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Third Edition

# CANADIAN CRIMINOLOGY

John Winterdyk



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## Preface

Despite a downward trend in crime rates both nationally and internationally, there is still a discernable urgency around crime today. One cannot go online, turn on the news, or pick up a newspaper without encountering sensational coverage of criminal events occurring close to home or around the world.

If the prevalence of crime stories is an accurate indication of public interest, then the subject of crime and criminality is a “hot” topic. Indeed, it is not just the news media that are delivering crime to an eager audience. Recent decades have seen a lemming-like trend in the creation of crime shows, ranging from procedural crime dramas and studies of the criminal justice system to reality cop shows and documentaries. As I write this (in February 2016), there is considerable buzz around a Netflix documentary, *Making a Murderer*, that revolves around a murder case that happened over 10 years ago. Others have been quick to capitalize on the show’s success, including pop psychologist Dr Phil, who recently dedicated an entire episode of his show to the documentary’s central character, Steven Avery. Crime has become a commodity that has captured the fascination of the general public.

All of this public interest reflects a widely held desire to better understand crime, its causes, and its actors. Of late, we’ve seen this interest extend to academia. Today, most criminology and criminal justice programs at Canadian colleges and universities do not have enough placements to accommodate the demand from qualified students. This has contributed to a proliferation of online courses in recent years, as well as an increase in the number of graduate programs across Canada and internationally. An interest in crime and criminal justice is likely what led you to select the course you’re now taking. If so, I hope this textbook will not only satisfy some of your curiosity but also inspire you to want to learn more. There are many avenues of research open to aspiring criminologists.

Criminology is the dynamic study of crime and how to prevent or control crime. As we will see time and again throughout this textbook, there is no simple or single answer to questions such as why people commit crime or how we can prevent it.

Historically, most introductory textbooks on criminology in Canada have embraced either a sociological or a psychological approach. In an effort to acknowledge the complexity of human behaviour and the diversity of factors that influence crime rates, this textbook embraces an *integrative* and *interdisciplinary* approach to the topic, drawing on a wide range of complementary theories as well as insights from disciplines beyond sociology and psychology, including biology, economics, and political science.

In an effort to make the text more student-friendly, the chapters have been designed to provide key information without too much distracting secondary material. Each chapter does, however, contain certain pedagogical features meant to help readers better assimilate the central themes and ideas. These include learning objectives, presented at the start of each chapter; a selection of sidebars and feature boxes that enliven the main text with information about fascinating figures, cases, and research; and several end-of-chapter features designed to help students review the material, including a bullet-point summary of the chapter, a set of discussion questions that can be tackled individually or in groups, and links to relevant online resources.

**Part I** comprises four chapters that together provide the foundation for the study of crime. **Chapter 1** introduces the reader to the meaning of crime, deviance, and criminology. It also traces the evolving history of criminology and provides the basis for understanding the value

of an interdisciplinary and integrated approach. **Chapter 2** examines the role of the public and the media. Both play an integral role in forging perceptions of crime, determining the issues criminologists examine, and directing criminal justice policy. The chapter argues that criminology needs to understand the role of the public and the media when studying crime.

Criminological theory and criminal justice policy are influenced by cultural values and politics. These elements can be tempered when objective criminological data are used to support policies and educate the public. **Chapter 3** reviews the various methods of collecting and analyzing information about crime and criminals, and concludes with some cautionary observations on criminological data. **Chapter 4**, which is co-authored, examines issues related to victims and victimology, a topic that, since the early 1990s, has become increasingly mainstream in Canadian criminology. It rightfully deserves a chapter of its own, strategically placed towards the start of the textbook.

In **Part II**, the attention shifts to the range of theories used to explain crime. These theories represent the various epistemological perspectives used to engage in criminological inquiry. Textbooks differ in their orientation and method of coverage, but they generally reflect competing disciplinary approaches rather than offering an interdisciplinary, integrated approach. Chapter 5 covers the three major schools of criminological thought and offers an overview of some of the discipline's Canadian and international pioneers. The presentation of material is considered a relatively unique feature of this book as it not found in any detail in other Canadian introductory criminology textbooks. The final section of the chapter provides the rationale for an integrated approach to the study of criminology and a call for criminologists to shift their focus to crime prevention and interdisciplinary models.

The remaining chapters in the part reflect this interdisciplinary approach. The major criminological theories are divided into the three primary multidisciplinary areas: biology (**Chapter 6**), psychology (**Chapter 7**), and sociology (**Chapter 8**, co-authored with Nick Jones). While providing coverage of the main theories stemming from each discipline, the three chapters examine some newer integrated, multifactor, and interdisciplinary approaches. Recognizing that many criminology and criminal justice programs include a course on theory, the intention here is to provide an overview and not a comprehensive summary of all theories.

**Part III** is divided into five chapters. **Chapter 9** provides an overview of the violent crimes that are most recorded by the police—and that typically draw the most attention from the media and the public. In addition, there is a brief overview of some emerging forms of violence, such as hate crime, honour killing, and terrorism, a topic we revisit with greater attention in Chapter 13. **Chapter 10** consists of an overview of crimes against property. In particular, the chapter focuses on conventional crimes such as fraud, theft, motor-vehicle crime, and arson. In **Chapter 11**, the third co-authored chapter, the focus shifts to non-conventional crime, including organized crime, corporate crime, and cybercrime, a topic given extensive treatment again in Chapter 13. In addition to reviewing current trends, the chapter surveys some of the explanations that criminologists have offered to account for these types of crime. **Chapter 12** addresses what are often referred to as crimes against public order, such as gambling, prostitution, and substance abuse. Although these crimes often involve organized crime groups, they are treated separately because of their status as victimless or consensual crimes. To some, they are crimes of morality involving willing participants; as such, they do not belong in the domain of state control. To others, they make victims of their participants and have a direct impact on public safety and well-being; they deserve our censure.

**Chapter 13** is devoted to certain transnational crimes that have come to prominence in recent decades. Some of these are not new: human trafficking, for instance, is one of the oldest known crimes. Others, like cybercrime, are essentially old crimes (fraud and theft, in this case) carried out by new means. Terrorism, likewise, is an old form of violence that has gained

strength from new ways of reaching targets, audiences, and potential recruits. What these emerging crimes have in common is that they make use of the technological advances and globalizing processes that define our modern age.

Lastly, **Chapter 14**, the only chapter of **Part IV**, looks into the proverbial crystal ball in an effort to identify the issues that future criminologists will grapple with. It highlights the growing importance of comparative research, crime prevention, and the knowledge explosion in criminology. The chapter concludes with an overview of restorative justice: one of the dominant emerging trends in criminology and one that reflects an integrated and interdisciplinary approach to social order.

At the end of the book is a **Glossary**, providing, in many cases, expanded explanations of the key terms that are glossed briefly in the margins of the book's chapters. These definitions, collected at the back of the book, serve as a study tool for students preparing for exams and provide a solid footing for anyone striving to gain a better understanding of criminology overall.

To help students and instructors get the most out of this textbook, there are several resources available on the companion website for the book, hosted by Oxford University Press. These include an **instructor's manual**, **PowerPoint slides**, and a **test generator file** for instructors, and a **study guide** for students. The files are available at [www.oupcanada.com/Criminology](http://www.oupcanada.com/Criminology) (a password is required to access the instructor resources).

Although I have tried to do justice to the evolving nature of criminology by adopting an interdisciplinary and integrated approach, I must call on students and instructors to fill some gaps from time to time. I see this textbook—like criminology itself—as a work in progress. Should you find this book interesting and intellectually stimulating, then my efforts have not been in vain. Nevertheless, rest assured the journey is not complete and that constructive feedback is always welcome.

## Acknowledgements

Although I remain solely responsible for the content of this textbook, it reflects the collective input and support of numerous people, only a handful of whom are named in the paragraphs that follow. Whether named or not, my heartfelt thanks goes out to them all.

Whenever I undertake an effort such as the writing of this book, I am reminded not only of how important friendships and loved ones are but of how important it is for us to recognize and appreciate that we are part of a larger community.

