CHAPTER SIX

Hereditary and Biological Defectiveness

Explanations of peculiar human behavior in terms of heredity go back to commonsense observations that children tend to resemble their parents in appearance, mannerisms, and disposition. The popular adage, "like father, like son," is a much older description of everyday folk knowledge than any scientific study of family influence has ever been able to substantiate or adequately document. Crime and criminal behavior naturally have had this sort of explanation as well. These explanations have focused on the inheritance of biological defects that are said to cause crime.

All biological defects, however, are not inherited. Some may be the result of genetic mutations, which occur at the time of conception, others may develop while the fetus is in the uterus, and still others may occur after birth as the result of such factors as injury or an inadequate diet. The theories in which crime is considered to be the result of biological defectiveness—whether inherited or not—will be examined in this chapter.

1. THE GENERAL THEORY OF HEREDITY AND HEREDITARY DEFECTS

The underlying scientific notion of "the continuity of the germ plasm" (Jaeger) goes back to about 1850. The working out of theories to account for variation in relation to this more fundamental

consistency has been the cumulative accomplishment of the succeeding 50 or 75 years. Included are the brilliant contributions of such well-known persons as Charles Darwin, Gregor Mendel, Francis Galton, Hugo de Vries, and August Weisman. Their contributions have led to the rejection of the idea of any inheritance of acquired characteristics and have emphasized instead the notion of variation through selective adaptation and mutation.[1] The great advances that have been made in the area of research on plant and animal breeding testify to the general validity of this approach to an understanding of the genetic process. Various traits or qualities considered undesirable (defects) have been greatly reduced, or even eliminated entirely, from recognized stable strains or breeds of plants and animals.

Because germinal faults and defects will tend to be transmitted to the offspring in the same manner as desirable characteristics, weakness and disease of many kinds, including certain forms of insanity and diseases of the nervous system, have come to be viewed as a normal part of inheritance, from one generation to the next. That weak and degenerate parents will transmit their afflictions to their offspring is the simple basic theory behind the "defectiveness hypothesis." Is a tendency to criminality such an affliction similarly transmitted from father to son? This is the question to which much effort and analysis have been devoted.

2. CRIME AS A HEREDITARY DEFECT

As part of the research in connection with the development of the theory of heredity came the intensified application of statistical methods to the problem of familial inheritance. Francis Galton and his students (notably Karl Pearson) developed and utilized a number of new statistical measures of degree of resemblance, or correlation. Charles Goring[2] was the first to extensively use these techniques in the analysis of criminality.

1. See any general genetics textbook, such as Amram Scheinfeld, *Heredity in Humans*, Lippincott, Philadelphia, 1972; Robert Paul Levine, *Genetics*, 2nd ed., Holt, Rinehart and Winston, New York, 1968; or G. W. Roderick, *Man and Heredity*, St. Martin's Press, New York, 1968.

2. Charles Goring, *The English Convict*, His Majesty's Stationery Office, London, 1913; reprinted by Patterson Smith, Montclair, 1972.

As discussed in a previous chapter, Goring sought to disprove Lombroso's thesis that criminals were recognizable by specific physical characteristics. He believed, however, that criminality was inherited, and sought to prove this by demonstrating that the tendency to criminality (as measured by imprisonment) exhibits essentially the same degree of familial resemblance as other more clearly recognized constitutional characteristics. His argument can be readily illustrated by arranging his principal correlation coefficients in simple tabular form (Table 6-1).

TABLE 6-1 Summary Table of Goring's Correlations[3]

Characteristic	Approximate Correlations	
	Parental Resemblance (Father-Son)	Fraternal Resemblance (Brothers)
Ordinary physical traits and features	.60	.45
Inherited defects, insanity, and mental disease	.60	.45
General criminality as measured by imprisonment	.60	.45
Offenses involving damage to property	.45	.46
Sexual offenses	.45	.23
Crimes of stealing and burglary	.60	.55
Crimes of violence to person	.50	.46
Crimes of fraud	.15	.17

Since the relation indicated by these coefficients might be due to either heredity or environment or both, Goring then sought to evaluate certain environmental influences through separate analysis, on the general assumption that if environmental factors could be demonstrated to be only slightly (or not at all) related to criminality, then heredity must, of necessity, be the explanation.

Goring argued that the resemblance of fathers and sons regarding criminality could not be due to the effect of example, because, first, the correlation coefficient for stealing (where fathers presumably set an example and attempted to teach their sons) was no higher than that for sex crimes (which fathers presumably tried to conceal and

3. Data on criminality is from Goring, op.cit., Table 177, p. 365.

not set an example); second, because the children removed from parental home influence at an early age (because of the imprisonment of the parent) became confined criminals as frequently, or even more frequently, than those removed at a more mature age. In other words, a longer period of contact with the home example of a criminal parent produced no greater occurrence of criminality among the sons than in the case of those children with a shorter period of contact. Furthermore, Goring demonstrated that there was little or no relation between criminality and specific environmental conditions, such as alcoholism, low standard of living, early age at first conviction, and school retardation, when the effect of defective intelligence (which he considered a hereditary trait) was eliminated through the use of partial correlation.

There are serious problems with each of these arguments.[4] In comparing stealing and sex offenses, Goring assumed that the primary influence of the parents consists in teaching the children criminal techniques. But it is more likely that the primary influence consists in transmitting general attitudes and moral values, so that a tendency to commit sexual offenses would be as likely to be transmitted as one to commit property offenses. Also, there is no reason to assume that the home would change from a criminal to a noncriminal environment merely because one parent is removed from it by imprisonment. Again, the transmission of specific criminal techniques may be eliminated, but not the overall criminal value system.

Finally, there is a basic fallacy in attempting to present the intricate interrelations of heredity and environment as a simple dichotomy. Neither one is a simple unitary thing or condition, but rather a complex of many elements operating in varying degrees of more or less. Goring attempted to establish the effect of heredity by controlling for and eliminating the effect of environment. But to accomplish this, it would be necessary to have accurate measurements of all the environmental factors involved, which he obviously did not have. He dealt with only a few environmental factors, quite imperfectly, and these were roughly measured. Though these particular ones may have shown low correlation with his measure of criminal-

4. A carefully reasoned criticism of Goring's methods and conclusions may be found in E. H. Sutherland and D. R. Cressey, *Criminology*, 10th ed., Lippincott, Philadelphia, 1978, p. 120.

ity, other environmental factors might still be very important. By his method of reasoning, the failure to measure environmental influence adequately enhances and overemphasizes the significance of the influence of heredity.

In spite of these shortcomings, the significance of Goring's work should not be underestimated. Whereas others had argued that crime was caused either by environment or by heredity, Goring was the first to postulate that it might be the result of the interaction between the two, a view that is held by a great many criminologists today. Although his findings support an emphasis on hereditary factors, Goring did not reject the influence of the environment as a cause of crime. He maintained only that empirical evidence was required to support this view, and that such evidence was not found in his study.[5]

His major contribution, however, was his use of statistical methods in a comparative study of criminals and noncriminals. As Karl Pearson said,[6]

> The present writer reckons that one of the chief merits of Goring's work will be that by its very nature it compels those who would controvert it from the scientific side to collect better material and to adopt practically Goring's methods of procedure. They may or may not be successful. Strange as it may seem, the contradiction of his conclusions would be a small matter compared with the fundamental fact that Goring's methods have ploughed deeply the ground, and traced firmly the lines on which the scientific criminologist of the future will be compelled to work.

3. THE STUDY OF TWINS AND ADOPTEES

Goring had sought to deal with the problem of the interrelation of heredity and environment by utilizing specialized statistical methods that would eliminate the effect of environmental factors. Another method for dealing with the same problem would be to control the hereditary factor. The study of the relative criminality of twins suggests this possibility, since in genetics, there is a clear-cut distinction between identical and fraternal twins. Identical twins are

5. Edwin D. Driver, "Introductory Essay," in Charles Goring, *The English Convict*, Patterson Smith, Montclair, 1972, p. xiii.

6. Karl Pearson, "Introduction to the Abridged Edition of 1919," in Goring, op. cit. p. xix.

the product of a single fertilized egg and have identical heredity; fraternal twins are the product of two eggs simultaneously fertilized by two sperms, and therefore have the same relation as ordinary siblings. Differences in the behavior of identical twins therefore may not be attributed to differences in heredity, and presumably similarities of behavior could be attributed to their identical inheritance. Obviously, this need not be true, since the similarities could be due to similarities in training. But any general tendency to greater similarity of behavior when heredity is identical sets up a strong presumption that the similarity is due to the influence of heredity.

A number of investigators have used this approach in trying to determine the role of heredity in criminality. One of the earlier and more dramatic of these studies was that of the German physiologist Johannes Lange, whose results became generally known with the publication of his famous *Verbrechen als schicksal* in 1929.[7] He found that in a group of 13 pairs of adult male identical twins, when one twin had a record of imprisonment, the other similarly had been imprisoned in 77% of the cases, whereas in a comparable group of 17 pairs of fraternal twins, when one twin had been imprisoned, the other had a prison record in only 12% of the cases. In a matched control group of 214 pairs of ordinary brothers of nearest age, when one brother had a prison record, the other brother of the matched pair had a prison record in only 8% of the cases. Though the relations suggested are not identical, the implication is nevertheless clear and consistent, and Lange's conclusion is seen in the dramatic title he gave his book, "crime as destiny." With obvious appropriateness, therefore, Viscount Haldane entitled his article describing the Lange study in *Harper's*, "Scientific Calvinism."[8]

Even more striking were the results reported in a later American study,[9] when, in a group of 42 pairs of identical twins, one had been adjudged a juvenile delinquent, the other was a delinquent in 93% of the cases. In a corresponding group of 25 pairs of fraternal twins, when one was a juvenile delinquent, the other was a delinquent in

7. Johannes Lange, *Verbrechen als shicksal: Studien an Kriminellen Zwillingen*, Georg Thieme, Leipzig, 1929. English translation by Charlotte Haldane, as *Crime and Destiny*, Charles Boni, New York, 1930.

8. J. B. S. Haldane, "Scientific Calvinism." *Harper's Magazine*, 159:551–58 (Oct., 1929).

9. Horatio H. Newman, Frank H. Freeman, and Karl J. Holzinger, *Twins: A Study of Heredity and Environment*, University of Chicago Press, Chicago, 1937, p. 352; reprinted by University of Chicago Press, 1966.

only 20% of the cases. In similar studies,[10] a variety of results have been reported, though all tend to show greater similarity of criminal behavior among identical than among fraternal twins. In no study was the reverse true.

