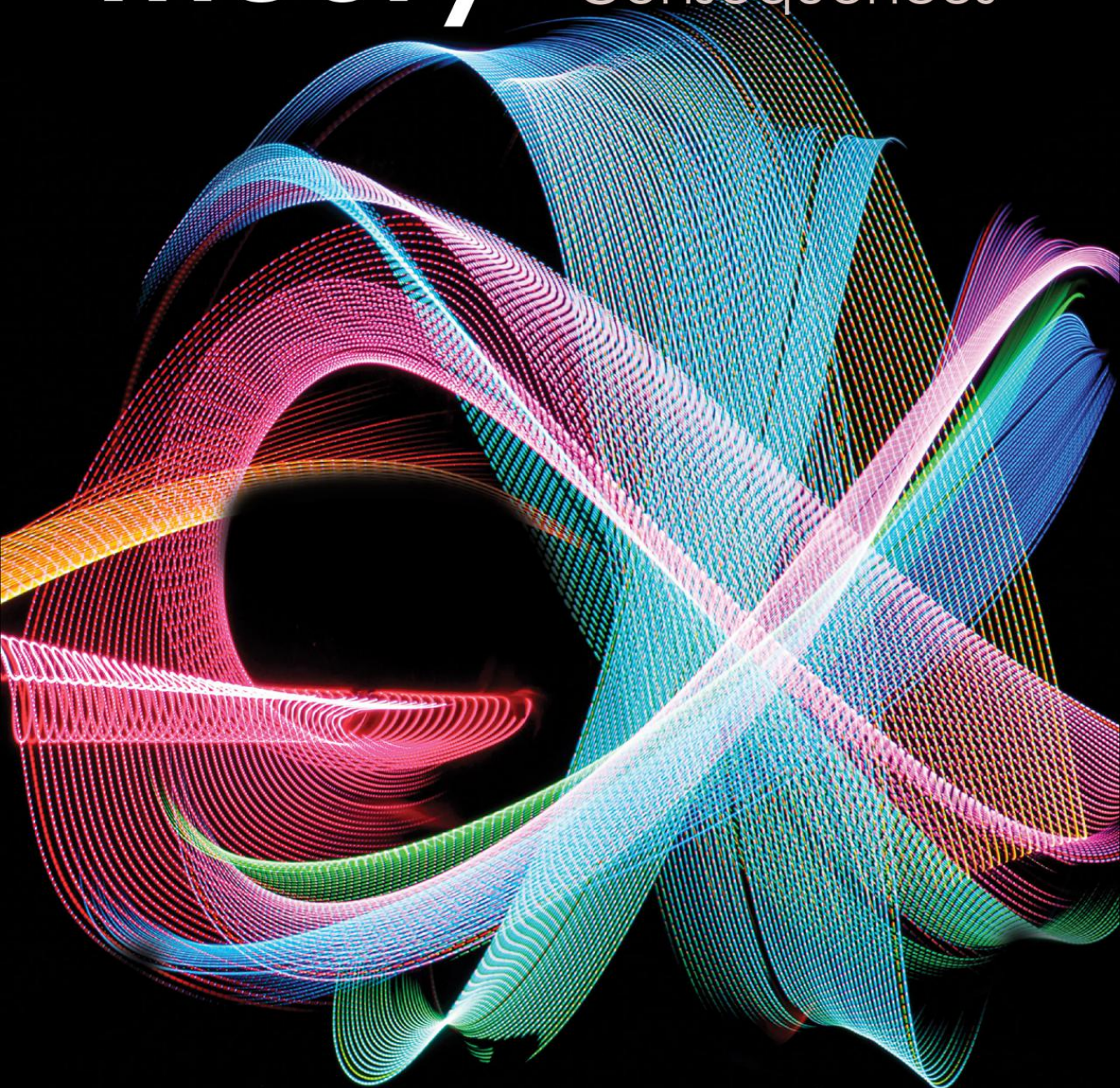


SEVENTH EDITION

# Criminological Theory

Context and  
Consequences



J. Robert  
**Lilly**

Francis T.  
**Cullen**

Richard A.  
**Ball**



# **Criminological Theory**

Seventh Edition

*For our children and grandchildren*

*Catherine and Robert*

*Jordan*

*Charlie and Mike*

*Stephen, Christopher, Taylor, and Justin*

*Jaden and Radik*

# **Criminological Theory**

Context and Consequences

**Seventh Edition**

**J. Robert Lilly**

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Los Angeles | London | New Delhi  
Singapore | Washington DC | Melbourne



FOR INFORMATION:

SAGE Publications, Inc.  
2455 Teller Road  
Thousand Oaks, California 91320  
E-mail: [order@sagepub.com](mailto:order@sagepub.com)  
SAGE Publications Ltd.

1 Oliver's Yard  
55 City Road  
London EC1Y 1SP  
United Kingdom

SAGE Publications India Pvt. Ltd.  
B 1/1 Mohan Cooperative Industrial Area  
Mathura Road, New Delhi 110 044  
India

SAGE Publications Asia-Pacific Pte. Ltd.  
18 Cross Street  
#10-10/11/12  
China Square Central  
Singapore 048423

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Acquisitions Editor: Jessica Miller  
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Printed in the United States of America

*Library of Congress Cataloging-in-Publication Data*

Names: Lilly, J. Robert, author. | Cullen, Francis T., author. | Ball, Richard A., 1936- author.

Title: Criminological theory : context and consequences / J. Robert Lilly, Northern Kentucky University, Francis T. Cullen, University of Cincinnati, Richard A. Ball, Pennsylvania State University, Fayette.

Description: Seventh edition. | Thousand Oaks, California : SAGE, [2019] | Includes bibliographical references and index.

Identifiers: LCCN 2018025575 | ISBN 9781506387307 (pbk. : alk. paper)

Subjects: LCSH: Criminology. | Crime—United States. | Criminal behavior—United States.

Classification: LCC HV6018 .L55 2019 | DDC 364.973—dc23  
LC record available at <https://lccn.loc.gov/2018025575>

This book is printed on acid-free paper.

18 19 20 21 22 10 9 8 7 6 5 4 3 2 1

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# PREFACE

The idea for this book was birthed during the mid-1970s when the United States and criminology on both sides of the Atlantic were experiencing immense changes. Between that time and the appearance of the first edition of the book in 1989, much of our individual energies were devoted to establishing and maintaining our careers and to our changing family responsibilities. At times, it seemed as though the circumstances needed to sustain the type of collective effort required for *Criminological Theory* were so elusive as to prevent the book from ever being written. Yet, the idea of a book that went beyond explaining criminological theory—one that used a sociology of knowledge perspective to explain the origins, developments, and consequences of criminological theory—remained very much alive. We were certain that few works like it in criminology had been written before. Then and now, we were committed to demonstrating that ideas about the causes of crime have consequences.

*Criminological Theory*, which has been an ongoing project for most of our careers, is now in its seventh edition and is celebrating its 30th anniversary! During this time, the book has more than doubled in size—a fact that reflects both the increasing richness of theorizing about crime and our efforts to add substantive value as we authored each new edition. Thus, the second edition in 1995 included empirical updates, substantial rewriting, and a new chapter devoted to fresh directions in critical thinking about crime. The emphasis on a sociology of knowledge perspective remained the same. The third edition, which appeared in 2002, attempted to capture novel theoretical developments that had occurred within both mainstream and critical theoretical paradigms. The fourth edition, published in 2006, expanded the book from 9 to 14 chapters and identified new theoretical trends in the United States and in Europe. The fifth edition, set forth in 2011, contained a new chapter on white-collar crime—a theoretical domain that is often ignored. Published in 2015, the sixth addition expanded coverage of biosocial theory to two chapters, reflecting the growth of this perspective, and added coverage of emerging frameworks, such as green criminology, male peer support theory, and social concern and social support theories.

Collectively, the three of us have spent more than 140 years as professors studying criminological theory. We were fortunate to have embarked on our scholarly careers when criminology was emerging as a vital discipline on both sides of the Atlantic. During this time, theory has remained central to the criminological enterprise. As our careers progressed, we witnessed foundational theories—such as the Chicago school, Merton's social structure and anomie paradigm, and control theory—exert enduring influence. But reflecting a changing social context and the growing diversity of the field, we heard new, more critical voices that offered alternative visions of the sources of and cures for crime. Across all editions of the book, our goal has been to chronicle each chapter of this unfolding and fascinating story, giving coverage to all influential perspectives and treating each with an appropriate level of critical analysis and ultimately respect.

Over the past decade or so, criminology has lost a number of prominent scholars—including, among others, William Chambliss, Gilbert Geis, Travis Hirschi, Rolf Loeber, F. Ivan Nye, Raymond Paternoster, Rita Simon, and Austin Turk in the United States and Stanley Cohen, Barbara Hudson, Terence Morris, Geoffrey Pearson, and Jock Young in the United Kingdom. Their passing—and that of others before them—has reminded us of how fortunate we have been in our careers to have experienced the inordinate contributions of remarkable criminologists. In fact, we not only have read their writings but also have known personally many of these wonderful people who shaped

thinking within criminology. At the same time, their passing also made clear that criminology as a discipline is a dynamic, ever-changing field—burdened by the losses of great minds but also benefited by the creation of new knowledge that improves our understanding both of the origins of criminal behavior and of what does and does not work to control crime.

In this context, we are privileged to have the continuing opportunity to chronicle the major advances within criminological theory, ranging from biosocial to critical criminology. As with each previous revision, we updated materials and sought to make the book more informative, interesting, and accessible. Here are the most important changes that we have included in the seventh edition:

- Discussion of important changes in the contemporary social context in the United States and in Europe, as nations have moved into an era marked by the election of Donald Trump and Brexit.
- Updated statistics and information about significant changes in crime, imprisonment, and policy.
- Expanded coverage of important perspectives, including subterranean values and delinquency, low self-control as an explanation of victimization, procedural justice theory, personality traits and white-collar offending, place management theory, the social development model, and the feared self theory of desistance.
- Expanded coverage of new directions in and the policy consequences of critical and feminist theory.
- The inclusion of more than 400 new sources that assess developments within, and the empirical status of, the major theories.
- Examination of the implication of biosocial criminology, especially neuroscience, for offender treatment and juvenile justice policy.

Because criminology is an evolving field of study, we are convinced that the contents of the shifting contexts of the social world from which criminology comes will continue to influence its theoretical explanations for crime and the policy responses to it. It is our hope, however, that criminology never will be a mere reflection of the world around it.

There are far too many people to whom we owe debts for the success of *Criminological Theory* to be properly thanked here. For this reason, we mention only three. First, the late James A. Inciardi, who gave us the opportunity to write for SAGE Publications, deserves our gratitude for his faith in our efforts and patience when it seemed as though the first edition never would see the light of day. Second, Jerry Westby, our past and long-standing SAGE editor, showed unwavering confidence in our project across multiple editions, always providing just the right dollop of support and wise advice to enable us to bring our work to fruition. Third, Jessica Miller, our current SAGE editor and protégé of Jerry, has displayed remarkable enthusiasm for this project, making possible a wonderful working relationship. We look forward to collaborating with Jessica on the book's eighth edition and beyond!

Finally, we want to express our appreciation to the many criminologists—and their students—who have embraced our efforts to tell the story of the development of criminological theory. Without your continued support, *Criminological Theory* would not be in its seventh edition. It has been a privilege to share our ideas with you.

*J. Robert Lilly  
Francis T. Cullen  
Richard A. Ball*

# ACKNOWLEDGMENTS

SAGE Publishing gratefully acknowledges the contributions of the following individuals:

Michele P. Bratina

*West Chester University of Pennsylvania*

Susan S. Hodge

*University of North Carolina at Charlotte*

John A. Humphrey

*Saint Anselm College*

Amanda Matravers

*California State University, East Bay*

Adam J. McKee

*University of Arkansas at Monticello*

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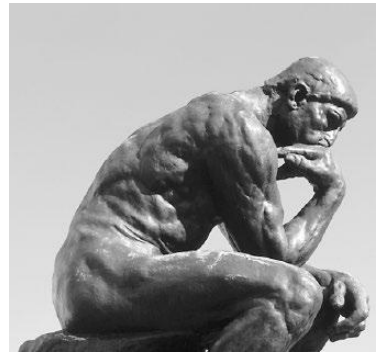
THE CONTEXT AND  
CONSEQUENCES OF THEORY

Crime is a complex phenomenon, and it is a demanding, if intriguing, challenge to explain its many sides. Many commentators—some public officials come to mind—often suggest that using good common sense is enough to explain why citizens shoot or rob one another and, in turn, to inform us as to what to do about such lawlessness. Our experience—and, we trust, this book as well—teaches that the search for answers to the crime problem is not so easy. It requires that we reconsider our biases, learn from the insights and mistakes of our predecessors who have risked theorizing about the causes of crime, and consider clearly the implications of what we propose.

But the task—or, as we see it, the adventure—of explaining crime is an important undertaking. To be sure, crime commentary frequently succumbs to the temptation to exaggerate and sensationalize, to suggest that crimes that are exceptionally lurid and injurious compose the bulk of America's lawlessness, or perhaps to suggest that most citizens spend their lives huddled behind barricaded doors and paralyzed by the fear that local thugs will victimize them. There is, of course, an element of truth to these observations, and that is why they have an intuitive appeal. Yet most Americans, particularly those living in more affluent communities, do not have their lives ripped apart by brutal assaults or tragic murders. And although many citizens lock their doors at night, install burglar alarms, and perhaps buy weapons for protection, they typically say that they feel safe in and close to their homes (Cullen, Clark, & Wozniak, 1985; Scheingold, 1984).

But these cautionary remarks do not detract from the reality that crime is a serious matter that, we believe, deserves study and understanding. Most Americans escape the type of victimization that takes their lives or destroys their peace of mind, but too many others do not share this good fortune. Thus, media reports of Americans killing Americans are sufficiently ubiquitous that many of us have become so desensitized to the violence in our communities that we give these accounts scarcely more attention than the scores from the day's sporting events. And it is likely that most of us have friends, or friends of friends, who have been seriously assaulted or perhaps even murdered.

Statistical data paint an equally bleak picture. Each year, the Federal Bureau of Investigation (FBI) publishes the *Uniform Crime Reports* in which it lists the numbers of various crimes that have become known (mostly through reports by citizens) to the nation's police departments. According to these statistics, across the past decade, an average of 15,484 U.S. residents were murdered annually. Although there has been an important decline in crime (Latzer, 2016; Tonry, 2014; Zimring, 2007), each year there still are about 1.2 million Americans robbed, raped, or seriously assaulted and nearly 8 million whose houses are burglarized or whose property is damaged or stolen (Federal Bureau of Investigation [FBI], 2018).



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by Auguste Rodin  
1840–1917  
French artist and sculptor

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It is disturbing that these statistics capture only part of the nation's crime problem. Many citizens, about one in every two serious violent crime victims and two in every three property crime victims, do not report crimes against them to the police (Morgan & Kena, 2017). Thus, these acts do not appear in the *Uniform Crime Reports*. For example, the National Crime Victimization Survey, a study in which citizens are asked whether they have been victimized, estimates that residents over 12 years of age experienced approximately 22.6 million crimes in 2016, about one fourth of which were violent victimizations (Morgan & Kena, 2017).

Furthermore, these FBI statistics do not include drug-related offenses, which are commonplace. Between 1999 and 2016, the rate of drug overdoses increased threefold, taking 63,600 lives in 2016—a toll more than three and a half times higher than the number of murder victims in America (Hedegaard, Warner, & Miniño, 2017). FBI statistics also measure mainly serious street crimes. Yet we know that minor crimes—petty thefts, simple assaults, and so on—are even more widespread. “Self-report” surveys, in which the respondents (typically juveniles) are asked to report how many offenses they have committed, consistently indicate that the vast majority of people have engaged in some degree of illegality. But more important, other realms of criminality—not only quite prevalent but also quite serious—traditionally have not come to the attention of police because they are not committed on the streets. Domestic violence—child abuse, spousal assault, and so on (i.e., the violence that occurs “behind closed doors”)—is one of these areas (Straus, Gelles, & Steinmetz, 1980), as are sexual assaults that occur on dates and against people who know one another (Fisher, Daigle, & Cullen, 2010). The #Me Too movement has brought to light incidents of sexual harassment and assault, exposing malfeasance by powerful members of the nation's corporate, entertainment, and political elites. Another such area is white-collar crime, that is, the crimes committed by professional people in the course of their occupations (Sutherland, 1949). As repeated revelations suggest (recall the massive frauds at Enron and Bernie Madoff's Ponzi scheme), corruption in the business and political communities takes place regularly and has disquieting consequences (Benson & Simpson, 2018; Cullen, Maakestad, & Cavender, 1987; Simon & Eitzen, 1986).

