute to efficiency in general social control. In addition, criminology is concerned with the immediate application of knowledge to programs of social control of crime. This concern with practical programs is justified, in part, as experimentation which may be valuable

because of its immediate results but at any rate will be valuable in the long run because of the increased knowledge which results from it. If practical programs wait until theoretical knowledge is complete, they will wait for eternity, for theoretical knowledge is increased most significantly in the efforts at social control. John Dewey has described the relationship between knowledge and control thus:

It is a complete error to suppose that efforts at social control depend upon the prior existence of a social science. The reverse is the case. The building up of a social science, that is, of a body of knowledge in which facts are ascertained in their significant relations, is dependent upon putting social planning into effect. . . . Physical science did not develop because inquirers had piled up a mass of facts about observed phenomena. It came into being when men intentionally experimented, on the basis of ideas and hypotheses, with observed phenomena to modify them and disclose new observations. This process is self-corrective and self-developing. Imperfect and even wrong hypotheses, when acted upon, brought to light significant phenomena which made improved ideas and improved experimentations possible. The change from a passive and accumulative attitude into an active and productive one is the secret revealed by the progress of physical inquiry. Men obtained knowledge of natural energies by trying deliberately to control the conditions of their operation. The result was knowledge, and then control on a larger scale by the application of what was learned.¹

While experimentation may increase theoretical knowledge and thereby contribute to ultimate improvements in policies, it is unnecessarily wasteful unless it be directed by the best organized and critical thought available. The average citizen is confronted by a confusing and conflicting complex of popular beliefs and programs in regard to crime. Some of these are traditions from eighteenth-century philosophy; some are promulgations of special interest groups; and some are blind emotional reactions. Organized and critical thinking in this field is therefore peculiarly difficult and also peculiarly necessary.

It is therefore desirable to begin this study with a tentative

¹ John Dewey, "Social Science and Social Control," *New Rep.*, 67:276-277, July 29, 1931. Reprinted by permission.

theory of criminal behavior and to keep this theory in mind throughout the study. The theory should be regarded as tentative and should be tested by the factual information presented in the later chapters and by all other factual information and theories which are applicable.

THE METHOD OF SCIENTIFIC EXPLANATION. Any scientific explanation consists of a description of the conditions which are always present when a phenomenon occurs and which are never present when the phenomenon does not occur. Although a multitude of conditions may be associated in greater or less degree with the phenomenon in question, this information is relatively useless for understanding or for control if the factors are left as a hodgepodge of unorganized factors. Scientists strive to organize their knowledge in interrelated general propositions, to which no exceptions can be found. The heterogeneous collection of factors associated with a phenomenon may be reduced to a series of interrelated general propositions by two general methods.

First, the multiple factors operating at a particular moment may be reduced to simplicity and generality by abstracting from them the elements which are common to all of them. Negroes, urban-dwellers, and young-adult males all have comparatively high crime rates. What do they have in common that results in these high crime rates? Research studies of criminal behavior have shown that criminal behavior is associated in greater or less degree with the social and personal pathologies, such as poverty, bad housing, slum-residence, lack of recreational facilities, inadequate and demoralized families, feeble-mindedness, emotional instability, and other traits and conditions. At the same time, these research studies have demonstrated that many persons with these pathological traits and conditions do not commit crimes. Also, these studies have shown that persons in the upper socio-economic class frequently violate laws, although they are not in poverty, do not lack recreational facilities, are not feeble-minded, or emotionally unstable. Such factors are obviously inadequate as an explanation of criminal behavior, and no amount of calculation of the risks of different categories of persons will bring us much closer to an understanding of criminal behavior. An adequate explanation of criminal behavior can be reached only by locating the abstract mechanisms and processes which are common to both the rich and the poor, the emotionally stable and the emotionally unstable who commit

crimes. In arriving at these abstract mechanisms and processes, some of the concrete factors can be reinterpreted in general terms. A motion picture several years ago showed two boys engaged in theft; they ran when they were discovered; one boy had longer legs, escaped, and became a priest; the other had shorter legs, was caught, committed to a reformatory, and became a gangster. In this comparison, the boy who became a criminal was differentiated from the one who did not become a criminal by the length of his legs. In general, however, no significant relationship has been found between criminality and length of legs and certainly many persons with short legs are law-abiding and many persons with long legs are criminals. In this particular case, the length of the legs is probably of no significance in itself and is significant only as it determines the subsequent experiences and associations of the two boys.