Each of these studies begins with criminals who are known to have twins and determines whether the twins are also criminals. Such a procedure is open to subtle bias, however, since the investigator may attribute criminality in borderline cases only when it is convenient to do so.[11] To avoid the possibility of bias, Christiansen used the official "Twins Register" of Denmark to study all twins born in the Danish Islands between 1881 and 1910 when both twins lived at least until the age of 15.[12] They totaled about 6000 pairs. He then used the official "Penal Register" to determine whether either twin, or both, had been found criminal or delinquent. He found 67 cases in which at least one of a pair of male identical twins was registered as a criminal, and in 24 of these cases (35.8%), the other twin was also registered. For male fraternal twins, he found this to be true in only 14 out of 114 cases (12.3%). For females he found "criminal concordance" in 3 out of 14 cases of identical twins (21.4%) and in one out of 23 cases of fraternal twins (4.3%). Christiansen later demonstrated that concordance was higher for more serious criminality than for less serious.[13]

The principal difficulty with and objection to the method is the simple basic one that the greater similarity of behavior noted in the case of the identical twins may be due to the greater similarity of training and environmental experience just as well as to their iden-

10. See a summary of such studies in Juan B. Cortés, *Delinquency and Crime*, Seminar Press, New York, 1972, pp. 31–35; David Rosenthal, *Genetic Theory and Abnormal Behavior*, McGraw-Hill, New York, 1970, pp. 225–36; and Karl O. Christiansen, "A Review of Studies of Criminality Among Twins," in Sarnoff Mednick and Karl O. Christiansen, eds., *Biosocial Bases of Criminal Behavior*, Gardner Press, New York, 1977, pp. 45–88.

11. Sutherland found this bias in a study by Rosanoff, who had concluded that there was three times as much criminal concordance among identical twins as among fraternal twins. Sutherland pointed out that all of the "fraternal" delinquents had been brought before the juvenile court, but that 9 of the 29 "identical" delinquents had not. If these nine were omitted, then the concordance rates for fraternal and identical twins were approximately the same. Sutherland and Cressey, op. cit. p. 116.

12. K. O. Christiansen, "Threshold of Tolerance in Various Population Groups Illustrated by Results from the Danish Criminologic Twin Study," in A. V. S. de Reuck and R. Porter, eds., *The Mentally Abnormal Offender*, Little, Brown, Boston, 1968.

13. K. O. Christiansen, "Seriousness of Criminality and Concordance among Danish Twins," in Roger Hood, ed., *Crime, Criminology, and Public Policy*. The Free Press, New York, 1974.

tical hereditary makeup. There is no certain way of separating environment and heredity as contributing factors in this situation. No one has been able to determine the actual extent to which the greater similarity of appearance of identical twins tends also to give them a more nearly identical social experience. Then, too, accurate determination of whether twins are identical or fraternal can be made only by a competent observer at the time of birth. No study so far reported has made its determination in this manner, and therefore all include varying degrees of error owing to the not infrequent similarity in appearance of individuals who nevertheless are only fraternal twins.

Christiansen agreed with these criticisms, concluding that[14]

> Nothing in these results, however, can be interpreted as indicating that a higher twin coefficient in (identical) than in (fraternal) twins, or in pairs with more serious than in pairs with less serious forms of criminality, is due to what Lange called the quite preponderant part played by heredity in the causation of crime.

As a further caution to too sweeping conclusions, it is well to know that one study[15] found a single pair of identical twins who looked alike but who had very different personalities. One was aggressive and unstable, the other of an entirely different disposition. There are also cases of rebellion against identity;[16] here, one of the identical twins goes out of his way to be different, apparently in response to the desire to be appreciated for his own sake and not as one of a pair.

Another method for determining the effects of heredity on criminality is to study the records of adoptees. The first such study was carried out by Schulsinger[17] in a study of psychopathy, which he defined as a consistent pattern of impulse-ridden or acting-out be-

14. Ibid. p. 77. For the opposite view, see Saleem A. Shah and Loren H. Roth, "Biological and Psychophysiological Factors in Criminality" in Daniel Glaser, ed., *Handbook of Criminology*, Rand McNally, Chicago, 1974, pp. 133–34.

15. Lorna Whelan, "Aggressive Psychopathy in One of a Pair of Uniovular Twins," *British Journal of Delinquency*, Oct., 1951, pp. 130–43.

16. John Spencer, "Delinquent Behavior: Some Unanswered Questions," *Eugenics Review*, Apr., 1954, pp. 29–37.

17. Fini Schulsinger, "Psychopathy: Heredity and Environment," *International Journal of Mental Health*, 1:190–206 (1972); reprinted in Mednick and Christiansen, op. cit. pp. 109–25.

havior lasting beyond the age of 19 years. Here, 57 psychopathic adoptees were selected and matched with 57 non-psychopathic adoptees on the basis of age, sex, age at transfer to adoptive homes, and social class of adoptive parents. Hospital records were then searched, and it was determined that 14.4% of the biological relatives of the psychopathic adoptees had suffered from disorders related to psychopathy, such as alcoholism, drug abuse, or criminality. That compared to only 6.7% of the biological relatives of the non-psychopathic adoptees.

Crowe studied the children of 41 female criminal offenders in Iowa who had given their babies up for adoption during the years 1925 to 1956.[18] These 52 adopted babies were matched with a control group on the basis of age, sex, race, and approximate age at the time of the adoptive decree. The records of the state of Iowa were then searched, and it was found that 8 of the 52 children of the offenders had been arrested, with a total of 18 arrests among them, 7 had been convicted, and 5 incarcerated for a total of 3½ years. In contrast, only 2 of the 52 children of the control group had been arrested, each only once, and only one was convicted. None had been incarcerated.

In a more recent study, Hutchings and Mednick[19] examined the records of all nonfamilial male adoptions in Copenhagen in which the adoptee had been born between 1927 and 1941. Of these adoptees, 36.4% had biological fathers with criminal records.[20] The authors then grouped the boys according to their own criminal records. Of the boys who had no criminal record, only 31.1% had biological fathers with criminal records, whereas 37.7% of the boys with minor offenses and 48.8% of the boys with criminal records had biological fathers with criminal records.[21] These figures indicate that criminality is more likely to occur in an adopted boy when the biological father has a criminal record.

Next, the biological and adoptive fathers of the adoptees were grouped according to their criminal records, and the percentage of

18. Raymond R. Crowe, "The Adopted Offspring of Women Criminal Offenders," *Archives of General Psychiatry*, 27 (5): 600–603 (Nov., 1972).

19. Barry Hutchings and Sarnoff A. Mednick, "Criminality in Adoptees and Their Adoptive and Biological Parents: A Pilot Study," in Mednick and Christiansen, op. cit. pp. 127–41.

20. Computation from ibid. p. 131, Table 4.

21. Ibid. p. 131, Table 4.

sons who had criminal records was determined for each group of fathers. Table 6-2 shows the results of this investigation. This table indicates an interactive effect between the criminality of the biological and the adoptive father. When only one is criminal, the effect is not as significant as when both are criminal. In addition, the effect of the criminality of the adoptive father is not as great as the effect of criminality of the biological father.

TABLE 6-2 Distribution of the Criminality of the Adoptees according to the Criminality of the Adoptive and Biological Fathers ($N = 965$)[22]

Biological Father	Adoptive Father	Percent Adoptees Criminal	N
Not registered	Not registered	10.5	333
	Minor offender only	13.3	83
	Criminal offense	11.5	52
Minor offender only	Not registered	16.5	103
	Minor offender only	10.0	30
	Criminal offense	41.1	17
Criminal offense	Not registered	22.0	219
	Minor offender	18.6	70
	Criminal offense	36.2	58

Hutchings and Mednick then selected all the criminal adoptees whose fathers (both biological and adoptive) had been born after 1889, in order to maximize the reliability of police records. The 143 adoptees who met this criteria were matched with 143 noncriminal adoptees on the basis of age and occupational status of adoptive fathers. The criminal adoptees were found to have a higher percentage of criminal adoptive fathers (23 vs. 9.8%), of criminal biological fathers (49 vs. 28%), and of criminal biological mothers (18 vs. 7%).[23]

The authors acknowledged that the basic limitation on adoption studies is that the adopting agency may attempt to match the adoptive home with that of the biological parents, and that this in fact occurred with a large number of the adoptions in their study.[24]

22. Ibid. p. 132, Table 6. See also ibid. p. 137, Table 8. Reprinted by permission of the publisher.

23. Ibid. p. 134.

24. Ibid. p. 140.

Through the use of multiple regression analysis, however, they found that the criminality of the biological father continued to have an effect even when the effects of the adoptive father had been removed.[25]

The authors conclude that "it is not intended here to postulate a simple genetic model for criminality."[26] But they point out that it would not be inconsistent with modern genetics to argue that such differences as were found in this study reflected basic genetic factors. They also speculate that criminality may be related to "a cumulative genetic disadvantage. Some individuals, because of their genetic endowment, find themselves physically and psychologically in a position in society in which they are more likely than their more fortunate fellow members to succumb to crime."

4. ENDOCRINE IMBALANCE AND CRIMINALITY

Ever since the demonstration, in 1828, by the German chemist Frederich Wöhler that he could synthesize the organic compound urea in the laboratory, there has been speculation about the implications of the idea of man as a chemical being. Around 1850, some of the physiological (and psychological) effects of the secretions of the endocrine glands (hormones) began to be identified. Presently it was found that some of the secretions themselves could be produced synthetically in the laboratory, and would have the same effects as those from the natural functioning of the living glands. The chemistry of endocrine glands began to lend an attractive color to certain "objective" theories of personality. Implications of hormonal balance and imbalance became part of the language of biology and of human physiology.[27] One of the more exciting popular interpretations of this chemical-glandular theory of personality differences appeared in the writings of Louis Berman.[28]

Inevitably, too, body chemistry and hormonal imbalance became

25. Ibid. pp. 138–39.

26. Ibid. p. 140.

27. See the early, challenging expositions by Walter B. Cannon, *Bodily Changes in Pain, Hunger, Fear, and Rage*, D. Appleton, New York, 1915; George W. Crile, *The Origin and Nature of the Emotions*, Saunders, Philadelphia, 1915, reprinted by Consortium Press, Wilmington, 1970; or Charles Darwin, *The Expression of Emotion in Man and Animals*, University of Chicago Press, Chicago, 1965.

28. Louis Berman, *The Glands Regulating Personality*, Macmillan, New York, 1921; and *New Creations in Human Beings*, Doubleday, Doran, New York, 1938.

central concepts in a so-called new criminology based on biochemistry. An attempt at a textbook in criminology based on this approach appeared in 1928.[29] The argument advanced was that crime is due to emotional disturbance growing out of hormonal imbalance. Schlapp and Smith's book was little more than armchair speculation, in which they reasoned by analogy to extend some of the findings in biochemistry (e.g., threshold of functional activity) to allegations of causation in connection with a few more or less spectacular or bizarre cases.[30]

Most of the work on the interrelations of gland activity, personality, and behavior problems reflect observations about relatively spectacular clinical changes in specific cases through treatment with hormones. This is also true of most of Berman's "documentation" of his highly plausible argument, though he attempts some more general comparisons. He reports on a "systematic glandular survey, physical and chemical, with various adjustive special tests of metabolism and nerve reactions" on a group of 250 Sing Sing criminals compared with a control group of normal noncriminal males from New York City. The criminals "showed a frequency of distribution of glandular defects and disturbances that was two to three times as great as that found in the control group."[31] A group of juvenile delinquents included in the study exhibited a similar proportion of glandular disturbances in comparison with normal, non-delinquent juveniles.

Berman, however, does not report in detail how his comparisons were made, how his controls were selected, or the statistical findings of the study. More carefully reported research has not supported his conclusions.