My grandfather, Dirk Winterdyk, has been the most influential academic force in my life. In addition to embodying all the quintessential traits of a wonderful grandfather, he was an educator extraordinaire, and his dedication and unending thirst for learning have remained a powerful influence on me even as I became a grandfather for the first time during the final stages of completing this book.

I would like to acknowledge the assistance of three young and promising former students with whom I have had the pleasure to work. Jesse Cale, Nick Jones, and Mike Beke provided invaluable assistance in the preparation of chapters 4, 8, and 11, respectively, and it is a joy and honour to be able to acknowledge them as co-authors for these three chapters and to be able to witness the blossoming of their respective careers.

Throughout my academic years, I have been fortunate to study and learn from several esteemed leaders in the academic community. These include Ronald Roesch, Ray Corrado, Paul Maxim, Paul and Patricia Brantingham, Hans-Jorg Albrecht, and many others. Of my colleagues at Mount Royal University, where I have worked since 1988, I would like to recognize Professor Doug King, who has provided me with invaluable intellectual discourse, feedback, and support over the years.

To Rose: the patience, tolerance, and support I demanded of you at times bordered on impracticable! You are the true pillar of strength in our relationship, and I thank you for being you! To Michael and Alex, our now young adult sons, thank you for enduring the journey; I am thrilled and honoured to be able to watch you grow into wonderful young men as you now embark on your respective journeys.

I would like to thank the team at Oxford University Press, and particularly David Stover, who encouraged me to revise and update this textbook. I would like to extend a special thank-you to Amy Gordon, my developmental editor, who diligently helped nurse and nudge this edition into completion. Her wonderful sense of humour, boundless kindness, and enduring patience helped make the tough days much easier. Copy editors Sally Livingston and Eric Sinkins helped bring the manuscript to the goal line; although the final product is my responsibility, they are, in many respects, the unsung heroes who helped to ensure that you, the reader, will find the book not only interesting and informative but highly accessible.

Finally, I would like to thank Sam Alvaro, J. Bryan Kinney, and the anonymous reviewers who spent many hours reading the manuscript in rough form and offering constructive criticisms and insightful suggestions for the new edition.

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# Guided Tour of the New Edition

In preparing this new edition of *Canadian Criminology*, we have been guided by the goal of producing the most balanced, engaging, and accessible introduction to criminology available to Canadian students. With updated data and illustrations, and complemented by a full suite of online ancillary materials, we are confident that *Canadian Criminology* will become an indispensable resource for students and instructors alike.

## Chapter 13

### Emerging Crime Trends: Transnational Crime, Terrorism, Human Trafficking, and Cybercrime



CP PHOTO/ Ian Barnett

Our lives are not our own. From womb to tomb we are bound to others, past and present, and by each crime and every kindness we birth our future.  
DAVID MITCHELL, *CLOUD ATLAS*

Banking security is everyone's responsibility—the banks' and customers' alike—and we hope that some of the information we have provided, in some small measure, helps towards saving other people from experiencing such a cruel, harrowing, and near life-wrecking ordeal.  
ANONYMOUS VICTIM OF "VISHING" FRAUD, CITED IN DREW (2014)

## Brand-New Chapter on Emerging Crime Trends

The new Chapter 13 covers terrorism, human trafficking, intellectual property crime, counterfeiting, cybercrime, and cyberterrorism, while engaging students in the ongoing policy and legislative debates that will shape crime and criminology in Canada's future.

Chapter 13 | Emerging Crime Trends: Transnational Crime, Terrorism, Human Trafficking, and Cybercrime

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### BOX 13.10 REALITY CHECK

#### Internet Scams: Fool Me Once . . .

In August 2013, four Canadians and several American accomplices were charged with fraud involving a penny stock scam. The accused allegedly bought fledgling start-up companies and inflated their value artificially through fictitious e-mails, news releases, and social media messages so that they could sell off penny stocks issued by the companies. The fraudsters relied on call centres in Canada, Thailand, and Britain, and bilked investors in 35 countries out of more than \$140 million over a relatively short period of time. They then cheated their victims a second time by posing as US Internal Revenue Service agents to help investors reclaim their losses in exchange for a small fee.

When interviewed, a Canadian legal expert pointed out that such scams are becoming increasingly sophisticated and hence more difficult to detect and prosecute. It took the co-operation of several police forces and banks from around the world to discover the breadth of this particular criminal operation ("4 Canadians charged," 2013).

What aspects of cybercrime make a scheme like the one described here possible to carry out? Consider some of the premises of space transition theory described in Box 13-9.

been developed jointly by the United States and Israel (Finkle, 2013), was designed to steal confidential information and damage equipment at the Iranian nuclear facility. Clifford (2011), in his review of the incident, suggests this might have been the very first incident of cyberwarfare.

#### Different Forms of Cybercrime

##### *Theft and Illegal Use of Information*

In the course of shopping, banking, selling, and dating online, we put an enormous amount of information about ourselves on the Internet. The transmission of this information, even through apparently secure channels, makes us vulnerable to the crime of **identity theft**, in which an individual's identity information—from user name and password to signature, fingerprint, or DNA profile—is taken or held without consent by another person for fraudulent purposes, such as purchasing goods or obtaining funds using the individual's banking details.

Identity theft is a fairly recent crime, prohibited by a law that has been in place only since January 2010, when Bill S-4 came into effect. Identity theft may give rise to **identity fraud**, which is the act of using stolen identity information—or impersonating someone by other means—in order to gain something, to avoid arrest, or to harm the reputation of the person whose identity is used. Cases of identity fraud significantly outnumber cases of identity theft in Canada (see Figure 13.7).

Traditional methods of identity theft could be quite unsophisticated; think, for example, of stealing someone's mail or going through someone's garbage to gather their personal information. By contrast, computer-mediated identity theft can be very sophisticated. It might involve an official-looking e-mail sent purportedly by your bank and advising you that your account has been compromised. In this scam, the recipient is instructed that the problem will be fixed once the recipient provides "the bank" with personal information via an e-mail address or phone number specified in the e-mail. Another scam involves an e-mail supposedly from the Canada Revenue Agency advising the recipient of a pending refund that will be deposited into the recipient's bank account once the appropriate banking information has been provided. These "phishing" scams don't rely on hacking; they depend on the fact that individuals

##### **identity theft**

The act of obtaining or possessing another person's name and personal identity information without consent in order to commit fraud or another offence.

##### **identity fraud**

The fraudulent impersonation of a person, living or dead, to gain some advantage, to avoid identification, or to harm the reputation of the person whose identity is used.

## New Visual Approach

Carefully chosen photos and captions have been added to every chapter in order to engage visual learners and encourage critical thinking in every student.

levies. While the anti-tobacco measures have received public support, the higher prices now charged for legal cigarettes have stimulated the market for cheaper, illegal products.

In 2000, Ovide Maestreli, former National Chief of the Assembly of First Nations, prepared a report in which he called for initiatives that promote a path of healing and positive contribution in the community for gang members, based on a model of restorative justice (see Chapter 14). However, the best solution to fighting Aboriginal crime organizations may lie in ending the persistent marginalization of Canada's Aboriginal people and providing them opportunities to attain a socioeconomic standard and lifestyle that are more appealing than what can be gained from gang membership. Many of these ideas are captured in the report of the Truth and Reconciliation Commission, released in December 2015.

### Cartels

A **cartel** is an informal association of independent commercial enterprises designed to limit competition. The term was coined in the late 1800s by the Austrian economist Friedrich Kleinwächter, who used it to refer to "the alliance of enterprises." Since then, the term has taken on a more sinister meaning that encompasses the illegal business practices and sometimes violent criminal behaviour that are associated with cartels. In a special report in *Criminal Justice International* (1994) the cartels were described as a new breed of international organized crime

**cartel**  
An association of manufacturers or suppliers who have entered into an informal agreement to fix prices, to limit supply, and minimize competition by various means, some of which may be illegal and may involve violence.



