

7TH EDITION

# CRIMINOLOGY

a sociological understanding

Steven E. Barkan



**SEVENTH EDITION**

# CRIMINOLOGY

**A Sociological Understanding**

**Steven E. Barkan**

*University of Maine*



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*Cover Photo:* Moment Open/Getty Images  
*Printer/Binder:* RR Donnelley  
*Cover Printer:* Phoenix Color/Hagerstown  
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### **Library of Congress Cataloging-in-Publication Data**

Names: Barkan, Steven E., author.

Title: Criminology : a sociological understanding / Steven E. Barkan,  
University of Maine.

Description: Seventh edition. | Boston : Pearson, [2017]

Identifiers: LCCN 2016044324 | ISBN 9780134548609

Subjects: LCSH: Crime—Sociological aspects. | Criminology.

Classification: LCC HV6025 .B278 2017 | DDC 364—dc23 LC record available at  
<https://lcn.loc.gov/2016044324>

10 9 8 7 6 5 4 3 2 1

ISBN 10: 0-13-454860-4  
ISBN 13: 978-0-13-454860-9



# Dedication

**To Barb,  
Dave,  
and Joe,  
and in memory of my parents**

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# Brief Contents

## **Preface** xix

## **PART 1**

### **Understanding Crime and Victimization**

- Chapter 1** Criminology and the Sociological Perspective 1
- Chapter 2** Public Opinion, the News Media, and the Crime Problem 16
- Chapter 3** The Measurement and Patterning of Criminal Behavior 35
- Chapter 4** Victims and Victimization 61

## **PART 2**

### **Explaining Crime**

- Chapter 5** Classical and Neoclassical Perspectives 85
- Chapter 6** Biological and Psychological Explanations 100
- Chapter 7** Sociological Theories: Emphasis on Social Structure 121
- Chapter 8** Sociological Theories: Emphasis on Social Process 142
- Chapter 9** Sociological Theories: Critical Perspectives 164

## **PART 3**

### **Criminal Behaviors**

- Chapter 10** Violent Crime: Homicide, Assault, and Robbery 183
- Chapter 11** Violence Against Women 211
- Chapter 12** Property Crime and Fraud 229
- Chapter 13** White-Collar and Organized Crime 249
- Chapter 14** Political Crime 273

## **PART 4**

### **Controlling and Preventing Crime**

- Chapter 15** Consensual Crime 291
- Chapter 16** Policing: Dilemmas of Crime Control in a Democratic Society 313
- Chapter 17** Prosecution and Punishment 334
- Chapter 18** Conclusion: How Can We Reduce Crime? 355

NEW TO THIS EDITION XVII  
PREFACE XIX

## PART 1

### Understanding Crime and Victimization

<b>Chapter 1</b>	Criminology and the Sociological Perspective	1
	<b>The Sociological Perspective</b>	3
	The Mutual Relevance of Sociology and Criminology	4
	The Rise of Sociological Criminology	5
	<b>Crime, Deviance, and Criminal Law</b>	7
	Consensus and Conflict in the Creation of Criminal Law	8
	Goals of Criminal Law	8
	An Overview of Criminal Law	9
	<b>Research Methods in Criminology</b>	11
	Surveys	11
	Experiments	12
	Qualitative Research: Observing and Intensive Interviewing	13
	Research Using Existing Data	13
	Comparative and Historical Research	14
	<b>Conclusion</b>	14
	<b>Summary</b>	14
	<b>Key Terms</b>	15
	<b>What Would You Do?</b>	15
<b>Chapter 2</b>	Public Opinion, the News Media, and the Crime Problem	16
	<b>A Brief Look Back</b>	17
	<b>Public Opinion and Crime Policy</b>	18
	<b>News Media Coverage of Crime and Criminal Justice</b>	19
	Overdramatization of Crime	20
	Crime Myths	21
	Other Problems in Media Coverage	22
	Effects of Media Coverage	23
	<b>Crime and Controversy</b> Should the News Media Disclose the Names of Rape Victims?	23
	<b>International Focus</b> Crime is Down in the United Kingdom, But the Public Says “Rubbish!”	24
	<b>Research on Public Beliefs about Crime and Criminal Justice</b>	25
	Fear of Crime	25

Seriousness of Crime	29
Punitiveness	30
Views about the Police	31
Perceptions of Criminal Injustice	32
Views about Criminal Justice Spending	32
A Final Word on Public Beliefs	32
Conclusion	33
Summary	33
Key Terms	34
What Would You Do?	34

## Chapter 3

The Measurement and Patterning of Criminal Behavior	35
Measuring Crime	36
Uniform Crime Reports	36
National Crime Victimization Survey	40
Self-Report Studies	42
Evaluating UCR, NCVS, and Self-Report Data	43
Recent Trends in US Crime Rates	44
Patterning of Criminal Behavior	45
Geographical Patterns	45
<b>Crime and Controversy</b> Why Has the Crime Rate Dropped Since the Early 1990s?	46
<b>International Focus</b> Measuring Crime in Other Nations	47
Seasonal and Climatological Variations	49
Social Patterns of Criminal Behavior	50
Gender and Crime	50
Race, Ethnicity, and Crime	52
Social Class and Crime	56
Age and Crime	57
Chronic Offenders and Criminal Careers	59
Conclusion	59
Summary	59
Key Terms	60
What Would You Do?	60

## Chapter 4

Victims and Victimization	61
Defining Victims and Studying Victimization	62
The Patterning of Victimization	63
Geographical Patterns	64
Social Patterns	65
<b>International Focus</b> The International Crime Victim Survey	66
Victim–Offender Relationship	68
Perceived Race, Gender, and Age of Offenders	70
Crime Characteristics	71
Explaining Victimization	72
Lifestyle and Routine Activities Theories	73





<b>Deviant Lifestyles and Victimization</b>	73
<b>Crime and Controversy</b> Victim Precipitation	74
<b>Physical Proximity and Victimization</b>	75
<b>Individual Traits</b>	75
<b>Repeat Victimization</b>	76
<b>Explaining Sociodemographic Variation in Victimization</b>	76
<b>Victimization of College Students and the Homeless</b>	77
<b>Costs and Consequences of Victimization</b>	79
<b>Economic and Medical Costs and Consequences</b>	79
<b>Psychological Consequences</b>	80
<b>Social and Behavioral Consequences</b>	80
<b>Victims in the Criminal Justice System</b>	81
<b>Victims and Criminal Case Outcomes</b>	82
<b>Victimization by White-Collar Crime</b>	82
<b>Conclusion</b>	83
<b>Summary</b>	83
<b>Key Terms</b>	84
<b>What Would You Do?</b>	84

## PART 2

### Explaining Crime

#### Chapter 5

Classical and Neoclassical Perspectives	85
<b>Understanding Theories of Crime</b>	86
<b>From Theology to Science</b>	87
<b>God and Demons as Causes of Crime and Deviance</b>	87
<b>The Age of Reason</b>	88
<b>The Classical School of Criminology</b>	88
<b>The Rise of Positivism</b>	90
<b>Neoclassical Perspectives</b>	90
<b>Rational Choice Theory</b>	91
<b>Deterrence Theory</b>	92
<b>Types of Deterrence</b>	93
<b>International Focus</b> Mandatory Penalties in International Perspective	94
<b>Crime and Controversy</b> Three-Strikes Laws Strike Out	95
<b>Routine Activities Theory</b>	96
<b>Theory and Policy</b>	98
<b>Conclusion</b>	98
<b>Summary</b>	99
<b>Key Terms</b>	99
<b>What Would You Do?</b>	99