A series of carefully conducted and fully reported research studies at the New Jersey State Home for Boys gave mostly negative results when a group of delinquents with endocrine disorders were compared with a group of normal delinquents. That is, if Berman's claims had been substantiated, there should have been characteristic

29. Max G. Schlapp and Edward H. Smith, *The New Criminology*, Boni & Liveright, New York, 1928. This book should not be confused with a more recent, unrelated book of the same title by Ian Taylor, Paul Walton, and Jock Young, Harper & Row, New York, 1973.

30. Schlapp and Smith, op. cit. pp. 197–98.

31. Louis Berman, *New Creations in Human Beings*, Doubleday, Doran, New York, 1938, pp. 248–49.

relationships between the type of gland disturbance involved and the behavior problems of the delinquent. The New Jersey studies found no consistent evidence of such relationships, and no particular difference between the delinquencies of those with gland dysfunction as distinguished from those with normal gland function.[32] Also of interest was the fact that, in the judgment of the investigators, there was no excessive proportion of the delinquents with gland dysfunction.[33]

Though there is an obviously logical and observable relation between gland function and normal sexuality, there is, nevertheless, no clear demonstration of any consistent relationship between gland dysfunction and most sex crimes or other sexual aberrations.[34] The problem is enormously complicated by the general absence of good information on what is normal or natural in human sex behavior. That which is forbidden by law is a crime, but this has no necessary relation to the biology, or endocrinology, of sex as such.[35] There does, however, appear to be a relationship between general criminal activity by women offenders and a common minor endocrine disorder, caused by unusually wide variations in hormone levels just before or during menstruation; this is known as premenstrual or menstrual tension. Several studies have shown that women commit a disproportionate amount of crime during that time, and exhibit a variety of other behavioral problems.[36] These studies do not suggest that the variations in hormone levels themselves cause crime, but only that the disorder may be a contributing factor, along with a number of other factors.

An interesting result of the biochemical approach to the study of personality has been the development of instruments to measure the

32. Matthew Molitch, "Endocrine Disturbance in Behavior Problems," *American Journal of Psychiatry*, March 1937, p. 1179.

33. See the series of two articles by Matthew Molitch and Sam Poliakoff, "Subclinical Hypothyroidism in Children," *Endocrinology*, November 1936, p. 820; "Pituitary Disturbances in Behavior Problems," *American Journal of Orthopsychiatry*, January 1936, pp. 125–33.

34. For the influence of the endocrine hormones on sexual behavior, see Shah and Roth, op. cit. pp. 122–24. A general discussion of sex crimes may be found in Donal E. J. MacNamara and Edward Sagarin, *Sex, Crime, and the Law*, The Free Press, New York, 1977.

35. This is well documented in the celebrated "Kinsey Reports"—that is, A. C. Kinsey, W. B. Pomeroy, and C. E. Martin, *Sexual Behavior in the Human Male*, Saunders, Philadelphia, 1948; and the same authors with Paul H. Gebhard, *Sexual Behavior in the Human Female*, Saunders, Philadelphia, 1953.

36. These studies are reviewed in Shah and Roth, op. cit. pp. 124–25.

electric potential of the brain in action. The brain waves seen on the electroencephalogram (EEG) are related in some way to the chemistry of certain body and glandular functioning, and therefore become possible objective measures of abnormal or peculiar dysfunction. The EEG is therefore used in the diagnosis of a variety of behavior disorders.

A brief report was made in 1952 by Denis Hill and D. A. Pond on 100 serious offenders submitted to electroencephalography in which it was found that "approximately one-half had abnormal EEGs."[37] Their interest, however, was clinical and no statistical comparisons between noncriminals or criminals who had committed other types of crimes were made. In a somewhat earlier and more carefully designed study of 452 criminals compared with 1432 controls, F. A. Gibbs, B. K. Bagchi, and W. Bloomberg, observed that "when age factors and sampling errors are controlled there are no significant differences between the two groups. No significant correlation could be found between the EEG and the type of criminal behavior involved."[38]

A number of studies have been made since that time, and most have found excessive EEG abnormalities in offender groups.[39] In general, 40 to 50% of offenders have been found to have EEG abnormalities, as compared to only 10 to 15% of the general population. This difference is even greater when serious or violent crimes are considered. No strong theoretical case has been made relating EEG abnormalities to crime, although it is thought that abnormal brain waves may be related to erratic behavior. Such behavior may increase the probability that the person will commit crimes, and also increase the probability that the person may be labeled a criminal by the authorities. But the wide variation in the results of these studies suggests that future studies must be more strictly controlled.

There has also been a considerable amount of clinical research in the functioning and malfunctioning of the endocrine glands. Many curious and even startling changes in behavior and in personality

37. Denis Hill and D. A. Pond, "Reflections on 100 Capital Cases Submitted to Electroencephalography," *Journal of Mental Science*, 98:23–43 (1952).

38. Frederick A. Gibbs, B. K. Bagchi, and Wilfred Bloomberg, "Electroencephalographic Study of Criminals," *American Journal of Psychiatry*, 102:294–98 (1945).

39. For a review of these studies, see Shah and Roth, op. cit. pp. 119–20.

have been reported in a voluminous and impressive literature on the subject. Treatment by means of glandular extracts and various synthetic hormones have brought new hope to the long, frustrating battle with mental illness.[40] Some of these substances are truly wonder drugs, but they have been singularly ineffective and of little use in the treatment of criminality or delinquency.[41] The problem with using gland dysfunction as part of an explanation of the cause of crime is that apparently no more criminals than law-abiding people in the general population suffer from such disorders.

In spite of the general optimism engendered by this apparently objective and positive approach to behavior problems, and in spite of the outstanding results that seem to have been obtained in individual cases, there still is no adequate basis for extensive generalization relating endocrinology and criminology. The considered judgment of the outstanding research endocrinologist R. G. Hoskins remains as true today as it was in 1941[42]:

> Before psychology, sociology, and criminology can be convincingly rewritten as merely special aspects of endocrinology, many more facts than are now available will have to be collected and integrated.

In much the same vein is the conclusion of M. F. Ashley-Montagu, who has said[43]:

> The fact is that as far as the endocrine system and its relation to personality behavior are concerned, we are still almost completely in a world of the unknown, and to resort to that system for an explanation of criminality is merely to attempt to explain the known by the unknown.

40. For short accounts of the use of drugs in the treatment of mental illness, see such articles as W. Stucky, "New Psychiatry," *Science Digest*, 79: 26–34 (Mar., 1976); S. E. Blecker, "Psychiatrist as Druggist," *Harper's*, 251: 117 (Dec., 1975); George E. Crane, "Clinical Psychopharmacology in its 20th Year," *Science*, 181: 124–48 (July, 1973); and Leon Eisenberg, "Psychiatric Intervention," *Scientific American*, 229: 116–24 ff (Sept., 1973).

41. Most of the studies done so far have concerned the control of behavior within institutions or the control of sexual disorders. These studies are reviewed in Shah and Roth, op. cit. pp. 150–52.

42. R. G. Hoskins, *Endocrinology*, Norton, New York, 1941, p. 348.

43. M. F. Ashley-Montagu, "The Biologist Looks at Crime," *The Annals of the American Academy of Political and Social Science*, Sept., 1941, p. 55.

5. LEARNING DISABILITIES

Recent research has focused attention on the presence of biologically based "learning disabilities" in many children who are unable to learn in the normal classroom setting.[44] The National Advisory Committee on Handicapped Children has issued the following definition[45]:

> Children with special learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling, or arithmetic. They include conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, etc. They do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, emotional disturbance, or to environmental disadvantage.

There has been considerable speculation that delinquents are disproportionately afflicted with learning disabilities, since a great many of them have severe learning problems in school. In order to determine whether learning disabilities and delinquency are related, the Law Enforcement Assistance Administration commissioned a research agency to review the literature and to make policy recommendations based on what was found.[46]

Theoretically, learning disabilities could be related to delinquency either through a biological or a social chain of events.[47] Those who argue for the biological link hold that children with learning disabilities are generally impulsive and have poor reception of social cues and poor ability to learn from experience. These factors decrease the

44. For a general discussion of learning disabilities see H. Myklebust, "Learning Disabilities: Definitions and Overview" in H. R. Myklebust, ed., *Progress in Learning Disabilities*, vol. I, Grune & Stratton, New York, 1968. See also articles in *Journal of Learning Disabilities*, and in R. E. Weber, ed., *Handbook of Learning Disabilities*, Prentice-Hall, Englewood Cliffs, 1974.

45. National Advisory Committee on Handicapped Children, *Special Education for Handicapped Children, First Annual Report*, U.S. Government Printing Office, Washington, D.C., 1968, p. 4.

46. This research is reported in Charles A. Murray, *The Link Between Learning Disabilities and Juvenile Delinquency*, U.S. Government Printing Office, Washington, D.C., 1976.

47. Ibid. pp. 23–28.

effectiveness of the usual social rewards and sanctions, and can result in an increased susceptibility to delinquency.

The social link is more complicated. A learning disabled child has a poor academic record, and may be perceived by adults as a disciplinary problem in the schools. These two factors may cause the child to be labeled a problem child and grouped with other problem children, so that he begins to associate with peers who are hostile to school and prone to delinquency. These circumstances may ultimately lead to increased absenteeism and to dropping out of school. A learning disabled child is frequently socially awkward and unattractive, and when this is combined with difficulties in school, it can lead to a negative self-image, with an increased need for compensating success. All these factors can combine to produce delinquent behavior.

A review of empirical studies was undertaken, and six studies were found in which it was possible to estimate the incidence of learning disabilities in a delinquent population. The estimates ranged from 22 to 90%. The differences between these estimates resulted primarily from different definitions of learning disabilities. The study reporting the highest percentage had stated that "our philosophy [is] that a learning disability or dysfunction is anything which prevents a child from achieving successfully in a normal educational setting," a definition which is much broader than the one quoted above. Only two of the studies used the narrower definition, and neither of these studies reported incidence rates. In one of these studies, it was concluded that unusually high levels of learning disabilities among delinquents were unlikely; the other study was not completed because of lack of funds.

In two other studies, the performance of institutionalized delinquent groups were compared with the performance of non-delinquent groups on 18 separate learning disability related tasks. The non-delinquent groups outperformed the delinquent groups on ten of these tasks, but the delinquents did not perform significantly better than the non-delinquents on any of the tasks. This finding is consistent with the presence of more learning disabilities in the delinquent groups, but other explanations are also possible.

The authors conclude that "the existence of a causal relationship between learning disabilities and delinquency has not [been] es-

tablished; the evidence for a causal link is feeble."[48] They go on to say, however, that "with few exceptions, the quantitative work to date has been so poorly designed and presented that it cannot be used even for rough estimates of the strength of the link." They argue that the major motivation behind the attempt to establish a relationship between learning disabilities and delinquency is that people who have worked with delinquents have become convinced that a large number of their clients are unable to learn in the normal classroom setting, for reasons beyond their control. This conviction has been supported by a wide variety of data, but it would appear that the causes for these "learning handicaps" are social rather than biological.