Mexican drug lord Joaquín Archivaldo Guzmán Loera, shown during his arrest in February 2014, rose to power as the head of the Sinaloa Cartel during the 1980s. In 1999, Guzmán (or "El Chapo," as he is known) was arrested and sentenced to 20 years for murder and drug trafficking. In 2001, he escaped a maximum-security prison after bribing his guards. Despite multi-million dollar rewards offered by the Mexican and US governments for information leading to his arrest, he evaded capture for 13 years. In July 2015—just 16 months after this photo was taken—El Chapo again escaped from a maximum-security prison, this time through an underground tunnel. He remained at large until January 2016, when he was captured shortly after a secret meeting with Hollywood actor Sean Penn, who had interviewed the drug lord for an article in *Rolling Stone* magazine.

## New Overview of the Canadian Criminal Justice System

An introduction to the criminal justice system in Chapter 1 ensures that students have a solid grasp of how the CCJS works before diving into theory.

### BOX 6.6 FACTS AND FIGURES SUBSTANCE ABUSE AND CRIME

A growing body of literature shows a link between substance abuse and criminal behaviour. Consider, for example, the following points, compiled from the website of the Canadian Centre on Substance Abuse (CCSA—www.ccsa.ca/eng/Pages/default.aspx):

- Impaired driving is the most prominent factor contributing to serious road crashes.
- Based on data from 2006, the CCSA estimated the total societal cost of substance abuse to be \$9.8 billion, or \$2,267 for every Canadian.
- Alcohol causes over \$14 billion annually in economic harm—yet anyone over the age of 18 can legally buy and consume it.
- Canada's youth (18–24 years of age) have the highest self-reported rate of marijuana use among all Canadians surveyed. It is estimated that marijuana use accounts for \$8.2 billion of the \$40 billion spent on illicit drugs.

Among the key findings of a CCSA report on substance abuse in Canadian prisons (Weekes, Thomas, & Graves, 2004) are the following:

- More than 70 per cent of federal inmates have engaged in "problematic use of alcohol or drugs" while in prison.
- Fetal alcohol spectrum disorder (see Box 6.7) has emerged as a potentially serious problem among inmates, especially Aboriginal inmates. Several institutions now have special units and/or programs for offenders suffering from FASD.
- The three drugs most commonly used by inmates are marijuana, alcohol, and cocaine.

What do you think of the recent legalization of the use and sale of marijuana in Colorado and Washington?



Pro-marijuana demonstrators rally in Toronto during a 4/20 event. What are some of the barriers to legalizing marijuana in Canada? What are some of the reasons for keeping marijuana criminalized?

Table 1.1 Authority Structure of the Canadian Criminal Justice System

	Federal Jurisdiction	Provincial/Territorial Jurisdiction
Courts	Department of Justice	Ministry of the Attorney General
Police/corrections	Department of Public Safety	Ministry of Public Safety

### Functions of the CJS

The main functions of the criminal justice system are as follows:

- to investigate criminal offences as defined in the Canadian Criminal Code (CCC); this is primarily the responsibility of the police
- to lay charges as defined under the CCC; this function is usually administered by the police
- to prosecute the accused in court, in accordance with the law; this role is performed by the prosecution, or "the Crown"
- to determine guilt or innocence, either by a judge or (for more serious crimes) a judge and jury
- to sentence those found guilty, within the upper and lower limits prescribed by the CCC
- to administer the sentence; this falls within the scope of the correctional branch of the CJS

Figure 1.2 illustrates how the CJS works. For a brief historical overview of the CJS in Canada, see Chapter 5.

### Historical Overview

For most of human history, the study of crime (along with all other aspects of human behaviour) was the domain of philosophy, law, and theology. Socrates, for example, was known to have commented on the plight of young people; he argued that they were disrespectful




Figure 1.2 The Canadian Criminal Justice Process: A Simplified Flow Chart

Source: Correctional Service Canada, 2008. Retrieved from <http://www.ccscc.gc.ca/volunteers/00p08-2008-eng.shtml>.

# New Theoretical Coverage of Psychological and Sociological Explanations of Crime

Updates to Chapters 7 and 8 have delivered the most contemporary perspectives on crime and criminality in psychology and sociology.

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Social theorists suggest that gangs provide a social structure for those who lack such structure in other areas of their lives, such as family, school, or employment.

**The Human Ecological School**

The first sociology department in North America was established in 1892 at the University of Chicago. Not surprisingly, given the location, the early Chicago School focused on urban life. Among its most influential members were Robert E. Park and Ernest W. Burgess, who borrowed concepts from the field of plant ecology—including dominance, invasion, and succession—and applied them to the city. Although their research was primarily sociological, their ideas became the basis of the human ecological school of criminology, an important sub-discipline.

Park and Burgess envisioned the city as “a series of distinctive concentric circles radiating from the central business district” (Williams & McShane, 2013, p. 59). Their **concentric-circle theory** divided the city into five zones, each characterized by different social and organizational elements. Zone 1, the central business district, was characterized by light manufacturing, retail trade, and commercial recreation, while Zone 2, the outermost ring, was a relatively wealthy residential–commuter area (see Figure 8.1). Zone 3, just outside the central business district, was characterized as a zone in transition from residential to industrial/commercial use—an area of cheap, rundown rental housing and growing numbers of factories, where newly arrived immigrants would stay for a time before moving on to more permanent homes in Zones 4 (working-class) and 5 (middle-class residential).

**Shaw and McKay’s Social Disorganization Theory**

In the 1930s, two other Chicago sociologists, Clifford R. Shaw and Henry D. McKay, examined the spatial distribution of crime, delinquency, tuberculosis, poverty, and infant mortality

**ecological school of criminology**  
A sub-discipline of criminology that studies how elements of the physical and social environment interact to create a criminal environment.

**concentric-circle theory**  
An early human ecological theory, according to which cities develop from the inner city to the suburbs in a predictable series of concentric rings, each of which encomp

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The Toronto Transit Commission embraces crime prevention through environmental design. This recently renovated subway station entrance incorporates many features of CPTED, including large windows, bright interior and exterior lighting, open space, and benches for public seating, all making for a “natural surveillance” system that assists in preventing crime.

with their physical environment. In a later edition of his acclaimed book *Defensible Space* (1972; 1996), Newman presented updated information on how to build or refurbish urban communities to prevent crime by reducing the unattended space that offers opportunities for criminal behaviour. The intent is to promote a sense of ownership and responsibility through the physical design and layout of homes, office buildings, and other structures that make up the community. For another example of how the principles of the ecological school have been put into practice, see Box 8.3.

The ecological school and its various theoretical derivatives have played a major role in crime prevention strategies. In their review of the ecological school, Akers and Sellers (2013)

**BOX 8.3 A CLOSER LOOK Kim Rossmo**

Kim Rossmo, a Canadian scholar currently teaching in the United States, has applied the principles of geographic mapping to the study of violent serial and sexual crimes. He developed a sophisticated computer program system called Rigel that is used for geographic profiling. Combined with investigative police work, this program has been used to locate a number of serial killers and rapists (see Rossmo, 2009, 2013).

An important feature of Rossmo’s software is its ability to analyze data on an ongoing basis. As new information is obtained, the program recalibrates to construct a new “geoprofile.” Then, as the profile database evolves, the number of possible scenarios can be narrowed to pinpoint the home base of the offender. In addition to combining elements of environmental criminology and routine activity theory to the real world of police investigation, Rossmo’s work shows the importance of combining academic research with concrete criminal justice issues. Like DNA analysis, geographic profiling is a vital new strategy for combating crime.

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**BOX 7.10 FACTS AND FIGURES THE DSM-5**

In the early 1840s the US census began collecting data on “idiocy/insanity.” In time, the numbers of categories for mental disorders multiplied, as did efforts to develop a standard guide that would facilitate not only the collection of statistics but the diagnosis and assessment of patients. The first *Diagnostic and Statistical Manual of Mental Disorders* (DSM) was published in 1953 and listed 106 distinct diagnoses; by the end of the century, it had undergone several major revisions, and the number of diagnoses had nearly tripled to 297 documented in the revised text of the fourth edition, known as DSM-IV-TR (2000). This edition has since been superseded by the DSM-5, published in May 2013. The latest edition is not without its critics. Vocal among them is Allen Frances (2012), emeritus professor of psychology at Duke University and chair of the DSM-IV task force. He argues that it essentially medicalizes normality, giving a big boost to drug companies that benefit when normal behaviours are identified as conditions that should be treated medically. Various medical boards and associations in Canada have similarly expressed their concern that the DSM sets a dangerous precedent for “massive over-diagnosis and harmful over-medication” (Frances, 2012).