These statistics and observations make the point that crime is a prominent feature of our society. But is the United States more criminogenic than other nations? For most forms of crime (e.g., property, assault), Americans' involvement is similar to that of other industrialized Western societies. But for lethal violence, “the United States is a clear outlier among highly developed nations” (Messner & Rosenfeld, 2013, p. 21; see also Currie, 1985, 2009; Lynch & Pridemore, 2011; Zimring & Hawkins, 1997). Making cross-cultural comparisons is difficult; for example, nations differ in what they consider to be illegal and in their methods of collecting crime data. Even so, Currie's (1985) review of available statistical information revealed that, as of the late 1970s, “about ten American men died by criminal violence for every Japanese, Austrian, West German, or Swedish man; about fifteen American men died for every Swiss or Englishman; and over twenty [American men died] for every Dane” (p. 25). Similar differences remain today (Currie, 1998b; Rosenfeld, 2009). Thus, in a comparison of homicide rates across 16 Western nations, Messner and Rosenfeld (2013) note that the U.S. rate doubles that of the next closest nation (Finland) and “is more than five times the average rate of the other nations” (p. 21). Currie states the issue in more human terms, observing that “in most other affluent industrial societies, the deliberate killing of one person by another is an extremely rare event. . . . Their neighborhoods are not torn by drive-by shootings or by the routine sound of police helicopters in the night. There are no candles at shrines for homicide victims” (p. 3). And as we are all aware, only in the United States do its citizens brandish high-capacity assault weapons and commit mass murder on a regular basis. Names such as Columbine, Virginia Tech, Sandy Hook, Parkland, Las Vegas, and many more are now etched in the nation's consciousness as constant reminders of the carnage perpetrated in what should be safe places devoted to learning and entertainment (Jonson, 2017).

Another important reality is that crime is not evenly distributed within the United States. One report, for example, analyzed 2014 FBI homicide data for cities with a population of more than 250,000 (Johnson, 2015). The murder rate per 100,000 was nearly 50 for St. Louis, over

40 for Detroit, and over 30 for Baltimore, Newark, and New Orleans. By contrast, it was 6.66 for Los Angeles and only 3.93 for New York, a city that has experienced a dramatic decline in crime (Zimring, 2012). As another example, we calculated the distribution of murders across Ohio's 367 cities for 2016 (Federal Bureau of Investigation, 2018, Table 6). Notably, 298 cities (81.2%) had zero homicides in the year. Six cities accounted for more than 70% of the offenses, and only three cities (Cincinnati, Cleveland, and Columbus) accounted for more than half of the state's homicides. Striking differences in criminality also are found across communities within urban areas (Sampson, 2012) and even across blocks within the same neighborhood (Weisburd, Groff, & Yang, 2012).

But why is crime so prevalent in the United States? Why is it so prevalent in some of our communities but not others? Why do some people break the law, whereas others are law abiding? Why do the affluent, and not just the disadvantaged, commit illegal acts? How can these various phenomena be explained?

Over the years, theorists have endeavored to address one or more of these questions. In this book, we attempt to give an account of their thinking about crime—to examine its context, its content, and its consequences. Before embarking on this story of criminological theorizing, however, it is necessary to discuss the framework that informs our analysis. This approach argues that theories about why crime occurs are not simply invented by isolated scholars sitting in an armchair but are shaped by the social context in which they live. As society changes, it is inevitable that images about crime change (see also Wilcox, Cullen, & Feldmeyer, 2018). This approach also argues that theories matter because they promote or justify the use of some crime-control policies but not others. Note that this book's subtitle—*Context and Consequences*—was chosen as a way of emphasizing the importance of these points.

## THEORY IN SOCIAL CONTEXT

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Most Americans have little difficulty in identifying the circumstances they believe cause people to engage in wayward conduct. When surveyors ask citizens about the causes of crime, only a small percentage of respondents say that they “have no opinion.” The remainder of those polled usually remark that crime is caused by factors such as unemployment, bad family life, and lenient courts (Flanagan, 1987; see also Roberts & Stalans, 2000; Unnever, Cochran, Cullen, & Applegate, 2010).

Most people, then, have developed views on why crime occurs; that is, they have their “theories” of criminal behavior. But where do such views, or such theories, come from? One possibility is that citizens have taken the time to read extensively on crime, have sifted through existing research studies, and have arrived at informed assessments of why laws are disregarded. But only exceptional citizens develop their views on crime—or on any other social issue—in this way (Kinder & Kalmoe, 2017). Apart from criminologists who study crime for a living, most people have neither the time nor the inclination to investigate the crime problem carefully. Let us give but one example. Over the past decade or so, the nation's rate of serious street crime has trended downward. During this time, however, a majority of Americans—in some years more than 70% of the respondents—have told Gallup pollsters that “there is more crime in the United States than a year ago” (McCarthy, 2015).

This observation might not seem particularly insightful, but it is important in illuminating that most people's opinions about crime are drawn less from sustained thought and more from the implicit understandings—what Haidt (2012, p. 54) calls “intuitions”—that they have come to embrace during their lives. Attitudes about crime, as well as about other social issues, can come from a variety of sources—parents, church sermons, how crime is depicted on television, socially significant events (e.g., a mass school shooting), whether one has had family members or friends who have turned to crime, whether one has experimented with criminal activity oneself or perhaps been victimized, and so on. In short, social experiences shape the ways in which people come to think about crime.



This conclusion allows us to offer three additional points. First, members of the general public are not the only ones whose crime theories are influenced by their life experiences. Academic criminologists and government officials who formulate crime policy have a professional obligation to set aside their personal biases, read the existing research, and endorse the theory that the evidence most supports. To an extent, criminologists and policy makers let the data direct their thinking, but it is equally clear that they do not do so fully. Like the general public, they too live in society and are shaped by it. Before ever entering academia or public service, their personal experiences have provided them with certain assumptions about human nature and about the ways in which the world operates; thus, some will see themselves as liberals and others as conservatives. After studying crime, they often will revise some of their views. Nonetheless, few ever convert to a totally different way of thinking about crime; how they explain crime remains conditioned, if only in part, by their experiences.

Second, if social experiences influence attitudes about criminality, then as society changes—as people come to have different experiences—views about crime will change as well. We illustrate this point throughout this book, but a few brief examples might help to clarify matters for our immediate purposes.

It will not surprise many readers to learn that Americans' views on crime have changed markedly since the settlers first landed on the nation's shores. Indeed, at different times in U.S. history, Americans have attributed the origins of crime to spiritual demons and the inherent sinfulness of humans, to the defective biological constitution of inferior people in our midst, to the denial of equal opportunity, and to the ability of the coldly rational to calculate that crime pays. As we will see, each of these theories of crime, and others as well, became popular only when a particular set of circumstances coalesced to provide people with the experiences that made such reasoning seem logical or believable.

Thus, for colonists living in a confining and highly religious society, it “made sense” for them to attribute crime to the power of demons to control the will of those who fell prey to the temptations of sin. For those of the late 1800s who witnessed the influx of foreigners of all sorts and learned from the social Darwinists that natural selection determined where each individual fell in the social hierarchy, it made sense that people became poor *and* criminal because they were of inferior stock. For those of the 1960s who were informed that systematic barriers had prevented minorities from sharing in the American dream, it made sense that people became criminal *because they were poor*—because they were denied equal opportunity. During more recent times, as society has taken a turn in a conservative direction and it has become fashionable to blame social ills on a permissive society, it has made sense to more and more Americans that people commit crimes because they know that they risk only a “slap on the wrist” if they are caught.

In short, social context plays a critical role in nourishing certain ways of theorizing about crime. If the prevailing social context changes and people begin to experience life differently, then there will be a corresponding shift in the way in which they see their world and the people in it. Previous theories of crime will lose their appeal, and other perspectives will increasingly make sense to larger numbers of people. Note that all of this can take place—and, indeed, usually does take place—without systematic analysis of whether the old theory actually was wrong or whether the new theory represents an improvement.

But does any of this relate to you, the reader? Our third point in this section is that your (and our) thinking about crime undoubtedly has been conditioned by your social experiences. When most of us look to the past, we wonder with a certain smugness how our predecessors could have held such strange and silly views about crime or other things. In making this type of remark, however, we not only fail to appreciate how their thoughts and actions were constrained by the world in which they lived but also implicitly assume that our thoughts and actions are unconstrained by our world. Our arrogance causes us to accept our interpretations—our theories—as “obviously” correct. We forget that future generations will have the luxury of looking at us and assessing where *we* have been strange and silly.

This discussion suggests the wisdom of pausing to contemplate the basis of your beliefs. How have your social experiences shaped the way in which you explain crime? Asking and seeking answers to this question, we believe, opens the possibility of lifting the blinders that past experiences often strap firmly around one's eyes. It creates, in short, the exciting opportunity to think differently about crime.

## THEORY AND POLICY: IDEAS HAVE CONSEQUENCES

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Theory often is dismissed as mere empty ruminations—fun, perhaps, but not something for which practical men and women have time. But this is a shortsighted view, for as Thomas Szasz (1987) cautioned, *ideas have consequences* (see also Weaver, 1948). Theory matters.

When it comes to making criminal justice policy, there is ample evidence of this maxim (Sherman & Hawkins, 1981). Lawlessness is a costly problem; people lose their property and sometimes their lives. The search for the sources of crime, then, is not done within a vacuum. Even if a theorist wishes only to ruminate about the causes of theft or violence, others will be ready to use these insights to direct efforts to do something about the crime problem. Understanding why crime occurs, then, is a prelude to developing strategies to control the behavior. Stephen Pfohl (1985) captured nicely the inherent relationship between theory and policy:

Theoretical perspectives provide us with an image of what something is and how we might best act toward it. They name something this type of thing and not that. They provide us with the sense of being in a world of relatively fixed forms and content. Theoretical perspectives transform a mass of raw sensory data into understanding, explanations, and recipes for appropriate action. (pp. 9–10)

This discussion also leads to the realization that different theories suggest different ways of reducing crime. Depending on what is proposed as the cause of illegal behavior, certain criminal justice policies and practices will seem reasonable; others will seem irrational and perhaps dangerously irresponsible. Thus, if offenders are viewed as genetically deranged and untrainable—much like wild animals—then caging them would seem to be the only option available. But if offenders are thought to be mentally ill, then the solution to the problem would be to treat them with psychotherapy. Or if one believes that people are moved to crime by the strains of economic deprivation, then providing job training and access to employment opportunities would seem to hold the promise of diminishing their waywardness.

This is not to assert that the relationship between theory and policy is uncomplicated. Sometimes theories emerge, and then the demand to change policy occurs. Sometimes policies are implemented, and then attempts are made to justify the policies by popularizing theories supportive of these reforms. Often, the process is interactive, with the theory and policy legitimating each other. In any case, the important point is that support for criminal justice policies eventually will collapse if the theory on which they are based no longer makes sense.

An important observation follows from this discussion: As theories of crime change, so do criminal justice policies. At the turn of the 20th century, many Americans believed that criminals were “atavistic reversions” to less civilized evolutionary forms or, at the least, feeble-minded. The call to sterilize offenders so that they could not pass criminogenic genes on to their offspring was widely accepted as prudent social action. Within two decades, however, citizens were more convinced that the causes of crime lay not within offenders themselves but rather in the pathology of their environments. The time was ripe to hear suggestions that efforts be made to “save” slum youths by setting up neighborhood delinquency prevention programs or, when necessary, by removing juveniles to reformatories, where they could obtain the supervision and treatment that they desperately needed.

In more recent decades, numerous politicians have jumped onto the bandwagon claiming that crime is caused by the permissiveness that has crept into the nation's families, schools, and correctional system. Not surprisingly, they have urged that efforts be made to "get tough" with offenders—to teach them that crime does not pay by sending them to prison for lengthier stays and in record numbers.

But we must remember not to decontextualize criminological theory. The very changes in theory that undergird changes in policy are themselves a product of transformations in society. As noted earlier, explanations of crime are linked intimately to social context—to the experiences people have that make a given theory seem silly or sensible. Thus, it is only when shifts in societal opinion occur that theoretical models gain or lose credence and, in turn, gain or lose the ability to justify a range of criminal justice policies.

We also hope that you will find the discussion in this book of some personal relevance. We have suggested that thought be given to how your own context may have shaped your thinking. Now we suggest that similar thought be given to how your thinking may have shaped what you have thought should be done about crime. The challenge we are offering is for you to reconsider the basis and consistency of your views on crime and its control—to reconsider which theory you should embrace and the consequences that this idea should have. We hope that this book will aid you as you embark on this adventure.

## CONTEXT, THEORY, AND POLICY: PLAN OF THE BOOK

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"Perhaps the clearest lesson to be learned from historical research on crime and deviance," Timothy Flanagan (1987) reminded us, "is that the approach to crime control that characterizes any given era in history is inexorably linked to contemporaneous notions about crime causation" (p. 232). This remark is instructive because it captures the central theme of this book—the interconnection among social context, criminological theory, and criminal justice policy making. As we progress through subsequent chapters, this theme forms the framework for our analysis. We discuss not only the content of theoretical perspectives but also their contexts and consequences.

But the scope of the enterprise should be clarified. Our purpose here is to provide a primer in criminological theory—a basic introduction to the social history of attempts, largely by academic scholars, to explain crime. In endeavoring to furnish an accessible and relatively brief guide to such theorizing, we have been forced to leave out historical detail and to omit discussions of the many theoretical variations that each perspective on crime typically has fostered. As a result, this book should be viewed as a first step to understanding the long search for the answer to the riddle of crime. We hope that our account encourages you to take further steps in the time ahead.

Our story of criminological theory commences, as most stories do, at the beginning, with the founding of criminology and early efforts, to use Rennie's (1978) words, "to search for the criminal man." Our story has 15 chapters to come and traces the development of criminological theory up to the present time. These chapters are thus arranged largely in chronological order. Because some theories arose at approximately the same time, the chapters should not be seen as following one another in a rigid, lockstep fashion. Further, inside each chapter, the ideas within a theoretical tradition are often traced from past to present—from the originators of the school of thought to its current advocates. Still, the book is designed to allow readers to take an excursion across time and historical context to see how thinking about crime has evolved.

Table 1.1 provides a handy guide that tells how *Criminological Theory: Context and Consequences* is arranged. This guide, much like a roadmap, is intended to be clear and simple. As readers travel through our volume, they may wish to consult Table 1.1 as a way of knowing where they are. When it comes to theory, the field of criminology has an embarrassment of riches—diverse theories competing to explain crime. The very complexity of human conduct and society perhaps requires numerous theoretical perspectives, with each capturing a part of reality ignored by competing approaches.

**Table 1.1** Criminological Theory in Context

<b>Social Context</b>	<b>Criminological Theory</b>	<b>Chapters in This Book</b>
Enlightenment—mid-1700s to late 1700s	Classical school	2
Rise of social Darwinism, science, and medicine—mid-1800s into 1900s	Early positivist school—biological positivism	2
Mass immigration, the Great Depression, and post-World War II stability—1900 to the early 1960s	Chicago school, anomie-strain, control—mainstream criminology	3, 4, 5, and 6
Social turmoil—1965 to late 1970s	Labeling, conflict, Marxist, feminist, white-collar—critical criminology	7, 8, 9, 10, and 11
Conservative era—1980 to the early 1990s, and beyond	Deterrence, rational choice, broken windows, moral poverty, routine activity, environmental—rejecting mainstream and critical criminology	12 and 13
	Peacemaking, left realism, ultra-realism; cultural, convict, green, abolitionism—rejecting conservative theory and policy	9 and 10
The current century—2000 to today	Biosocial, life-course/developmental—becoming a criminal	14, 15, and 16

Regardless, readers have the challenge of keeping all the theories straight in their minds as the story of criminological theory unfolds in the pages ahead. Table 1.1 should help in this important task.

Before commencing with our criminological storytelling, let us preview in some detail what the chapters cover. Table 1.1 presents the outline of how different social contexts are related to the emergence of different theories. The chapters in which these theories are contained also are listed.