6. XYY CHROMOSOMAL COMPLEMENT

Another attempt to link criminal behavior with a biological defect involves the study of abnormal numbers of sex chromosomes. Chromosomes are complex structures in the nuclei of plant and animal cells that determine the particular characteristics of the organism. Every cell of the normal human contains 23 pairs of chromosomes, for a total of 46. One pair of these are the sex chromosomes, which determine the primary and secondary sexual characteristics of the individual. In the normal female, these chromosomes are of similar size, and are referred to as XX after their shape. One of the two sex chromosomes of the normal male, however, is smaller and of a different shape, so that the male sex chromosomes are referred to as XY. At conception, an ovum and a sperm, each containing 23 chromosomes, unite to form a single cell, which will then develop into the embryo. At times, an abnormal cell division occurs before conception, so that the sperm or the ovum contains more than one sex chromosome. The resulting embryo will then have an unusual number of sex chromosomes.

The first of these sex chromosome abnormalities to be investigated was that of the XXY individual (Klinefelter's syndrome). Although the findings are widely disputed, Klinefelter's syndrome is reported to be associated with degeneration of the testes and sterility, breast enlargement, and moderate mental retardation. In addi-

48. Ibid. p. 65.

tion, it has been linked with alcoholism and homosexuality, and with overrepresentation in institutions for the subnormal.

Interest in the possibility of chromosomal abnormalities in other institutionalized persons led to an investigation of prisoners. Since the presence of the Y chromosome determines maleness, it was hypothesized that a person with an extra Y chromosome (XYY) might be a "supermale," and as such, be more aggressive and inclined to criminality. Patricia Jacobs did the first study to test this hypothesis in a maximum security mental hospital in Scotland.[49] Her preliminary report showed that 12 of the 196 men on the subnormal wing of the hospital had chromosomal abnormalities, including 7 with the XYY abnormality. Another 2 XYY males were found among the 119 men on the wing for the mentally ill.[50] This finding was statistically significant, since estimates for the rate of XYY abnormalities in the general population are usually no more than 1.5 per 1000.

The outstanding physical characteristic of these men was that they were exceptionally tall, their mean height being 6 ft., 1 in., whereas the mean height of the other patients was 5 ft., 7 in. In many subsequent research projects on the XYY syndrome, therefore, the subjects were screened on the basis of height, and only taller men were tested. The only other characteristic that clearly has been shown to be associated with the abnormality is an increased tendency to be institutionalized. Originally it was thought that this tendency reflected an increased propensity to violence or other forms of crime. Jacobs and her colleagues, for example, described XYY males as having "dangerous, violent or criminal propensities."[51] This description was reinforced by a number of spectacular crimes committed by persons who were later found to have the XYY characteristic.[52] Further studies, however, showed that XYY inmates were considerably less violent than other inmates. For example, the criminal records of the original group of 9 XYY inmates at the Scottish maximum security hospital were compared with a control group of

49. P. A. Jacobs, M. Brunton, and M. M. Melville, "Aggressive Behavior, Mental Subnormalty and the XYY Male," *Nature*, 208:1351–52 (Dec., 1965).

50. W. H. Price, J. A. Strong, P. B. Whatmore, and W. R. McClemont, "Criminal Patients with XYY Sex-Chromosome Complement," *The Lancet*, 1:565–66 (Mar., 1966).

51. Jacobs, op. cit. p. 1351.

52. For a discussion of these crimes, see Richard S. Fox, "The XYY Offender: A Modern Myth?," *The Journal of Criminal Law, Criminology and Police Science*, 62:59–73 (Mar., 1971).

18 chromosomally normal inmates at the same institution.[53] The control group not only had a higher average number of criminal convictions, but 21.9% of their convictions were for offenses against the person, as compared to only 8.7% of the convictions of the XYY group. Based on this and other studies, Sarbin and Miller have concluded[54]:

> Contrary to the expectations generated by popular reports and mass media, the studies done thus far are largely in agreement and demonstrate rather conclusively that males of the XYY type are not predictably aggressive. If anything, as a group they are somewhat less aggressive than comparable XY's.

It might be mentioned here that no researcher has maintained that all persons with an XYY chromosomal abnormality will become criminals. All that has been argued is that the XYY male has an increased risk of developing an antisocial personality, compared to the XY male. This has been supported by the location of a significant number of noncriminal XYY males in the general population.

Several explanations have been offered to explain the high rates of institutionalization among XYY males. Hunter[55] has pointed out that

> it might be that because of their great height and build they would present such a frightening picture that the courts and psychiatrists would be biased to direct them to special hospitals for community safety. The bias might be further aggravated by the associated intellectual abnormalty.

This speculation would seem to be supported by the fact that XYY males generally have less serious records than other comparable institutionalized males. In addition, XYY males tend to be more concentrated in juvenile and mental institutions where they are "likely to be confined . . . for a wider range of behavior than would normally be seen as justifying strict imprisonment."[56] Kessler and

53. W. H. Price and P. B. Whatmore, "Behavior Disorders and Pattern of Crime among XYY Males Identified at a Maximum Security Hospital," *British Medical Journal*, 1:533 (1967).

54. T. R. Sarbin and J. E. Miller, "Demonism Revisited: The XYY Chromosomal Anomaly," *Issues in Criminology*, 5(2):199 (Summer, 1970).

55. H. Hunter, "YY Chromosomes and Klinefelter's Syndrome," *The Lancet*, 1:984 (Apr., 1966).

56. Fox, op. cit. p. 68.

Moos have suggested that chromosomal abnormalities may occur more frequently in lower-class families because of difficult living conditions. If this were the case, the higher rates of chromosomal abnormalities in institutions might only reflect the predominance of lower class individuals there.[57]

The influence of the XYY abnormality on the behavior of affected individuals is not precisely known at the present time. It may be that future research will demonstrate a definite connection between the presence of this abnormality and the propensity to commit criminal acts. But even if this connection is ultimately demonstrated, it will explain only a tiny percentage of criminal behavior. It is quite possible that the opposite will be demonstrated—that this condition has no biological influence on criminal behavior, but does result in a more aggressive response of society to the affected individual.

7. AUTONOMIC NERVOUS SYSTEM FUNCTIONING

In all mammals, there is a relatively separate part of the nervous system which controls many of the body's involuntary functions. Called the autonomic nervous system, it is especially active in a "fight or flight" situation, when it prepares the body for maximum efficiency by increasing the heart rate, rerouting the blood from the stomach to the muscles, dilating the pupils, increasing the respiratory rate, and stimulating the sweat glands. Lie detectors measure these functions, and use them to determine whether the subject is telling the truth. The theory is that, as a child, the average person has been conditioned to anticipate punishment when he tells a lie. This anticipation produces the involuntary fight or flight response, which results in a number of measurable changes in heart, pulse, and breathing rate, and because sweat itself conducts electricity, in the electric conductivity of the skin.

The anxiety reaction in anticipation of punishment has been described by a number of researchers as the primary socializing agent for children.[58] The child is conditioned by his parents to anticipate

57. S. Kessler and R. H. Moos, "The XYY Karyotype and Criminality: A Review," *Journal of Psychiatric Research*, 7:164 (Feb., 1970).

58. H. J. Eysenck, *Crime and Personality*, Houghton Mifflin, Boston, 1964, pp. 100–119; Gordon Trassler, "Criminal Behavior," in H. J. Eysenck, ed., *Handbook of Abnormal Psychology*, Putnam, London, 1972; Sarnoff A. Mednick, "A Biosocial Theory of the Learning of Law-Abiding Behavior," in Mednick and Christiansen, op. cit. pp. 1–8.

punishment in certain types of situations, and the anxiety he feels in those situations (usually called conscience or guilt) often leads him to avoid them. Because the anxiety reaction in anticipation of punishment is essentially an autonomic nervous system function related to the fight or flight response, the level of socialization in children may depend at least in part on the functioning of that system. Specifically, if the fight or flight response is activated slowly or at low levels in situations in which punishment is anticipated, or if it fails to deactivate quickly when the situation changes, then the child will be difficult to socialize.

The first to examine this question was Eysenck, who based his discussion on Jung's concepts of introversion and extroversion as the major attitudes or orientations of the personality.[59] The introvert is oriented toward the inner, subjective world, and tends to be more quiet, pessimistic, retiring, serious, cautious, reliable, and controlled. The extrovert is oriented toward the external, objective world, and is more sociable, impulsive, carefree, optimistic, and aggressive. He craves excitement, likes to take chances, tends to be undependable, and loses his temper more easily. Eysenck notes that the diagnosis of this personality dimension is highly reliable, with self-ratings, ratings by others, and ratings by objective tests all highly consistent.

Eysenck also utilized Pavlov's concepts of excitation and inhibition.[60] Excitation means simply that the stimulus that was presented to the organism has successfully passed through the autonomic nervous system to be registered in the cortex. Obviously, this concept is central to the explanation of all learning and behavior. But in order to explain the patterns of conditioning, Pavlov also found it necessary to postulate that something like cortical fatigue occurs after a period of excitation. Conditioning was found to slow down after a period of time, but would resume at a higher level after a rest period. Pavlov called this phenomenon inhibition.

Eysenck hypothesized that these two sets of concepts were connected, and that introverts were characterized by higher levels of excitation and/or lower levels of inhibition, whereas extroverts were characterized by the opposite. Because extroverts have lower levels

59. Eysenck, *Crime and Personality*, op. cit. pp. 34–36.

60. Ibid. pp. 68–87.

of stimulation coming into the cortex, they experience "stimulus hunger," whereas introverts, whose cortices receive stronger stimulation for longer periods of time, will be oriented toward "stimulus avoidance."[61] The possibility of punishment is therefore much more threatening to the introvert. He will experience high anxiety reactions in these situations and will seek to avoid them. Extroverts, on the other hand, will experience less anxiety both because they are less sensitive to pain and because they will more readily seek out prohibited activities in their search for stimulation. Eysenck further argued that psychopaths are extreme extroverts and that they fail to develop adequate consciences because of the way their autonomic nervous system functions.[62]

In a number of more recent studies, autonomic nervous system functioning has been examined by measuring the same peripheral functions that are monitored by a lie detector. For example, Mednick[63] has argued that the rate of skin conductance response (SCR) recovery—the time between the peak skin conductance amplitude and the return of that amplitude to normal levels—can be taken to measure the general rate of recovery in the autonomic nervous system. If so, it would measure the rate at which the anxiety reaction in anticipation of potential punishment is diminished following removal from the threatening situation. Mednick has argued that the rate at which the anxiety dissipates is crucial, since fear reduction is the most powerful reinforcer known to psychology. When fear is dissipated quickly, the individual receives a large reinforcement for avoiding the situation of potential punishment, and conditioning is much more likely to occur. After reviewing studies on the subject, Siddle concluded[64]:

> The results concerning SCR recovery and antisocial behavior appear to be quite consistent. Subjects who display antisocial behavior (psychopaths, adult criminals, and adolescent delinquents) also display significantly slower SCR recovery than do matched controls.