#### Chapter 6

Biological and Psychological Explanations	100
<b>Biological Explanations</b>	101



<b>Nineteenth-Century Views</b>	102
Phrenology	102
Cesare Lombroso: Atavism	102
Early Twentieth-Century Views	103
Contemporary Explanations	105
Evaluation of Biological Explanations	110
<b>Crime and Controversy</b>	Does Abortion Lower the Crime Rate? 111
<b>Psychological Explanations</b>	113
Psychoanalytic Explanations	113
Moral Development and Crime	114
Intelligence and Crime	114
Personality and Crime	116
<b>International Focus</b>	Psychological Research in New Zealand 116
Evaluation of Psychological Explanations	117
<b>Theory and Policy</b>	119
<b>Conclusion</b>	119
<b>Summary</b>	120
<b>Key Terms</b>	120
<b>What Would You Do?</b>	120

## Chapter 7

Sociological Theories: Emphasis on Social Structure	121
<b>The Legacy of Durkheim</b>	122
<b>Social Disorganization and Social Ecology</b>	124
Clifford R. Shaw and Henry D. McKay	125
Critiques of Social Disorganization Theory	125
The Revival of Social Disorganization Theory	126
Other Ecological Work	126
<b>Crime and Controversy</b>	Closing the Window on Crime? 127
<b>Anomie and Strain Theory</b>	129
Evaluation of Anomie Theory	130
Defense and Extension of Anomie Theory	131
General Strain Theory	131
<b>International Focus</b>	Strain, Immigration, and Rioting in Sweden 132
<b>Subcultural Theories</b>	133
Albert K. Cohen: School Failure and Delinquent Subcultures	133
Walter B. Miller: Focal Concerns	134
Richard Cloward and Lloyd Ohlin: Differential Opportunity Theory	135
Marvin Wolfgang and Franco Ferracuti: The Subculture of Violence	136
Elijah Anderson: The Code of the Street	137
Prospects for Subcultural Explanations	137
<b>Structural Theories and Gender</b>	137
<b>Theory and Policy</b>	138



Conclusion 139  
Summary 140  
Key Terms 140  
What Would You Do? 141

## Chapter 8

Sociological Theories: Emphasis on Social Process 142

### Learning Theories 143

Edwin H. Sutherland: Differential Association Theory 145

Other Learning Theories 147

Evaluation of Learning Theories 148

### Control Theories 148

Walter Reckless: Containment Theory 149

Gresham M. Sykes and David Matza: Neutralization  
and Drift Theory 149

Travis Hirschi: Social Bonding Theory 150

**International Focus** Social Bonding in the Land of the  
Rising Sun 152

**Crime and Controversy** Does Dropping Out of School  
Promote or Reduce Delinquency? 154

Michael Gottfredson and Travis Hirschi:  
Self-Control Theory 155

Charles R. Tittle: Control Balance Theory 156

Mark Colvin and Francis T. Cullen: Coercive Control  
and Social Support Theory 157

### Life-Course Theories 157

Specific Life-Course Theories 158

The Promise and Problem of Theoretical Integration 160

### Theory and Policy 161

Conclusion 162

Summary 162

Key Terms 163

What Would You Do? 163

## Chapter 9

Sociological Theories: Critical Perspectives 164

### Labeling Theory 166

The Relativist Definition of Crime and Deviance 166

The Imposition of the Deviant Label 166

The Negative Consequences of Labeling 168

Evaluation of Labeling Theory 169

**Crime and Controversy** How Should We Deal with  
Juvenile Offenders? 170

### Conflict and Radical Theories 171

Consensus and Conflict Perspectives in Sociology 171

Conflict Perspectives in Criminology 171

Radical Theories in Criminology 172

**International Focus** Crime and the Economy in China,  
Vietnam, and Russia 173

### Feminist Theories 176

An Overview of Feminist Perspectives in Criminology 176



The Scope of Feminist Theory and Research	177
A Final Word on Feminism	180
Theory and Policy	180
Conclusion	180
Summary	181
Key Terms	182
What Would You Do?	182

## PART 3

### Criminal Behaviors

<b>Chapter 10</b>	Violent Crime: Homicide, Assault, and Robbery	183
	<b>Homicide and Assault</b>	185
	Defining Homicide and Assault	185
	Patterning and Social Dynamics of Homicide	186
	Trends in US Homicide Rates	190
	Aggravated Assault	190
	Explaining Homicide and Aggravated Assault	191
	<b>International Focus</b> Lethal Violence in Venezuela	192
	Violence by Women	194
	<b>Robbery</b>	195
	Defining Robbery	195
	Extent and Patterning of Robbery	195
	Types of Robbers	196
	Explaining Robbery	197
	<b>Special Topics in Violent Crime</b>	197
	Mass Murder and Serial Killing	197
	Workplace Violence	200
	Hate Crime	201
	Child Abuse and Elder Abuse	202
	Mass Media and Violence	204
	Firearms, Crime, and Violence	205
	<b>Crime and Controversy</b> Packing Heat on Campuses	206
	<b>Reducing Violent Crime</b>	207
	What History Tells Us	208
	Conclusion	208
	Summary	209
	Key Terms	209
	What Would You Do?	210
<b>Chapter 11</b>	Violence Against Women	211
	<b>Overview: The Gendered Nature of Violent Crime</b>	212
	<b>An International Problem</b>	213
	<b>Defining Rape and Sexual Assault and Intimate-Partner Violence</b>	214
	<b>Extent of Violence Against Women</b>	214



Rape and Sexual Assault	214
Intimate Rape and Sexual Assault	215
Intimate-Partner Violence (IPV)	215
<b>Crime and Controversy</b> “All I See Is Blood”: Rape and Sexual Assault in the Military	216
Social Patterning of Violence Against Women	216
Age	216
Social Class	217
Race and Ethnicity	218
<b>International Focus</b> United Kingdom Says “No More”	219
Explaining Violence Against Women	219
Gender and Economic Inequality	220
Cultural Myths Supporting Violence Against Women	221
Other Factors and Perspectives	223
Battered Men: Fact or Fiction?	223
Stalking	224
Reducing Violence Against Women	226
Arresting Batterers: Deterrence or Escalation?	226
Conclusion	227
Summary	228
Key Terms	228
What Would You Do?	228

## Chapter 12

Property Crime and Fraud	229
Defining Property Crime	230
Extent of Property Crime	231
Patterning of Property Crime	232
Social Organization of Property Crime	234
Burglary	234
Property-Crime Victimization: Costs and Circumstances	236
<b>International Focus</b> The Globalization of Motor Vehicle Theft	237
Explaining Property Crime	237
Cultural Emphasis on Economic Success	237
Techniques of Neutralization	238
Unemployment	239
Routine Activities and Social Process Factors	239
Property Crime for Thrills	239
A Look at Shoplifting	239
Reducing Property Crime	240
The Criminal Justice System	240
Situational Crime Prevention	240
<b>Crime and Controversy</b> Vicious Dogs and Property Crime	242
Fraud	243
Identity Theft	243
Tax Fraud	243