### Inventing Criminology: Mainstream Theories

Chapter 2 reviews the two theoretical perspectives generally considered to be the foundation of modern criminology. The *classical school* arose in the Enlightenment era. It emphasized the rejection of spiritual or religious explanations of crime in favor of the view that offenders use their reason—the assessment of costs and benefits—in deciding whether a potential criminal act pays and should be pursued. The classical school argued that the criminal law could be reformed so that it would be fair (everyone treated equally) and just punitive enough to dissuade people from breaking the law (the crime would not be profitable). This approach is the forerunner of more contemporary theories of rational choice and deterrence.

Chapter 2 is mainly devoted, however, to the *positivist school*, which emphasized the scientific study of criminals. Led by Cesare Lombroso, positivism flourished in Italy in the late 1800s and into the 1900s. These ideas also were popular in the United States, where a similar tradition arose. These scholars assumed that there was something different about those who offended that distinguished them from those who did not offend. In medicine, we ask what makes someone sick;

similarly, they thought we should ask what makes someone criminal. As in medicine, they felt that the key to unlocking this puzzle was to study offenders scientifically—to probe their bodies and their brains for evidence of individual differences. Influenced by Darwinism and medicine, they largely concluded that the criminally wayward possessed biological traits that determined their behavior. Crime was not due to a sinful soul or chosen freely but rather was predetermined by a person's constitutional makeup.

Starting in the 1930s, however, American criminology embarked on an alternative path. The positivist school's advocacy of using science to study crime continued to be embraced. But scholars increasingly suggested that the answers to crime were to be found not within people but rather in the social circumstances in which people must live. The United States was making its transition to a modern, industrial, urban nation. As waves of immigrants came to our shores and settled in our cities, scholars wondered whether their subsequent experiences might prove criminogenic. The Chicago school of criminology rose to prominence by pioneering the study of urban areas and crime (see Chapter 3).

When scholars peered into impoverished inner-city neighborhoods—buffeted by the misery inflicted by the Great Depression—they saw the breakdown of personal and social controls, the rise of criminal traditions, and barriers to the American dream for success that all were taught to pursue. Scholars of this generation thus developed three core ways of explaining crime: *control theory*, which explored how crime occurs when controls weaken; *differential association theory*, which explored how crime occurs when individuals learn cultural definitions supportive of illegal conduct; and *anomie-strain theory*, which explored how crime occurs when people endure the strain of being thwarted in their efforts to achieve success. The first two of these theories had their origins in the Chicago school of criminology; the third had its origins in the writings of Robert K. Merton. These perspectives are reviewed in Chapters 3, 4, 5, and 6.

Taken together, these three theories are sometimes called *mainstream criminology*. For more than 80 years, they have occupied the center of American criminology. In the aftermath of World War II, they were particularly dominant. During this period, the youth population began to expand and youth culture rose in prominence—developments that triggered concerns about juvenile delinquency. These perspectives were used to explain why some youngsters committed crime and others did not and why gangs were found in some neighborhoods and not others. Often, control, differential association, and anomie-strain theories were tested against one another in self-report studies conducted with high school students (see, e.g., Hirschi, 1969). Even today, these early works and their contemporary extensions remain at the core of the discipline (e.g., self-control theory, social learning theory, general strain theory).

The centrality and enduring influence of control, differential association, and anomie-strain theory is one reason why these perspectives are said to constitute mainstream criminology. But the term “mainstream” is used in another sense as well. Developed in a period when the United States was becoming a dominant world power and flourishing in the relative stability of post–World War II America, these perspectives remained in the *political mainstream*. They did not fundamentally challenge the organization of the social order. To be sure, these three theories identified problems in American society and were used to suggest policies that might address them. But for the most part, they stopped short of criticizing the United States as being rotten at its core—of being a society in which inequalities in power, rooted in a crass capitalism, created crimes of the poor that were harshly punished and crimes of the rich that were ignored. In short, control, differential association, and anomie-strain theories were mainstream because they tended to favor reform of the status quo in America rather than its radical transformation.

## Social Turmoil and the Rise of Critical Theories

Starting in the mid-1960s, however, scholars increasingly sought to identify how conflict and power were inextricably involved in the production of crime and in the inequities found in the criminal

justice system. They were influenced by the changing context of American society. During the 1960s and into the 1970s, the United States experienced contentious movements to achieve civil rights and women's rights. Americans witnessed riots in the street, major political figures assassinated, widespread protests over the Vietnam War culminating with students shot down at Kent State University, and political corruption highlighted most poignantly by the Watergate scandal. These events sensitized a generation of criminologists to social and criminal injustices that compromised the American dream's promise of equality for all and led to the abuse of state power. Given this jaundiced view of American society, the new brand of theorizing that they developed was called *critical criminology*.

Although not yet fully developed, the seeds of critical criminology can be traced in part to *labeling theory*, which is discussed in Chapter 7. Scholars in this perspective offered the bold argument that the main cause of stable involvement in crime is not society per se but rather the very attempts that are made to reduce crime by stigmatizing offenders and processing them through the criminal justice system. The roots of critical criminology are discussed more deeply in Chapter 8, which reviews theorists called *conflict* or *radical* scholars. These theorists illuminated how power shapes what is considered to be a crime and who is subjected to arrest and imprisonment. They went so far as to suggest that the embrace of capitalism is what induces high rates of lawlessness among both the rich and the poor.

Chapter 10 explores another line of inquiry encouraged by critical criminology: the development of *feminist theory*. This perspective has led to the "gendering of criminology" in North America and Britain. In light of the changing social context surrounding gender, we trace how understandings of female criminality shifted from theories highlighting the individual defects of women to explanations illuminating how gender roles shape men's and women's illegal conduct. An attempt is made to capture the rich diversity of feminist thinking as we examine how scholars have linked crime to such factors as patriarchy; masculinities; male peer support; and the intersection of race, class, and gender.

Finally, in Chapter 11, *theories of white-collar crime* are examined. Although not all of these perspectives are critical in content, the very inquiry into this topic was spurred by critical criminology's concern with inequality and injustice. Thus, theories of white-collar crime illuminate and explain the crimes of the powerful. They are built on the very premise that, although the poor might monopolize prisons, they do not monopolize crime. In fact, scholars have shown the immense cost of white-collar criminality—especially that committed by corporations—and have explored why this injurious conduct occurs.

## Criminological Theory in the Conservative Era

Although many criminological theories emerged in response to the social context of the 1960s and 1970s, especially the concern with prevailing inequities in money and power, America turned to the political right during the Reagan and Bush years of the 1980s and beyond. During this time, new criminologies emerged claiming that crime was due not to the faults in society but rather to the faults of individuals. To at least some degree, these explanations may be seen as attempts to revitalize—dressed in new language and with more sophisticated evidence—the models of crime that were popular a century ago. These theories vary in their scientific merit, but they are consistent in suggesting that the answer to crime rests largely in harsher sanctions—especially the expanded use of imprisonment—against offenders. In this sense, these theories are best considered *conservative* explanations of crime. They are reviewed in Chapter 12.

Other theories of this era were not conservative in content or temperament. They did not depict offenders as wicked super-predators who required imprisonment or as crass calculators who required harsh deterrence. However, they were also skeptical both of critical criminology for its utopian and impractical policies (they doubted a socialist revolution was on the horizon) and of mainstream criminology for its exclusive focus on offenders (rather than on the opportunities needed for a crime to take place). They claimed we needed an approach that understood the elements of crime and how to



manipulate them to prevent such acts from occurring. For them, practical thinking that led to effective crime prevention was the only way to stem the conservative call for mass imprisonment.

Thus, Chapter 13 investigates *routine activity theory* or *environmental criminology*, which argues that crime is best understood as an “event” that involves not only a motivated offender but also the “opportunity” to break the law (the presence of a suitable target to victimize and the absence of guardianship to prevent the victimization). Although mainstream criminological theory historically has focused on what motivates people to commit crime, it has not systematically assessed how variations in the opportunity to offend affect the amount and distribution of criminality in American society. Furthermore, this perspective maintains that crime will best be diminished not by efforts to change offenders but rather by making the social and physical environment less hospitable to offending (e.g., installing a burglar alarm in a house, hiring a security guard in a bank, placing a camera to watch a parking lot). This is often called *situational crime prevention* because the focus is on reducing opportunities for crime within a particular situation.

Chapter 13 also explores perspectives that investigate the thinking and decision making of offenders, including *rational choice theory* (an approach that is compatible with the opportunity paradigm and calls for situational crime prevention) and *perceptual deterrence theory*. Given that these perspectives see crime as a choice shaped by objective or perceived costs and benefits, they have elements compatible with conservative theory. However, depending on how they are set forth, they do not necessarily justify harsh criminal justice penalties.

During the 1980s, most criminologists—both in the United States and abroad—opposed conservative criminology and its preference for mass imprisonment as the key weapon in the war on crime (Currie, 1985). They were dismayed as the daily count of Americans behind bars grew from around 200,000 in the early 1970s to more than 2.3 million in 2008 before declining slightly to just under 2.2 million today (Cullen & Jonson, 2017; Kaeble & Glaze, 2016). Although not as dramatic, similar trends occurred in some European nations. Over this 40-year period, the rejection of conservative criminology was voiced perhaps most loudly and consistently by critical criminologists. Critical views have their roots in the 1960s and 1970s, but they were nourished by the need to deconstruct conservative crime ideology and to unmask the harm caused by “get tough” policies. A variety of theories have emerged, including recently, in response to societal developments that scholars see as embracing nationalism, inequality, and racial, ethnic, and religious privilege.

These perspectives are presented in Chapter 9, which builds on the discussions of conflict theory in Chapter 8. The focus here is on *new directions in critical theory*. These contributions, which include the insights of British and other European scholars, enrich our understanding of crime by challenging traditional interpretations of social reality and especially the efficacy and justice of repressive state policies favored by conservatives. This section thus examines the early development and the extension of Britain’s *new criminology* into what is now known as *left realism*. Also discussed are the *new European criminology*, *cultural criminology*, *green criminology*, *convict criminology*, *abolitionism*, and *ultra-realism*.

## Criminological Theory in the 21st Century

Contemporary criminological theory is a mixture of old and new ways of thinking. Powerful theoretical traditions may age, but they tend not to die. Once they emerge, these paradigms may fluctuate in the allegiance they inspire, but they often remain integral to the criminological enterprise. Further, their core ideas are at times elaborated into more sophisticated and empirically defensible perspectives (e.g., Sutherland’s differential association theory transformed into Akers’s social learning theory). When this occurs, seemingly dormant perspectives can be revitalized and generate renewed attention (e.g., anomie-strain theory revitalized by Agnew and by Messner and Rosenfeld). Still, ways of thinking emerge that are innovative, rival older ways of thinking, and offer the possibility of renovating how criminological theory and research are undertaken.



In this regard, the final three chapters of the book explore theoretical models that are shaping thinking about crime during the 21st century in important ways. To a degree, these theories lack a clear ideological or political slant, and in this sense they might be considered *new mainstream* criminological perspectives. They reflect a social context in which grand solutions to crime and other social problems are being relinquished in favor of more middle-range or practical efforts to improve the crime problem. These preferences are also reflected in the growing popularity of environmental criminology and its focus on situational crime prevention, a perspective mentioned above.

Thus, Chapters 14 and 15 discuss the resurgence of biological theorizing or, as it is more often called today, the *biosocial perspective*. Although still controversial to a degree, the prevalence of research on brains, genetics, and other biological factors is bringing biological thinking back toward the center of criminology. There is now a renewed search for the “criminal man”—that is, a search for the biological traits that differentiate offenders from nonoffenders. This research often is nuanced and involves explorations of how biological factors interact with social factors to shape behavior. Its policy implications are potentially complex, since they might justify efforts to incapacitate or cure those whose criminality is rooted in their bodies.

Finally, Chapter 16 discusses a paradigm that is increasingly dominating American criminology: *life-course or developmental criminology*. This approach focuses its attention on how the roots of crime can be traced to childhood. This perspective also argues that the key to understanding crime is in studying how people develop into offenders and how they escape from their lives of crime. These theories are potentially important in suggesting a progressive policy agenda because they show the complex factors that place youngsters at risk for crime and call for policies aimed not at punishment but at early intervention.

## CONCLUSION

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With this prelude shared, it is now time to embark on an exploration of criminological theory. We are, in a way, the guides in this intellectual tour across criminology. The core challenge is to reveal the diverse attempts scholars have made to explain the mystery of why crime occurs. We will show that scholars have probed how the causes of criminal conduct might reside in our bodies, minds, and social relationships. And we will illuminate where scholars agree and where they disagree. At the journey's end, we trust that we will have provided an enriched knowledge of crime's origins.

Again, the subtitle of *Criminological Theory* was carefully chosen: *Context and Consequences*. As we hope to convey, theory construction is a human enterprise. It reflects not only the detached scientific appraisal of ideas and evidence but also a scholar's unique biography situated within a unique historical period. Accordingly, understanding the evolution of criminological theory requires us to consider the social context in which ideas are formulated, published, and accepted as viable. Further, theories matter; ideas have consequences. Every effort to control crime is pregnant with an underlying theory. Our explanations of crime thus provide the impetus and justification for the crime control policies that we pursue.

## FURTHER READINGS

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*Note:* To provide additional insights on key theoretical topics, each chapter is followed by a section called *Further Readings*. These readings are from the following source: F. T. Cullen, & P. Wilcox (Eds.). (2010). *Encyclopedia of Criminological Theory*. Thousand Oaks, CA: Sage. In this chapter, one reading—listed below—is provided online at [www.study.sagepub.com/lilly7e](http://www.study.sagepub.com/lilly7e). In all subsequent chapters, four supplementary readings are available.

1. Criminological Time Line: The Top 25 Theoretical Contributions

## THE SEARCH FOR THE “CRIMINAL MAN”



Cesare Lombroso  
1836–1909  
University of Pavia  
University of Turin, Italy  
Often called “the father of modern  
criminology”

**B**efore we examine the content of this chapter, it is important to remember a few of the cautionary comments offered in Chapter 1. By keeping these ideas in mind, we more than likely will be successful in accomplishing the goal of introducing you to the context and consequences of criminological theory.

We want you to remember that the search for explanations of criminal behavior is not easy because we constantly must guard against our biases, mistaken perceptions, and prejudices. Unless we maintain our intellectual guard against these problems, our learning will be severely limited. This will become obvious as we study the following chapters and learn that many theories of crime that have experienced popularity with the public and professional criminologists also have been criticized for having serious blind spots. Unfortunately, the blind spots often have contributed to the creation and implementation of official policies that have produced results as undesirable as crime itself. Although it is impossible to develop perfect policies, we must keep in mind the fact that theories do influence the policies and practices found in criminal justice systems.

It is important to remember that the explanations of crime, whether they are created by the public or by professional criminologists, are influenced by the social context from which they come. This means that the social context will consist of perceptions and interpretations of the past as well as the present. It might also mean that the explanations of crime include some thoughts about what crime and society will look like in the not-too-distant future. This is illustrated by what Georgette Bennett said in 1987 about what crime might look like during the next 20 to 50 years. Now, nearly three decades since her predictions, we can assess what she wrote, but first a brief examination of the social context that influenced her writing of *Crimewarps* will emphasize what we mean by the importance of social context. As you will see, the context includes general sociological factors such as time and place. It also includes the author’s career experiences and opportunities.

By the time Bennett began to work on *Crimewarps*, she had completed a doctorate in sociology and was an accomplished scholar, researcher, teacher, and journalist with more than 20 years of work on the topic of crime. In addition, she was an associate of the Center for Policy Research and of the Center for Investigative Reporting. She also had worked as a network correspondent for NBC News, and she had been a talk show host for PBS television. In other words, we can say that Bennett was experienced and, therefore, prepared to study major trends. In fact, her book was an outgrowth of having been asked by the Insurance Information Institute to be a consultant and media spokesperson on the topic of “the state of crime in the future” (Bennett, 1987, p. vii).