61. Ibid. p. 99.

62. Ibid. pp. 39–43.

63. Mednick, op. cit. pp. 2–4.

64. David A. T. Siddle, "Electrodermal Activity and Psychopathy," in Mednick and Christiansen, op. cit. pp. 206–7.

The principal difficulty with this approach is that the causal relationships are not yet clearly established. The theory states that autonomic nervous system functioning predisposes the person to antisocial behavior. But that system is not completely involuntary, and has been shown to be at least partially under voluntary control in particular situations. For example, Edelberg[65] has found that the SCR recovery rate is related to the attitude of the subject, and in particular, to whether he is oriented toward goal-directed behavior. Somewhat similar results have been found with variations in heart rates.[66] Thus, it is possible that differences in autonomic nervous system function may be caused by, rather than the cause of, differences in personality.

8. IMPLICATIONS

The preceding brief review illustrates some of the principal theoretical approaches to an explanation of crime in terms of basic biological conditions which generally affect the whole organism. Such theories of criminality must be judged in terms of the extent to which there are demonstrable differences between criminals and noncriminals. If there are many negative cases, i.e., many individuals who possess the characteristic said to be associated with crime but who do not exhibit criminal behavior, or, if there are many criminals who do not possess the characteristic on which the theory is based, obviously the theory remains relatively inadequate and unsatisfactory.

This would seem to be a reasonable conclusion to draw from the many efforts to make general hereditary and biological defects the central factor in accounting for criminal behavior. The fatal weakness of this approach lies in the failure to demonstrate consistent differences of a biological nature between the criminal and the noncriminal. There are too many negative cases.

RECOMMENDED READINGS

Saleem A. Shah and Loren H. Roth, "Biological and Psychophysiological Factors in Criminality," in Daniel Glaser, ed., *Handbook of Criminology,*

65. R. Edelberg, "Electrodermal Recovery Rate, Goal-Orientation, and Aversion," *Psychophysiology,* 6:527–39 (1970); reported in Siddle, op. cit. p. 208.

66. Siddle, op. cit. p. 208.

Rand McNally, Chicago, 1974, pp. 101–73. A detailed, up-to-date review of the studies of biological factors currently thought to be associated with criminality, with an extensive and excellent bibliography.

Samoff Mednick and Karl O. Christiansen, eds., *Biosocial Bases of Criminal Behavior,* Gardner Press, New York, 1977. A book of readings presenting current and significant studies in biological criminology.

Gerald E. McClearn, "Biological Bases of Social Behavior with Special Reference to Violent Behavior," in D. J. Mulvihill, M. M. Tumin, and L. A. Curtis, *Crimes of Violence,* vol. 13, U.S. Government Printing Office, Washington, D.C., 1969, pp. 979–1017. A review of biological factors by a behavioral geneticist.

C. Ray Jeffery, *Crime Prevention Through Environmental Design,* 2nd ed., Sage, Beverly Hills, 1977. A presentation of a biosocial theory of criminal behavior, with the development of implications for crime control.

H. J. Eysenck, *Crime and Personality,* Houghton Mifflin, Boston, 1964. A brief and readable presentation of Eysenck's theories.

Charles A. Murray, *The Link between Learning Disabilities and Juvenile Delinquency,* U.S. Government Printing Office, Washington, D.C., 1976. Reviews and analyzes available research on the subject, with an excellent annotated bibliography.

Seymour Kessler and Rudolf H. Moos, "The XYY Karyotype and Criminality: A Review," *Journal of Psychiatric Research,* 7:153–70 (Feb., 1970). Detailed review of studies on the XYY syndrome.

Bruce K. Eckland, "Genetics and Sociology: A Reconsideration," *American Sociological Review,* 32(3): 173–94 (Apr., 1967). Discusses genetic principles and their relevance to sociological issues.

Edward O. Wilson, *Sociobiology,* Harvard University Press, Cambridge, 1975. Explores the genetic bases of social behavior.

CHAPTER SEVEN

Psychiatric Theories in the Explanation of Crime

Contemporary man has increasingly turned to psychiatry and the psychiatrist in an unprecedented manner. In keeping with this trend, many have turned to these medical specialists for assistance in understanding the "why" of crime, and the "what to do" with the criminal. Why should this be? What theory or doctrine is offered that so many in the modern world hope it will help solve their problems?

The role of mental and emotional disorders in criminological theory will be discussed in this chapter. It seems desirable to begin with the historical background of psychiatry to provide an appropriate setting for the development of the doctrines of psychoanalysis as applied to criminality. Latter sections of the chapter will deal with some aspects of psychometrics and with the statisticians as interpreters of personality disorders and as explainers of crime and criminality.

1. HISTORICAL BACKGROUND: THE DISTINCTION BETWEEN INSANITY AND CRIMINALITY

Control of the dangerous, disapproved of, and often outrageous behavior of the criminal has been a problem in organized societies from the earliest times. Similarly, control of the dangerous and often outrageous behavior of the mentally and emotionally disturbed, i.e.,

the insane, is an equally ancient problem. Historically, the two were often indistinguishable and often treated alike. Demonology as a system of thought gave the then generally considered adequate explanation to account for either crime or insanity—the influence of or domination by evil spirits or the devil.[1]

Yet there was an objective, naturalistic school of medical thought in ancient Greece that goes back roughly to 600 B.C. That is to say, this medical thought rested on the science of Pythagoras (580–510 B.C.), Alcmaeon (550–500 B.C.), and Empedocles of Agrigentum (490–430 B.C.) and had as its most distinguished member Hippocrates (460?–?377 B.C.), the Father of Medicine. This last name is, of course, well known and honored for the Hippocratic oath, which is solemnly assumed by all practitioners of medicine and the healing arts.

Pythagoras and his pupil Alcmaeon identified the brain as the organ of the mind, and conceived of mental illness as a disorder of that organ. Empedocles introduced certain explanatory principles of personality (namely, the qualities of heat, cold, moisture, and dryness; and the humors—blood, phlegm, black bile, and yellow bile) that were to be in use for hundreds of years, through the Middle Ages into almost modern times.

In this conception, delirium and various other kinds of mental disorders were considered and explained as aspects of special functions of the brain. Hysteria, mania, and melancholia were recognized, described, and prescribed for just as objectively and scientifically as were the medications suggested for a long list of wounds and other afflictions of man.[2] In this sense, therefore, psychiatry must be thought of as having constituted an important division of the developing field of medical knowledge from the very beginning.[3] As medical knowledge slowly grew, recognition and iden-

1. For good accounts of principal historical developments see Brian Inglis, *A History of Medicine*, World, Cleveland, 1965; Charles Singer and E. Ashworth Underwood, *A Short History of Medicine*, Oxford University Press, New York, 1962; or George Rosen, *Madness in Society*, University of Chicago Press, Chicago, 1968.

2. "To those women suffering from hysteria, Hippocrates recommended marriage and pregnancy as general treatment, while the immediate attacks were to be met with substances causing unpleasant tastes and odors combined with purges and pessiaries." N. D. C. Lewis, *A Short History of Psychiatric Achievement*, Norton, New York, 1941, p. 35.

3. For a good short review of the history and general development of contemporary psychiatry, see N. D. C. Lewis, op. cit., or Winfred Overholser, "An Historical Sketch of Psychiatry." *Journal of Clinical Psychopathology*, 10 (2), Apr. 1949, reprinted in Richard C. Allen,

tification of insanity as a disease became more general. It was thus not to be viewed as blameworthy but rather as an affliction for which the sufferer should be pitied, not punished.

Courts of law have long recognized the lack of responsibility of children for their behavior, no matter how outrageous or dangerous the behavior might be. Thus, under English common law, from the time of Edward I (A.D. 1216–72), children under age seven could not commit felonies, because they were considered incapable of *mens rea;* that is, of the "guilty mind," of knowing the difference between right and wrong but still choosing to do wrong. The more obvious kinds of mental incompetence, regardless of the age of the individual, soon came under this same general interpretation, to be judged in terms of whether or not there was understanding of the behavior as right or wrong.[4]

For English and American jurisprudence, the rule was formally established in connection with the famous McNaghten case in 1843. The question of sanity or insanity, before the courts, was made to turn on (1) whether the individual was capable of knowing what he was doing and of understanding whether it was right or wrong; and (2) if there were delusions, whether the delusional "facts" must be recognized as real for the individual in determining responsibility. With these guiding principles in mind, the determination of the state of mind of the accused was made by decision of the court (judge and jury), not by doctors, psychiatrists, psychologists, or other more or less self-styled experts. The opinion of these last became only expert testimony in the course of the trial, to be evaluated very much as any other testimony.[5]

The major modern alternative to the McNaghten Rule has been the so-called Durham Rule, which was established in the District of

Elyce Z. Ferster, and Jesse G. Rubin, *Readings in Law and Psychiatry,* Johns Hopkins University Press, Baltimore, 1975.

4. For a history of the development of the concept of mental incompetence in criminal responsibility, see Laurence R. Tancredi, J. Lieb, and A. E. Slaby, *Legal Issues in Psychiatric Care,* Harper & Row, New York, 1975, pp. 1–15; Samuel J. Brakel and Ronald S. Rock, *The Mentally Disabled and the Law,* University of Chicago Press, Chicago, 1971, pp. 1–14; and Rita James Simon, *The Jury and the Defense of Insanity,* Little, Brown, Boston, 1967, pp. 16–33.

5. Abraham Goldstein, *The Insanity Defense,* Yale University Press, New Haven, 1970; Herbert Fingarette, *The Meaning of Criminal Insanity,* University of California Press, Berkeley, 1972; and Robert H. Dreher, "Origin, Development, and Present Status of Insanity as a Defense to Criminal Responsibility in the Common Law," *Journal of History of Behavioral Sciences,* 3:47–57 (1967).

Columbia in 1954.[6] That rule declared that "the accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect." The definition of insanity in the Durham Rule is much broader than the one in the McNaghten Rule, since a great many actions can be considered the product of mental disease, even though the person was fully aware of what he was doing and aware that it was wrong. Because of difficulties in its application, the Durham Rule was modified in a series of court decisions before finally being overruled by the court that had originally instituted it.[7]

Thus, the McNaghten Rule still represents the basic position of our criminal law and the general course of court procedure on the question of insanity and legal responsibility. The effect of this rule, in simple fact, is to determine whether the defendant should be punished or treated for his behavior. The insane person, lacking responsibility, is confined in a mental hospital, a place where the technical services of psychiatrists, psychologists, and other experts are available on an inpatient basis. The sane criminal is committed to prison as punishment for his crime; that is, for behavior for which he is held responsible. The mental hospital operates under the general philosophy of treatment; that is, the individual is handled in terms of the needs and requirements of his illness, not according to the dictates of the court. The prison, on the other hand, regardless of the daily routine followed, is carrying out the sentence of the court based on a judgment of the culpability of the individual for behavior prior to the trial and commitment.[8]

The distinction between the McNaghten and the Durham rules becomes most apparent in the marginal areas of conduct in which

6. Durham v. United States, 214 F.2d 862 (D.C.Cir. 1954). This rule was based on a New Hampshire Rule that has been in effect since 1870 (State v. Pike, 49 N.H. 399).