Among its more controversial changes, the DSM-5 named new diagnoses for those who overeat once a month over a three-week span (“binge eating disorder”) and those who accumulate objects they are unable to part with (“hoarding disorder”). What are the benefits and dangers of adding new diagnoses?

**behaviour modification**

A psychological theory and treatment that focuses on changing not personality (i.e. trying to make people “good”) but behaviour, relying on a system of rewards and punishments.

deterred (UCB) by the presence of a house-alarm sticker (UCS). Based on Eysenck’s theory, the alarm itself may not be critical enough to deter certain offenders, even though it might deter other potential offenders.

**Operant or Instrumental Learning**

While John B. Watson is often recognized as the father of experimental psychology and behaviourism (see Box 7.10), B.F. Skinner has been one of the most influential behaviourists in North America (see Box 7.11). Although Skinner agreed that human cognition exists, he maintained that it could not be scientifically studied because, without a physical basis, it could not be observed and measured.

Skinner believed that human behaviour is not the product of free will; rather, it is situational, determined only by stimuli to which we simply react. However complex a given environment might be, careful research can identify the triggers behind any behaviour that occurs there. Even the simplest decision—say, what to eat for breakfast—is not a matter of free choice but a response to a stimulus of some kind. Do you agree? This principle, known

**BOX 7.11 PROFILE B.F. Skinner**

Burrhus Frederic Skinner was born in 1904 and raised in Susquehanna, Pennsylvania. Determined to become a writer, he majored in English at university, but when he proved unable to make a living by writing he went back to school to study psychology at Harvard University. Upon graduating in 1931 he quickly became a leading figure in experimental psychology. In addition to numerous academic

the principles of behaviour modification. In 1971 Skinner detailed his conception of determinism in *Beyond Freedom and Dignity*.

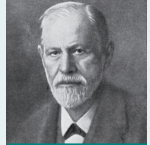
On the value of punishment, Skinner (1971, p. 66) wrote, “the trouble is that when we punish a person for behaving badly, we leave it up to him to discover how to behave well, and he can then get the credits for behaving

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**BOX 7.3 PROFILE Sigmund Freud: The Father of Psychoanalysis**

Born in 1856 in what is now the Czech Republic, Freud was raised in Vienna, where he would live almost all his life. He studied medicine, specializing in neurology, and eventually opened a private practice. Many of his patients were women suffering from “hysteria,” which he came to attribute to sexual factors. The treatment he developed consisted of encouraging patients to talk about whatever came into their minds—a method that he later described as “free association.” When the Nazis overran Vienna in 1938, Freud fled to London, where he died the following year.

Although many of Freud’s theories, especially regarding gender and sexuality, have now been discredited, and his work has been widely criticized for its lack of scientific rigour, his influence on later psychological theory has been profound.



Sigmund Freud (1856–1939) believed that criminal behaviour stemmed from internal conflict among the different aspects of an individual’s personality.

Wineman (1951) coined the term “delinquent ego” to describe young people who, because of inadequate ego and superego development, are able to rationalize their delinquent aggression. They also reported that such youth lack close personal relationships with adult figures.

The three aspects of personality—the ego, and superego—can be in conflict. In fact, they usually are in conflict to some degree. Among the more common forms of intrapsychic conflict are neuroses such as anxiety, phobias (fears), amnesia (loss of memory), and sexual disorders. The source of the conflict can be either organic or functional in nature. *Organic disorders* are based in the brain or result from brain chemistry, whereas *functional disorders* have no known physical base and are mental, experiential, or psychic in origin.

Internal psychic conflict can lead to the repression of desires or unpleasant memories, which in turn can lead to personality disorders. For example, victims of sexual abuse can sometimes go for years without remembering the traumatic experiences they were subjected to as children (see Box 7.4). Those repressed feelings can lead to fundamental problems in the individuals who experience them, such as difficulty feeling close to others or difficulty engaging in the sexual acts they were subjected to. If left unattended, the unconscious memories can cause anxieties around the repressed desires and memories. Victims are then likely to resort to one of six main defense mechanisms—repression, denial, projection, displacement, regression, and sublimation—in order to avoid confronting the reality of their hidden desires. According to Freud, when the mental anguish begins to negatively affect their behaviour, they are suffering from *neuroticisms*, which expresses itself in symptoms that can include depression and anxiety, psychosomatic symptoms (e.g. insomnia, back pain, weight loss, etc.), or hallucinations and delusions.

**Freudian Explanations**

In accordance with the basic assumptions underlying Freudian theory, human behaviour is inherently antisocial and delinquent, and criminal behaviour is an indication of a personality

## Updated and Visually Engaging Boxes

*Canadian Criminology* includes five recurring boxed features scattered throughout every chapter to highlight issues, cases, and people at the centre of criminological investigation and research.

► **Facts and Figures boxes** offer brief facts about the topic under consideration or supplement the author's narrative with relevant statistics

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**BOX 12.3 A CLOSER LOOK**  
**The Problem Gambling Severity Index**

The following self-assessment test is based on the Canadian problem gambling severity index (PGSI). Your score will tell you if your gambling is really just for fun or if it poses possible negative consequences.

**THINKING ABOUT THE LAST 12 MONTHS . . .**

1. Have you bet more than you could really afford to lose?  
**never sometimes most of the time almost always**

2. Have you needed to gamble with larger amounts of money to get the same feeling of excitement?  
**never sometimes most of the time almost always**

3. When you gambled, did you go back another day to try to win back the money you lost?  
**never sometimes most of the time almost always**

4. Have you borrowed money or sold anything to get money to gamble?  
**never sometimes most of the time almost always**

5. Have you felt that you might have a problem with gambling?  
**never sometimes most of the time almost always**

6. Has gambling caused you any health problems, including stress or anxiety?  
**never sometimes most of the time almost always**

7. Have people criticized your betting or told you that you had a gambling problem, regardless of whether or not you thought it was true?  
**never sometimes most of the time almost always**

8. Has your gambling caused any financial problems for you or your household?  
**never sometimes most of the time almost always**

9. Have you felt guilty about the way you gamble or what happens when you gamble?  
**never sometimes most of the time almost always**

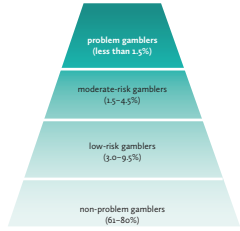
Score the following for each response:

0 = never  
1 = sometimes  
2 = most of the time  
3 = almost always

The higher your score, the greater the risk that your gambling is a problem.

0 = non-problem gambling  
1-2 = low level of problems with few or no identified negative consequences  
3-7 = moderate level of problems leading to some negative consequences  
8 or more = problem gambling with negative consequences and a possible loss of control

Source: Problem Gambling Institute of Ontario, [www.problemgambling.ca](http://www.problemgambling.ca).



**Figure 12.4 Prevalence of Problem Gambling in Canada**

Source: Approximate data ranges based on data from Canadian Partnership for Responsible Gambling, *Canadian Gambling Digest 2013/2014*, August 2015, p. 36.

▲ **A Closer Look boxes** provide case studies about a particular crime, report, or incident.

► **Reality Check boxes** challenge general assumptions or “common knowledge” about crime and criminology.

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**BOX 5.12 FACTS AND FIGURES A BRIEF TIMELINE OF CANADIAN POLICING**

1651 Quebec City establishes a watchman system; Upper Canada establishes both a constabulary and a watch-and-ward system (whereby men on watch during the night hours would raise the “hue and cry” to summon assistance from the citizens around to ward off criminals or assist in apprehending them); all three innovations are designed to organize police and help them maintain law and order over the general population 24 hours a day.

1729 The Royal Newfoundland Constabulary is founded; it is now the oldest police force in Canada.

1759 The English system of policing is imposed on French Canada.

c. 1830 Rose Fortune patrols Annapolis Royal’s waterfront, becoming Canada’s first (unofficial) female police officer.