Bennett's experiences and the consulting work for the Insurance Information Institute occurred within a shifting social context that she connected to crime by using the term *crimewarps*. She used this term to refer to "the bends in today's trends that will affect the way we live tomorrow" (p. xiii). Essentially, her thesis was that much of what we have come to regard as basic demographic features of our society's population and crime trends are changing dramatically. She referred to these crime-warps as representing a "set of major social transformations" (p. viii). Altogether, she identified six "warps." For example, she labeled one warp "the new criminal." This refers to the fact that today's "traditional" criminal is a poor, undereducated, young male. By relying on demographic information and dramatic news accounts of current crimes, Bennett argued that traditional criminals will be displaced by older, more upscale offenders. These offenders would include, among other trends, more women involved in white-collar crime and domestic violence. In addition, she argued that teenagers would commit fewer crimes, and senior citizens "will enter the crime scene as geriatric delinquents" (p. xiv).

A reexamination of Bennett's predictions demonstrates how difficult it is to make long-term crime-trend predictions. At best, her view of the future of crime was a mixed bag. Today, what she called a "traditional criminal" has not been replaced by older, upscale offenders. There is also no evidence that women are more involved with white-collar crime than in 1987. The Federal Bureau of Investigation does report that across the United States, about 6% of all known bank robbers have been women in recent years. The change is a slight uptick from 5% recorded in 2002 (Morse, 2010). Nor is it at all clear that teenagers are committing less crime today than in 1987; in fact, juvenile homicide jumped up in the late 1980s and into the 1990s before returning to its previous level (Zimring, 2013). Neither is there evidence that senior citizens have become "geriatric delinquents." Whereas some indicators of some forms of domestic violence have declined, such as the number of wives who murdered their husbands between 1976 and 2000, other patterns of domestic violence have remained unchanged. Domestic homicide for African Americans of both genders remains well above the White rate (Bureau of Justice Statistics, 2007; Rennison, 2003).

In the aftermath of the banking crisis and the serious recession it triggered starting in 2008, certain crime rates were surprisingly low. Although some commentators expected violent crime to increase due to the hard times, it did not. According to the Federal Bureau of Investigation (2014), between 2007 and 2012, the rate of serious violent crime per 100,000 inhabitants fell from 471.8 to 386.5. Robberies dropped by more than 90,000 incidents, and homicide declined from 17,126 to 14,827. Property offenses also trended downward. It remains to be seen if crime in the United States will continue on a downward trend or perhaps suddenly spike upward (see Pinker, 2018). For example, between 2014 and 2016, rates of violent crime reversed course and rose, whereas property crime continued to fall (Federal Bureau of Investigation, 2018, Table 1). Regardless, it is clear that no single lens—such as Bennett's use of demographics—is adequate for explaining crime trends. Crime trends are very hard to predict accurately (Zimring, 2012, 2013).

The importance of this example does not lie in the accuracy of Bennett's claims, her career experiences, or the fact that she was invited by the Insurance Information Institute to work on the future of crime at a time when our society was experiencing dramatic demographic transformations. Rather, the lesson to keep in mind is that all of these factors coalesced in such a manner as to allow Bennett to write a book on crime that makes sense because it is timely in view of what we know about society today and what we think it might look like in the future. Remember that writers, like ideas, are captives of the time and place in which they live. For this reason alone, it is impossible to understand criminological theory outside of its social context (Rennie, 1978). It remains to be seen how Bennett's book will be evaluated in the coming decades and whether the "criminal man" of the future will fit Bennett's predictions.

One more cautionary comment needs to be made. Just as the social context of the late 1980s made a book like Bennett's possible, the context of previous historical eras made different kinds of theories about crime possible. Such perspectives have sought to identify why it is that some people,

but not others, break the law. Are offenders just like “the rest of us”? Or are they different in some way? And if they are different, what is that distinguishing condition? Is something wrong with their biology, with the way they think, or perhaps with the social circumstances in which they are enmeshed? When possible explanations are raised, why are some believed but not others? Again, this is the subject matter of this book.

Notably, early theories of crime tended to locate the cause of crime not in demographic shifts (as did Bennett) but rather *within individuals*—in their souls (spiritualism/demonology), their wills (classical school), or their bodily constitutions (positivist school). We examine each of these theories in this chapter. We are now ready to begin our search for the “criminal man.” Note that in later chapters, we return to some of the foundational ideas about crime articulated by the theories here—though they will reappear in different form and within a very different context (see, in particular, Chapters 13, 14, and 15). Right now, we start with the earliest explanation of crime—spiritualism.

## SPIRITUALISM

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As an explanation of criminal behavior, spiritualism provides a sharp contrast to the scholarly explanations used today. Unlike today’s theories, spiritualism stressed the conflict between absolute good and absolute evil (Tannenbaum, 1938). People who committed crimes were thought to be possessed by evil spirits, often referred to as sinful demons.

Although the genesis of this perspective is lost in antiquity, there is ample archaeological, anthropological, and historical evidence that this explanation has been around for many centuries. We know, for example, that primitive people explained natural disasters such as floods and famines as punishments by spirits for wrongdoings. This type of view also was used by the ancient Egyptians, Greeks, and Romans. Much later, during the Middle Ages in Europe, spiritualistic explanations had become well organized and connected to the political and social structure of feudalism. One important reason for this particular development is that, originally, crime was a private matter between the victim (or the family of the victim) and the offender(s). Unfortunately, this means of responding to offenses tended to create long blood feuds that could destroy entire families. There also was the problem of justice: A guilty offender with a strong family might never be punished.

To avoid some of these problems, other methods were constructed for dealing with those accused of committing crimes. Trial by battle, for example, permitted the victim or some member of his or her family to fight the offender or some member of the offender’s family (Vold & Bernard, 1986). It was believed that victory would go to the innocent if he or she believed in and trusted God. Unfortunately, this arrangement permitted great warriors to continue engaging in criminal behavior, buttressed by the belief that they always would be found “innocent.” Trial by ordeal determined guilt or innocence by subjecting the accused to life-threatening and/or painful situations. For example, people might have huge stones piled on them. It was believed that if they were innocent, then God would keep them from being crushed to death; if they were guilty, then a painful death would occur. People also were tied up and thrown into rivers or ponds. It was believed that if they were innocent, then God would allow them to float; if they were guilty, then they would drown (Vold & Bernard, 1986).

Compurgation represented another means of determining innocence or guilt based on spiritualism. Unlike trial by battle or ordeal that involved physical pain and/or the threat of death, compurgation allowed the accused to have reputable people swear an oath that he or she was innocent. The logic was based on the belief that no one would lie under oath for fear of God’s punishment (Vold & Bernard, 1986).

The same fear of God’s punishment formed the explanation of crime and deviance for what Erikson (1966) called the “wayward Puritans”—citizens in the early American Massachusetts Bay colony. And later when our penitentiaries were constructed, they were thought of as places

for “penitents who were sorry for their sins” (Vold & Bernard, 1986, p. 8). During the last three decades, we have had many groups and individuals who believe that crimes and other wrongs can be explained by the devil. For example, in 1987, when “prime-time preacher” Jim Bakker of the famed PTL Club (Praise the Lord and People That Love) confessed to an adulterous one-night stand with a former church secretary, some of his followers said that it was the result of the devil’s work (“God and Money,” 1987). And on one occasion when Internal Revenue Service auditors revealed that several millions of dollars were unaccounted for by the PTL organization, Bakker’s then-wife Tammy Faye Bakker said that the devil must have gotten into the computer (“T.V. Evangelist Resigns,” 1987). Others who have been caught for criminal acts have turned to God for cures for their behavior. Charles Colson of Watergate fame, for example, took the Christian message to prisoners as a solution to their problems.

More recently, three evangelical Christians from the United States traveled to Uganda and taught that there was a dark and hidden gay agenda that posed a threat to Bible-based values and the traditional African family (Gettleman, 2010). High-profile televangelist Pat Robertson and host of the *700 Club* announced just days after the January 2010 earthquake in Haiti that it occurred because the Haitians had sworn a pact with the devil to get rid of those who had colonized and enslaved them. “But ever since they have been cursed by one thing after another” (Shea, 2010, p. 1; see also Miller, 2010, p. 14). After 20 children and six adults at the Sandy Hook school in Newtown, Connecticut, were massacred in December 2012, Bryan Fischer, spokesperson for the American Family Association, said God did not protect the children because of the Supreme Court’s decisions banning prayer and Bible reading in public schools: “God is not going to go where he is not wanted” (Worthen, 2012).

It is important to remember that even though people might criticize the argument that “the devil made me do it” as quaint or odd, it nevertheless makes sense for some people who try to understand and explain crime. In fact, until recently it was argued that the public’s interest in this type of explanation grew at the same rate as our population growth. In the late 1980s, according to the National Council of Churches, church membership expanded gradually at approximately the same rate as the nation’s population. At that time, nearly 70% of the nation’s people reported that they were involved with churches, a figure that had remained steady during recent years (“U.S. Churches,” 1987, p. A13).

By early 2009, however, this trend had changed, perhaps in conjunction with the decline in the “cultural wars” over such things as “family values” and the reassertion of science-driven policies over faith-based strategies (Rich, 2009). According to the American Religious Identification (ARI) Survey in 2009 (see Grossman, 2009), almost all religious denominations had lost ground since the first ARI research in 1990. “The percentage of people who call themselves in some way Christian has dropped more than 11% in a generation” (Grossman, 2009, p. 1). Whereas the percentage of people who in 1990 had selected “no religion” was an estimated 8.2% of the population, this figure had jumped to 15% in 2008. As Grossman (2009) observed at that time, this “category now outranks every other major U.S. religious group except for Catholics and Baptists” (p. 1). By late December 2012, this number had grown still further, to 20%, perhaps because, according to some observers, the Christian conservatives who had for two decades been a pivotal force in American politics were seeing their influence repudiated with the reelection of President Obama and the rapid acceptance of gay marriage (Goodstein, 2012a, 2012b).

In any event, the major problem with spiritualistic explanations is that they cannot be tested scientifically. Because the cause of crime, according to this theory, is otherworldly, it cannot be verified empirically. It is primarily for this reason that modern theories of crime and social order rely on explanations that are based on the physical world. These theories are called natural explanations.

Naturalistic theories and spiritualistic explanations have in common their origin in the ancient world. Despite this common origin, the two perspectives are very different. Thus, by focusing on the physical world of facts, naturalistic theories seek explanations that are more specific and



detailed than spiritualistic theories. This approach to thinking and explanation was very much part of the Greeks, who early in their search for knowledge philosophically divided the world into a dualistic reality of mind and matter. This form of thinking still is prevalent in the Western world, as evidenced by reasoning that restricts explanations of human behavior to either passion or reason.

An early example of a naturalistic explanation is found in “Hippocrates’ (460 bc) dictum that the brain is the organ of the mind” (Vold, 1958, p. 7). Additional evidence of efforts to explain phenomena by naturalistic reasoning was present approximately 350 years later in the first century bc in Roman thought, which attempted to explain the idea of “progress” with little reliance on demons or spirits (p. 7). The existence of this reasoning, however, does not mean that demonic and spiritualistic explanations had begun to wane by the time of the Roman Empire. In fact, these explanations reigned high well into the Middle Ages.

On the other hand, naturalistic explanations persisted despite the spiritualistic perspective’s dominance, and by the 16th and 17th centuries several scholars were studying and explaining humans in terms known to them (Vold, 1958). Their efforts are identified collectively as the classical school of criminology. Later in this chapter, we consider a second influential naturalistic theory, the positivist school of criminology.

## THE CLASSICAL SCHOOL: CRIMINAL AS CALCULATOR

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The most important feature of the classical school of thought is its emphasis on the individual criminal as a person capable of calculating what he or she wants to do. This idea was supported by a philosophy that held that humans had free will and that behavior was guided by hedonism. In other words, individuals were guided by a pain-and-pleasure principle by which they calculated the risks and rewards involved in their actions. Accordingly, punishment should be suited to the offense, not to the social or physical characteristics of the criminal.

If this sounds familiar, then you should not be surprised. One of the basic tenets of the United States’ legal heritage is that people should be given equal treatment before the law. People should not be punished or rewarded just because they happen to have the right names or be from powerful families. Equality is one of the powerful ideas endorsed widely by the 18th- and 19th-century Enlightenment writers who influenced our Founding Fathers. Of particular interest here is the scholar most often identified as the leader of the classical school of criminology, Cesare Bonesana Marchese di Beccaria (1738–1794), an Italian mathematician and economist. It is Beccaria who pulled together many of the most powerful 18th-century ideas of democratic liberalism and connected them to issues of criminal justice.

Although it is true that Beccaria was born into an aristocratic family and had the benefit of a solid education in the liberal arts, there is little (if any) evidence in his background that would have predicted that his one small book on penal reform, *On Crimes and Punishments*, eventually would be acknowledged to have had “more practical effect than any other treatise ever written in the long campaign against barbarism in criminal law and procedure” (Paolucci, 1764/1963, p. ix; see also Beccaria, 1764/1963). Indeed, one biographical overview of Beccaria indicates that his education failed to produce a modicum of enthusiasm for scholarship except for some attraction to mathematics (Monachesi, 1973). This interest soon passed, however, and what seems to have emerged is a discontented young man with strong arguments against much of the status quo, including his father’s objections to his marriage in 1761 (Paolucci, 1764/1963, p. xii). To understand Beccaria’s great contribution, we must examine the social context of his life.

Unlike the United States’ concern for protecting its citizens through equal protection, due process, and trial by their peers, the criminal justice system of Beccaria’s Europe, especially the ancient regime in France, was “planned to ruin citizens” (Radzinowicz, 1966, p. 1), a characterization that applied to the police, criminal procedures, and punishment. The police of Paris, for

example, were “the most ruthless and efficient police marching in the world” (p. 2). They were allowed by the French monarchy to deal not only with criminal matters but also with the morals and political opinions of French citizens. They relied heavily on spies, extensive covert letter opening, and the state-approved capacity not only to arrest people without warrants but also to pass judgment and hold people in custody indefinitely on unspecified charges.

Once arrested, the accused had few legal protections. He or she was cut off from legal assistance, subjected to torture, and hidden from family and friends. Witnesses against the accused testified in secret. Once guilt was determined, punishments were severe, “ranging from burning alive or breaking on the wheel to the galleys and many forms of mutilation, whipping, branding, and the pillory” (Radzinowicz, 1966, p. 3). Death by execution in early 18th-century London took place every 6 weeks, with 5 to 15 condemned hanged on each occasion (Lofland, 1973, p. 35).

Beccaria became familiar with these conditions through the association and friendship of Alessandro Verri, who held the office of protector of prisoners in Milan, Italy, where Beccaria lived. Outraged by these conditions and recently having become familiar with the writings of scholars such as Montesquieu, Helvetius, Voltaire, Bacon, Rousseau, Diderot, and Hume, Beccaria was encouraged by a small group of intellectuals to take up his pen on behalf of humanity. He was not eager to write, however, because he did not enjoy writing and because he worried about political reprisals for expressing his views. He so feared persecution from the monarchy for his views that he chose to publish his book anonymously (Monachesi, 1973). It took 11 months to write, but once published, the volume excited all of Europe as if a nerve had been exposed. By 1767, when the book was first translated into English, it already had been through several French and Italian editions. But what did it say? What caused all of the excitement?

Beccaria’s tightly reasoned argument can be summarized in relatively simple terms (Radzinowicz, 1966; Vold, 1958). First, to escape war and chaos, individuals gave up some of their liberty and established a contractual society. This established the sovereignty of a nation and the ability of the nation to create criminal law and punish offenders. Second, because criminal laws placed restrictions on individual freedoms, they should be restricted in scope. They should not be employed to enforce moral virtue. To prohibit human behavior unnecessarily was to increase rather than decrease crime. Third, the presumption of innocence should be the guiding principle in the administration of justice, and at all stages of the justice process the rights of all parties involved should be protected. Fourth, the complete criminal law code should be written and should define all offenses and punishments in advance. This would allow the public to judge whether and how their liberties were being preserved. Fifth, punishment should be based on retributive reasoning because the guilty had attacked another individual’s rights. Sixth, the severity of the punishment should be limited and should not go beyond what is necessary for crime prevention and deterrence. Seventh, criminal punishment should correspond with the seriousness of the crime; the punishment should fit the crime, not the criminal. For example, fines would be appropriate for simple thefts, whereas the harsher sanctions of corporal punishment and labor would be acceptable for violent crimes. Eighth, punishment must be a certainty and should be inflicted quickly. Ninth, punishment should not be administered to set an example and should not be concerned with reforming the offender. Tenth, the offender should be viewed as an independent and reasonable person who weighed the consequences of the crime. The offender should be assumed to have the same power of resistance as nonoffenders. Eleventh, for Beccaria, the aim of every good system of legislation was the prevention of crime. He reasoned that it was better to prevent crimes than to punish those who commit them.