7. The following cases resulted in modifications of the Durham Rule: Carter v. United States, 252 F.2d 608 (D.C.Cir. 1957); Blocker v. United States, 274 F.2d 572 (D.C.Cir. 1959); McDonald v. United States, 312 F.2d 847 (D.C.Cir. 1962); and Washington v. United States, 390 F.2d 444 (D.C.Cir. 1967). Finally, in United States v. Brawner, 471 F.2d 969 (D.C.Cir. 1972), the Durham Rule was rejected. The New Hampshire Rule remains in effect. For an account of the practical functioning of the Durham Rule, see "The Durham Rule in the Real World," in Rita James Simon, op. cit., pp. 202–12 or C. R. Jeffery, *Criminal Responsibility and Mental Disease*, C. C. Thomas, Springfield, 1967.

8. The differences between mental hospitals and prisons are sometimes not as great as might be imagined. For example, in a comparison of two Massachusetts institutions, the Bridgewater Treatment Center and the Walpole State Prison, it was found that the mental hospital was more punitive than the prison on a variety of items. See "Brief of Donald McEwan, Petitioner Pro Se," in Leonard Orland, *Justice, Punishment, Treatment*, The Free Press, New York, 1973, pp. 41–43. In addition, treatment in mental hospitals is frequently as unavailable as it is in prisons. See O'Connor v. Donaldson, 95 S. Ct. 2486 (1975).

the individual is strange or different but not irrational or delusional. Thus, for example, there is the familiar case of the man who, although fully aware of the critical needs of his wife and children for food and other necessities, nevertheless recklessly spends his entire paycheck at the neighborhood tavern, becoming hopelessly or roaringly drunk; or there is the situation of the otherwise able, dependable workman who, while passing through a park on his way home from work and meeting a bevy of schoolgirls, suddenly exhibits himself or commits some other sexual indecency. Is such behavior to be viewed as the outrageous misconduct of a sane individual who should be taught a lesson by suitable punishment? Or is it the impulsive act of a mentally disturbed or unbalanced person who cannot help himself, who therefore should not be held responsible for his behavior, and who should be treated, not punished?

Under the McNaghten Rule, these persons would probably be considered criminals, since they are generally aware of their actions and aware that those actions are wrong. Under the Durham Rule, however, it could easily be argued that these actions are the "product of mental disease or mental defect" and that the offender should not be held criminally responsible. Thus, the Durham Rule opened the door to a much broader application of psychiatric testimony in the criminal courts. The rule was the legal recognition of a point psychiatrists had long been arguing: that it would be better for society to consider these marginal behaviors illnesses rather than crimes. The later rejection of the Durham Rule was associated with the opposing view, which is that psychiatric treatment of these offenses is no more effective than criminal punishment, and that it frequently leads to flagrant injustices, such as when a minor offender is kept institutionalized for years while someone who commits a serious crime is released after a short time. The legal rule that has remained, for the United States, at least, is that depravity, viciousness, perversity, and all manner of strange behavior, if not associated with irrationality, must be considered the behavior of a sane individual subject to control through sentencing by the court.

2. CONVENTIONAL PSYCHIATRY AS A SPRINGBOARD FOR PSYCHOANALYTIC THEORY

Modern psychiatry has been greatly influenced in theoretical formulations by psychoanalysis. But before looking at the psychoanalytic

view of crime causation, it is necessary to consider the differences between psychiatry, in general, and the psychoanalytic movement. Psychiatry grew out of the experience of medical men in dealing with the basic problem of mental disease. It is, therefore, literally as old as medicine itself. But psychoanalysis is a relatively modern development, a frame of reference or special point of view, applied to the problems, concepts, and experience of earlier practitioners as well as to its original case material. It is associated with the life and work of Sigmund Freud (1856–1939) and some of his pupils, notably Alfred Adler (1870–1937), Carl Jung (1875–1961), and Wilhelm Stekel (1868–1940).

It must be remembered that all the ordinary concepts of abnormal psychology had been developed out of experience in dealing with disturbed persons long before Freud. Difficulties due to *organic disorders*, for example, head injuries that leave the mind blank, or that distort vision or hearing or cause a ringing in the ears or those due to disease or degeneration, such as syphilitic paresis or the senility of old age, were well known. They had long been distinguished from the *functional disorders*, in which there is strange behavior but no known organic disease. There have always been people who would hear voices when no one was speaking, or who could see what no one else could see; or those who fail to see, even as the blind, yet apparently have physically undamaged eyes.

Throughout history the medical practitioner has had to treat such people. The result has been an empirical "guess" procedure running all the way from something as mild as a warm bath to the administration of less-than-lethal electric shocks or small doses of relatively toxic drugs. What was done at any given time or in any given place depended on the technology of time and place and the then current innovations in practice. Most treatments have always been difficult to evaluate as to usefulness or long-time effects.

The concepts and terminology that developed out of this experience were designed to give understandable explanations of why a particular treatment should be attempted, as well as to account for the eventual success or failure of the treatment. Thus, even the central concept of psychoanalysis, the "unconscious," made its appearance and served useful purposes before Freud. The concept of the unconscious is said to have been developed by von Hartman (1842–1906),[9] and it was extensively utilized and further developed

9. Lewis, op. cit. p. 134.

by Morton Prince (1854–1929) in several non-Freudian studies of dissociation or split personality phenomena.[10] Somewhat the same circumstance is true of several other ideas or concepts that have been used extensively in psychoanalysis. Thus, repression, projection, symbolic behavior, and various notions of substitute responses were well documented in elaborate case histories and classified under a changing system of "type" names. This was the descriptive and typological psychiatry of pre-Freudian practice.[11]

Understandably, the theories and hypotheses that were advanced to explain what was well known and fully described tended to turn on ideas of heredity and physiology. After all, neurology and medicine were the immediately related fields that molded and shaped the early psychiatry. The explanations tended to be in terms of the peculiarities of particular individuals—an emphasis on individual differences as determined genetically or as developed environmentally. Since many of the treatments prescribed were without effect, explanations in terms of constitutional factors had an obvious advantage in that they tended to absolve the practitioners from blame or responsibility for failure.

Such explanations, however, also tended to give a gloomy and defeatist interpretation to the whole area of mental affliction. Jean E. D. Esquirol (1772–1840), Director of the famous Salpétrière, is quoted as saying: "Idiots are what they must remain for the rest of their lives. Everything in them betrays an organization imperfect or arrested in its development."[12] Similar attitudes and interpretations were often applied in varying degree to the unfortunates who were confined in asylums for the insane, rather than under conditions of active treatment. The asylums were only too frequently places where people were simply put away to be forgotten, to wither away, and to die.

Insofar as this older psychiatry was concerned with criminal-

10. Morton Prince, *The Dissociation of a Personality: A Biographical Study in Abnormal Psychology*, Longmans, Greens, New York, 1906, reprinted by Greenwood Press, Westport, Ct., 1969; Morton Prince, *The Unconscious*, Macmillan, New York, 1914, reprinted (1921 edition) by Arno, New York.

11. See J. R. Whitwell, *Historical Notes on Psychiatry*, H. K. Lewis, London, 1936; E. A. Strecker, *Fundamentals of Psychiatry*, Lippincott, Philadelphia, 1943; Lewis, op. cit., pp. 66–159; E. C. Mann, *Manual of Psychological Medicine and Allied Nervous Disorders*, Blakiston, Philadelphia, 1883.

12. Quoted in Lewis, op. cit. p. 91.

ity—except the determination of sanity or insanity under the law—its explanations were reiterations of the constitutional defectiveness hypothesis. Thus the terms "monomania" or "moral insanity" or the like were the names of traits or conditions of the individual, peculiar to him and different from ordinary sane people, and therefore the explanation of the behavior as well as the designation of the malady or the inherent defect.

3. FREUDIAN THEORY AND THE EXPLANATION OF CRIME

The Freudian system of thought is significant in criminological theory not so much because of the attention it pays to crime as such, but because it attempts to provide a theory for the explanation of all behavior, including crime. If it is an adequate and substantiated explanation of human behavior in general, it must obviously also account from criminal behavior. If it is little more than a circular system of words and concepts, mutually interdependent and interdefined, which has become the basis of the doctrine and the substance of the faith of its followers, then it is inadequate as a system of psychology or as an explanation of crime. No final judgments will be attempted on these fundamental propositions, but some aspects of the principal ideas deserve attention and are examined briefly here.

Freud and his followers made use of many preexisting concepts, but they formulated them into an interrelated and interdependent system of thought; previously, they had been used merely to catalog isolated behaviors. The central idea involves basic *mental conflict* arising from certain incompatible elements of the personality with the unacceptable portions *repressed* into the *unconscious* and kept there by the censor, a term used to describe the capacity to obtain unity and harmony of the obvious and conscious personality by forcing the undesirable elements into the unconscious. But the repressed *ideas, impulses, or complexes* continue to exist, even though put out of the conscious mind, and much ordinary mental activity consists of the roundabout ways in which the repressed elements of the personality seek to evade or outwit the censor and achieve some sort of indirect expression. One of the more common forms of indirect expression is through dreams, but there are a variety of other substitute responses and other symbolic behaviors as well.

In early Freudian formulations, the conflict was seen as occurring between the basic nature of the individual (called the libido, a sort of suffused sexuality extended to include nearly all basic urges and impulses) and the requirements for conformity (conventional morality) of the community. In later formulations, the terminology shifted somewhat, and identified three basic elements of the personality that must be brought into balance, namely, the *id,* the *ego,* and the *superego.* The id is the term used to describe the great reservoir of biological and psychological drives, the urges and impulses that underlie all behavior. This includes the libido, the full force of sexual energy of the individual, as diffuse and tenacious as the "will to live" found in all animals. The id is basically *unconscious* in its operation. The ego is the conscious personality of which the individual is aware and which he seeks to develop, mold, and control. The superego is the force of self-criticism and conscience, within the unconscious, that reflects requirements that stem basically from the individual's social experience in a particular cultural milieu.[13]

In any case, it follows that all behavior is significant and meaningful to the person no matter how absurd or contradictory it may seem. In this sense, all behavior is purposive. If it is not the direct expression of the purposes of the conscious ego, then it must be understood as the substitute or symbolic expression of those elements of the personality that have been repressed. Dreams, slips of the tongue, word association tests, and so on become important indicators of the areas and problems involved in the conflict and resulting repression. Criminal behavior, under this general theoretical orientation, is to be understood, simply and directly, as a substitute response, some form of symbolic release of repressed complexes. The conflict in the unconscious mind gives rise to feelings of guilt and anxiety with a consequent desire for punishment to remove the guilt feelings and restore a proper balance of good against evil. The criminal then commits the criminal act in order to be caught and punished. Unconsciously motivated errors (i.e., careless or imprudent ways of committing the crime) leave clues so the authorities

13. See Sigmund Freud, *A General Introduction to Psychoanalysis,* Boni & Liveright, New York, 1920; his *The Ego and the Id,* Hogarth Press, London 1927; and his *Civilization and Its Discontents,* Cape and Smith, New York, 1930. See also Anna Freud, *Psychoanalysis for Teachers and Parents,* Emerson Books, New York, 1935.

may more readily apprehend and convict the guilty, and thus administer suitably cleansing punishment.[14]

4. CRIME AS SUBSTITUTE, SYMBOLIC BEHAVIOR

The extensive literature of psychoanalytic criminology consists almost entirely of particularistic applications of several variations of psychoanalytic theory, more or less in keeping with the sketchy outline given above. Different schools of psychoanalytic thought emphasize somewhat different aspects or elements of personality structure, assumed by the particular school to be especially important, as the reason for or as the explanation of the basic sequence of events: mental conflict—repression—crime as substitute behavior.

