



CHAPTER OUTCOMES

Students will be able to:

1. Distinguish between criminology and criminal justice
2. Learn the components of the definition of criminology
3. Understand the development of the discipline

KEY TERMS

act of commission
act of omission
Classical School
criminal justice

criminology
folkway
laws
LEEP

more
norm
Positive School

INTRODUCTION

Turn to almost any television station and you are likely to see a program that involves crime and the criminal justice system. *Dateline*, *48 Hours*, *Law and Order: Special Victims*, *NCIS: Los Angeles*, *NCIS: New Orleans*, *Castle*, *Criminal Minds*, *CSI: Crime Scene Investigation*, *CSI: Cyber*, *CSI: New York*, *CSI: Miami*, *The Shield*, *The Good Wife*, *The Mentalist*, *Sherlock*, *True Detective*, *Law and Order*, *Blue Bloods*, *COPS*, etc. all are popular shows that deal with crime. The public's interest in crime can't seem to be satisfied. Every newspaper and television news program spends an excessive amount of column inches or airtime covering stories about crime. In fact most TV news programs lead with a story on crime. In the last year, the airwaves have been overtaken with stories of police shootings, with the police as both perpetrators and victims.

The discipline of criminology has continued to see students flock to it to study and understand crime and criminals. Many of you are taking this course as one of the first as a criminology/criminal justice major. Others are taking this course because of interest and also because it serves as one of your social science requirements. To say that the subject of criminology is popular among students and the general public would be somewhat of an understatement.

The question though is, what is criminology? Are criminology and criminal justice just two terms to describe the same subject, or are criminology and criminal justice two different subjects? When we talk about the study of criminology, what does it include?

CRIMINOLOGY V. CRIMINAL JUSTICE

Depending on to whom one is talking, there are often two general responses to the question “what are the differences between criminology and criminal justice?” One approach to answering the question is that criminology is a component of the broader field of criminal justice, while the second approach suggests just the opposite, criminal justice is a component of the broader field of criminology. A case can be made for both approaches. However, it is generally agreed that the primary focus of **criminology** is the understanding of crime and its causes, whereas the primary focus of **criminal justice** is on understanding the systems that exist to address transgressions of law.

Criminology the understanding of crime and its causes.

Criminal justice the primary focus is on understanding the systems that exist to address transgressions of law.

While this is an interesting and functional distinction, in reality the lines have become somewhat blurred in academic settings. Academic departments have been moving towards calling themselves Departments of Criminology and Criminal Justice, in part, because an examination of their curriculum demonstrates that they offer courses that represent both areas. Those departments that are titled as criminal justice or criminology also tend to offer classes from both areas. For example, most criminal justice departments offer at least one class in criminological theory while criminology departments offer courses on the police, courts, and corrections. Students need to understand that taking courses in both criminology and criminal justice allows them to eventually work effectively in both areas.

If a student wants to work in the criminal justice system as a police officer, it would be very helpful to have some understanding of why individuals commit crimes. At the same time someone who wants to develop a new theory of criminal behavior would best be served by understanding the context (i.e., the criminal justice system and society) in which the behavior takes place.

BRIEF HISTORY OF THE DEVELOPMENT OF THE DISCIPLINE

The Beginning

Tracing the history of criminology often begins with the work of one man, Cesare Beccaria. In 1764, Beccaria published *Essay On Crimes and Punishments* (Beccaria, 1764/1986), and without knowing it sowed the seeds for the establishment of what would eventually become the discipline of criminology. Beccaria’s work and text are discussed in detail in Chapter III.

Strongly influenced by the writings of the Enlightenment theorists such as Voltaire, Rousseau, Hume, and Locke, and the conditions of the prison he visited, Beccaria’s *Essay* challenged the thinking of the day as it related to elements

of the criminal justice system. Prior to the work of Beccaria, religion was considered the basis of the criminal justice system and the devil the cause of crime (iresearch.net, n.d.). As posited in *Essay On Crimes and Punishments*, opposition to the death penalty, a restricted role for judges, a right to a jury trial, and free will were ideas that ran contrary to the way the criminal justice business was being transacted. Beccaria believed that individuals had free will without limitations. Individuals make a conscious decision to commit crime after weighing the pleasure against the possible pain. Because individuals freely commit crime they should be punished when apprehended.