Second, the causal analysis must be held at a particular level in order to arrive at valid generalizations. Two aspects of this may be mentioned. The first is limiting the problem to a particular part of the whole situation, largely in terms of chronology. In the heterogeneous collection of factors associated with criminal behavior one factor is often the cause of another factor or at least occurs prior to the other. Consideration of the time sequences among the factors often leads to simplicity of statement. When physicists stated the law of falling bodies they were not concerned with the reasons why a body began to fall except as this might effect the initial momentum. It made no difference to the physicist whether a body began to fall because it was dropped from the hand of an experimental physicist or rolled off the edge of a bridge because of vibration caused by a passing automobile. Such facts were on a different level of explanation and were irrelevant to the problem with which they were concerned. Much of the confusion regarding human behavior is due to failure to define and hold constant the level of explanation. A second aspect of this problem is the definition of criminal behavior. The problem in criminology is to explain the criminality of human behavior, not the behavior, as such. Criminal behavior is a part of human behavior, has much in common with non-criminal behavior, and must be explained within the same general framework as any other human behavior. However, an explanation of criminal behavior should be a specific part of that general theory of behavior and its task should be to differentiate criminal from non-

criminal behavior. Many things which are necessary factors in behavior are not necessary for the criminality of behavior. Respiration, for instance, is necessary for any behavior but it is not a factor in criminal behavior, as defined, since it does not differentiate criminal behavior from non-criminal behavior.

TWO TYPES OF EXPLANATIONS OF CRIMINAL BEHAVIOR. The scientific explanation of a phenomenon may be stated either in terms of the factors which are operating at the moment of the occurrence of a phenomenon or in terms of the processes operating in the earlier history of that phenomenon. In the first case the explanation is mechanistic, in the second historical or genetic; both are desirable. The physical and biological scientists favor the first of these methods and it would probably be superior as an explanation of criminal behavior. Efforts at explanations of the mechanistic type have been notably unsuccessful, perhaps largely because they have been concentrated on the attempt to isolate personal and social pathologies. Work from this point of view has, at least, resulted in the conclusion that the immediate factors in criminal behavior lie in the person-situation complex. Person and situation are not factors exclusive of each other, for the situation which is important is the situation as defined by the person who is involved. The tendencies and inhibitions at the moment of the criminal behavior are, to be sure, largely a product of the earlier history of the person, but the expression of these tendencies and inhibitions is a reaction to the immediate situation as defined by the person. The situation operates in many ways, of which perhaps the least important is the provision of an opportunity for a criminal act. A thief may steal from a fruit stand when the owner is not in sight but refrain when the owner is in sight; a bank burglar may attack a bank which is poorly protected but refrain from attacking a bank protected by watchmen and burglar alarms. A corporation which manufactures automobiles seldom or never violates the Pure Food and Drug Law but a meat-packing corporation violates this law with great frequency.

The second type of explanation of criminal behavior is made in terms of the life experience of a person. This is an historical or genetic explanation of criminal behavior. This, to be sure, assumes a situation to be defined by the person in terms of the inclinations and abilities which the person has acquired up to that date. The following paragraphs state such a genetic theory of criminal be-

havior on the assumption that a criminal act occurs when a situation appropriate for it, as defined by a person, is present.

Genetic Explanation of Criminal Behavior. The following statement refers to the process by which a particular person comes to engage in criminal behavior.

1. *Criminal behavior is learned.* Negatively, this means that criminal behavior is not inherited, as such; also, the person who is not already trained in crime does not invent criminal behavior, just as a person does not make mechanical inventions unless he has had training in mechanics.

2. *Criminal behavior is learned in interaction with other persons in a process of communication.* This communication is verbal in many respects but includes also "the communication of gestures."

3. *The principal part of the learning of criminal behavior occurs within intimate personal groups.* Negatively, this means that the impersonal agencies of communication, such as picture shows and newspapers, play a relatively unimportant part in the genesis of criminal behavior.