Very elaborate case studies[15] (sometimes book length, the product of long-continued analysis involving a great many hours) often try to make sense of the elaborate sequence of events reported in terms of involvements and variations on basic themes reflected in characteristic phrases in common usage such as Oedipus or Electra complexes; prepotency of death wishes or the death instinct; compensation for inferiority; frustration-aggression and release of built-up hostility; birth trauma fears and anxieties; castration fears; and penis envy. Most of these ideas and formulations reflect the ramifi-

14. See Sigmund Freud, "Criminals from a Sense of Guilt," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, The Hogarth Press, London, vol. 14, pp. 332–33. This idea is elaborated in such works as Walter Bromberg, *Crime and the Mind: A Psychiatric Analysis of Crime and Punishment*, Macmillan, New York, 1965; Seymour L. Halleck, *Psychiatry and the Dilemmas of Crime*, Harper & Row, New York, 1967; David Abrahamsen, *The Psychology of Crime* (1960) and *Crime and the Human Mind* (1944), both published by Columbia University Press, New York, also his *Who are the Guilty?*, Rinehart, New York, 1952; Kate Friedlander, *The Psychoanalytic Approach to Juvenile Delinquency*, Kegan Paul, Trench & Trubner, London, 1947; Erich Fromm, *Escape from Freedom*, Farrar & Rinehart, New York, 1941; Ben Karpman, *The Individual Criminal*, Nervous and Mental Disease Publishing Co., Washington, 1935; William A. White, *Crimes and Criminals*, Farrar & Rinehart, New York, 1933; August Aichhorn, *Wayward Youth*, Viking, New York, 1963; and Theodor Reik, *The Compulsion to Confess*, Farrar, Straus, and Cudahy, New York, 1945.

15. For example, Ben Karpman, *Case Studies in the Psychopathology of Crime*, vol. I, 5 cases, 1042 pages, Mineoform Press, Washington, 1933; vol. II, 4 cases, 738 pages, Medical Science Press, Washington, 1944; also Robert Lindner, *Rebel Without a Cause*, Grune & Stratton, New York, 1944; Franz Alexander and William Healy, *Roots of Crime*, Knopf, New York, 1935. More recent examples include David Abrahamsen, "A Study of Lee Harvey Oswald," *New York Academy Medical Bulletin*, 43:861–88, 1967; H. L. Ansbacher et al., "Lee Harvey Oswald, An Adlerian Interpretation," *Psychological Review*, 58:55–68 (1966); and the psychiatric profile of Jack Ruby in Bromberg, op. cit., pp. 136–54.

cations and revisions of the earlier writings of Freud, Adler, Jung, Rank, and others. The interpretations always have the common element of explaining the course of criminal behavior, including the particular criminal act in question, as a natural, necessary part of a basic personality orientation, with the specific criminal act taking on meaning and "making sense" in terms of the context of the particular individual's entire life story.

There are many published studies of criminality that include the analyst's interpretation of the crime as meaningful substitute behavior growing out of the individual's conflicts and deep unconscious inner urges. It will be helpful to examine in greater detail one or two of these elaborately formulated and documented interpretations. Thus, for example, there appeared in 1935 the carefully put together account of seven cases, entitled *Roots of Crime*, by Franz Alexander and William Healy,[16] two of the country's better-known psychiatrists of that time. These are cases out of their practice, which involve routine cases contacted by the Judge Baker Foundation and the Boston courts.

One of these cases, described as "The Victim of Loyalty," tells of a young man of twenty, an inveterate thief whose analysis covered seven months, five of them while he was in jail and two immediately following release. Most of the analysis consists of making sense out of dreams reported by the subject and out of other material reflecting attitudes and memory recall brought out by the dream analysis. The authors say, "Undoubtedly, stealing takes the place of the forbidden sexual act, being subjectively felt as a lesser crime."[17] Later on, in summarizing 50 pages of printed case material, the authors conclude that[18]

> The analytic investigation shows that the stealing is chiefly determined by irrational, emotional, and unconscious motives, and not so much by the rational motive of gain.
>
> (1) His stealing is a reaction to a strong sense of inferiority giving him a feeling of bravado and toughness. This sense of inferiority is itself a reaction to a strong dependent, receptive wish expressed in the attitude of obtaining things without working for them. In his receptive attitude the analyst could clearly differentiate between two sources: (a) a strong parasitic (oral

16. Alexander and Healy, op. cit. Quoted with permission of the publisher.

17. Ibid. p. 33.

18. Ibid. p. 67.

receptive) attachment to the mother, and (b) an intense admiration and leaning on the stronger brother, which in the unconscious is built up on a distinctly passive female attitude toward the brother.

(2) His stealing also is a means of getting rid of guilt feelings which he has toward his brother. He helps his brother, exposes himself to danger for his sake, and even goes to jail for him, thereby relieving his guilt feelings.

(3) His stealing is also a spite reaction toward his mother, having the unconscious significance: "If you spend your interest and love on the brother and not on me, then I take revenge on you by disgracing you as a criminal. . . ."

(4) Finally, deep down we can see the paradoxical motive, expressed in numerous dreams, that criminality is also a means of getting into jail, where he can indulge in a carefree, vegetative existence, gratifying his infantile, parasitic wishes.

Alexander and Healy continue with their rather positive conclusions about motivation[19]:

We can clearly distinguish four unconscious motives behind his criminal acts:

1. Over-compensation for sense of inferiority;
2. Attempt to relieve a sense of guilt;
3. Spite reaction toward his mother;
4. Direct gratification of dependent tendencies in a carefree existence in prison.

Here is presented the picture of a tormented soul, driven by the devil of guilt feelings from mother attachment and homosexuality, who turns to crime (stealing) in order to demonstrate to himself (and his mother and brother) what a really superior sort of person he is, independent and unafraid. His criminal behavior is both necessary and meaningful when viewed in the perspective of the analysis. Failure of institutional treatment, as of earlier foster-home placements, is largely a consequence of the fact that the course of events has not altered the nature of the conflict in the unconscious. Unless he can be changed "deep down inside," this young man will continue his life as a thief, because only through this substitute behavior can he get some relief from the inner torments (impulses to socially and morally offensive and "sinful" acts) that beset him.

19. Ibid. p. 68.

The other cases presented in *Roots of Crime* are individually different, but generally similar in that the criminality described makes sense as necessary substitute behavior for something else that is basic to the deep-seated conflicts of each person.

In the famous book-length case analysis *Rebel Without a Cause,*[20] Robert M. Lindner reproduces and interprets much of the detailed content of some 46 hours of analytic treatment, some of those hours having been conducted with the subject under deep hypnosis. Once again, this is the case of a young man in prison for serious crime who is also suffering from an eye disorder (diagnosed by one physician as nystagmus amblyopia resulting from the measles and by another as congenital defective retinae incorrectable with 10% normal vision in the right eye and 15% in the left) in which his eyes were nearly shut, with continuous blinking of the eyelids—the effect being the same as if he were nearly blind. The clue to the case came in one of the early orienting interviews when in response to the question, "Would you rather be blind than get so that you can keep your eyes open for longer periods?" the subject answers, "I'd rather be blind than to see some of the things I have seen." By the end of the book, this weird career of crime and psychopathy is explained as involving substitute and symbolic responses to the anxiety, fear, and guilt feelings set up in infancy when, as an eight-month-old baby in the crib by his mother's bed, he had observed (and presumably understood, felt guilty, ashamed, and afraid of his father) his parents in bed in an early morning act of sexual intercourse. As soon as this deeply repressed, obnoxious, and fearful memory was brought back into conscious memory and properly recognized, interpreted, and understood, there was rapid improvement in the eye condition and the general promise of full rehabilitation of an otherwise rapidly deteriorating young man.

A few sentences from Lindner's introductory discussion, before presenting the case material, will convey much of his thinking about causation, as do his comments at the end of the book[21]:

> Modern analytic theory predicates criminality and all other activities of an aggressive or debasing order upon the prepotency of the *Death Instinct,*

20. Robert M. Lindner, *Rebel Without a Cause,* Grune & Stratton, New York, 1944. Reprinted through the courtesy of Mrs. Robert Lindner.

21. Ibid., pp. 8–9.

which is believed to exert an influence sufficient to catapult an individual toward self-destruction. . . . The present writer . . . recognizes in psychopathic behavior the expression of the need for punishment, for expiation of guilt, of which the ultimate consequence may well be death. That the psychopath is burdened with guilt and literally seeks punishment has been observed by the author in countless cases. The clue to this strange situation lies, as one would suspect, in the Oedipus situation. Deprived of an avenue to satisfactory post-Oedipal adjustment and continuously beset by consequent incest and parricidal phantasies, the emergent guilt can be assuaged only through expiation. "I have sinned against my father and must be punished" is the unverbalized theme of psychopathic conduct: and for this reason they very often commit crimes free from acquisitional motives, marry prostitutes or, in the case of women, apportion their charms occupationally in an attempt at self-castigation. . . .

In the concluding summary, Lindner continues[22]:

We have had in this volume a striking illustration of the truth of William A. White's remark that behind every criminal act lies a secret. But more important, we have glimpsed the utter futility, the sheer waste, of confining individuals in barred and turreted zoos for humans without attempting to recover such secrets. Harold's case makes a mockery of current penological pretense. It points the finger of ridicule at the sterile corridors of modern prisons, the gleaming shops and factories, the bright young social workers, the custodial hierarchy—in brief, the whole hollow structure of rehabilitation that is based upon expediency, untested hypotheses, unwarranted conclusions from a pseudo-scientific empiricism. Harold plundered and almost killed in response to those ungovernable needs which came flaring up from the deepest, remotest shafts of his being. Had he not undertaken analysis, all the trade-training, all the attentions of penal personnel would have been wasted on him; and like every other psychopath who leaves prison he would have been released again to the community as the same predatory beast who entered. . . . We are not today treating criminals . . . beyond the half-hearted employment of a "shot-gun" technique which fires its charge in all directions at once; *we do nothing fundamental about crime or the criminal.*

There is no point to any further multiplication of cases to illustrate the manner of application of psychoanalytic theory to psychiatric practice in dealing with crime. Conventional psychiatry has been

22. Ibid. p. 288.

tremendously influenced by the psychoanalytic theory of Sigmund Freud and his pupils. The theory advanced is a set of interrelated concepts, each dependent upon and a part of a system of concepts. Taken together they explain and account for behavior, both criminal and noncriminal, provided the system is valid.[23] But the explanations and the supporting documentation in case practice and therapy are peculiarly subjective and out of reach of objective measuring devices. At best, one can only say that it is "as if" there were release of repression through behavior assumed to have the meaning assigned to it. Direct substantive or objective proof of the accuracy or validity of the analyst's interpretation appears impossible within the framework of accepted scientific methodology. A methodology (as in psychoanalysis) under which only the patient knows the facts of the case, and only the analyst understands the meaning of those facts as revealed to him by the patient, does not lend itself to third person, impersonal verification or to generalization beyond any particular case.