For Beccaria, three elements were important: certainty, severity, and celerity. Individuals intent on committing crime are more likely to be deterred if they perceive the certainty of apprehension to be high. Closely associating the punishment with the crime (celerity) is likely to have an influence on whether or not the crime is committed. Thirdly, for Beccaria, the punishment needed to fit the crime. According to Beccaria, the punishment needs to just outweigh the benefits derived from committing the crime, thereby making the crime less attractive. All three elements need to work in conjunction to be effective.

The “pleasure/pain” principle of Jeremy Bentham influenced the work of Beccaria. Bentham (1789), in *An Introduction to the Principles of Morals and Legislation*, introduces us to the concept of hedonism with the opening two sentences of his text: “Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as determine what we shall do” (p. 1). The assessment of balancing pleasure and pain is referred to as the **hedonistic calculus**. It is assumed that individuals will seek pleasure over pain. Beccaria uses the concept of the hedonistic calculus to determine the amount of punishment necessary to prevent individuals from committing crime. The punishment (pain) needs to just exceed, or outweigh, the benefits (pleasure) gained from committing the crime.

The influence of *Essay On Crimes and Punishments* can be seen in the systems of justice in numerous countries, including England and the United States. An examination of the Bill of Rights demonstrates the influence of Beccaria’s work. For example our rights include: right to a jury trial, right to a public trial, right against cruel and unusual punishment, right to a speedy trial, right to examine witnesses, and the right to be informed of accused acts (Constitution.org, n.d.). Based on his work, Beccaria has become known as the “father” of the Classical School of criminology. The **Classical School** of criminology is the first school of criminological thought.

In the late 1800s, the next important school of criminology developed, the **Positive School** of criminology. The work of Cesare Lombroso, first published in 1876, influenced the development of this school (Lombroso, 1876/2006, pp. 39–96). Lombroso, a medical doctor, was employed at a local prison in Italy. His work at the prison led to his belief that “criminals had physical characteristics that more closely resembled animals lower in the evolutionary chain than man” (iresearch.net, n.d., p. 2). Lombroso was strongly influenced by the work of Charles Darwin who had published *On the Origin of Species* (1859) just 17 years earlier where he introduced the notion of evolution.

Classical School first school of criminological thought; the bill of rights is based in part on the work of Beccaria as the Classical School ideas.

Positive School influenced by Cesare Lombroso, based on the belief that the behavior of individuals was determined and not “free will”. Because of this, individuals should be treated rather than punished.

Lombroso helped establish a biological basis for criminal behavior with his claim that certain criminals were “throwbacks” to earlier life forms. Lombroso posited the use of the scientific method to study and explain criminal behavior, thereby setting the stage for the development of a separate discipline.

Lombroso did not subscribe to the concept of “free will” as did Beccaria. Instead, Lombroso believed that the behavior of individuals was determined. Because behavior was determined and individuals could not help themselves from committing criminal acts, they should be treated rather than punished.

The first to use the term criminology was Raffaele Garofalo, another Italian criminologist and jurist. A student of Lombroso, Raffaele Garofalo published a text titled *Criminology* (Boston, MA: Little, Brown and Company, 1914). The title of the text represented the first use of the term criminology.

DEFINITION OF CRIMINOLOGY

Edwin H. Sutherland, considered by many to be the “father of modern criminology,” has described criminology as consisting of three processes, the making of laws, the breaking of laws, and the reaction to the breaking of laws (1974, p. 3). While we will focus on the specific theoretical contributions of Sutherland later in this text (See Chapter VI), it is worth considering Sutherland’s concepts of law making, law breaking, and the reaction to law breaking.

Law Making

Law making includes all the elements that are involved in creating law. Why do some acts become law while others do not? Who has the authority to make law? What constitutes a law? These are some of the questions that are addressed by the study of criminology.