4. *When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes.*

5. *The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.* In some societies an individual is surrounded by persons who invariably define the legal codes as rules to be observed, while in others he is surrounded by persons whose definitions are favorable to the violation of the legal codes. In our American society these definitions are almost always mixed and consequently we have culture conflict in relation to the legal codes.

6. *A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law.* This is the principle of differential association. It refers to both criminal and anti-criminal associations and has to do with counteracting forces. When persons become criminal, they do so because of contacts with criminal patterns and also because of isolation from anti-criminal patterns. Any person inevitably assimilates the surrounding culture unless other patterns are in conflict; a Southerner does not pronounce "r" because other Southerners do not pronounce "r." Negatively, this proposition of differential asso-

ciation means that associations which are neutral so far as crime is concerned have little or no effect on the genesis of criminal behavior. Much of the experience of a person is neutral in this sense, e.g., learning to brush one's teeth. This behavior has no negative or positive effect on criminal behavior except as it may be related to associations which are concerned with the legal codes. This neutral behavior is important especially as an occupier of the time of a child so that he is not in contact with criminal behavior during the time he is so engaged in the neutral behavior.

7. *Differential associations may vary in frequency, duration, priority, and intensity.* This means that associations with criminal behavior and also associations with anti-criminal behaviors vary in those respects. "Frequency" and "duration" as modalities of associations are obvious and need no explanation. "Priority" is assumed to be important in the sense that lawful behavior developed in early childhood may persist throughout life, and also that delinquent behavior developed in early childhood may persist throughout life. This tendency, however, has not been adequately demonstrated, and priority seems to be important principally through its selective influence. "Intensity" is not precisely defined but it has to do with such things as the prestige of the source of a criminal or anti-criminal pattern and with emotional reactions related to the associations. In a precise description of the criminal behavior of a person these modalities would be stated in quantitative form and a mathematical ratio be reached. A formula in this sense has not been developed and the development of such a formula would be extremely difficult.

8. *The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.* Negatively, this means that the learning of criminal behavior is not restricted to the process of imitation. A person who is seduced, for instance, learns criminal behavior by association but this process would not ordinarily be described as imitation.

9. *While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values since non-criminal behavior is an expression of the same needs and values.* Thieves generally steal in order to secure money, but likewise honest laborers work in order to secure money. The attempts by many scholars to explain criminal behavior by general drives

and values, such as the happiness principle, striving for social status, the money motive, or frustration, have been and must continue to be futile since they explain lawful behavior as completely as they explain criminal behavior. They are similar to respiration, which is necessary for any behavior but which does not differentiate criminal from non-criminal behavior.

It is not necessary, at this level of explanation, to explain why a person has the associations which he has; this certainly involves a complex of many things. In an area where the delinquency rate is high a boy who is sociable, gregarious, active, and athletic is very likely to come in contact with the other boys in the neighborhood, learn delinquent behavior from them, and become a gangster; in the same neighborhood the psychopathic boy who is isolated, introvert, and inert may remain at home, not become acquainted with the other boys in the neighborhood, and not become delinquent. In another situation, the sociable, athletic, aggressive boy may become a member of a scout troop and not become involved in delinquent behavior. The person's associations are determined in a general context of social organization. A child is ordinarily reared in a family; the place of residence of the family is determined largely by family income; and the delinquency rate is in many respects related to the rental value of the houses. Many other factors enter into this social organization, including many of the small personal group relationships.

The preceding explanation of criminal behavior was stated from the point of view of the person who engages in criminal behavior. It is possible, also, to state theories of criminal behavior from the point of view of the community, nation, or other group. The problem, when thus stated, is generally concerned with crime rates and involves a comparison of the crime rates of various groups or the crime rates of a particular group at different times. One of the best explanations of crime rates from this point of view is that a high crime rate is due to social disorganization. The term "social disorganization" is not entirely satisfactory and it seems preferable to substitute for it the term "differential social organization." The postulate on which this theory is based, regardless of the name, is that crime is rooted in the social organization and is an expression of that social organization. A group may be organized for criminal behavior or organized against criminal behavior. Most communities are organized both for criminal and anti-criminal behavior and in

that sense the crime rate is an expression of the differential group organization. Differential group organization as an explanation of a crime rate must be consistent with the explanation of the criminal behavior of the person, since the crime rate is a summary statement of the number of persons in the group who commit crimes and the frequency with which they commit crimes.