Beccaria was not, however, the only scholar of his time to consider these issues. Jeremy Bentham (1748–1832), an English jurist and philosopher, also argued that punishment should be a deterrent, and he too explained behavior as a result of free will and “hedonistic calculus” (Bentham, 1948). John Howard (1726–1790), also English and a contemporary of Beccaria and Bentham, studied prisons and advocated prison reform (Howard, 1792/1973). His work often is credited with having influenced the passage of England’s Penitentiary Act of 1779, which addressed prison reform.



The influence of these writers went far beyond the passage of specific laws. Their ideas inspired revolutions and the creation of entirely new legal codes. The French Revolution of 1789 and its famous Code of 1791 and the U.S. Constitution each was influenced by the classical school. But by the 1820s, crime still was flourishing, and the argument that bad laws made bad people was being questioned seriously (Rothman, 1971). Also, the argument that all criminal behavior could be explained by hedonism was weakening as the importance of aggravating and mitigating circumstances increased. Nor did the new laws provide for the separate treatment of children. Nevertheless, the classical school did make significant and lasting contributions. The calls for laws to be impartial and specific and for punishment to be for crimes instead of criminals, as well as the belief that all citizens should be treated fairly and equally, now have become accepted ideas. But what caused crime remained a troubling question unanswered by the Enlightenment's "rather uncomplicated view of the rational man" (Sykes, 1978, p. 11), a view based primarily on armchair thinking. The result was a new search for the "criminal man," with emphasis given to action being determined instead of being the result of free will. The advocates of this new way of thinking created what came to be known as the positivist school of criminology.

## THE POSITIVIST SCHOOL: CRIMINAL AS DETERMINED

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The most significant difference between the classical school and the positivist school is the latter's search for empirical facts to confirm the idea that crime was determined by multiple factors. This is a clear shift away from the reasoning of Beccaria and Bentham, who thought that crime resulted from the free will and hedonism of the individual criminal. As will become apparent, the 19th century's first positivists wanted scientific proof that crime was caused by features within the individual. They primarily emphasized the mind and the body of the criminal, to some extent neglecting social factors external to the individual. (These factors later became the focus of sociological explanations of crime. This type of explanation is discussed in more detail later.)

But the search for causes of crime, in fact, did not begin with the 19th-century positivists. Early examples in literature, for example, connected the body through the ideas of beauty and ugliness to good and evil behavior. Shakespeare's *The Tempest* portrayed a deformed servant's morality as offensive as his appearance, and Homer's *Iliad* depicted a despised defamer as one of the ugliest of the Greeks. This form of thinking still is present today, as evidenced by contemporary female beauty contests in which contestants vie with one another not only by publicly displaying their scantily clothed bodies but also through rendering artistic performances of some sort. A beautiful woman is expected to do good things. Although an example of sexist thinking, the connection between physical features and behavior is less than scientific.

### The Birth of the Positivist School: Lombroso's Theory of the Criminal Man

The modern search for multiple-factor explanations of crime usually is attributed to Cesare Lombroso (1835–1909), an Italian who often is called the "father of modern criminology" (Wolfgang, 1973, p. 232). A clue to his work and the social context of his life is gleaned from his self-description as "a slave to facts," a comment that could not have been made by writers of the classical school. During the century that separated Beccaria's graduation from the University of Pavia (in 1758) and Lombroso's graduation from the same institution (in 1858) with a degree in medicine, secular rational-scientific thinking and experimentation had become increasingly more acceptable ways of analyzing reality.

An essential clue to understanding Lombroso's work is to recognize that, during the last half of the 19th century, the answer to the age-old question, "What sort of creatures are humans?" had begun to depart from theological answers to answers provided by the objective sciences, particularly biology. It was here that humans' origins as creatures were connected to the rest of the

animal world through evolution (Vold, 1958). No other 19th-century name is associated with this connection more often than Charles Darwin (1809–1882), the English naturalist who argued that humans evolved from animals. His major works—*Origin of Species* (Darwin, 1859/1981), *The Descent of Man* (Darwin, 1871), and *The Expressions of the Emotions in Man and Animals* (Darwin, 1872)—all predated Lombroso's. For Lombroso, the objective search for explaining human behavior meant disagreement with free will philosophy. He became interested in psychiatry, “sustained by close study of the anatomy and physiology of the brain” (Wolfgang, 1973, p. 234).

Lombroso's interest in biological explanations of criminal behavior developed between 1859 and 1863 when he was serving as an army physician on various military posts. During this time, he developed the idea that diseases, especially cretinism and pellagra, contributed to mental and physical deficiencies “which may result in violence and homicide” (Wolfgang, 1973, p. 236). He also used his position as a military physician to systematically measure approximately 3,000 soldiers so as to document the physical differences among inhabitants from various regions of Italy. From this study, Lombroso made “observations on tattooing, particularly the more obscene designs which he felt distinguished infractious soldiers” (p. 235). Later, Lombroso used the practice of tattooing as a distinguishing characteristic of criminals. He started to publish his research on the idea that biology—especially brain pathologies—could explain criminal behavior in a series of papers that first started to appear in 1861. By 1876 when he published his findings in *On Criminal Man* (Lombroso, 1876), his work contained not only a biological focus but an evolutionary one as well. This book went through several Italian editions and foreign language translations.

The central tenet of Lombroso's early books on crime is that criminals represent a peculiar physical type distinctively different from that of noncriminals. In general terms, he claimed that criminals represent a form of degeneracy that was manifested in physical characteristics reflective of earlier forms of evolution. He described criminals as atavistic, throwbacks to an earlier form of evolutionary life. For example, he thought that ears of unusual size, sloping foreheads, excessively long arms, receding chins, and twisted noses were indicative of physical characteristics found among criminals.

Lombroso classified criminals into four major categories: (1) *born criminals* or people with atavistic characteristics; (2) *insane criminals* including idiots, imbeciles, and paranoiacs as well as epileptics and alcoholics; (3) *occasional criminals* or *criminaloids*, whose crimes are explained primarily by opportunity, although they too have innate traits that predispose them to criminality; and (4) *criminals of passion*, who commit crimes because of anger, love, or honor and are characterized by being propelled to crime by an “irresistible force” (Wolfgang, 1973, pp. 252–253).

To Lombroso's credit, he modified his theory throughout five editions of *On Criminal Man*, with each new edition giving attention to more and more environmental explanations including climate, rainfall, sex, marriage customs, laws, the structure of government, church organization, and the effects of other factors (DeLisi, 2013). Still, he never completely gave up the idea of the existence of a born criminal type.

Although Lombroso most often is thought of as the person who connected biological explanations to criminal behavior, he was not the first person to do so. This idea was developed, for example, during the 1760s by the Swiss scholar Johann Kaspar Lavater (1741–1801), who claimed a relationship between facial features and behavior. Later, Franz Joseph Gall (1758–1828), an eminent European anatomist, expanded the idea and argued that the shape of an individual's head could explain his or her personal characteristics. This explanation was called *phrenology*, and by the 1820s it was stimulating much interest in the United States. One book on the subject, for example, went through nine editions between 1837 and 1840 (Vold, 1958). It is instructive to note that as phrenology increased in popularity, its explanatory powers were expanded; more and more forms of human conduct, it was claimed, could be explained by the shape of the head. The importance of phrenology for us is that it indicates the popularity of biological explanations of behavior nearly 50 years before Lombroso received his degree in medicine in 1858 and long before he ever was called the father of modern criminology. In fact, Havelock Ellis (1913)

identified nearly two dozen European scholars who had pointed to the relationship between criminals' physical and mental characteristics and their behavior before Lombroso. These included Henry Mayhew and John Binny, investigative reporters from London; Scottish prison physician J. Bruce Thomson; and Henry Maudsley, a fashionable London psychiatrist (Rafter, 2008). So, why should Lombroso be studied and remembered?

Although his biological explanation of crime is considered simple and naïve today, Lombroso made significant contributions that continue to have an impact on criminology. Most noteworthy here is the attention that he gave to a multiple-factor explanation of crime that included not only heredity but also social, cultural, and economic variables. The multiple-factor explanation is common in today's study of crime. Lombroso also is credited with pushing the study of crime away from abstract metaphysical, legal, and juristic explanations as the basis of penology "to a scientific study of the criminal and the conditions under which he commits crime" (Wolfgang, 1973, p. 286). We also are indebted to Lombroso for the lessons he taught regarding methods of research. He demonstrated the importance of examining clinical and historical records, and he emphasized that no detail should be overlooked when searching for explanations of criminal behavior.

He also left a legacy of ideas and penological plans for how new late-19th-century nations could deal with the disruptive populations—criminals, the insane, and other deviants—that were associated with industrialization, immigration, urbanization, and war. These contributions were influenced in large measure by the fact that whereas northern and southern Italy had been geographically united in 1870, the country was "nonetheless characterized by political and radical disunity, a country more in name than in fact, with subjects who identified with their hometowns rather than with a new national government" (Rafter, 2008, p. 85). With his home country long fragmented by religion and politics, Lombroso anticipated the problems that would ensue, and he was deeply interested in creating clear and rational plans to deal with the disorderly. He also had another, perhaps his most significant, contribution as a criminologist. According to Rafter, he was the only criminologist of his time who can qualify as a "paradigm shifter" (2008, p. 85). He took the topic of the causes of crime away from sin and placed it in the realm of science, where it remains today.

## Lombroso's Legacy: The Italian Criminological Tradition

*Enrico Ferri.* Lombroso's legacy of positivism was continued and expanded by the brilliant career and life of a fellow Italian, Enrico Ferri (1856–1929). Born into the family of a poor salt-and-tobacco shopkeeper, Ferri came to be one of the most influential figures in the history of criminology (Sellin, 1973). In the words of Thorsten Sellin, one of the world's most eminent criminologists, who as a young man in November 1925 heard Ferri lecture at 70 years of age, "Ferri the man is as fascinating as Ferri the scholar" (Sellin, 1973, p. 362). Ferri was a scholar with brilliant ideas and strong passions who believed that life without an ideal, whatever it might be, was not worth living. By 16 years of age, Ferri was developing his lifelong commitment to the "scientific orientation," having come under the influence of a great teacher who himself was of strong convictions. Ferri gave up the clerical robe for the study of philosophy.

Ferri was just 21 years old when he published his first major work, *The Theory of Imputability and the Denial of Free Will* (Vold, 1958, pp. 32–33). It was an attack on free will arguments and contained a theoretical perspective that was to characterize much of Ferri's later work on criminality as well as his political activism. Unlike Lombroso, who gave more attention to biological factors than to social ones, Ferri gave more emphasis to the interrelatedness of social, economic, and political factors that contribute to crime (Vold, 1958). He argued, for example, that criminality could be explained by studying the interactive effects among physical factors (e.g., race, geography, temperature), individual factors (e.g., age, gender, psychological variables), and social factors (e.g., population, religion, culture). He also argued that crime could be controlled by social changes, many of which were directed toward the benefit of the working class. He advocated subsidized housing,

birth control, freedom of marriage, divorce, and public recreation facilities, each reflective of his socialist belief that the state is responsible for creating better living and working conditions. It is not surprising that Ferri also was a political activist.

He was elected to public office after a much-publicized lawsuit in which he successfully defended a group of peasants accused of “incitement to civil war” after a dispute with wealthy landowners (Sellin, 1973, p. 377). He was reelected 11 times by the Socialist Party and stayed in office until 1924. Throughout his career, Ferri attempted to integrate his positivist approach to crime with political changes. For example, he tried unsuccessfully to have the new Italian Penal Code of 1889 reflect a positivist philosophy instead of classical reasoning. And after Mussolini came to power during the early 1920s, Ferri was invited to write a new penal code for Italy (Vold, 1958). It reflected his positivist and socialist orientation, but it too was rejected for being too much of a departure from classical legal reasoning. After nearly 50 years as a socialist liberal, Ferri changed his philosophy and endorsed fascism as a practical approach to reform. According to Sellin (1973), fascism appealed to Ferri because it offered a reaffirmation of the state’s authority over excessive individualism, which he had criticized often.

Although it is puzzling to try to understand Ferri’s shift from socialism to fascism, some insight is provided by considering that he was living during a time of great social change and that Ferri, as a person with humble origins, wanted the changes to produce a better society. He believed that, to accomplish this reform, individuals must be legally responsible for their actions instead of being only morally responsible to God. This approach to responsibility represented a radical departure from tradition because it was offered within a theoretical framework that called for “scientific experts” not only to explain crime but also to write laws and administer punishment. In essence, it was a call for the state to act “scientifically” in matters of social policy.

Ferri’s call for legal responsibility was offered when Italy was experiencing much unrest caused mostly by industrialization during the late 1800s and later by the social disorder stemming from World War I. Evidence of Ferri’s response to the changing conditions in Italy is found in the fact that in the first four editions of *Sociologia Criminale*, he listed only five classes of criminals: (1) the born or instinctive criminal whom Lombroso had identified as the atavist, (2) the insane criminal who was clinically identified as mentally ill, (3) the passion criminal who committed crime as a result of either prolonged and chronic mental problems or an emotional state, (4) the occasional criminal who was more the product of family and social conditions than of abnormal personal physical or mental problems, and (5) the habitual criminal who acquired the habit from the social environment. For the fifth edition of *Sociologia Criminale*, Ferri (1929–1930) added a new explanation of crime—the involuntary criminal. Ferri explained this phenomenon as “becoming more and more numerous in our mechanical age in the vertiginous speed of modern life” (Sellin, 1973, p. 370).

We also must understand that Ferri’s interest in fascism did not occur in a social void absent of public support. It took only 5 years from the time when Mussolini formed the *Fasci di Combattimento* in 1919 until the first elections in Italy under the fascists in 1924, when Mussolini received 65% of the vote. When Mussolini asked Ferri to rewrite the Italian code, Ferri’s response was consistent with the mood of the times.

**Raffaele Garofalo.** Along with Lombroso and Ferri, Raffaele Garofalo (1852–1934) was the last major contributor to the positivist or Italian school of criminology. Unlike Lombroso’s emphasis on criminals as abnormal types with distinguishable anatomic, psychological, and social features, and unlike Ferri’s emphasis on socialist reforms and social defenses against crime, Garofalo is remembered for his pursuit of practical solutions to concrete problems located in the legal institutions of his day and for his doctrine of “natural crimes.”

In many ways, Garofalo’s work represents the currents of interests in late 19th-century Europe more clearly than does either Lombroso’s or Ferri’s. This is the result of three different but interconnected phenomena. First, Garofalo was born only 6 years before Lombroso received his degree in medicine. Thus, by the time Garofalo was an adult, enough time had passed since the publication of

Lombroso's major works to permit some degree of reactive evaluation. Second, Garofalo was both an academician and a practicing lawyer, prosecutor, and magistrate who faced the practical problems of the criminal justice system daily. Accordingly, he was in an excellent position to be familiar with the great attention that Lombroso's and Ferri's work had received in both academic and penal circles and with the practical policy implications of their writings. Third, at the time when Garofalo (1885) published the first edition of *Criminology* at 33 years of age, the social Darwinian era was at the peak of its existence, with numerous suggestions from biology, psychology, and the social sciences on how society could guarantee the survival of the fittest through criminal law and penal practice (Hawkins, 1931).

Garofalo's theoretical arguments on the nature of crime and on the nature of criminals were consistent with social Darwinism. For example, he argued that because society is a "natural body," crimes are offenses "against the law of nature." Therefore, criminal action was a crime against nature. Accordingly, the "rules of nature" were the rules of right conduct revealed to humans through their reasoning. It is obvious here that Garofalo's thinking also included some influence from the classical school and its emphasis on reasoning. For Garofalo, the proper rules of conduct came from thinking about what such rules should allow or prohibit. He nevertheless identified acts that no society could refuse to recognize as criminal and to repress by punishment—natural crimes. These offenses, according to Garofalo, violated two basic human sentiments found among people of all ages: the sentiments of probity and pity (Allen, 1973, p. 321; Vold, 1958, p. 37). *Pity* is the sentiment of revulsion against the voluntary infliction of suffering on others. *Probity* refers to the respect for the property rights of others.