Insurance Fraud	244
Cybercrime	245
The Cost of Fraud	246
Conclusion	247
Summary	247
Key Terms	248
What Would You Do?	248

## Chapter 13

White-Collar and Organized Crime	249
White-Collar Crime	250
Edwin Sutherland and White-Collar Crime	251
Defining White-Collar Crime	251
Occupational Crime: Lawbreaking for Personal Gain	252
Organizational Criminality and Corporate Crime	254
<b>Crime and Controversy</b> Harvest of Shame: Pesticide Poisoning of Farm Workers	259
Economic and Human Costs of White-Collar Crime	262
Explaining White-Collar Crime	263
Reducing White-Collar Crime	266
Organized Crime	267
History of Organized Crime	267
Alien Conspiracy Model and Myth	268
<b>International Focus</b> Yakuza: Organized Crime in Japan	269
Controlling Organized Crime	270
Conclusion	270
Summary	271
Key Terms	272
What Would You Do?	272

## Chapter 14

Political Crime	273
Defining Political Crime	274
Major Categories of Political Crime	275
Crime by Government	275
Political Repression and Human Rights Violations	275
Unethical or Illegal Experimentation	278
<b>Crime and Controversy</b> Civil Liberties in the Age of Terrorism	279
State–Corporate Crime	280
<b>International Focus</b> Cracking Down on Dissent in 2016	280
Political Corruption	281
Crime against Government	282
Mass Political Violence: Rebellion, Riots, Terrorism	282
Civil Disobedience	284
Espionage and Treason	285
Explaining and Reducing Political Crime	286



	The Social Patterning of Political Crime	286
	Reducing Political Crime	287
	Conclusion	288
	Summary	289
	Key Terms	289
	What Would You Do?	290

## PART 4

### Controlling and Preventing Crime

#### Chapter 15

	Consensual Crime	291
	Overview of the Consensual Crime Debate	292
	Illegal Drug Use	293
	Drug Use in History	293
	Contemporary US Drug Use	293
	Explaining Illegal Drug Use	295
	The Drugs–Crime Connection	296
	The Legalization Debate	298
	<b>International Focus</b> What Happened After Portugal Decriminalized Drug Possession?	302
	<b>Harm Reduction and Drug Courts</b>	302
	<b>Crime and Controversy</b> The Early Impact of Legalizing Marijuana in the “Mile High State”	303
	Sexual Offenses: Prostitution and Pornography	304
	Prostitution	304
	Pornography	306
	Gambling	308
	The Growth of Gambling	309
	The Gambling Debate	309
	Reducing Consensual Crime	310
	Conclusion	310
	Summary	310
	Key Terms	311
	What Would You Do?	312

#### Chapter 16

	Policing: Dilemmas of Crime Control in a Democratic Society	313
	Crime Control in a Democratic Society	314
	The Ideal of Blind Justice	315
	A Preview of the Discussion	315
	Development of the Modern Police Force	316
	Working Personality and Police Behavior	316
	Police Misconduct: Brutality	318
	Police Discretion: To Arrest or Not to Arrest?	322
	Race, Ethnicity, and Arrest	322
	<b>Crime and Controversy</b> Racial Profiling and Racial Justice	323
	Gender and Arrest	326



<b>International Focus</b>	Police and Policing in Japan	327
<b>Impact of Policing on Crime</b>		327
Do Additional Police Deter Crime?		327
How Police Are Used		328
Does Arrest Make a Difference?		329
Community Policing		329
Legal Technicalities and Police Effectiveness		330
Impact of Policing on Crime Revisited		330
<b>Women and People of Color in Police Forces</b>		331
<b>Conclusion</b>		332
<b>Summary</b>		332
<b>Key Terms</b>		333
<b>What Would You Do?</b>		333

## Chapter 17

Prosecution and Punishment		334
<b>Criminal Courts and the Adversary System</b>		335
Normal Crimes and the Fate of Poor Defendants		336
Prosecutors, the Courtroom Work Group, and Plea Bargaining		336
<b>Punishment, Social Structure, and Inequality</b>		337
Economic Conditions and Punishment		338
<b>Crime and Controversy</b>	Should Felons Lose the Right to Vote?	339
Social Class and Legal Outcomes		339
Impact of Race and Ethnicity		340
Gender and Sentencing		344
<b>Impact of Punishment on Crime</b>		344
Evidence against a Deterrent Effect		345
Evidence against an Incapacitation Effect		346
<b>International Focus</b>	Punishing Criminals in Denmark and the Netherlands	347
<b>The Death Penalty Debate</b>		348
Cost of the Death Penalty		348
General Deterrence and the Death Penalty		349
Arbitrariness and Racial Discrimination in the Application of the Death Penalty		349
Quality of Legal Representation of Capital Defendants		351
Wrongful Executions		351
<b>Conclusion</b>		352
<b>Summary</b>		353
<b>Key Terms</b>		353
<b>What Would You Do?</b>		353

## Chapter 18

Conclusion: How Can We Reduce Crime?		355
<b>The Criminal Justice System Funnel</b>		356
<b>A Sociological Prescription for Crime Reduction</b>		358
Social, Cultural, and Community Crime Prevention (Primary Prevention)		359





**Developmental Crime Prevention  
(Secondary Prevention) 361**

**Criminal Justice Approaches (Tertiary Prevention) 363**

**Conclusion 365**

**Summary 366**

**Key Terms 366**

**What Would You Do? 366**

GLOSSARY 367

REFERENCES 372

NAME INDEX 400

SUBJECT INDEX 413



# New to this Edition

This seventh edition has been thoroughly revised. It includes the latest crime and criminal justice statistics available as the book went to production, and it discusses the latest research on crime and criminal justice issues that had appeared by that time, with more than one hundred new references added and some older ones deleted. In addition, each theory chapter now ends with a new Theory and Policy section that discusses the implications of the chapter's theories for strategies to reduce crime. This seventh edition continues the popular features of the previous one, including the chapter-opening *Crime in the News* vignettes ripped from the headlines (all new from 2016) that engage students' attention and demonstrate the text's relevance for real-life events and issues; the *Crime and Controversy* and *International Focus* boxes, several of them new or revised for this edition, that respectively highlight crime and justice issues within the United States and abroad; and the *What Would You Do?* feature at the end of each chapter that presents hypothetical scenarios on real-world situations faced by criminal justice professionals and average citizens alike.