From a sociological perspective there are three concepts that occur that lead to the development of law: folkways, norms, and mores (pronounced *mor-rays*).

Folkway a tradition or a social custom.

norm an authoritative standard; a principle of right action binding upon the members of a group and serving to guide, control, or regulate proper and acceptable behavior.

1. A **folkway** is a tradition or a social custom; two examples of folkways might be shaking the hand of someone when you are introduced to her/him, or taking one’s hat off at the dinner table. Failure to take your hat off at the dinner table, a violation of a folkway, might result in a rebuke from your mother, but not much else since the “violation” is not considered serious.
2. A **norm** is defined by *Merriam-Webster Dictionary* as “an authoritative standard; a principle of right action binding upon the members of a group and serving to guide, control, or regulate proper and acceptable behavior.” (By permission). From *Merriam-Webster’s Collegiate® Dictionary*, 11th Edition © 2016 by Merriam-Webster, Inc. (www.Merriam-Webster.com)

William Graham Sumner, a Yale professor, coined the terms “folkways” and “mores” as informal types of norms. The norms of society, and therefore folkways and mores, can change over time as the attitudes of the members of society change. What might be acceptable behavior today may be unacceptable tomorrow. One can think of folkways as weak norms,

while mores are strong or important norms. Folkways and mores are informal in nature and are not written down.

3. A **more** is an important norm that helps an individual distinguish between right and wrong and is morally significant. An example of a more might be a young couple living together without the sanction of marriage. The parents of the young couple might find the behavior of the couple living together reprehensible and immoral. The parents, if they find the behavior sufficiently immoral, might disown their child.

Laws are more formal than folkways and mores and one of the requirements to be a law is that it has to be written. Laws are binding customs on members of a community and have been approved by a legislative body that has the authority to create laws. Often, mores become laws, moving from informal to formal, when a community feels strongly enough to go through the process of creating a written piece of codified legislation approved by a governing body in which the citizenry has invested its authority. Laws have the added element of being enforced by an official law enforcement agency that represents the state. Violation of laws can result in sanctions including fines, imprisonment, or execution. When a law has been violated, a **crime** has occurred.

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Laws binding customs on members of a community that have been approved by a legislative body that has the authority to create them; laws must be written.

Law Breaking

Crimes can occur in one of two ways, either through an act of commission, or an act of omission. An **act of commission** occurs when an individual actively engages in a behavior that is a violation of a law. For example, when an individual commits a robbery or shoplifts, s/he is committing a crime by an act of commission. In contrast, a crime committed by an **act of omission** occurs when an individual fails to do something the law requires her/him to do. An example of a crime of omission in the United States would be the failure to file a federal income tax return if your income requires you to do so. In all instances, for a crime to actually occur, a law must exist that has been violated.

Act of commission occurs when an individual actively engages in a behavior that is a violation of a law.

Act of omission occurs when an individual fails to do something the law requires her/him to do.

Reaction to Law Breaking

A system of criminal justice has been developed, in part, to respond to the societies' need to address the breaking of laws. The preference would be for agencies of the justice system to prevent violations of law and enforce the laws as a last resort. In other words, crime prevention is preferable to having to apprehend and process individuals through the system. The criminal justice system is often characterized as consisting of three parts, law enforcement, courts, and corrections.

THE DEVELOPMENT OF THE DISCIPLINE

In the 1800s, separate disciplines of study started to emerge from underneath the discipline of philosophy. National organizations in medicine (1847), chemistry (1875), history (1884), economics (1885), psychology (1892), physics (1899), and sociology (1905) with the formation of the American Sociological Association

signaled the development of these independent disciplines. Most of the early “criminological” research was part of sociology. Criminology as a college course was first taught as part of the sociology curriculum. Eventually, police administration programs began to form on college campuses—beginning the separation of the discipline from sociology.