The social Darwinian influence on Garofalo's thinking also is apparent in his explanation of where the sentiments of probity and pity could be found. They were basic moral sensibilities that appear in more or less "advanced form in all civilized societies" (Allen, 1973, p. 321), meaning that some societies had not evolved to the point of advanced moral reasoning. Similarly, the Darwinian influence is present in Garofalo's argument that some members of society might have a higher-than-average sense of morality because they are "superior members of the group" (p. 321).

Garofalo's notion of the characteristics of the criminal also revealed a Darwinian influence, but less so than when he addressed the issue of punishment and penal policies. In developing this portion of his theoretical arguments, he first reconsidered the Lombrosian idea of crime being associated with certain anatomical and physical characteristics and concluded that although the idea had merit, it had not been proved. Sometimes physical abnormalities were present, and sometimes they were not. He argued instead for the idea that true criminals lacked properly developed altruistic sentiments (Allen, 1973). In other words, true criminals had psychic or moral anomalies that could be transmitted through heredity. But the transmission of moral deficiencies through heredity was a matter of degree. This conclusion led Garofalo to identify four criminal classes, each one distinct from the others because of deficiencies in the basic sentiments of pity and probity.

Murderers were totally lacking in both pity and probity, and they would kill or steal when given the opportunity. Lesser criminals, Garofalo acknowledged, were more difficult to identify. He divided this category based on whether criminals lacked sentiments of either pity or of probity. Violent criminals lacked pity, which could be influenced very much by environmental factors such as alcohol and the fact that criminality was endemic to the population. Thieves, on the other hand, suffered from a lack of probity, a condition that "may be more the product of social factors than the criminals in other classes" (Allen, 1973, p. 323). His last category contained cynics or sexual criminals, some of whom would be classified among the violent criminals because they lacked pity. Other lascivious criminals required a separate category because their actions stemmed from a "low level of moral energy" rather than from a lack of pity (p. 329).

Nowhere is Garofalo's reliance on Darwinian reasoning more obvious than when he considered appropriate measures for the social defense against crime. Here he again used the analogy of society as a natural body that must either adapt to the environment or be eliminated. He reasoned that because true criminals' actions reveal an inability to live by the basic human sentiments necessary for society to survive, they should be eliminated. Their deaths would contribute to the survival



of society (Barnes, 1930). For lesser criminals, he proposed that elimination take the form of life imprisonment or overseas transportation (Allen, 1973).

It is clear that deterrence and rehabilitation were secondary considerations for Garofalo. But he favored “enforced reparation” and indeterminate sentences, indicating that Garofalo’s social defenses against crime were modeled to some extent on the psychic characteristics of the offender. In this regard, his position on punishment is more in line with the free will reasoning of the classical scholars than Garofalo might admit. One conclusion about Garofalo is clear, however, and that is his position on the importance of society over the individual. To him, the individual represents but a cell of the social body that could be exterminated without much (if any) great loss to society (Allen, 1973). By giving society or the group supremacy over the individual, Garofalo and Ferri were willing to sacrifice individual rights to the opinions of “scientific experts,” whose decisions might not include the opinions of those they were evaluating and judging or the opinions of the public. Not surprisingly, their work was accepted by Mussolini’s regime in Italy because it lent the mantle of scientific credence to the ideas of racial purity, national strength, and authoritarian leadership (Vold, 1958).

The work of the Italian positivists also suffered from serious methodological research problems. For example, their work was not statistically sophisticated. As a result, their conclusions about real or significant differences between criminals and noncriminals were, in fact, highly speculative.

This problem was addressed by Goring’s (1913) study of 3,000 English convicts and a control group of nonconvict males. Unlike Lombroso, Ferri, and Garofalo, Goring employed an expert statistician to make computations about the physical differences between criminals and noncriminals. After 8 years of research on 96 different physical features, Goring concluded that there were no significant differences between criminals and noncriminals except for stature and body weight. Criminals were found to be slightly smaller. Goring interpreted this finding as confirmation of his hypothesis that criminals were biologically inferior, but he did not find a physical criminal type.

## The Continuing Search for the Individual Roots of Crime

*Body Types and Crime.* The search for a constitutionally determined criminal man did not stop with Goring’s (1913) conclusions. Kretschmer (1925) took up the theme as the result of his study of 260 insane people in Swabia, a southwestern German town. He was impressed with the fact that his subjects had definite types of body builds that he thought were associated with certain types of psychic dispositions. First published in German in 1922 and translated into English in 1925, Kretschmer’s study identified four body types: asthenic, athletic, pyknic, and some mixed unclassifiable types. He found *asthenics* to be lean and narrowly built, with a deficiency of thickness in their overall bodies. These men were so flat-chested and skinny that their ribs could be counted easily. The *athletic* build had broad shoulders, excellent musculature, a deep chest, a flat stomach, and powerful legs. These men were the 1920s’ counterpart of the modern “hunks” of media fame. The *pyknics* were of medium build with a propensity to be rotund, sort of soft appearing with rounded shoulders, broad faces, and short stubby hands. Kretschmer argued that the asthenic and athletic builds were associated with schizophrenic personalities, whereas the pyknics were manic-depressives.

Four years after the English translation appeared in the United States, Mohr and Gundlach (1929–1930) published a report based on 254 native-born White male inmates in the state penitentiary at Joliet, Illinois. They found that pyknics were more likely than asthenics or athletics to have been convicted of fraud, violence, or sex offenses. Asthenics and athletics, on the other hand, were more likely to have been convicted of burglary, robbery, or larceny. But Mohr and Gundlach were unable to demonstrate any connection among body build, crime, and psychic disposition.

Ten years later, the search for physical types that caused crime was taken up by Earnest A. Hooton, a Harvard University anthropologist. He began with an extensive critique of Goring’s research methods and proceeded to a detailed analysis of the measurements of more than 17,000 criminals and noncriminals from eight states (Hooton, 1939b). In his three-volume study, Hooton

(1939b) argued that “criminals are inferior to civilians in nearly all of their bodily measurements” (Vol. 1, p. 329). He also reported that low foreheads indicated inferiority and that “a depressed physical and social environment determines Negro and Negroid delinquency to a much greater extent than it does in the case of Whites” (p. 388).

These and similar conclusions generated severe criticism of Hooton’s work, especially the racist overtones and his failure to recognize that the prisoners he studied did not represent criminal offenders who had not been caught or offenders who had been guilty but not convicted. His control group also was criticized for not being representative of any known population of people. This group consisted of Nashville firefighters and members of the militia, each of whom could be expected to have passed rigorous physical examinations that would distinguish them from average males. He also included in his control group beachgoers, mental patients, and college students. He offered no explanation as to why these disparate categories of people represented normal physical types. Hooton also was criticized for treating some small differences in measurement as greatly significant and for ignoring other differences that were found.

It is important to notice that despite the stinging criticism received by Hooton and by others who were searching for biological explanations, the search continued and expanded into the 1940s and 1950s. The work by William H. Sheldon, for example, shifted attention away from adults to delinquent male youths. Sheldon (1949) studied 200 males between 15 and 21 years of age in an effort to link physiques to temperament, intelligence, and delinquency. By relying on intense physical and psychological examinations, Sheldon produced an Index to Delinquency used to give a quick and easy profile of each male’s problems. A total score of 10 meant that a boy’s case was severe enough to require total institutionalization, a score of 7 meant that the case was borderline, and a score of 6 was interpreted as favoring adjustment and independent living outside of an institution.

Sheldon (1949) classified the boys’ physiques by measuring the degree to which they possessed a combination of three different body types: endomorphy, mesomorphy, and ectomorphy. Each could dominate a physique. Endomorphs tended to be soft, fat people; mesomorphs had muscular and athletic builds; and ectomorphs had skinny, flat, and fragile physiques. Sheldon also rated each of the 200 youths’ physiques by assigning a score of 1 to 7 for each type. For example, the average physique score for the 200 males was 3.5–4.6–2.7, representing a rather husky male (p. 727). Overall, Sheldon concluded that because youths came from parents who were delinquent in very much the same way that the boys were delinquent, the factors that produce delinquency were inherited.

William Sheldon’s findings were given considerable support by Sheldon Glueck and Eleanor Glueck’s comparative study of male delinquents and nondelinquents (Glueck & Glueck, 1950). As a group, the delinquents were found to have narrower faces, wider chests, larger and broader waists, and bigger forearms and upper arms than the nondelinquents. An examination of the overall ratings of the boys indicated that approximately 60% of the delinquents and 31% of the nondelinquents were predominantly mesomorphic. The authors included this finding in their list of outstanding factors associated with male delinquency. As with each of the previous scholars who attempted to explain criminal behavior by relying primarily on biological factors, their findings neglected the importance of sociological phenomena. It is unclear, for example, whether the Gluecks’ mesomorphs were delinquents because of their builds and dispositions or because their physiques and dispositions are conceived socially as being associated with delinquency. This, in turn, could create expectations about illegal activities that males might feel pressured to perform.

Efforts to connect body shape and behavior were not limited to crime alone. In 1995, it was revealed that between the 1940s and the 1960s, Hooton and Sheldon had been involved with a eugenics experiment that took “posture photos” of freshmen as they entered some of the nation’s most prestigious Ivy League schools, including Harvard University, Yale University, and Wellesley College. They were pursuing the now discredited idea that body shape and intelligence are somehow connected. Some of “America’s Establishment” photographed for the experiment included first lady and presidential nominee Hillary Rodham Clinton, president George H. W. Bush, New York governor



George Pataki, University of Oklahoma president David Boren, and television journalist Diane Sawyer. Although some of the photographs had been destroyed since the experiment was ended during the late 1960s, in 1995 the Smithsonian museum in Washington, DC, still had as many as 20,000 photographs of men and 7,000 photographs of women. Since then, the photographs have been destroyed ("Naked Truth Returns," 1995; "Naked Truth Revealed," 1995; "Smithsonian Destroys," 1995).

*Psychogenic Causes of Crime.* At this point, we turn our attention to another form of positivism, one that places no emphasis on types of physiques as causes of crime. Here the search for the causes of crime is directed to the mind. These theories often are referred to as the "psychogenic school" because they seek to explain crime by focusing attention on the personality and how it was produced. In this way, the analysis is "dynamic" rather than "constitutional," as was the emphasis in biological positivism. This school of thought developed along two distinct lines: one stressing psychoanalysis and the other stressing personality traits.

We begin with Sigmund Freud (1859–1939) and the psychoanalytical approach. Freud, a physician, did not directly address the question of what caused criminal behavior. He was interested in explaining all behavior, including crime. He reasoned that if an explanation could be found for normal behavior, then surely it also could explain crime.

At the core of the theories of Freud and his colleagues is the argument that all behavior is motivated and purposive. But not all desires and behavior are socially acceptable, so they must be repressed into the unconsciousness of the mind for the sake of morality and social order. The result is that tensions exist between the unconscious id, which is a great reservoir of aggressive biological and psychological urges, and the conscious ego, which controls and molds the individual. The superego, according to Freud (1920, 1927, 1930), is the force of self-criticism that reflects the basic behavioral requirements of a particular culture. Therefore, crime is a symbolic expression of inner tensions that each person has but fails to control. It is an "acted out" expression of having learned self-control improperly.

Franz Alexander, a psychoanalyst, and William Healy, a physician, both applied Freud's principles in their study of criminal behavior (Alexander & Healy, 1935). For example, they explained one male criminal's behavior as the result of four unconscious needs: (1) overcompensation for a sense of inferiority, (2) the attempt to relieve a sense of guilt, (3) spite reactions toward his mother, and (4) gratification of his dependent tendencies by living a carefree existence in prison.

Freud's colleague, August Aichhorn, wrote that many children continued to act infantile because they failed to develop an ego and superego that would permit them to conform to the expectations of childhood, adolescence, and adulthood. Aichhorn (1936) contended that such children continued to operate on the "pleasure principle," having failed to adapt to the "reality principle" of adulthood. Kate Friedlander, a student of Freud and Aichhorn, also focused on the behavior of children and argued that some children develop antisocial behavior or faulty character that makes them prone to delinquency (Friedlander, 1949). Redl and Wineman (1951) advanced a similar argument, stating that some children develop a delinquent ego. The result is a hostile attitude toward adults and aggression toward authority because the children have not developed a good ego and superego.

The search for personality traits, the second tradition of investigation that attempted to locate the cause of crime within the mind, was started by attempting to explain mental faculties biologically. Feeble-mindedness, insanity, stupidity, and dull-wittedness were thought to be inherited. This view was part of the efforts during the late 19th century to explain crime constitutionally. It became a popular explanation in the United States after *The Jukes* was published (Dugdale, 1877). *The Jukes* described a family as being involved in crime because its members suffered from "degeneracy and innate depravity."

Interest in explaining family-based mental deficiencies by heredity continued through the end of the 19th century and well into the first quarter of the 20th century. Goddard, for example, published *The Kallikak Family* in 1912, and a follow-up study on the Jukes by Estrabrook (1916) appeared 4 years later. Unfortunately, these studies were very general and avoided advanced and comparative statistics.

More exacting studies of the mind came from European research on the measurement of intelligence. French psychologist Alfred Binet (1857–1911), for example, first pursued intelligence testing in laboratory settings and later applied his findings in an effort to solve the problem of retardation in Paris's schools. Aided by his assistant, Theodore Simon, Binet revised his IQ tests in 1905, 1908, and 1911, and when the scale appeared in the United States, it was revised once again. Common to each revision was the idea that an individual should have a mental age that could be identified with an intelligence quotient or IQ score.

Goddard (1914, 1921) usually is credited as the first person to test the IQs of prison inmates. He concluded that most inmates were feeble-minded and that the percentage of feeble-mindedness ranged from 29% to 89%. His research was plagued, however, by the difficult issue of determining what score(s) should be used to define feeble-mindedness.

The legitimacy and practical value of IQ testing were given great support when the U.S. Army Psychological Corps decided to use this method to determine who was fit for military service in World War I (Goddard, 1927). The result was that, at one point, nearly a third of the draft army was thought to be feeble-minded. This conclusion was modified later, but faith in IQ testing as a means of explaining crime continued well past World War I and into the 1920s and 1930s. Eventually, the increasing use of sophisticated research methods began to produce results indicating that when inmates were compared to the general population, only slight differences in feeble-mindedness were found. Today, very little (if any) research tries to explain crime as the result of feeble-mindedness, although recent scholars have argued that low IQ is a central cause of criminal behavior (Herrnstein & Murray, 1994).

## THE CONSEQUENCE OF THEORY: POLICY IMPLICATIONS

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### The Positivist School and the Control of the Biological Criminal

The most obvious orientation displayed by positivists of the mid-19th century through the first quarter of the 20th century was their placement of the causes of crime primarily within individual offenders. This is not at all surprising once we recognize that the early positivists—especially Lombroso, Ferri, and Garofalo in Italy; Freud, Aichhorn, and Kretschmer in Austria and Germany; and Alexander and Healy in the United States—were all educated in medicine, in law, or in both fields. Each of these disciplines places great emphasis on individuals as the explanation of behavior. It is this flavor of emphasis that sheds much light on the policy consequences of their explanations of crime. But the disciplinary perspectives alone are inadequate for the purposes of fully understanding these consequences because each discipline was influenced by the general temper of the times. For the positivists considered in this chapter, the temper of the times was Darwinism strongly flavored by Victorianism.

The magnitude of the impact of the Darwinian argument is difficult to describe in a few paragraphs or pages and, indeed, even in a score of books. Nevertheless, an effort must be attempted before we proceed. In the simplest of terms, Darwin's evolutionary thesis represents one of the most profound theories of all times. It not only offered revolutionary new knowledge for the sciences but also helped to shatter many philosophies and practices in other areas. It commanded so much attention and prestige that the entire literate community felt "obliged to bring his world outlook into harmony with their findings" (Hofstadter, 1955b, p. 3). According to Hofstadter (1955b), Darwin's impact is comparable in its magnitude to the work of Nicolaus Copernicus (1473–1543), the European astronomer; Isaac Newton (1642–1727), the English mathematician and physicist; and Freud, the Austrian psychoanalyst. In effect, all of the Western world had to come to grips with Darwin's evolutionary scheme.