1835 Toronto establishes Canada’s first municipal police department.

1864 The Western Frontier Constabulary is formed to protect Canadian neutrality during the American Civil War.

1868 The Dominion Police Force is created out of the Western Frontier Constabulary to protect government buildings, naval yards, railways, and political leaders in eastern Canada.

1873 Parliament establishes the North West Mounted Police (NWMP) to keep the peace in the West.

1908 Regina becomes one of the last major centres to establish a police force.

1910 Alex Decoteau joins the Edmonton Police Department and becomes the first Aboriginal police officer in Canada.

1912 The first official female police officers in Canada are hired by the Vancouver police department.

1919 The NWMP and Dominion police merge to form the RCMP.

1921 The RCMP acquire their first aircraft for aerial surveillance.

1923 The Canadian National Police Service (also known as the railway police), is established.

1923 The first bulletproof vests are issued to Canadian detectives in Toronto.

1925 “Policewomen” begin to receive the same training as men, and are slowly allowed to go on patrol duty and work in the same departments with their male counterparts.

1969 The last Arctic dog-sled patrols are replaced with motorized vehicles such as snowmobiles.


1972 The Canadian Police Information Centre (CPIC) begins providing all police agencies across Canada with access to information about known criminals, stolen property, registered firearms, and stolen vehicles.

1974 Thirty-two women are sworn in as the RCMP’s first female uniformed members.

1981 The Commission of Inquiry Concerning Certain Activities of the RCMP (the McDonald Commission) investigates allegations of wrongdoing by members of the RCMP; it leads to the creation of CSIS (the Canadian Security Intelligence Service) in 1984.

1989 The RCMP first uses DNA analysis in its investigations.

1994 The Commission of Inquiry into Policing in British Columbia (the Oppal Commission) recommends, among other things, that municipal forces use 9 mm semiautomatic handguns and adopt the community-based policing philosophy.



Canada’s first female police officer, Rose Fortune (1774–1864), was born into slavery in Virginia and came to Canada with black Loyalists who were promised land in Nova Scotia after the American Revolution.

U.S. Documentary Art Collection, circa 1870-1875, Rose Fortune, ca. 1874-1884

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**BOX 2.1 REALITY CHECK**

**Canada’s Crime Rate Is Falling—So Why Worry?**

In a Forum Poll conducted for the *National Post* in 2012, 54 per cent of respondents said they believed the rate of violent crime in Canada was increasing (Edmonton, 2012). Yet as Table 2.1 illustrates, in 2014, the number of Criminal Code incidents (excluding traffic violations) recorded in Canada was less than 1.8 million—down from 2.4 million in 2004—and the official crime rate was the lowest since 1969. In fact, in the 10-year period from 2004 to 2014, the crime rate in Canada dropped by roughly 34 per cent, from 7,600 incidents per 100,000 population to 5,046 per 100,000.

Why, then, do people seem to have the wrong impression about crime?

Among the possible explanations are media stories that devote considerable attention to sensational violent crimes. As McCormick (2013) reports, the coverage is not always reflective of the official incident rate. These incidents, newsworthy because they are so rare, tend to dominate the headlines, leaving little room for coverage of far more common nonviolent and non-conventional crimes. This sort of media coverage can spark a moral panic (defined on page 36 of this chapter) and public anxiety out of proportion to the rate of the reported incidents. Consider, in this vein, human trafficking, which has been given extensive media coverage lately even though the rate of incidence is extremely low relative to other kinds of crime (Todres, 2015).

Which of the following, if any, do you think most contribute to public concerns over violent crime:

- Governments and public agencies (police services, the RCMP, CSIS, etc.)?
- Think tanks and public policy groups with a tough-on-crime agenda?
- Companies that market and sell security products and services?
- Crime-based TV shows?
- The Internet?

What other agencies and factors shape public perceptions of crime?

**Table 2.1 Annual Criminal Code Violations in Canada, 2004–2014**

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Actual incidents	2,427,370	2,361,974	2,359,804	2,271,754	2,204,479	2,172,809	2,094,338	1,984,790	1,957,227	1,826,631	1,793,534
Rate per 100,000 population	7,599.62	7,325.04	7,245.22	6,907.56	6,630.85	6,461.12	6,158.86	5,779.35	5,631.96	5,195.47	5,046.46

Note: Does not include traffic violations.  
Source: Statistics Canada (2014), *CANSTAT Table 252-0051: Incident-based crime statistics, by detailed violations.*

So, again we come back to the importance of knowing. Criminology, like any area of scientific inquiry, is a collection of information about a particular set of phenomena that forms a knowledge base. This knowledge base becomes the foundation for formulating or testing theories, making policy recommendations, and issuing social and political responses to criminological concerns.

As noted in the previous chapter, crime is evasive, meaning that what constitutes a crime can change over time as a society’s values and beliefs change. For example, consensual homosexual activity was once considered a crime; now same-sex marriage is legal across Canada. Meanwhile, smoking in public places is now prohibited in many jurisdictions, and in some



**BOX 8.8** WHAT DO YOU THINK?

**Do You Agree with Canada's New Prostitution Laws?**

In 2014 the federal government passed Bill C-36 (the Protection of Communities and Exploited Persons Act), which creates new offenses for clients and pimps engaged in prostitution but does not criminalize the prostitutes themselves. The government created this legislation in response to a Supreme Court ruling that had struck down the old anti-prostitution laws on the grounds that they

unduly increased the physical risk to prostitutes and therefore violated the charter right to security of the person. As John Lowman, one of Canada's top experts on prostitution, noted in an interview: "We're trying to fix complex social issues with a very ham-fisted approach."

How do you think a conflict theorist would explain the causes of prostitution? What about a proponent of labelling theory? What solutions might each one propose? How do you think we as a society should handle prostitution?

**Peacemaking Theory**

Former conflict theorists **Harold E. Pepinsky** and **Richard Quinney** have been strong advocates of this relatively new (early 1990s) school of thought in North America (Cullen, Wright, & Blevins, 2011). Dissatisfied with the traditional conflict perspective, both Quinney and Pepinsky searched for a "radical humanistic understanding of social existence and human experience" (Friedrichs, 1991, p. 102). They recognized that even though most people prefer peace to violence, sometimes violence seems unavoidable. But is it necessary? Or natural?

Quinney and Pepinsky argue that the traditional criminal–non-criminal dualism, pitting "us" versus "them," has done little to alleviate the crime problem. No matter how we define crime and punishment, we cannot punish acts, only the actors (Pepinsky, 2000). As the esteemed Norwegian criminologist Nils Christie observed, "you're more likely to see that a person's soul is not embodied in any single act, and that you cannot punish an act without contaminating a complex actor" (cited in Pepinsky, 1991, p. 107). Hence, there can be no justification for using punishment to resolve disputes, and people should not be labelled or "pigeonholed" based on acts they have committed. **Peacemaking theory**, like all conflict-based theories, posits that fundamental changes in the structure of society are required if crime is to be reduced.

Pepinsky and Quinney, among other advocates of peacemaking theory, point out that the criminal justice system is based on the "win/lose" principle of vengeance (see Braswell, Fuller, & Lozoff, 2001). They see punishment as no less violent than crime. However, Pepinsky adds that non-retaliation alone is not enough. He argues that we all need to be participants in the democratic process, which involves the social process by which empathy prevails over the use of violence (i.e. punitivity).

Judging from the main anthologies on the subject, the peacemaking model has not been widely embraced (see Cullen, Wright, & Blevins, 2011). But perhaps it is making itself felt in more practical ways—for example, in the support that the concept of restorative justice has attracted in recent years (see Chapter 14).

**Feminist Perspectives**

Even though Lombroso himself wrote a book on female criminality more than a century ago, female offenders were largely ignored in criminology until the late 1960s. Typically, criminologists studying crime among women and girls focused only on crimes such as prostitution and

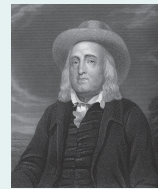
**peacemaking theory**  
A humanistic approach to crime control that emphasizes reconciliation through mediation and dispute settlement, rather than punishment and retribution.