Major changes or additions to specific chapters include the following:

## Chapter 1. Criminology and the Sociological Perspective

- New discussion of Intersectionality

## Chapter 2. Public Opinion, the News Media, and the Crime Problem

- New discussion of anti-Latino sentiment and views about police powers
- Updated data on sociodemographic differences in fear of crime data

## Chapter 3. The Measurement and Patterning of Criminal Behavior

- Updated crime data
- Revised and expanded discussion of Latinos and crime

## Chapter 4. Victims and Victimization

- Updated victimization data
- New discussion of repeat sexual victimization
- New discussion of impact of adolescent victimization on future intimate partner violence victimization

- New discussion of children's secondary exposure to violence
- New discussion of victimization of LGBTQ youths
- Expanded discussion of situational crime prevention

## Chapter 5. Classical and Neoclassical Perspectives

- New Theory and Policy Section

## Chapter 6. Biological and Sociological Explanations

- New Theory and Policy Section
- Revised discussion of nutrition and diet
- Revised conclusion

## Chapter 7. Sociological Theories: Emphasis on Social Structure

- New Theory and Policy Section

## Chapter 8. Sociological Theories: Emphasis on Social Process

- New Theory and Policy Section
- New discussion of exclusionary school discipline and increased criminality
- New discussion of the strength and consistency of the marriage effect

## Chapter 9. Sociological Theories: Critical Perspectives

- New Theory and Policy Section
- New discussion of Simon L. Singer's analysis of delinquency in suburbia

## Chapter 10. Violent Crime: Homicide, Assault, and Robbery

- Updated violent crime data
- Expanded discussion of mass murder
- New Crime and Controversy box
- New International Focus box



## **Chapter 11. Violence Against Women**

- Updated violence against women data
- New discussion of Stanford University rape case that resulted in a lenient sentence
- New International Focus box

## **Chapter 12. Property Crime and Fraud**

- Updated property crime and fraud data
- New discussion of gated communities

## **Chapter 13. White-Collar and Organized Crime**

- Updated white-collar crime and organized crime data
- New discussion of hiding of defects by General Motors and Toyota
- New discussion of emission-testing cheating by Volkswagen

## **Chapter 14. Political Crime**

- New International Focus box

## **Chapter 15. Consensual Crime**

- Updated illegal drug use data
- New Crime and Controversy box
- Updated International Focus box

## **Chapter 16. Policing: Dilemmas of Crime Control in a Democratic Society**

- Updated data on police behavior
- Updated racial and ethnic arrest data
- Revised and expanded discussion of racial bias and police shootings of civilians

## **Chapter 17. Prosecution and Punishment**

- Updated data on incarceration rates and death row inmates

## **Chapter 18. Conclusion: How Can We Reduce Crime**

- New discussion of prisoner reentry programs



## Welcome to this sociological

introduction to the field of criminology! This book emphasizes the need to understand the social causes of criminal behavior in order to be able to significantly reduce crime. This emphasis echoes the approach followed in the field of public health, which tries to determine what causes a disease like cancer so that we can prevent people from contracting it.

Although it is obviously important to treat cancer patients, there will always be more cancer patients unless we discover its causes and then do something about these causes. The analogy to crime is clear: Unless we discover the causes of crime and do something about them, there will always be more criminals.

Unfortunately, this is not the approach the United States has taken during the past few decades. Instead, it has relied on a “get tough” approach to the crime problem that relies on more aggressive policing, longer and more certain prison terms, and the building of more and more prisons. The nation’s prison and jail population has soared and has reached more than 2.2 million despite a small recent decrease. Many criminologists warn that the surge in prisoners has set the stage for a crime increase down the line, given that almost all of these prisoners will one day be returned to their communities, many of them penniless, without jobs, and embittered by their incarceration.

In offering a sociological understanding of crime, this book suggests that the “get tough” approach is shortsighted because it ignores the roots of crime in the social structure and social inequality of society. To reduce crime, we must address these structural conditions and appreciate the role that factors such as race and ethnicity, gender, and social class play in criminal behavior. Students in criminology courses in sociology departments will especially benefit from this book’s sociological understanding. But this understanding is also important for

students in courses in criminal justice or criminology departments. If crime cannot be fully understood without appreciating its structural context, students in these departments who do not develop this appreciation have only an incomplete understanding of the reasons for crime and of the most effective strategies to reduce it.

Although street crime has declined since the early 1990s, it remains a national problem, as the residents of high-crime neighborhoods know all too well. Meanwhile, white-collar crime continues to cost tens of billions of dollars and thousands of lives annually, even as it receives far less attention than mass murder, terrorism, and everyday violent and property crime.

In presenting a sociological perspective on crime and criminal justice, this book highlights issues of race and ethnicity, gender, and social class in every chapter and emphasizes the criminogenic effects of the social and physical features of urban neighborhoods. This seventh edition continues to include certain chapters that remain uncommon in other criminology texts, including Chapter 2: Public Opinion, the News Media, and the Crime Problem; Chapter 11: Violence Against Women; Chapter 14: Political Crime; and Chapter 18: Conclusion: How Can We Reduce Crime? In addition, the book’s criminal justice chapters, Chapter 16: Policing: Dilemmas of Crime Control in a Democratic Society and Chapter 17: Prosecution and Punishment, continue to address two central themes in the sociological understanding of crime and criminal justice: (1) the degree to which race and ethnicity, gender, and social class affect the operation of the criminal justice system and (2) the extent to which reliance on the criminal justice system can reduce the amount of crime. These two themes, in turn, reflect two more general sociological issues: the degree to which inequality affects the dynamics of social institutions and the extent to which formal sanctions affect human behavior.

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## Acknowledgments

The first  
edition  
of this  
book

stated my personal and intellectual debt to Norman Miller and Forrest Dill, and I continue to acknowledge how much I owe them. Norman Miller was my first undergraduate sociology professor and quickly helped me fall in love with the discipline. He forced me to ask questions about society that I probably still haven't answered. I and the many other students he influenced can offer only an inadequate "thank you" for caring so much about us and, to paraphrase a verse from a great book, for training us in the way we should go. Forrest Dill was my mentor in graduate school and introduced me to criminology and the sociology of law and to the craft of scholarship. His untimely death when I was beginning my career continues to leave a deep void.

My professional home since graduate school has been the Sociology Department at the University of Maine. I continue to owe my colleagues there an intellectual debt for sharing and reaffirming my sense of the importance of social structure and social inequality to an understanding of crime and other contemporary issues. They continue to provide a warm, supportive working environment that often seems all too rare in academia.

I also wish to thank the editorial, production, and marketing staff at Pearson for their help on all aspects of the book's revision, and Gary Bauer for his continued faith in the vision underlying the book. Additional thanks go to the reviewers who read the sixth edition and provided very helpful comments and criticism: Ryan Alexander, Washburn University; Judith Kelley, Curry College; Patricia Marek O'Neill, Hudson Valley Community College; Victor Shaw, California State University, Northridge; and Kelly Socia, University of Massachusetts, Lowell. Any errors that remain, of course, are mine alone.

Finally, as in my first six editions, I acknowledge with heartfelt gratitude the love and support that my wife, Barbara Tennent, and our sons, Dave and Joe, bring to my life. They put up with my need to write and with my reactions to the success and failure of our favorite sports teams more than any husband and father has a right to expect.

The seventh edition of this book is again dedicated to my late parents, Morry and Sylvia Barkan, who instilled in me respect for learning and sympathy for those less fortunate than I. As I continue to think about them after so many years, I can only hope that somewhere they are smiling with pride over this latest evidence of their legacy.

## About the Author

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Professor Barkan has written many journal articles dealing with topics such as racial prejudice and death-penalty attitudes, views on police brutality, political trials, and feminist activism. These articles have appeared in the *American Sociological Review*, *Journal for the Scientific Study of Religion*, *Journal of Crime and Justice*, *Journal of Research in Crime and Delinquency*, *Justice Quarterly*, *Social Forces*, *Social Problems*, *Sociological Forum*, *Sociological Inquiry*, *Sociological Perspectives*, and other journals.