Although there was much discussion and controversy about the social meaning of Darwin's theory of the "struggle for survival" and the "survival of the fittest," social Darwinists generally

agreed that the theory's policy implications were politically conservative. It was argued that any policies that advocated government-sponsored social change would, if executed, actually be an interference with nature. The best approach was minimal involvement. "Let nature take its course" became a frequent refrain uttered by social Darwinists. It carried the clear message that accelerated social change was undesirable. Policies designed to accomplish "equal treatment," for example, were opposed strongly. Social welfare programs, it was argued, would perpetuate the survival of people who were negligent, shiftless, silly, or immoral while, at the same time, retard individual and national economic development. Hard work, saving, and moral constraint were called on as the solutions to individual and collective social and economic good fortune.

It is important to note an irony regarding the social Darwinists. Although many of the nation's leaders during the late 19th and early 20th centuries were opposed to programs of social change because they feared that these programs would threaten the nation's survival, they often were the same people who were changing our economy radically and plundering our natural resources through speculation, innovation, and daring. They also were the same leaders who were introducing "new economic forms, new types of organization, [and] new techniques" (Hofstadter, 1955b, p. 9). Changes that benefited their interests were acceptable; changes for the less fortunate were not. The stage was set for "scientifically justified" forms of control that would contain or eliminate crime. This control came in the form of the genetics movement with the blessings of the Victorian concern for morality and purity (Pivar, 1973). Unfortunately, the stage also was set for scientifically justified policies that, in fact, resulted in selective abuse and neglect.

When social Darwinism was used to formulate crime control policies, major themes appeared. On the one hand, the "born criminal" legacy from Lombroso and his students, and especially Garofalo's policy of "elimination" for certain criminal offenders, produced a penal philosophy that stressed incapacitation. Clearly, the emphasis was on removing criminals from the community to prevent them from committing any additional biologically determined harm. Therefore, it was inappropriate to attempt to reform or rehabilitate criminal offenders. Warehousing convicted offenders was considered a sufficient socially responsible response to the problem of what to do with lawbreakers.

On the other hand, the second means of controlling crime allowed for a type of rehabilitation. It was based on medical reasoning that viewed individuals as biological objects that needed treatment and allowed some of the most repressive state policies in the history of American penology. The worst of these policies were justified by the study of genetics and what has been called the eugenics movement (Beckwith, 1985).

As a science during the early 1900s, the study of eugenics—a term coined by Francis Galton (1822–1911), statistician, progressive, polymath, eugenicist, and half cousin to Darwin—claimed that inheritance could explain the presence of simple and complex human behavioral characteristics. Thus, it reinforced the ideas of biological determinism and contributed greatly to the argument that many of the social problems of the late 19th century, such as the conflicts over wages and working conditions, could be traced to the genetic inferiority of foreigners working in the United States. The 1886 Haymarket bombings and riots in Chicago, for example, were thought to be caused by "inferior foreigners." This theme was advanced by industrialists and by newspapers such as the *New York Times*, which described labor demonstrations as "always composed of foreign scum, beer-smelling Germans, ignorant Bohemians, uncouth Poles, and wild-eyed Russians" (Beckwith, 1985, p. 317).

With the support of leading industrialists such as the Carnegies and politicians including President Theodore Roosevelt, and of leading education institutions such as Harvard, centers for the study of eugenics soon were established, and efforts were undertaken to study the nation's "stock." Accordingly, many states passed laws designed to permit the application of the eugenicists' arguments. The first eugenics law, which was passed by Connecticut in 1895 at the beginning of the Progressive Era (1890s–1920s), was aimed at preventing certain kinds of people thought to be unfit for reproduction through marriage. Acknowledging that people would reproduce outside of marriage, the next idea was to institutionalize women deemed unfit to reproduce until they were past their reproductive

years. This policy was soon recognized as economically unfeasible for the 15 million who Harry L. Laughlin—one of the major American leaders of the eugenicists' movement—argued needed to be prevented from reproducing. The next solution was sterilization (Goodheart, 2004).

Between 1907 and 1930, more than 30 states (Indiana was the first) established laws requiring sterilization for behavioral traits thought to be determined genetically (Beckwith, 1985, p. 318; Cohen, 2016). The laws targeted behavior such as criminality, alcoholism, sodomy, bestiality, feeble-mindedness, and the tendency to commit rape. The result was the sterilization of at least 64,000 and perhaps as many as 70,000 people. Many of the same states also passed laws permitting psychosurgeries including the now infamous frontal lobotomy. The total number of these types of operations performed is unknown.

The laws passed under the influence of the eugenics movement were not restricted to sterilization and psychosurgery, although these were the two most brutal and repressive measures sponsored. The miscegenation laws endorsed in 34 states made it illegal for African Americans and Whites to marry each other; some states also forbade marriage between Whites and Asians (Provine, 1973). These laws also called vigorously for the passage of immigration laws to be based on a quota system calculated on the proportion of people living in the United States from a specific country in 1890. And in 1924, the U.S. Congress, after hearing leading eugenicists testify that our stock was being weakened by the influx of people from southern and eastern European countries, passed the Immigration Restriction Act of 1924. It was directed explicitly to a population of people who were thought to be biologically inferior and mentally deficient.

Three years later—on May 2, 1927—in a Virginia test case, *Buck v. Bell*, the United States Supreme Court handed down an 8–1 ruling that has been characterized as so disturbing, ignorant, and cruel that it stands as one of the greatest injustices in American history. It allowed the state to sterilize 17-year-old Carrie Buck—White, poor, raped, and impregnated by the nephew of the foster family she worked for; wrongly thought to be “feeble-minded”; and shipped out to the Colony for Epileptics and Feeble-Minded (Cohen, 2016). The majority opinion, only five paragraphs long, was written by 86-year-old Judge Oliver Wendell Holmes, Jr., who had been raised in the self-righteous Boston Brahmin era. The decision is known for its inaccurate and notorious argument justifying Buck's sterilization: “Three generations of imbeciles are enough” (quoted in Cohen, 2016, p. 270).

The law is still on the books. As such, it was a racist law and a forerunner of the 1930s and 1940s eugenic policies adopted by Nazi Germany (see, more generally, Bruinius, 2006; Cohen, 2016; Cornwell, 2003). It was also an excellent example of some of the ugly unintended underbelly of the Progressive Era from people in government and academia who “combined extravagant faith in science and the state with an outsized confidence in their own expertise, even necessary, guide to the public good” (Leonard, 2016, p. xi). As Cohen (2016, p. 280) notes, the decision was so uncontroversial that “the *New York Times* reported in on page 19, alongside a story on Harvard's decision to build a new dining hall.” The front page included stories, which “the editors considered more significant,” on a 227-year-old tree being cut down in New Haven to widen a street and the start of London's social season (Cohen, 2016, pp. 280–281).

When discussed academically, it is easy to lose sight of the human cost these policies exacted. Buck's sterilization was undertaken within half a year of the Court's decision on October 19, 1927, by Dr. John Bell, “who had conducted Carrie's physical examination on her arrival at the colony, and had given his name to the Supreme Court case” (Cohen, 2016, p. 283). Cohen (2016, pp. 283–284) describes the procedure:

Carrie was anesthetized, and the operation began. Dr. Bell, working with another surgeon, removed an inch from each of Carrie's fallopian tubes. Her tubes were ligated, or brought together, and the ends cauterized using carbolic acid followed by alcohol. The surgeons then sutured her abdominal wound. An hour after it began, the procedure was over.

A little-known historical fact is that just a bit more than three months following Carrie Buck's procedure, her 16-year-old half sister, Doris, also was sterilized—and not informed the operation would prevent her from having children (Cohen, 2016). Five decades later, Buck reflected on her involuntary sterilization, noting that she was sad because she wanted to have a small family. But she was also angry, commenting, "They done me wrong. They done us all wrong" (quoted in Cohen, 2016, p. 298).

Despite the clear implications of eugenic policies for repressing a targeted population, the practice of sterilization and psychosurgery continued in the United States until well into the 1970s. Between 1927 and 1972 in Virginia alone, more than 8,000 individuals were sterilized because they were identified as feeble-minded (Katz & Abel, 1984, p. 232), and more than 20,000 people were sterilized in California. But as Katz and Abel (1984) pointed out, the real reason for sterilization was not feeble-mindedness but rather class: "The one characteristic that did have to be demonstrated was indigency. . . . Commitment papers had to certify that the individual was both without means of support and without any acquaintance who would give bond" (p. 233). To allow the poor to propagate, it was claimed, would increase the numbers of feeble-minded offspring, the poor, alcoholics, criminals, and prostitutes.

## The Positivist School and Criminal Justice Reform

In pointing out the worst effects of biologically oriented theories, we are not unmindful that the positivist school also helped to usher in an approach to policy that was reformative rather than punitive in impulse. To be sure, the opinion that offenders are characterized by unchangeable bodily or psychological characteristics leads to the conclusion that offenders should be either eliminated, caged indefinitely (incapacitated), or altered physically through intrusive measures. And "crime prevention," as we have seen, becomes a matter of not allowing the "defectives" to multiply. But if one assumes that the causes determining crime are *changeable*—for example, unemployment or the emotional turmoil from family conflict—then the policy implications are much more optimistic. The challenge becomes one of diagnosing the forces that moved a person to break the law and then developing a strategy—perhaps job training or family counseling—to help the person overcome these criminogenic factors. In short, the challenge is to rehabilitate offenders so that they might rejoin society as "normal" citizens.

Lombroso was aware and supportive of this logic. In addition to his efforts to apply scientific principles to explaining the causes of crime, he also dreamed of "revamping the criminal justice system so that it would incorporate his criminology and react to offenders according to their degree of innate dangerousness" (Rafter, 2008, p. 83). For instance, he argued for "probation, juvenile reformatories, and other intermediate punishments that would keep offenders who were not particularly dangerous out of ordinary prisons" (Rafter, 2008, p. 83).

Notably, as America pushed into the 20th century, the appeal of biologically oriented theories eventually began to diminish. In their place, more optimistic positivist theories emerged that drew their images of offenders from psychology and especially from sociology. These newer approaches argued that the troubles of criminals could be rectified through counseling or by fixing the social environments in which they lived.

This new way of thinking about crime had a large effect on policy. Indeed, during the first two decades of the 20th century, this thinking helped to shape a campaign that renovated the criminal justice system. Reformers, called Progressives, argued that the system should be arranged not to punish offenders but rather to rehabilitate them. Across the nation, state after state established a separate juvenile court to "save" children from lives of crime (Platt, 1969). Similarly, efforts were undertaken to make release from prison based on the extent to which a person had been rehabilitated, not on the nature of the crime (as the classical school would mandate). Accordingly, states passed laws that made sentencing more indeterminate (e.g., offenders were given sentences that might range from 1 to 5 years) and created parole boards to decide which offenders had been



“cured” and should be returned to the community. Probation, a practice through which offenders were to be both supervised and helped by officers of the court, also was implemented widely. More generally, criminal justice officials were given great discretion to effect the individualized treatment of offenders (Rothman, 1980).

We return to these themes in Chapter 3 and later in the book. Even so, we need to emphasize two points here. First, controversy still exists today on whether the policies instituted in the name of rehabilitation made criminal justice systems more humane or more repressive. Some criminologists believe that the discretion given to criminal justice officials allowed offenders to be abused (e.g., Rothman, 1980), whereas other criminologists insist that rehabilitation has helped to humanize a system that is punitive by nature (e.g., Cullen & Gilbert, 1982, 2013; Cullen & Jonson, 2017). Second, although the ideas of the early positivist theorists declined in popularity—but certainly did not disappear, as the Virginia sterilization example shows—we now are seeing a renewed interest in the idea that the origins of crime lie in unchangeable characteristics of individuals. As Chapter 11 discusses, the 1980s brought a revitalization of the view that criminals are wicked by nature, a view that has had questionable, if not disquieting, policy implications.

Although not (yet?) a part of the argument that criminals are wicked by nature, DNA as a powerful crime-solving and preventing tool was born during the 1980s (Wambaugh, 1989). Since then, it has created heated ethical and legal policy debates that again demonstrate the need to be cautious when implementing innovative biology-based policies. The most recent international debate surrounding the use of DNA originated in 2001 in England and Wales where it was then a matter of policy to gather and store fingerprints and the genetic footprint on all criminal suspects, including those who were found innocent. At that time, Britain’s DNA Database contained profiles on more than 4.6 million people, some 860,000 of whom did not have criminal records. In late 2008, the European Court of Human Rights ruled unanimously that Britain’s policy was a violation of the human right to privacy (Lyall, 2008, p. A19; see also Donovan & Klahm, 2009; Lynch, Cole, McNally, & Jordan, 2008). Some people think that the United States should have a national DNA database that houses DNA on everyone—including the innocent and those guilty of crimes (Seringhaus, 2010). In 2013, however, DNA scientists announced that the variation in genomes in a person was too great to ignore any longer. In fact, some people have genomes that came from other people. This information raised questions about how forensic scientists should use DNA evidence to identify people (Zimmer, 2013). DNA is more fully discussed in Chapter 14.

## CONCLUSION

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It should be clear that to understand the policies created to address the problems of crime, we must realize that they are influenced greatly by the theories that guide them. We also must remember to examine the social context in which theories and policies are constructed. This lesson is important because it points out that theories are neither value-free nor free from the times in which they are advocated. Theories also have an impact on people. Sometimes the scientifically justified policies are allowed to do great harm because the social context in which they are advocated and implemented is ignored.

Closely related to this point is the claim made by some critical criminologists (see Chapter 9) that, although the work of the classical and positivist schools has a history of advancing the humanitarian ideas developed by the contributors to the Enlightenment, this is actually just one interpretation, albeit widely accepted. According to critical criminologists, one problem with this historical assessment is that it overlooks the Enlightenment’s dark underbelly. “In the long-run,” observes Lynch (2000), “Enlightenment perspectives can be seen as mechanisms that justify and legitimize capitalist social relationships, and it is no accident of history that Enlightenment scholarship arose along with capitalist systems of production” (p. 148; see also Gaukroger, 2006). What this means is that although much of Enlightenment writing was about human freedoms, individualism, and human dignity, some of it can be interpreted as being based instead on the assumption that the

“nature of man” was deterministic, not volitional. There are important implications that flow from this view of the Enlightenment and the early development of criminology.

For one thing, a deterministic view of humankind meant that scientific knowledge could be employed to control workers as well as criminals in order for society to be stable and for capitalism to be efficient and productive. According to some critical criminologists, the nascent “sciences of man”—especially Lombroso’s work—were not humanitarian but were in fact tools to facilitate exploitation and oppression. To tell the story of the history of the Enlightenment and early criminology without this contextualization lends credence to another objection voiced by some critical criminologists.

The issue here—and the lesson to be learned—is that to rely too heavily on telling the story of criminology chronologically can give the appearance of it being a value-free objective science when in fact it is not. Rethinking the work of Lombroso and other positivists is illustrative of this point. On the surface, the positivists’ contributions had the appearance of reflecting rigorous science with its emphasis on cataloging and measuring. In fact, more than this was likely involved. As Morrison (2004) observes, the positivists’ approach was more akin to artwork that relied on “a cultural practice of presenting and representing *which implied* that the abnormal and the dangerous could be recognized and mapped in physical space and evolutionary time” (p. 68, emphasis added). What Lombroso and others actually did, it is argued, was to *attribute* or *project* their own perceptions about the meaning of physical characteristics, including tattoos, onto criminals. So, instead of actually identifying criminals, the “scientific method” that Lombroso and his followers used generated classed-based projections that described the physical features of members of the dangerous classes that threatened capitalism and bourgeois sensibilities. Criminology is thus part of the “apparatus of the ‘science of oppression’ established by Enlightenment philosophy” (Lynch, 2000, p. 147). In this way, critical scholars argue, the scientific method with its emphasis on measurement—coupled with the use of the camera to objectify native people and advance imperialism—produced pictures of the criminal as the “other” (Morrison, 2006; see also Gaukroger, 2006).

We are keenly aware that despite its many advantages in advancing criminological knowledge, misusing the scientific method to identify, objectify, and oppress remains part of modern social life. The need for contemporary science to avoid defining sexual and racial minorities as “the other” is illustrative of this potential risk (see Henry & Tator, 2002; Mohr, 2008–2009; Tucker, 1994). One of the most important tasks for criminologists is to expose, critique, and condemn such usage wherever it is found.