► **Profile boxes** highlight key thinkers, theorists, and scholars who have made important contributions to criminological research, past and present.

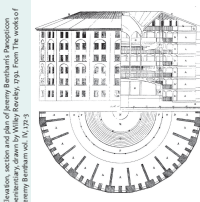
**BOX 5.2** PROFILE **Jeremy Bentham**

A leading proponent of the doctrine of utilitarianism, Jeremy Bentham was a central figure in a reform movement that helped mitigate the severity of punishments for offenders; abolish usury laws; and remove the "exclusionary laws of evidence" (Geis, 1972, p. 66), so that evidence could not be introduced if it violated a defendant's constitutional rights. He was instrumental in introducing principles of crime prevention into the judicial process (ibid.).

In 1799, Bentham embodied his ideas on penal reform in a prison design that he called the **Panopticon**, a literally "all-seeing" facility. The intent behind the octagonal design was to enable a guard to keep an eye on all cells from a central control area, while making prisoners constantly aware that they might be under observation: this, he believed, would allow for constructive supervision and reform. Although no such institution was ever built, some early American prisons were modelled after Bentham's design, and some Canadian institutions for young offenders (e.g. Huron County Gaol [Jail] in Goderich, Ontario, open 1839–1972) have incorporated a modified version.



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Reprinted with permission of Jeremy Bentham, "The Panopticon, or the New Inspection-Prison," in *Jeremy Bentham and His Circle*, 2014. From the works of Jeremy Bentham vol. IV, 1793.



Mark Evans / Photo: High-resolution.com

Bentham designed the Panopticon [4f] with the idea that if inmates felt they were being watched at all times, they would be less likely to act out. Among the prisons modelled after it is the one in Joliet, Illinois (right).

1. **attachment costs** (an arrest can result in harm to personal circumstances)
2. **stigma** (an arrest can damage one's personal and/or public image)

Overall, however, Akers and Sellers (2013) conclude that the correlations found "between the perceptions of risk and subsequent offenses are too weak to validate deterrence theory." Even when a modified version of deterrence theory came into fashion (Gornish and Clarke's rational choice theory; see Chapter 8), its supporters were unable to clearly define what is meant by the "reasoning criminal" (Akers & Sellers, 2013). The classical doctrine also seems questionable when it comes to the reform and rehabilitation of criminals. Rates of **recidivism**

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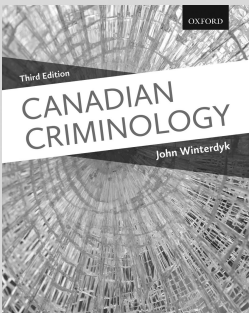
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<p>COMPANION WEBSITE</p>	<p>John Winterdyk <i>Canadian Criminology, Third Edition</i> ISBN 13: 9780199001460</p>	
 <p><a href="#">Inspection copy request</a></p> <p><a href="#">Ordering information</a></p> <p><a href="#">Contact &amp; Comments</a></p>	<p><b>About the Book</b></p> <p>Taking an interdisciplinary approach, the third edition of <i>Canadian Criminology</i> draws on a wealth of contemporary research, powerful examples and case studies, and the very latest Canadian statistics to provide a comprehensive introduction to criminology and the state of crime in Canada today. Designed to encourage students to think critically about the way we view and tackle crime, the text balances the theoretical underpinnings of the discipline with coverage of its real-world applications in order to bring criminology to life for readers new to the field.</p> <p><b>Sample Material</b></p> <p>Get Adobe PDF reader [ <a href="#">US</a>   <a href="#">UK</a> ]</p>	<p><b>Instructor Resources</b></p> <p>You need a password to access these resources. Please contact your local <a href="#">Sales and Editorial Representative</a> for more information.</p> <p><b>Student Resources</b></p>

# PART I

## Introduction to the Study of Crime





# Chapter 1

## Criminology: Its Nature and Structure



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When there is crime in society there is no justice.

PLATO

[C]rime . . . must no longer be conceived as an evil that cannot be too much suppressed. . . crime is not pathological at all . . . and its true function [purpose] must be sought elsewhere.

ÉMILE DURKHEIM (1895)

## Learning Outcomes

After reading this chapter, you should be able to

- Understand the complexity of both crime and criminology, particularly in the Canadian context;
- Recognize the main elements of the criminal justice system;
- Differentiate between crime and deviance;
- Understand the role of criminologists, their methods of inquiry, and the elements that make up the discipline of criminology;
- Appreciate the impact of the social sciences on the development of criminology; and
- Recognize the importance of an interdisciplinary approach.

## Introduction

The quotations that open this chapter reflect diametrically opposed perspectives: whereas Plato sought to eradicate crime altogether, Durkheim argued that crime serves an essential function or purpose in society. Welcome to the controversial subject of crime and, more generally, the discipline of criminology.

Before we begin, take a few minutes to think about the following questions.

- What does the word *crime* mean?
- What are the most serious crimes?
- Who is a criminal?
- Is crime increasing in Canada?
- What do criminologists do?
- Why are police budgets increasing at a time when crime rates have been declining for decades?
- Why do crime rates vary with age, gender, and ethnic/racial group?
- Why do some individuals seem more prone to criminal behaviour than others?
- Why do certain types of crimes tend to be committed by certain individuals and not others?
- Why does the crime rate vary within Canada and internationally?
- Should capital punishment (the death penalty) be reinstated? Why?
- Is it better to focus on punishing crime, or preventing it?

These questions are intended to get you thinking about your own perceptions of crime and criminality, and those of society generally. The answers are arguably the cornerstones of criminology.

In this chapter, we will begin by examining the fundamental principles of crime, criminality, and deviance. Following a brief introduction to Canada's criminal justice system, an overview of the historical roots of criminology will help to explain how and why criminology has become increasingly interdisciplinary. The chapter will conclude with a look at some of the practical issues that criminologists must consider.

## What Is Crime?

*Crime* (from Latin *crimen*, “accusation”) is a generic term now used to refer to a wide range of acts that have been defined—socially, culturally, and/or legally—as “wrong” or “anti-social” (Siegel, 2010). But this was not always the case. Originally, crime was a private matter: those

who had been wronged would seek retribution themselves. In time, crime came to be seen as a social phenomenon, and the informal, personal pursuit of justice was replaced by formal criminal justice systems.

There is no universal definition of crime. However, all legal definitions share one characteristic: a crime is a violation of a criminal law. In other words, without a law forbidding a particular act, there is no crime. Crime is also a *normative* concept—that is, one based on moral values. Therefore, how we define crime will determine how we study it. For the purposes of this book, **crime** is a socially constructed concept used to categorize certain behaviours as requiring formal control and some form of social intervention.

### crime

A socially constructed concept defining certain behaviours as requiring formal control and social intervention.

In Canada, crimes are defined in federal legislation and codified in the Criminal Code, as well as in peripheral legislation such as the Youth Criminal Justice Act and the Controlled Drugs and Substances Act. Legally, a crime is simply an act punishable by law. However, it can also be argued that a crime is a type of social harm that—depending on the norms and values of society—may or may not be explicitly defined as a crime. For example, before the terrorist attacks of 11 September 2001, the Canadian Criminal Code made no specific reference to terrorism. Even though terrorism was widely recognized as a social harm, it was not added to the Criminal Code until December 2001, when the Anti-Terrorism Act was passed by the Liberal government.

### indictable offence

A serious offence such as assault, theft over \$5000, robbery (with or without a firearm), or murder.

### summary offence

A less serious offence, such as theft under \$5000, impersonating a police officer, or taking a motor vehicle without consent.

### conventional crime

Illegal activity committed by individuals or small groups, involving some degree of direct or indirect contact, e.g. robbery, vehicle theft, and break-and-enter.

## Crime versus Offence

In the media, the terms *crime* and *offence* are sometimes used interchangeably. Is there a difference? The Scots and the French still distinguish between crimes—breaches of the law—and offences—violations of morality. A similar distinction is made in the United States, where less serious offences (e.g. public drunkenness) are called *misdemeanours* and more serious crimes (e.g. assault and murder) are called *felonies*. Until 1967, England made the same distinction; however, that country now classifies criminal offences as *arrestable* and *non-arrestable*: the former are crimes for which a person can be arrested without a warrant, while the latter are offences that do require a warrant.