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# Timeline of Major Criminological Theories

## Chapter 5

	1764	Classical Theory (Utilitarianism)	Cesare Beccaria
Year	1968	Neoclassical Theories Rational Choice Theory	Gary Becker
	1985		Derek B. Cornish Ronald V. Clarke
	1970s	Deterrence Theory	
	1979	Routine Activities Theory	Lawrence E. Cohen Marcus Felson

## Chapter 6

Year	1796	Phrenology	Franz Gall
	1876	Atavism	Cesare Lombroso
	1939	Biological Inferiority	Ernest Hooton
	1949	Body Shapes (Somatology)	William Sheldon
	1960s-1970s	Contemporary Explanations	

## Chapter 7

Year	1942	Social Disorganization Theory	Clifford R. Shaw Henry D. McKay
	1987	Deviant Places Theory	Rodney Stark
	1938	Anomie Theory	Robert K. Merton
	1992	General Strain Theory	Robert Agnew
	1955	Status Frustration Theory	Albert K. Cohen
	1958	Focal Concerns Theory	Walter B. Miller
	1960	Differential Opportunity Theory	Richard Cloward Lloyd Ohlin
	1958, 1967	Subculture of Violence Theory	Marvin Wolfgang Franco Ferracuti
1999	Code of the Street Theory	Elijah Anderson	



## Chapter 8

Year	1939	Differential Association Theory	Edwin H. Sutherland
	1956	Differential Identification Theory	Daniel Glaser
	1973, 1977	Social Learning Theory	Albert Bandura
	1966	Differential Reinforcement Theory	Robert L. Burgess Ronald L. Akers
	1956, 1961	Containment Theory	Walter Reckless
	1957	Neutralization and Drift Theory	Gresham M. Sykes David Matza
	1969	Social Bonding Theory	Travis Hirschi
	1990	Self-Control Theory	Michael Gottfredson Travis Hirschi
	2004	Control Balance Theory	Charles R. Tittle
	2002	Coercive Control and Social Support Theory	Mark Colvin Francis T. Cullen
	1979	Integrated Strain-Control Theory	Delbert S. Elliott
	1987	Interactional Theory	Terence P. Thornberry
	1993	Life-Course-Persistent Theory	Terrie E. Moffitt
	1993	Age-Graded Theory	Robert J. Sampson John H. Laub

## Chapter 9

Year	1951 1963	Labeling Theory	Edwin Lemert Howard S. Becker
	1938 1958 1969	Conflict Theory	Thorsten Sellin George Vold Austin T. Turk
	1916 1952 1964 1974	Radical Theory	Willem Bonger Jerome Hall William Chambliss Richard Quinney
	1988 1989	Feminist Theories	Kathleen Daly Meda Chesney-Lind Sally S. Simpson





mom&paparazzi/Splash News/Newscom

# 1 Criminology and the Sociological Perspective

## LEARNING OBJECTIVES

- 1 Explain the sociological perspective
- 2 Discuss the mutual relevance of sociology and criminology
- 3 Describe the contributions of W. E. B. DuBois and Ida B. Wells-Barnett to the development of criminology
- 4 List the goals of criminal law
- 5 Describe the two key elements of criminal intent
- 6 Know the legal defenses to criminal liability
- 7 Explain the three kinds of information gathered by surveys
- 8 Explain the advantages and disadvantages of experiments and of qualitative research

## CHAPTER OUTLINE

### The Sociological Perspective

The Mutual Relevance of Sociology and Criminology

The Rise of Sociological Criminology

### Crime, Deviance, and Criminal Law

Consensus and Conflict in the Creation of Criminal Law

Goals of Criminal Law

An Overview of Criminal Law

### Research Methods in Criminology

Surveys

Experiments





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## Crime in the News

Nearly three-fourths of the 50 largest cities in the United States had more homicides in 2015 than the year before, while about one-fourth had fewer homicides. The largest percentage increase in homicides occurred in Cleveland, Ohio, where the number of homicides almost doubled from 2014 to 2015. One of these homicides involved a 15-year-old youth who was fatally shot in a Burger King parking lot in March 2015. A year later, his murder had still not been solved, and his mother pleaded to the public to contact the police with any information about the crime. "It's been a year, and this is really taking a toll on me," she said. "Please help me. I need justice for my son."

Sources: Based on Ehrenfreund and Lu 2016; Gallek 2016.

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This mother's tragic experience reminds us that violence and other street crime continue to trouble people across the nation. Although the US crime rate has actually declined since the early 1990s, violent and property crimes continue to victimize millions of Americans annually, and mass shootings like the event that killed 49 people at a gay nightclub in Orlando in June 2016 make headlines regularly. The US prison and jail population stands at more than 2.2 million, the highest rate of incarceration in the Western world. The criminal justice system costs more than \$265 billion annually, compared to only \$36 billion in the early 1980s. Why do we have so much violence and other crime? What can we do to reduce our crime rate? What difference do police and prisons make? Could we spend our dollars more wisely? How serious is white-collar crime? Is the war on drugs working? What role do race and ethnicity, social class, and gender play in criminal behavior and in the response of the criminal justice system to such behavior? These are just a few of the questions this book tries to answer.

The rationale for the book is simple. Crime is one of our most important social problems but also one of the least understood. Most of our knowledge about crime comes from what we read in newspapers or see on TV or the Internet. From these sources, we get a distorted picture of crime and hear about solutions to the crime problem that ultimately will do little to reduce it. These are harsh accusations, to be sure, but they are ones with which most criminologists probably agree.

A major reason crime is so misunderstood is that the popular sources of our knowledge about crime say little about its social roots. Crime is not only an individual phenomenon but also a social one. Individuals commit crime, but their social backgrounds profoundly shape their likelihood of doing so. In this sense, crime is no different from other behaviors sociologists study. This basic sociological understanding of crime has an important social policy implication: if crime is rooted in the way our society is organized, then crime-reduction efforts will succeed only to the extent that they address the structural roots of criminality.

This book presents a sociological understanding of crime and criminal justice, an approach commonly called **sociological criminology**. As we will see later, for most of its history, virtually all criminology was sociological criminology, and this two-word term would have been redundant. This view of criminology gave explicit attention to issues of poverty and race and ethnicity, as well as to the structure of communities and social relationships. As John Hagan (1994), a former president of the American Society of Criminology, once observed, a sociological criminology is thus a *structural* criminology. It takes into account the social and physical characteristics of communities and the profound influence of race and ethnicity, social class, and gender.

In the past few decades, criminology has moved away from this structural focus toward individualistic explanations, with the fields of biology and psychology vying with sociology for prominence in the study of crime. These fields enliven the discipline and have expanded criminology's interdisciplinary focus. However, they ultimately fail to answer three of the most central questions in criminology: (1) Why do crime rates differ across locations and over time?

(2) Why do crime rates differ according to the key dimensions of structured social inequality: race and ethnicity, social class, and gender? (3) How and why is the legal response to crime shaped by race and ethnicity, social class, and gender and by other extralegal variables? Only a sociological criminology can begin to answer these questions, which must be answered if we are to have any hope of seriously reducing crime and of achieving a just legal system.

A sociological criminology is not only a structural criminology. To be true to the sociological perspective, it should also be a criminology that debunks incorrect perceptions about crime and false claims about the effectiveness of various crime-control strategies. In addition, it should expose possible injustice in the application of the criminal label.