## FURTHER READINGS

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*Note:* As discussed at the end of Chapter 1, to provide additional insights on key theoretical topics, each chapter is followed by a section called *Further Readings*. These readings are from the following source: F. T. Cullen, & P. Wilcox (Eds.). (2010). *Encyclopedia of Criminological Theory*. Thousand Oaks, CA: Sage.

In this chapter, four supplementary readings—listed below—are made available online at [www.study.sagepub.com/lilly7e](http://www.study.sagepub.com/lilly7e). As should be apparent, the entries focus on four key theorists from the classical and positivist schools. In the chapter to follow, the Further Readings have similarly been chosen to furnish added information about four central theorists (or theoretical issues) in the criminological tradition being examined.

1. Beccaria, Cesare: Classical School
2. Bentham, Jeremy: Classical School
3. Garofalo, Raffaele: Positivist School
4. Lombroso, Cesare: The Criminal Man



## REJECTING INDIVIDUALISM

## The Chicago School



Chicago Area Project

Clifford R. Shaw  
1895–1957  
Chicago Area Project  
Author of Social Disorganization Theory

Although exceptions exist, most early theories located the sources of crime within the individual. These theories differed markedly on where precisely the source of waywardness lay. Was it in the soul? The mind? The body's very biological makeup? Even so, these theories shared the assumption that little insight on crime's origins could be gained by studying the social environment or context external to individuals. In one form or another, these early theories blamed individual offenders—not society—for the crime problem.

But as the United States entered the 20th century, a competing and powerful vision of crime emerged—a vision suggesting that crime, like other behavior, was a social product. The earlier theories did not vanish immediately or completely; indeed, in important ways, they continue to inform current-day thinking. But they did suffer a stiff intellectual challenge that greatly thinned the ranks of their supporters. This major theoretical shift, one that rejected individualist explanations of crime in favor of social explanations,

might have been expected. Society was undergoing significant changes, and people's experiences were changing as well. The time was ripe for a new understanding of why some citizens break the law.

By the end of the 1930s, two major criminological traditions had been articulated that sought, in David Matza's (1969) words, to "relocate pathology; it was moved from the personal to the social plane" (p. 47). The first of these traditions, the Chicago school of criminology, argued that one aspect of American society, the city, contained potent criminogenic forces. The other tradition, Robert K. Merton's (1938) strain theory, contended that the pathology lay not in one ecological location (e.g., the city) but rather in the broader cultural and structural arrangements that constitute America's social fabric. Although they differed in how they believed that society created lawbreakers, these theories agreed that the key to unlocking the mystery of crime was in understanding its social roots. Taken together, they offered a strong counterpoint to explanations that blamed individuals for their criminality.

The effects of these two schools of thought have been long-lasting. Even today, more than seven decades after their initial formulation, the Chicago school and strain theories continue to be of interest to criminologists and to shape correctional policies. They deserve careful consideration. Accordingly, in Chapter 4 to follow, we consider the origins and enduring influence on criminological theory of strain theory. First, however, we explore here in Chapter 3 how a group of scholars located in the Chicago area sought to understand the concentration of crime in certain

neighborhoods. As we will see, their investigations would result in a major school of criminology and lay the groundwork for important contemporary theories of crime.

The chapter starts with a discussion of the Chicago school, focusing first on its explanation of why crime is concentrated in certain communities (Shaw and McKay's social disorganization theory) and then on why certain people are more likely to go into crime (Sutherland's differential association theory). The latter parts of the chapter examine how contemporary scholars have built on social disorganization theory to develop competing visions of how communities affect crime, some emphasizing the ineffectiveness of control (collective efficacy and cultural attenuation theories) and some the transmission of criminal values (cultural deviance and code of the street theory). The chapter also reviews Ronald Akers's social learning theory, the major extension of Sutherland's differential association theory. Finally, the two main policy implications of the Chicago school are explored—changing individuals and changing the community.

## THE CHICAGO SCHOOL OF CRIMINOLOGY: THEORY IN CONTEXT

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What made it seem reasonable—why did it make sense—to blame the city for the nation's crime problem? Why would such a vision become popular in the 1920s and 1930s and, moreover, find special attention in Chicago?

The answers to these questions can be found in part in the enormous changes that transformed the face of the United States and made the city—and not the “little house on the prairie”—the nation's focal point. During the latter half of the 1800s, cities grew at a rapid pace and became, as Palen (1981) observed, “a controlling factor in national life” (p. 63). Between 1790 and 1890, for example, the urban population grew 139-fold; by 1900, 50 cities had populations in excess of 100,000 (p. 63).

But Chicago's growth was particularly remarkable. When the city incorporated in 1833, it had 4,100 residents; by 1890, its population had risen to 1 million; and by 1910, the count surpassed 2 million (Palen, 1981, p. 63). But such rapid expansion had a bleaker side. Many of those settling in Chicago (and in other urban areas) carried little with them; there were waves of immigrants, displaced farmworkers, and African Americans fleeing the rural South. For most newcomers, the city—originally a source of much hope—brought little economic relief. They faced a harsh reality—pitiful wages; working 12-hour days, 6 days a week, in factories that jeopardized their health and safety; living in tenements that “slumlords built jaw-to-jaw . . . on every available space” (p. 64). Writing on the meatpacking industry in Chicago, Upton Sinclair (1906) gave this environment a disquieting label: “the jungle.”

Like other citizens, criminologists during the 1920s and 1930s witnessed—indeed, lived through and experienced—these changes that created bulging populations and teeming slum areas. It was only a short leap for them to believe that growing up in the city, particularly in the slums, made a difference in people's lives. In this context, crime could not be seen simply as an individual pathology; it made more sense when viewed as a social problem.

This conclusion, moreover, was reinforced by a broad liberal reform movement that arose early during the 1900s—the Progressive movement. Although they believed in the essential goodness of America and so rejected calls for radical change, Progressives were critical of the human costs wrought by America's unbridled industrial growth. They were troubled particularly by the plight of the urban poor, a mushrooming population of the system's casualties who had few prospects of stable or rewarding lives. They worried, as Rothman (1980) wrote, that the “promise” of the American system “did not extend evenly to all segments of the society; it did not penetrate the ghetto or the slum. Thus, an understanding of the etiology of crime demanded a very close scrutiny of the conditions in these special enclaves” (p. 51).

Criminologists in the Chicago school would echo this conclusion. The Progressives rejected the social Darwinists' logic that the poor, and the criminals among them, were biologically inferior and had fallen to society's bottom rung because they were of lesser stock. The Progressives preferred a

more optimistic interpretation: The poor were pushed by their environment—not born—into lives of crime. Accordingly, hope existed that changing the context that nurtures offenders would reverse the slums' negative effects and transform these individuals into law-abiding citizens. The goal was to save the poor, especially their children, by providing social services—schools, clinics, recreational facilities, settlement houses, foster homes, and reformatories (if necessary)—that would lessen the pains of poverty and teach the benefits of middle-class culture (Platt, 1969; Rothman, 1980).

But the moral imperative was to act on this belief—and the Progressives did, creating what came to be known as the “age of reform” (Hofstadter, 1955a, 1963). The linchpin of their agenda was the assumption that the government could be trusted to create and administer agencies that would effect needed social reform. The Progressives campaigned to have the state guide the nation toward the common good by controlling the greed of industry and by providing the assistance that the poor needed to reach the middle class. In the area of criminal justice, their efforts led to the creation of policies and practices intended to allow the state to treat the individual needs and problems of offenders—the juvenile court, community supervision through probation and parole, and indeterminate sentences (Rothman, 1980).

Thus, during the first decades of the 1900s, the city became a dominant feature of American life, and a pervasive movement arose warning that the social fabric of urban slums bred crime. Still, the question remains as to why Chicago became a hotbed of criminological research. As suggested, part of the answer can be found in this city's status as an emerging economic and population center. But the other piece of the puzzle lies in the existence, at the University of Chicago, of the nation's oldest sociology program, established in 1892 (Bulmer, 1984).

By the 1920s, “surrounded . . . with ever-present reminders of the massive changes that were occurring within American society,” the sociology department's faculty and students had embarked on efforts to systematically study all aspects of the urban laboratory that lay before them (Pfohl, 1985, p. 143). Robert E. Park, a newspaper reporter-turned-sociologist, was particularly influential in shaping the direction of this work. He commented, “I expect that I have actually covered more ground, tramping about in cities in different parts of the world, than any other living man” (cited in Madge, 1962, p. 89). These journeys led Park to two important insights.

First, Park concluded that the city's development and organization, like any ecological system, were not random or idiosyncratic but rather patterned and, therefore, could be understood in terms of basic social processes such as invasion, conflict, accommodation, and assimilation. Second, he observed that the nature of these social processes and their impact on human behavior, such as crime, could be ascertained only through careful study of city life. Accordingly, he urged students and colleagues to venture into Chicago and to observe firsthand its neighborhoods and diverse conglomeration of peoples (Madge, 1962). Several scholars, most notably Clifford R. Shaw and Henry D. McKay, embraced Park's agenda and explored how urban life fundamentally shaped the nature of criminal activity. In so doing, they laid the foundation for the Chicago school of criminology.

## SHAW AND MCKAY'S THEORY OF JUVENILE DELINQUENCY

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Shaw and McKay were not faculty members at the University of Chicago; rather, they were employed as researchers for a state-supported child guidance clinic. Even so, they enjoyed close relationships with the sociology department—they had been students there but did not finish their doctorates—and were influenced profoundly by its theorizing (Snodgrass, 1976). In particular, they were persuaded that a model of the city formulated by Ernest Burgess, Park's colleague and collaborator, provided a framework for understanding the social roots of crime. Indeed, it was Burgess's model that led them to the conclusion that neighborhood organization was instrumental in preventing or permitting delinquent careers (Gibbons, 1979; Pfohl, 1985). We review this general model of urban growth and then consider how it guided Shaw and McKay's approach to studying delinquency in Chicago.

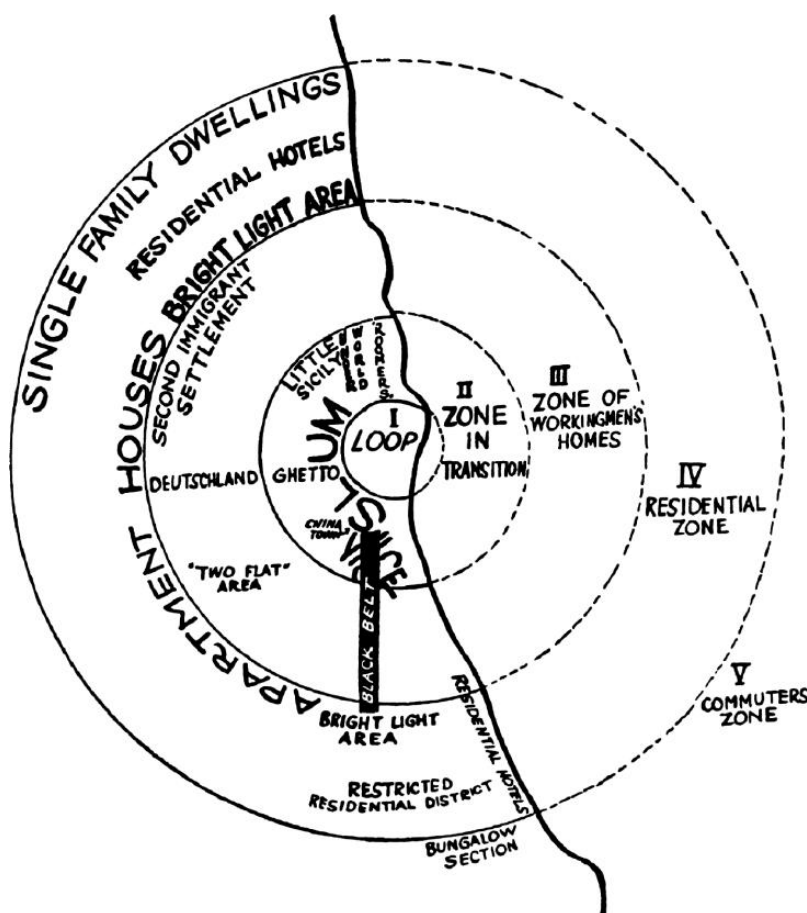
## Burgess's Concentric Zone Theory

As cities expand in size, how do they grow? One answer is that the growth is haphazard—not according to any set pattern. But Burgess, like Park, rejected this view in favor of the hypothesis that urban development is patterned socially. He contended that cities “grow radially in a series of concentric zones or rings” (Palen, 1981, p. 107).

As Figure 3.1 shows, Burgess (1967/1925) delineated five zones. Competition determined how people were distributed spatially among these zones. Thus, commercial enterprises were situated in the “loop” or central business district, a location that afforded access to valuable transportation resources (e.g., railroads, waterways). By contrast, most high-priced residential areas were in the outer zones, away from the bustle of the downtown, away from the pollution of factories, and away from the residences of the poor.

But the zone in transition was a particular cause for concern and study. This zone contained rows of deteriorating tenements, often built in the shadow of aging factories. The push outward of the business district, moreover, led to the constant displacement of residents. As the least desirable

Figure 3.1 Urban Areas



Source: Burgess, E. W. (1967). The growth of the city: An introduction to a research project. In R. E. Park, E. W. Burgess, & R. D. McKenzie (Eds.), *The city* (p. 55). Chicago, IL: University of Chicago Press. (Original work published 1925). All rights reserved. Reprinted with permission.

living area, the zone had to weather the influx of waves of immigrants and other migrants who were too poor to reside elsewhere.

Burgess observed that these social patterns were not without consequences. They weakened the family and communal ties that bound people together and resulted in *social disorganization*. Burgess and the other Chicago sociologists believed that this disorganization was the source of a range of social pathologies, including crime.

## Disorganization and Delinquency

Burgess's model was parsimonious and persuasive, but did it really offer a fruitful approach to the study of crime? Would it stand up to empirical testing?

Shaw and McKay took it on themselves to answer these questions. As a first step, they sought to determine whether crime rates would conform to the predictions suggested by Burgess's model—highest rates in the zone in transition, with this rate declining progressively as one moved outward to the more affluent communities. Through painstaking research, they used juvenile court statistics to map the spatial distribution of delinquency throughout Chicago.

Shaw and McKay's data analysis confirmed the hypothesis that delinquency flourished in the zone in transition and was inversely related to the zone's affluence and corresponding distance from the central business district. By studying several decades of Chicago's court records, they also were able to show that crime was highest in slum neighborhoods regardless of which racial or ethnic group resided there. Further, they were able to show that as groups moved to other zones, their crime rates decreased commensurately. This observation led to the inescapable conclusion that it was *the nature of the neighborhood—not the nature of the individuals within the neighborhood*—that regulated involvement in crime.

But what social process could account for this persistent spatial distribution of delinquency? Borrowing heavily from Burgess and the other Chicago sociologists, Shaw and McKay emphasized the importance of neighborhood organization in preventing or permitting juvenile waywardness. In more affluent communities, families fulfilled youths' needs and parents carefully supervised their offspring. But in the zone in transition, families and other conventional institutions (e.g., schools, churches, voluntary associations) were strained, if not broken apart, by rapid and concentrated urban growth, people moving in and out (transiency), the mixture of different ethnic and racial groups (heterogeneity), and poverty; *social disorganization prevailed*. As a consequence, juveniles received neither the support nor the supervision required for wholesome development. Left to their own devices, slum youths were freed from the type of social controls operative in more affluent areas; no guiding force existed to stop them from seeking excitement and friends—perhaps the wrong kind of friends—in the streets of the city.

This view of delinquency causation, it should be noted, likely resonated with the personal experiences of Shaw and McKay. As Snodgrass (1976) observes, they were

two farm boys who . . . were both born and brought up in rural mid-western areas of the United States, both received Christian upbringings, and both attended small, denominational country colleges. Shaw was from an Indiana crossroads that barely constituted a town, and McKay was from the vast prairie regions of South Dakota. (p. 2)

As a result, they were raised in communities where people were alike (homogeneity), shared the same Christian values, lived most of their lives (stability), knew one another well if not intimately, and made sure that youngsters were good kids lest their parents be told of any misconduct. In short, their childhood communities were organized and marked by social control. It thus “made sense” that the absence of the routines, social intimacy, and virtues of small-town life in the slums of Chicago—the *disorganization* that prevailed—would be implicated in the causation of delinquency (Snodgrass, 1976).