August Vollmer, a former Chief of Police, Berkeley, California, who was employed as a faculty member at the University of California, Berkeley, and law professor Alexander Marsden Kidd “proposed the establishment of a school of criminology” (Morris, 1975) in 1928. The proposal of a school led to the beginning of the regular delivery of a criminology course in 1931, a major in criminology in 1933, a Bureau of Criminology in 1939, a master’s program in criminology in 1947, and finally, the establishment of a School of Criminology in 1950 (Morris, 1975).

Professional Organizations

1. American Society of Criminology

It was not until 1941 that eight faculty who were “involved in teaching college courses in Police Science and Administration” (Morris, 1975) met on December 30th to form the National Association of College Police Officials. Delays in meeting because of World War II caused a reorganization meeting to take place in 1946. At this time the organization was expanded and a name change was considered. The new name, Society for the Advancement of Criminology, broadened the scope of the original organization to include a “study of the causes, treatment and prevention of crime” (Morris, 1975). In 1957, the Society adopted a revised constitution and changed its name to the one it still uses today, the American Society of Criminology.

2. Academy of Criminal Justice Sciences

V. A. Leonard, who had been one of the eight faculty to help create the National Association of College Police Officials in 1941, decided to retire from college teaching in 1959. At a retirement party for Leonard, some of the attendees determined that the best way to honor Leonard, and for that matter August Vollmer, would be to form an organization that was more closely associated with police science (Oliver, 2013, p. 16). The organization, the International Association of Police Professors (IAPP), held its first annual meeting at Leonard’s retirement party. Interestingly, the founding members of the IAPP agreed to resign from the American Society of Criminology (ASC) as part of their commitment to the newly formed organization. The belief was that ASC had moved too far in the direction of criminological theory and away from the interests of police science (Oliver, p. 16).

In 1967, under President Lyndon Johnson, a series of reports was completed by the President’s Commission on Law Enforcement and Administration of Justice (informally referred to as the President’s Crime Commission). The

initial report, titled *The Challenge of Crime in a Free Society* (1967), addressed the interconnectedness of the three main components of the justice system (law enforcement, courts, and corrections). The report had far reaching consequences for the development of college criminal justice programs as well as the future of the IAPP.

At the annual meeting of the IAPP in Atlanta, in 1969, a small group of outspoken members met separately at the nearby Hard Labor Creek State Park (Oliver, p. 20). At this meeting, a discussion of the recently released President's Crime Commission report took place. The interconnectedness of the three components of the justice system caused these outspoken members of the IAPP to think about a broader focus for the IAPP. At the 1970 annual meeting, the IAPP changed its name to the Academy of Criminal Justice Sciences (ACJS) "incorporating the study of courts, corrections, and juvenile justice, into its study of the police" (Oliver, p. 20).

The Proliferation of College Programs

As college students, you are of course familiar with the subjects of biology, psychology, and, more recently, criminology. Each of these terms has the same five letters, "ology," at the end. These same five letters added to the end of a word is called a suffix, and means "the study of." Biology is the study of life, psychology the study of the mind, geology the study of the earth, zoology the study of animals, etc. Criminology, the subject of this text, is the study of crime, more specifically the origins of crime.

Most educators agree that criminology is a relatively young discipline, especially when compared to disciplines like philosophy, history, economics, mathematics, and biology, to name a few. Criminology started out in academic circles, generally, as a sub-field of sociology. Typically, sociology departments offered a select few courses such as criminology and juvenile delinquency. Two universities are considered to be the places that were the start of criminology as a separate academic discipline. The two schools were the University of California at Berkeley and Michigan State University. As indicated earlier, one of the first programs to offer academic courses for police officers was the University of California, Berkeley. A major in criminology was begun in 1933 with the School of Criminology being established at the University of California, Berkeley in 1950. In 1935, at Michigan State University, the School of Criminal Justice was founded with the approval of a program "to educate current and potential police officers in administration and law" (iresearch, n.d.). By the 1950s criminology began to emerge at state universities and colleges across the nation.

The massive growth of stand-alone criminology/criminal justice departments proliferated in the late 1960s and early 1970s as a result of the institutions of higher education attempting to meet the demand of the educational needs of law enforcement officers.