These themes appear throughout the book. Part 1, *Understanding Crime and Victimization*, introduces the sociological perspective and discusses public beliefs about crime and criminal justice. It also discusses what is known about the amount and social patterning of crime and victimization. Part 2, *Explaining Crime*, critically reviews the major explanations of crime and criminality and discusses their implications for crime reduction. These explanations are integrated into the chapters contained in Part 3, *Criminal Behaviors*. These chapters discuss the major forms of crime and ways of reducing them. The fourth and final part of the book, *Controlling and Preventing Crime*, explores, among other things, two important issues for a sociological understanding of the criminal justice system: (1) To what degree do race and ethnicity, class, and gender unjustly affect the chances of arrest, conviction, and imprisonment? (2) To what degree do arrest and punishment reduce criminal behavior? The concluding chapter of the book presents a sociological prescription for crime reduction.

Our sociological journey into crime and criminal justice begins by reviewing the sociological perspective and discussing the mutual relevance of sociology and criminology. We look briefly at the development of sociological criminology and at its approaches to crime and criminal justice and review some key legal terms and concepts.

## ► The Sociological Perspective

Above all else, the **sociological perspective** stresses that people are *social beings* more than mere individuals. This means that society profoundly shapes their behavior, attitudes, and life chances. People growing up in societies with different cultures tend to act and think differently from one another. People within a given society growing up in various locations and under diverse socioeconomic circumstances also tend to act and think differently. We cannot understand why people think and behave as they do without understanding their many social backgrounds.

This perspective derives from the work of Émile Durkheim (1858–1917), a French sociologist and a founder of the discipline, who stressed that social forces influence our behavior and attitudes. In perhaps his most famous study, Durkheim (1952 [1897]) found that even suicide, normally regarded as the most individualistic act possible, has social roots. Examining data in France and elsewhere, he found that suicide rates varied across locations and across different kinds of people. Protestants, for example, had higher suicide rates than did Catholics. Durkheim explained these differences by focusing on structural characteristics, in particular the level of social integration, of the locations and people he studied. People in groups with high social integration, or strong bonds to others within their group, have lower suicide rates. His analysis remains a classic study of the influence of social structure on individual behavior, such as suicide.

What exactly is **social structure**? Briefly, social structure refers to how a society is organized in terms of social relationships and social interaction. It is both *horizontal* and *vertical*. Horizontal social structure

▼ The sociological perspective emphasizes that people are social beings more than individuals. This means that society shapes our behavior, attitudes, and life chances.



Jon11/Fotolia



Anyobertku/Fotolia

▲ A job-seeker consults listings of some employment possibilities. C. Wright Mills considered unemployment a public issue that results from structural problems in society.

refers to the social and physical characteristics of communities and the networks of social relationships to which an individual belongs. Vertical social structure is more commonly called **social inequality** and refers to how a society ranks different groups of people. In US society, social class, race and ethnicity, and gender are key characteristics that help determine where people rank and whether some are “more equal” than others.

Sociologist C. Wright Mills (1959) emphasized that social structure lies at the root of **private troubles**. If only a few individuals, he wrote, are unemployed, then their private troubles are their own fault. But if masses of individuals are unemployed, structural forces must account for their bad fortune. What people may define as private troubles are thus more accurately described as **public issues**, wrote Mills. Their personal troubles result from the intersection of their personal biography with historical and social conditions. Mills referred to the ability to understand the structural and historical basis for personal troubles as the **sociological imagination**. Once people acquire a sociological imagination, they are better able both to understand and to change the social forces underlying their private troubles.

As Mills’s comments suggest, sociology’s emphasis on the structural basis for individual behavior and personal troubles often leads it to challenge conventional wisdom. Max Weber (1864–1920), another founder of sociology, echoed this theme when he noted that one of sociology’s most important goals was to uncover “inconvenient facts” (Gerth and Mills 1946). As Peter Berger (1963) observed in his classic book, *Invitation to Sociology*, the “first wisdom” of sociology is that things are not always what they seem; sociological research often exposes false claims about reality and taken-for-granted assumptions about social life and social institutions. Berger referred to this sociological tendency as the **debunking motif**.

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## Review and Discuss

What do we mean by the *sociological perspective*? How does this perspective help us to understand the origins of crime and possible ways of reducing crime?

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## The Mutual Relevance of Sociology and Criminology

With this brief discussion of the sociological perspective in mind, the continuing relevance of sociology for criminology immediately becomes clear. Perhaps most important, crime, victimization, and criminal justice cannot be understood fully without appreciating their structural context. Using Mills’s terminology, crime and victimization are public issues rather than private troubles. They are rooted in the social and physical characteristics of communities, in the network of relationships in which people interact, and in the structured social inequalities of race and ethnicity, social class, and gender. Reflecting this point, many of criminology’s important concepts, including anomie, relative deprivation, and social conflict, draw from concepts originally developed in the larger body of sociology. Moreover, research methodology originating in sociology provides the basis for much criminological research.

Criminology is just as relevant for its parent field of sociology because of the structural basis for criminality. If crime and victimization derive from community characteristics, social relationships, and inequality, criminological insights both reinforce and advance sociological understanding of all these areas. Crime, victimization, and legal punishment are certainly important negative life chances for people at the bottom of the socioeconomic ladder. More than most other subfields in sociology, criminology shows us how and why social inequality is, as Elliott Currie (1985:160) once put it, “enormously destructive of human personality and of social order.” By the same token, positions at the top of the socioeconomic ladder contribute to a greater probability of white-collar crime that results in little or no punishment. Again, perhaps more than most other sociological subfields, criminology illuminates the privileges of those at the top of the social hierarchy.

Another major dimension of inequality, gender, also has important consequences for criminality and victimization and, perhaps, legal punishment. Criminological findings have contributed to

the larger body of sociological knowledge about the importance of gender (Kruttschnitt 2016). More generally, the study of crime has furthered understanding of many standard sociological concepts, such as alienation, community, inequality, organization, and social control (Short 2007).

## Intersectionality

An exciting development in the social sciences called *intersectionality* manifests and reinforces the mutual relevance of criminology and sociology. **Intersectionality** refers to the ways in which people's race and ethnicity, social class, and gender interact to produce outcomes reflecting the combined influence of these backgrounds, often to an individual's disadvantage. In criminology, intersectionality-based theory and research examine the combined impact of all these sociodemographic factors on offending, victimization, and contact with the criminal justice system (Parker and Hefner 2015; Potter 2015). This work promises to shed new light on the importance of race and ethnicity, social class, and gender for both criminology and sociology.

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## Review and Discuss

In what ways are the disciplines of sociology and criminology relevant for each other?

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## The Rise of Sociological Criminology

Many of the themes just outlined shaped the rise of sociological criminology in the United States during the twentieth century. Because Part 2 discusses the development of criminological theory in greater detail, here we simply sketch this history to underscore the intellectual connection between criminology and sociology. Before we do so, it will be helpful to review some basic concepts.

All societies have social **norms** or standards of behavior. Behavior that violates these norms and arouses negative social reactions is called **deviance**. In most traditional societies studied by anthropologists, the norms remain unwritten and informal and are called **customs**. These customs are enforced through informal **social control** (society's restraint of norm-violating behavior) such as ostracism and ridicule. People obey customs because they believe in them and because they fear the society's informal sanctions. In large, modern societies, many norms tend to be more formal by being written and codified. These formal norms are called **laws**. Social control is also more formal and takes the form of specialized groups of people (legislators, police officers, judges, and corrections officials) who create laws, interpret them, and apprehend and punish law violators. With these concepts in mind, we now trace the rise of sociological criminology.