In Canada, serious crimes such as robbery, assault, and homicide are called **indictable offences**, while less serious ones, such as certain property offences, are **summary offences**. In short, *crime* is a general term that refers to any infraction of the law, while *offence* (summary or indictable) refers to a specific infraction.

The list of activities defined as crimes in Canada is long and varied (see Box 1.1). One method of classification divides them into *conventional* and *non-conventional* categories (although other classifications exist). **Conventional crimes** are those committed by individuals or small groups in which some degree of direct (e.g. personal) or indirect (e.g. property)

### BOX 1.1

### FACTS AND FIGURES THE PROLIFERATION OF LAWS

In the 1953–4 *Canadian Criminal Code* (CCC) the volume had 104 pages and 46 sections. The 2015 edition of the CCC had 2490 pages and 848 sections, along with some 54 legal forms. These numbers reflect the dramatic proliferation of criminal laws in Canada over the last 60-odd years.

Has crime really increased so dramatically since 1953? Or does the growth of this volume reflect changes in the way certain acts and behaviours are viewed by society, the courts, and our legislators?



**BOX 1.2****A CLOSER LOOK**  
**Cybercrime**

The following news flashes speak to the spread of illegal Internet use.

- 9 November 2012: A report by the Public Safety Department expresses concern that Canada is “becoming a digital launching pad for—not just a target of—malicious cyber-activities.” The report notes that historically, most cybercrime schemes have originated in places like Eastern Europe, East Asia, and Africa, but that there has been a recent shift to more developed countries like Canada (Bronskill, 2012).
- 3 January 2013: CBC News (online) reports on a new scam that uses a fake RCMP pop-up message that accuses computer users of cybercrime. Clicking the message releases a virus that locks the computer and “demands a \$100 fine for alleged crimes of copyright infringement, pornography, or even terrorism” (CBC News, 2013).

Why do you think Canada has become a “host” for cybercrime? Do you know the top ten steps you can



“Heartbleed” is the name given to a security flaw or bug that was discovered by a security company in April 2014 and that left many computer systems vulnerable to cyber-criminals. The company, Codenomicon, created the logo to help in promoting public awareness.

take to minimize your risk of becoming a victim of such exploitation? (see [www.rcmp-grc.gc.ca/tops-opst/tc-ct/cyber-tips-conseils-eng.htm](http://www.rcmp-grc.gc.ca/tops-opst/tc-ct/cyber-tips-conseils-eng.htm)).

contact occurs. Crimes of this type, which include street crimes such as robbery, motor-vehicle theft, and break-and-enter, are also the offences that most frequently come to the attention of both the criminal justice system and the media. We will look at the most common conventional crimes and some emerging variations on them (e.g. stalking, home invasion, and hate crime) in chapters 9 and 10.

**Non-conventional crimes** are not necessarily pursued by the criminal justice system, yet their impact—social, financial, and personal—may be far more serious than that of many conventional crimes. For example, cybercrime (see Box 1.2) has been described as a type of theft, but its impact can be devastating, and more far-reaching, than that of “simple” theft. Other examples of the non-conventional type include organized crime, offences against public order (i.e. vice crimes such as prostitution or drug trafficking), terrorism, transnational crime, and white-collar crime. In addition, as with conventional crimes, there are some forms of non-conventional crime that the criminal justice system is only now recognizing, or that have emerged in response to particular social, economic, or political situations (e.g. the trade in human organs, or the dissemination of child pornography on the Internet). We will examine some of these crimes in Chapter 13.

## Deviance

Another word that needs clarification is **deviance**, a sociological term referring to behaviour that violates a social norm but that is not necessarily prohibited by law. While *deviance* is occasionally used interchangeably with *crime*, there is a significant difference in meaning.

## non-conventional crime

Illegal activity that may not be associated with crime and that may not be pursued by the criminal justice system, e.g. organized crime, political crime, and cybercrime.

## deviance

Behaviour that violates a social norm but is not necessarily prohibited by law, e.g. butting in line at a supermarket or cutting off another driver.

**decriminalization**

The reduction or removal of criminal penalties attached to an act but without legalizing it.

**relative**

When applied to crime, the idea that what is defined as crime can vary with time and location.

**evolutive**

When applied to crime, the idea that the characteristics of crime can change, taking different forms over time.

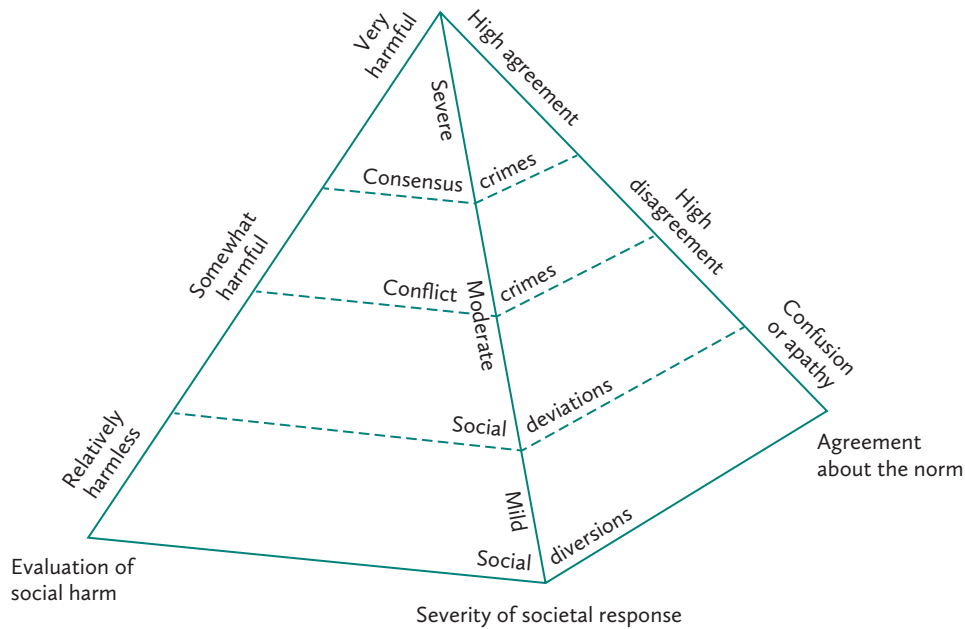
Deviant behaviour encompasses a wide spectrum of conduct that may be considered offensive to some degree. Deviant activities may or may not be against the law, but they clearly depart from social norms. For example, face tattooing, while not illegal, is widely considered deviant. On the other hand, recreational marijuana use, which *is* illegal in Canada, is not universally regarded as deviant: according to a 2013 Forum Research poll, 70 per cent of Canadians supported either legalizing or **decriminalizing** marijuana use (Grenier, 2013). The lines between criminal and non-criminal, deviant and non-deviant behaviour are often fine, and they vary with time and place. In other words, the concept of crime is not absolute, but **relative**. Crime is also **evolutive**, developing new forms and meanings over time. Illegally downloading music from the Internet and burning copies of DVDs are modern-day versions of theft that illustrate how “new” crimes can emerge in response to changes in technology and/or opportunities.

The idea that crime is relative is fundamentally incompatible with the notion that certain people are “born criminals”—predisposed to crime through heredity (an idea with major theoretical implications, as we will see in Part II). It reflects the historical fact that activities deemed criminal in one particular community, or at one particular time, are often accepted in another community or at another time. Examples in Canadian history include alcohol consumption, gay sex, and abortion. So is criminal behaviour qualitatively different from non-criminal behaviour? Where and how do we draw the lines? These questions represent major challenges to criminologists.



Iurii Osadchi/Shutterstock.com

Fans celebrate the 2014 Olympic gold-medal win by the Canadian women’s team in Sochi with a bottle of wine. Both Canada and Russia prohibited alcohol consumption in the early decades of the twentieth century.