As mentioned above, in 1965, President Lyndon Baines Johnson signed Executive Order 1236 creating The President's Commission on Law Enforcement and the Administration of Justice. In 1967, The President's Crime Commission

Law Enforcement Education Program (LEEP) program designed to provide funds for higher education opportunities for law enforcement professionals.

released a report entitled *The Challenge of Crime in a Free Society*. One of the recommendations of the report resulted in the passage of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. §3711). This Act created the Law Enforcement Assistance Administration (LEAA), which was responsible for administering the LEEP (Law Enforcement Education Program).

LEEP was a program designed to provide funds for higher education opportunities for law enforcement professionals. By the end of the program, over 100,000 students had attended more than 1,000 colleges and universities (Office of Justice Programs, 1996, p. 5).

Colleges and universities, seeing an opportunity to meet a sudden dramatic increase in students interested in criminology/criminal justice courses, quickly developed new stand-alone departments. The financial support provided by the federal government to underwrite the tuition of law enforcement officers so that they could obtain a college degree was too lucrative an opportunity to pass by.

To staff these newly created departments of criminology/criminal justice, numerous practitioners were hired as well as faculty with law degrees and Ph.D.s in sociology, political science, psychology, etc. Over time, with the establishment of Ph.D. programs in criminology/criminal justice, departments were able to begin employing faculty with degrees more specific to the discipline. Today, in the United States, there are approximately 45 departments of criminology/criminal justice offering the Ph.D. in criminology/criminal justice and over two thousand programs offering classes at the A.A., B.A., and M.A. levels. The discipline of criminology/criminal justice continues to be one of the largest, if not the largest, majors on college campuses.

ORGANIZATION OF THE TEXT

Now that you have an understanding of the history and development of the discipline of criminology, it will be helpful to understand how this text is organized and what it will cover. Designed as a primary text to introduce students to the subject, it is to be used in the first required course a student majoring in criminology would take. It could also be used in a course designed to meet a liberal/general studies social science requirement.

The text is divided into three sections. Section I consists of two chapters, Chapter I: What is Criminology? and Chapter II: Measuring Crime. Chapter II focuses on how we measure crime and the inherent problems associated with each of the major methods of data collection. Over the past century, there have been various attempts to measure crime, and while each attempt provides us with a picture of the amount and types of crime, no single measurement provides us with a complete picture of crime.

Section II of the text consists of chapters III through VIII and represents the different schools of criminological thought and theoretical perspectives. While not intentionally presented in chronological order, the theoretical chapters in Section II start with some of the earliest approaches and build up to some of the more current perspectives. Each theoretical chapter is designed to introduce the student to a theoretical perspective. Most likely, if a student continues to take

criminology courses h/she will have a course, most likely at the senior level, that is focused solely on an in-depth review and analysis of criminological theory. Introducing the student to theory at this stage is intended to provide the student with a rudimentary understanding of the subject and to be able to associate theory with all the other aspects of the discipline.

Section III, which consists of the last six chapters of the text, covers some of the typologies of crime. Chapter IX: Crimes Against Persons explores the four main categories of violent crimes. Violent crimes, or crimes against persons, typically includes the categories of homicide, forcible rape, robbery, and aggravated assault. Chapter X: Property Crime covers the four main categories of property crime: burglary, larceny-theft, automobile theft, and arson. Chapter X: Political Crime and Terrorism discusses crimes against the state like espionage, sedition, and treason and the use of violence for political purposes. Chapter XI: White Collar and Green Collar Crime covers financially motivated nonviolent crime and crimes against the environment. Chapter XIII: Public Order Crime addresses what is often referred to as “victimless” crime. The issue of whether or not any crime can be “victimless” is discussed in depth in the chapter. Crimes that typically are subsumed under the heading of public order crime are prostitution, gambling, and drug use. Finally, Chapter XIV: Cyber and Transnational Organized Crime covers crimes such as identity theft, internet fraud, human trafficking, smuggling, and the international drug trade.

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