For much of recorded history, people attributed crime and deviance to religious forces. Individuals were said to commit these behaviors because God or gods were punishing or testing them. During the Middle Ages, deviance was blamed on the devil. In the eighteenth century, the *classical school* of criminology stressed that criminals rationally choose to commit crime after deciding that the potential rewards outweigh the risks. In view of this, said classical scholars, legal punishment needed to be severe enough only to deter potential criminals from breaking the law.

During the nineteenth century, scholars began to investigate the causes of criminal behavior through scientific investigation. Perhaps, the first such scholar was Adolphe Quetelet (1796–1874), a Belgian astronomer and mathematician who gathered and analyzed crime data in France. He found that French crime rates remained fairly stable over time, that they were higher for young adults than for older adults, and that they were higher among men and the poor than among women and the nonpoor.

Later in the century, Émile Durkheim began providing his major contributions. He stressed the primacy of social structure over the individual and thus established the sociological paradigm. He also observed that deviance will always exist because social norms are never strong enough to prevent *all* rule breaking. Even in a “society of saints,” he said, such as a monastery, rules will be broken and negative social reactions aroused. Because Durkheim (1962 [1895]) thought deviance was inevitable, he considered it a *normal* part of every healthy society and stressed its functions for social stability. The punishment of deviance, he said, clarifies social norms and reinforces social ties among those doing or watching the punishing. Durkheim further argued that deviance is necessary for social change to take place. A society without deviance, he



said, would be one with no freedom of thought; hence, social change would not be possible. A society, thus, cannot have social change without also having deviance.

At about the same time, physicians and other researchers began to investigate the biological basis for criminal behavior. Although their methodology was seriously flawed and many of their views were racist, their perspective influenced public and scholarly thinking on crime. The recent rise of biological explanations of crime indicates their continuing popularity for understanding criminal behavior.

At the end of the nineteenth century, famed African American scholar W. E. B. DuBois (1899) disputed a biological basis for crime in his renowned book *The Philadelphia Negro*, in which he attributed the relatively high crime rates of African Americans to negative social conditions rather than to biological problems. His analysis of crime in Philadelphia is today regarded as an early classic of sociological criminology (Gabbidon and Greene 2016). DuBois was also one of the first social scientists to write about possible racial discrimination in arrest and sentencing. Another African American scholar, Ida B. Wells-Barnett (2002), documented perhaps the most extreme use of law in this regard in an 1892 pamphlet titled *Southern Horrors*, an indictment of lynch law. She wrote the pamphlet after three of her friends were lynched in Memphis, Tennessee, where Wells-Barnett co-owned a newspaper named *Free Speech*. After she editorialized against these and other lynchings, whites threatened to lynch her and other *Free Speech* staff and forced the newspaper to shut down.

The sociological study of crime advanced further at the University of Chicago after the turn of the twentieth century. Scholars there noticed that high crime rates in Chicago's inner-city neighborhoods stayed stable from one year to the next, even as certain immigrant groups moved out and others moved in. They attributed these crime rates to certain social and physical conditions of the neighborhoods (including their stark poverty and residential instability) that reflected a breakdown in conventional social institutions.

One student of the Chicago sociologists was Edwin Sutherland, who soon became a towering figure in the development of sociological criminology. Sensitive to the **criminogenic** (crime-causing) conditions of urban neighborhoods, Sutherland was especially interested in how and why these conditions promote criminality and emphasized the importance of peer influences in his famous *differential association theory*. He further developed the concept of *white-collar crime* and was sharply critical of the illegal and harmful practices of the nation's biggest corporations. At the heart of his sociological criminology was a concern for issues of race, poverty, and political and economic power.

▼ This photo shows a section of the Vietnam War Memorial in Washington, DC. Protests against this war were a highlight of the turbulent era of the 1960s and early 1970s that stimulated the use of labeling and conflict theories in the study of crime and deviance.



Everett Collection Historical/Alamy Stock Photo

At about the same time, Robert K. Merton, a Columbia University sociologist, developed his *anomie theory* of deviance. Borrowing heavily from Durkheim, Merton attributed deviance to the poor's inability to achieve economic success in a society that highly values it. His theory was perhaps the most "macro" of all the early structural theories of crime and remains influential today.

During the 1970s, a new *social control* or *social bonding theory* of criminal behavior rose to prominence. Drawing on Durkheim, this theory emphasized the criminogenic effects of weak bonds to social institutions. Although this theory focused on social relationships, it was less of a macrostructural theory than its social disorganization and anomie forebears.

The 1960s and early 1970s were also a turbulent era marked by intellectual upheaval in several academic disciplines, perhaps most of all sociology. Some sociologists asserted that society was rooted in conflict between the "haves" and "have-nots" in society. In the study of crime and deviance, *labeling* and *conflict theories* emphasized bias and discrimination in the application of criminal labels and in the development of criminal laws. Shortly thereafter, new feminist understandings of gender and society began to make their way into criminology, as feminists criticized the

male bias of traditional criminological theories and called attention to the gendered nature of crime and victimization.

Today, all of these sociological approaches inform the study of crime and criminal justice. As this textbook will indicate, sociological criminology's emphasis on the structural origins of crime and on the impact of race/ethnicity and poverty continues to guide much contemporary theory and research. To aid your understanding of sociological perspectives on crime, we now discuss some important concepts in the study of crime and deviance.

## ► Crime, Deviance, and Criminal Law

Edwin Sutherland (1947) defined **criminology** as the study of the making of laws, of the breaking of laws, and of society's reaction to the breaking of laws. Put another way, criminology is the scientific study of the creation of criminal law, of the causes and dynamics of criminal behavior, and of society's attempt through the criminal justice system and other efforts to punish, control, and prevent crime. Note that criminology as a social science differs from crime-scene investigation, or *forensic science*, featured on many TV shows.

The term *crime* has already appeared many times in this chapter, but what actually is crime? Most simply, **crime** is behavior that is considered so harmful that it is banned by a criminal law. This straightforward definition begs some important questions. For example, how harmful must a behavior be before it is banned by a criminal law? Is it possible for a behavior to be harmful but not banned? Is it possible for a behavior to be banned but not very harmful? Who decides what is or is not harmful? What factors affect such decisions?

As these questions indicate, the definition of crime is not very straightforward after all. Instead, it is problematic. In sociology, this view of crime derives from the larger study of deviant behavior, of which crime is obviously one very important type. Recall that deviance is a behavior that violates social norms and arouses negative social reactions. Durkheim's monastery example, given earlier, raises an interesting point: behavior considered deviant in a monastery, such as talking, would be perfectly acceptable elsewhere. This illustrates that deviance is a *relative* concept: whether a given behavior is judged deviant depends not on the behavior itself but on the circumstances under which it occurs. Consider murder, the most serious of interpersonal crimes. As a behavior, murder involves killing someone. We consider this act so horrible that sometimes we execute people for it. Yet if soldiers kill someone in wartime, they are doing their job, and if they kill several people in a particularly heroic fashion, they may receive a medal. The behavior itself, killing, is the same, but the circumstances surrounding it determine whether we punish the killer or award a medal.