**Figure 1.1 Hagan's Pyramid: Consensus versus Conflict**

Source: J. Hagan, *The Disreputable Pleasures*, 3rd ed. (Toronto: McGraw-Hill Ryerson Ltd 1991: p. 13).

## The Crime and Deviance Hierarchy

Former University of Toronto criminology professor John Hagan developed a schematic diagram to illustrate the difference between crime and deviance (see Figure 1.1). According to his conception, the difference between crime and simple deviance is sometimes subtle.

At the bottom of the pyramid are *social diversions*: minor forms of deviance, such as unconventional dress or the use of offensive language, that are generally considered relatively harmless and that are not subject to regulation. The next level, *social deviations*, consists of behaviours that are considered disreputable in certain social settings and are therefore regulated: for example, the use of offensive language to a police officer or in court. At the top of the pyramid are behaviours that are generally considered very harmful and deserving of sanction. These are referred to as **consensus crimes**. Examples of consensus crimes in Canada include homicide, sexual assault, and treason. Even within the category of consensus crimes lies some dispute about whether certain actions or behaviours should, in fact, be considered crimes in every case or situation (Gaughan, 2009).

By contrast, **conflict crimes** are not necessarily thought of as crimes by the public, even though they are legally defined as such. Currently in Canada, these include the possession of non-medical marijuana in small quantities, procuring the services of a prostitute, driving without a seatbelt, or smoking in a public place.

In short, our perceptions of deviance and criminality vary over time and place. As Sacco and Kennedy point out, “the essence of deviance is to be found not in the behaviour defined as deviance, but in the social processes that define deviance” (1988, p. 7). In other words, what is important is not the behaviour defined as deviant but the social forces that shape the definition.

### consensus crimes

Activities that are generally considered very harmful; therefore there is strong support for sanctioning and controlling them.

### conflict crimes

Activities that are not universally considered crimes, although they are legally defined as such, e.g. possessing non-medical marijuana, procuring the services of a prostitute.

## BOX 1.3

## REALITY CHECK

**Two Misconceptions about Criminology**

As an “applied” science, criminology has had to contend with some misconceptions about how its findings have been applied to practical policy. For example:

1. Criminologists have often argued for greater fairness in law and punishment, in the use of the death penalty, and in other issues of social justice. For this reason, criminology has often been characterized by some as a humanitarian movement (see Chapter 5). In fact, however, it is primarily an evidence-based discipline that relies on data to support humanitarian reform.
2. Since laws generally reflect the values and norms of society, some assume that criminology is a *normative* discipline concerned with how laws are involved in the way our environment is socially constructed. While some criminologists do study the relationships between values and their entrenchment in social norms, their approach is principally descriptive and their methods mostly scientific.

How might these misconceptions either assist or hinder our understanding of crime and its control?

**What Is Criminology?**

*The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding . . . law, crime, and treatment.* (Sutherland & Cressey, 1960, p. 3)

**criminology**

An interdisciplinary science that studies criminal behaviour, crime causation, crime prevention, and the punishment and rehabilitation of offenders.

**criminologist**

A behavioural scientist who specializes in the identification, classification, and description of criminal behaviour.

**interdisciplinary approach**

In criminology, the integration of knowledge from a variety of disciplines to formulate theories of criminal behaviour.

**Criminology** can be broadly defined as the scientific study of criminal behaviour, crime causation, crime prevention, and the punishment and rehabilitation of offenders. To the extent that its findings are used to guide public policy, it is an applied science (see Box 1.3). A **criminologist** today is essentially a behavioural scientist who may draw on many disciplines, including law and ethics, psychology and sociology, anthropology and biology, economics and political science. Although this **interdisciplinary approach** is not yet universal in criminology, it is increasingly accepted (see e.g. the homepage for the School of Criminology at Simon Fraser University, which defines criminology as “the interdisciplinary study of crime”: [www.sfu.ca/fass/departments--schools-and-programs/criminology-learn-more.html](http://www.sfu.ca/fass/departments--schools-and-programs/criminology-learn-more.html)).

**The Criminal Justice System in Canada**

The English criminologist **Leon Radzinowicz** was an early advocate of an interdisciplinary approach to the study of criminology—one that would include criminal justice and criminal law (Jeffery, 1990). Although in Canada criminology and criminal justice are still generally taught as separate subjects, no criminology text can be complete without a basic introduction to the criminal justice system (CJS), which Jeffrey defines as “the agencies of social control which define and react to those behaviours falling within the purview of the criminal law” (1990, p. 3).

The Canadian CJS consists of three agencies:

- the police
- the courts
- the correctional/prison system

All three of these agencies operate under the authority of the federal and provincial/territorial governments (see Table 1.1).

**Table 1.1 Authority Structure of the Canadian Criminal Justice System**

	Federal Jurisdiction	Provincial/Territorial Jurisdiction
Courts	Department of Justice	Ministry of the Attorney General
Police/corrections	Department of Public Safety	Ministry of Public Safety

## Functions of the CJS

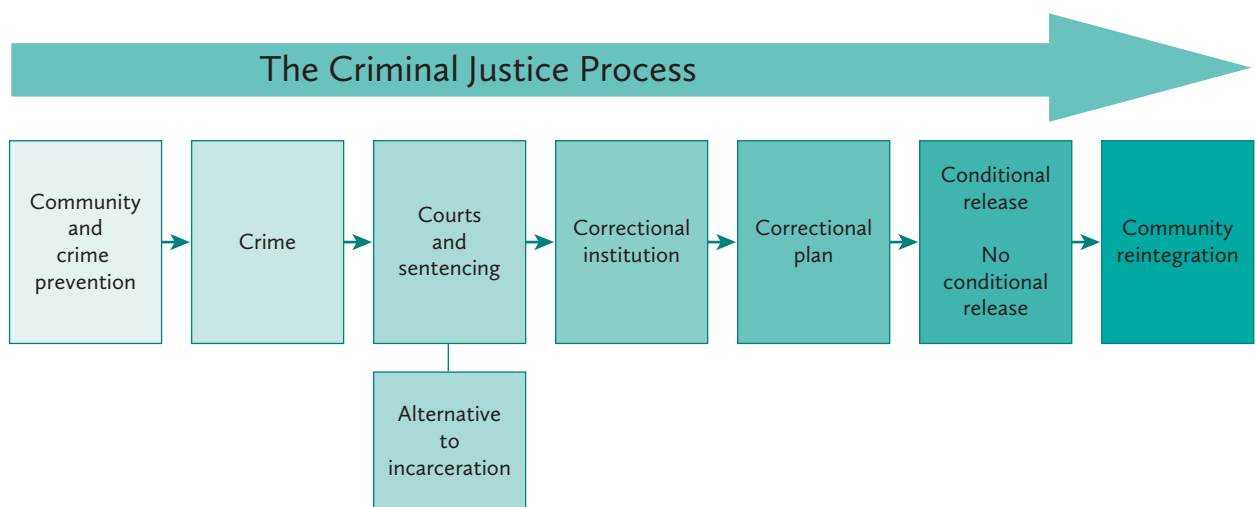
The main functions of the criminal justice system are as follows:

- to investigate criminal offences as defined in the Canadian Criminal Code (CCC); this is primarily the responsibility of the police
- to lay charges as defined under the CCC; this function is usually administered by the police
- to prosecute the accused in court, in accordance with the law; this role is performed by the prosecution, or “the Crown”
- to determine guilt or innocence, either by a judge or (for more serious crimes) a judge and jury
- to sentence those found guilty, within the upper and lower limits prescribed by the CCC
- to administer the sentence; this falls within the scope of the correctional branch of the CJS

Figure 1.2 illustrates how the CJS works. For a brief historical overview of the CJS in Canada, see Chapter 5.

## Historical Overview

For most of human history, the study of crime (along with all other aspects of human behaviour) was the domain of philosophy, law, and theology. Socrates, for example, was known to have commented on the plight of young people; he argued that they were disrespectful



**Figure 1.2 The Canadian Criminal Justice Process: A Simplified Flow Chart**

Source: Correctional Service Canada, 2008. Retrieved from: <http://www.csc-scc.gc.ca/volunteers/003008-2001-eng.shtml>.