Whether a given behavior is considered deviant also depends on where it occurs, as the monastery example reminds us. What is considered deviant in one society may be considered acceptable in another. Another way of saying this is that deviance is *relative in space*. As just one example, anthropologists have found that sexual acts condemned in some societies are often practiced in others (Goode 2016).

Deviance is also *relative in time*: within the same society, what is considered deviant in one time period may not be considered deviant in a later period, and vice versa. For example, the use of cocaine and opium was very common (and legal) in the United States in the late nineteenth century, even though both drugs are illegal today. Many over-the-counter medicines contained opium for such problems as depression, insomnia, and various aches and pains. Many over-the-counter products, including Coca-Cola, contained cocaine. Coke was popular when it hit the market in 1894 because it made people feel so good when they drank it (Goode 2016).

By saying that deviance is a relative concept, we emphasize that deviance is not a quality of a behavior itself but, rather, the result of what other people think about the behavior. This was a central insight of sociologist Howard S. Becker (1963: 9), who famously wrote that "deviance is



Itsu Inouye/AP Images

▲ Killing in wartime is considered necessary and even heroic, but killing in most other circumstances is considered a crime (homicide).



Archive Images/Alamy Stock Photo

▲ When Coca-Cola was first manufactured in 1894, it contained cocaine, contributing in no small measure to its instant popularity.

not a quality of the act the person commits, but rather a consequence of the application by others of rules or sanctions to an ‘offender.’ The deviant is one to whom that label has been successfully applied; deviant behavior is behavior that people so label.”

Becker’s observation alerts us to two possibilities. First, some harmful behaviors, such as white-collar crime, may not be considered deviant, either because “respectable” people do them, because they occur secretly, or because people know about them but do not deem them harmful. Second, some less harmful behaviors, such as prostitution, may still be considered deviant because people are morally opposed to them or do not like the kinds of people (poor, nonwhite, etc.) who are doing them.

## Consensus and Conflict in the Creation of Criminal Law

The previous discussion raises two related questions about criminal laws: (1) Why do criminal laws get established? (2) Whom do criminal laws benefit? In criminology, consensus and conflict theories of crime, law, and society try to answer these questions. These views derive from related perspectives in the larger field of sociology.

**Consensus** theory originates in Durkheim’s work. It assumes a consensus among people from all walks of life on what the social norms of behavior are and should be. Formal norms, or laws, represent the interests of all segments of the public. People obey laws not because they fear being punished but because they believe the norms are appropriate to obey. Crime and deviance violate these widely accepted norms, and punishment of this behavior is necessary to ensure continuing social stability.

**Conflict** theory (discussed further in Chapter 9) derives from the work of Karl Marx and Friedrich Engels and is generally the opposite of consensus theory. It assumes that members of the public disagree on many social norms, with this disagreement reflecting people’s disparate positions based on their inequality of wealth and power. Laws represent the views of the powerful and help them to stay at the top of society’s hierarchy and to keep the powerless at the bottom. Behavior labeled criminal by laws is conduct by the poor that threatens the interests of the powerful. The powerful may commit very harmful behaviors, but because they determine which laws are created, their behaviors are often legal, or at least not harshly punished even if they are illegal.

These two theories have important implications for how we define and understand crime. In consensus theory, crime is defined simply as any behavior that violates a criminal law, to recall our earlier straightforward definition. Criminal law in turn is thought to both represent and protect the interests of all members of society. In conflict theory, the definition of crime is more problematic: it is just as important to consider why some behaviors *do not become* illegal as to consider why others *are* illegal. A conflict view of crime, law, and society thus defines crime more broadly than does a consensus view. In particular, it is willing to consider behaviors as crimes in the larger sense of the word if they are harmful, even if they are not illegal.

Both theories have their merits. The greatest support for consensus theory comes from criminal laws banning the criminal behaviors we call *street crime*, which all segments of society condemn and which victimizes the poor more than the wealthy. Although the historical roots of some of these laws lie in the conflict between rich and poor, today, they cannot be said to exist for the protection of the wealthy and powerful. The greatest evidence for conflict theory perhaps comes from corporate misconduct, which is arguably more socially harmful than street crime but is less severely punished. Both kinds of behavior are discussed in the chapters ahead.

## Goals of Criminal Law

Criminal law in the United States and other Western democracies ideally tries to achieve several goals. Because criminal law is obviously an essential component of the criminal justice system, perhaps its most important goal is to *help keep the public safe from crime and criminals or*, to put it



another way, to prevent and control crime and criminal behavior.

A second goal of criminal law is to articulate our society's moral values and concerns, a goal that consensus theory emphasizes. Ideally, criminal law bans behaviors that our society considers immoral or wrong for other reasons. Murder is an obvious example here. More controversially, criminal law also bans the use of certain drugs, prostitution, and some other behaviors that people voluntarily commit and for which there may be no unwilling victims. We call these behaviors consensual or victimless crimes, and critics say that society's effort to ban them amounts to "legislating morality" and may in fact do more harm than good (Brownstein 2013).

A third goal of criminal law and the criminal justice system is to protect the rights and freedoms of the nation's citizenry by protecting it from potential governmental abuses of power. This is what is meant by the rule of law that is so fundamental to a democracy. This consideration helps us to understand why reports of torture and abuse by US personnel of persons captured in the Iraq War more than a decade ago aroused so much concern: the alleged abuse was committed by personnel of a democratic nation and violated the rules of international law governing the treatment of military prisoners and detainees (Cole 2009).



Washington Post/Getty Images

▲ Reports of abuse and torture of Iraqi detainees by US personnel aroused much controversy, in part because critics said these incidents violated international law.

## An Overview of Criminal Law

We turn now from this basic understanding of criminal law to its origins and current aspects. Law in the United States has its origins in English common law, which began during the reign of Henry II in the twelfth century. Over the centuries, England developed a complex system of law that specified the types of illegal behaviors, the punishment for these behaviors, and the elements that had to be proved for someone to be found guilty of a crime. English judges had great powers to interpret the law and in effect to make new case law. As a result, much of English law derived from judges' rulings rather than from legislatures' statutes.

During this time, the jury was developed to replace ordeals as the chief way to determine a defendant's guilt or innocence. However, the jury's power was limited because jurors could be punished if they found a defendant innocent. Its power and importance grew considerably in 1670 after William Penn was arrested and tried for preaching about Quakerism. When the jurors refused to convict him, the judge imprisoned and starved them. In response, an English court ruled that juries could not be punished for their verdicts. This ruling allowed juries to acquit defendants with impunity and strengthened their historic role as protectors of defendants against arbitrary state power (Barkan 1983).

When the Pilgrims and other English colonists came to the New World, they naturally brought with them English common law. Several grievances that led to the Revolutionary War centered on England's denial of jury trials for colonial defendants, its search and seizure of colonial homes and property, and its arbitrary use of legal punishment. After the Revolution, the new nation's leaders wrote protections from these and other legal abuses into the Constitution and the Bill of Rights.

### Legal Distinctions in Types of Crime

Most US jurisdictions still retain common law concepts of the types of crime and the elements of criminal law violation that must be proved for a defendant to be found guilty. One distinction