The peculiarities of the particular individual become the basis of the explanation of the criminality encountered; each individual is expected to present his own particular combination of conflict, repression, and symbolic expression. There will then be as many explanations of criminal behavior as there are individuals behaving in a manner called criminal. This has little in common with the accepted idea of science as a body of generalizations going beyond the individual case.

5. DELINQUENCY AND MEASURED PERSONALITY DEVIATION

Commonsense notions of what constitutes personality generally have tended to take account of intelligence as an aspect of the total individual, but still have sought to specify qualities of the individual other than intellectual ability. Words such as aggressive, belligerent, suspicious, timid, withdrawn, friendly, cooperative, likable, argumentative, and agreeable have long been used to describe or

23. For an illustration of a writer who consistently utilizes Freudian interpretations for many kinds of problems, see Edmund Bergler, *The Basic Neurosis*, Grune & Stratton, New York, 1949; or his *Neurotic Counterfeit Sex*, Grune & Stratton, New York, 1951. The latter is a refutation of the methodology and of the findings of the Kinsey reports on human sex behavior from Bergler's interpretation of the Freudian view.

express impressions of some of these qualities. Naturally, therefore, psychological tests or measurements of personality differences have been developed more or less in parallel to intelligence tests. Inevitably, too, as in the case of intelligence tests, delinquents and criminals have been tested with personality scales or inventories to discover how their personalities differ from those of non-delinquents when comparisons are made in terms of test scores or standardized quantitative scales.

In 1950, Schuessler and Cressey[24] published the results of a survey of studies made in the United States during the preceding 25 years, in which comparisons between delinquents and non-delinquents were made in terms of scores on objective tests of personality. At least 30 different personality scales were used. Their conclusion was that "of 113 such comparisons, 42 per cent showed differences in favor of the non-criminal, while the remainder were indeterminate. The doubtful validity of many of the obtained differences, as well as the lack of consistency in the combined results, makes it impossible to conclude from these data that criminality and personality elements are associated."[25]

This negative conclusion would be more impressive if it had been drawn from a comparison of carefully conducted studies only. Unfortunately, their survey threw together indiscriminately a jumble of well, badly, and indifferently controlled studies, so that the percentages computed on the total are of quite uncertain meaning. Few personality scales lend themselves well to interpretations in terms of a single numerical score to be taken by itself and independent of the scores in related test areas. The nature of the performance in some one area of the test usually affects and changes the significance of the performance in another area. Clear-cut differences between deviant and normal personality patterns, therefore, always tend to be blurred by this problem of interrelatedness. It is often not so much a particular score that is important, but rather the matter of a particular score in relation to performance on some other aspect of the total test.

It appears, however, that even when studies are carefully controlled, the results do not demonstrate a clearly delineated dif-

24. Karl F. Schuessler and Donald R. Cressey, "Personality Characteristics of Criminals," *American Journal of Sociology*, 55:476–84 (Mar., 1950).

25. Ibid. p. 476.

ference between the personality makeup of criminals and non-criminals. It is apparently more a matter of interrelatedness of characteristics than of any great differences in their presence or absence. This would seem to be a major conclusion that properly may be drawn from the many carefully controlled comparisons made by the Gluecks in their intensive study of 500 delinquent boys compared with 500 non-delinquent boys and reported in considerable detail in the book *Unraveling Juvenile Delinquency.*[26]

The individuals comprising the two groups in the Glueck study were carefully matched with respect to four basic conditions, namely, age, general intelligence, national origins or nativity, and residence in underprivileged neighborhoods. The personality makeup aspects of their study derive from the use of the Rorschach Ink Blot Test, supplemented by comparisons of findings in a psychiatric interview, and a determination of "the qualitative and dynamic aspects of intelligence" (related to performance on the Rorschach).[27]

There is no simple way of presenting the principal Rorschach findings statistically as differences on a numerical scale. But the findings of the psychiatrists as to mental pathology in general were systematically recorded and tabulated. Thus, there are tabulated comparisons (approximately 495 cases in each group) on the "extent and nature of mental pathology . . . as summarized in the psychiatric diagnosis . . . made by the Rorschach analysts" showing the percentages for delinquents and non-delinquents indicated in Table 7-1.

The similarities of the two groups here are more striking than the differences. That is equally true of many other comparisons of traits or conditions usually noted in personality scales. In a further comparison, the Gluecks list the "traits of basic character structure," indicated in Table 7-2, as having a very high incidence in both groups.

The similarities in Table 7-2 are likely to be more confusing than the differences to anyone advancing a theory of personality factors as basic in delinquency. One may look at the higher proportion of "poorly adjusted" and "unstable" among the delinquents and interpret it as obvious, to be expected, but it is not so self-evident why there should be such a preponderance of neuroticism among

26. Sheldon Glueck and Eleanor Glueck, *Unraveling Juvenile Delinquency,* Commonwealth Fund, New York, 1950.

27. Ibid., Ch. 17, pp. 209–14.

TABLE 7-1 Comparisons on Mental Pathology[28]

Type of Mental Pathology	Percent Among Delinquents	Percent Among Non-delinquents	Percent Difference
No conspicuous pathology	48.6	55.7	−7.1
Asocial, "primitive," poorly adjusted, unstable	16.9	5.9	+11.0
Neuroticism	24.6	35.8	−11.2
Psychopathy	7.3	0.4	+6.9
Organic disturbances	0.8	0.2	+0.6
Psychotic trends	0.4	1.6	−1.2
Undifferentiated pathology	1.4	0.4	+1.0
	100.0	100.0	

TABLE 7-2 Comparisons on Basic Character Traits[29]

Traits	Percent among Delinquents	Percent among Non-delinquents
The presence of		
Feelings of insecurity and anxiety	89.2	95.7
Feelings of not being wanted or loved	84.3	88.0
Markedly good surface contacts with others	91.7	96.7
The absence of		
Self-assertion	93.7	97.8
Overcompetitive attitude	94.0	92.3
Feelings of resignation	94.9	97.3
Depressive trends	96.3	98.6
Attitude of kindliness and trust	95.8	92.9
Spontaneity	91.7	94.5
Any preponderance of introversive trends	72.7	75.5

the non-delinquents. Why, for example, should feelings of anxiety and insecurity (important components of the category neuroticism) be more prominent among non-delinquents than among delinquents? Or why should the non-delinquents have more feelings of not being wanted or loved, be more resigned, be more introversive,

28. Ibid., Table 43, p. 239. Reprinted with permission of Harvard University Press, publishers and distributors for Commonwealth Fund offerings.

29. Ibid. p. 241. The form of this tabular presentation is by the present author (V.) and is reproduced by permission of the Harvard University Press, publishers and distributors of Commonwealth Fund offerings.

and have less spontaneity than the delinquents? Negative and contradictory findings such as these must not be overlooked in the easy business of theory-making in which great significance is attached to the idea of deviant personality characteristics as important in producing delinquent behavior.

In all these comparisons, there is a great sharing of common personality characteristics, with notions of deviant personality limited strictly to relatively obscure statistical findings in terms of probability; otherwise, delinquents and non-delinquents are much more alike than they are different. If there is a significance in the differences, it is in the particular interrelation of traits and characteristics rather than in a specific difference.

The Gluecks summarize their impression of this interrelationship of characteristics in the following passage[30]:

> A meaningful pattern does tend to emerge from the interweaving of separately-spun strands: On the whole, delinquents are more extroverted, vivacious, impulsive, and less self-controlled than the non-delinquents. They are more hostile, resentful, defiant, suspicious, and destructive. They are less fearful of failure or defeat than the non-delinquents. They are less concerned about meeting conventional expectations, and are more ambivalent toward or far less submissive to authority. They are, as a group, more socially assertive. To a greater extent than the control group, they express feelings of not being recognized or appreciated.

This is, on the whole, a verbal picture of what, in other connections, would not be called an undesirable combination of personality traits. In theory-making based on personality traits, the fact that the delinquent often is, or may be, as attractive and as socially acceptable a sort of person as the non-delinquent must be recognized and explained.

As contradictory and confusing as some of the Glueck findings are, from the standpoint of theory-making, the differences between delinquents and non-delinquents nevertheless lend themselves to statistical formulations as prediction tables. The Gluecks developed three such tables,[31] one based on factors in the social background, one based on character traits as determined by the Rorschach test,

30. Ibid. p. 275.

31. Ibid., pp. 257–71, for detailed tables.

and one based on personality traits as determined in the psychiatric interview. All three are said to give impressive results; for example, in the best-score class only about 10% may be expected to become delinquent as opposed to about 90% in the worst-score class.[32]

Analogous results were obtained when the Minnesota Multiphasic Personality Inventory (MMPI) was used as the test scale to demonstrate differences in personality structure between delinquents and non-delinquents.[33] The MMPI is a lengthy questionnaire of 550 items, developed for use in the psychiatric clinic to aid in the more rapid diagnosis of adults seriously enough disturbed to bring them to psychiatric attention.

The subject is asked to respond to the statements in the scale as statements that are true or false about himself. If he does not answer a question, that is, if he leaves it blank, it is counted as "cannot say," but there is no instruction suggesting such an answer, and most oral instructions usually given in applying the test urge everyone to answer all questions as true or false. Fourteen scales are usually scored, four as validity scales (i.e., said to be indicative of the subject's accuracy and reliability in responses made) and ten as clinical scales (i.e., assumed to measure clinically important phases of personality). Raw scores obtained are usually transformed into T-scores; that is, standardized scores derived from the responses of normal adults with the mean adjusted to 50 and the standard deviation adjusted to 10. The higher the T-score the greater the abnormality. A T-score of 70 is thus two standard deviations above the mean, a score said to occur with normal persons in about 5% of the cases.[34] The scales are so arranged "that high scores indicate the usually

32. Ibid., Table XX-3, p. 262. The predictive validity of a revised table was supported in studies by M. M. Craig and S. J. Glick ["Ten Years' Experience with the Glueck Social Prediction Table," *Crime and Delinquency* 9:249–61(1963); and "Application of the Glueck Social Prediction Table on an Ethnic Basis," *Crime and Delinquency*, 11:175–78(1965)] and N. B. Trevvett ["Identifying Delinquency-Prone Children," *Crime and Delinquency*, 11:186–91(1965)]. Kurt Weis ["The Glueck Social Prediction Table: An Unfulfilled Promise," *Journal of Criminal Law, Criminology and Police Science*, 65:397–404(1974)], however, has argued that its results are only slightly better than chance.

33. For a full discussion of the use of the MMPI, see S. R. Hathaway and P. E. Meehl, *An Atlas for the Clinical Use of the MMPI*, University of Minnesota Press, Minneapolis, 1951; for an account of its application and use in the study of delinquency, see S. R. Hathaway and E. D. Monachesi, *Analyzing and Predicting Juvenile Delinquency with the MMPI* (1953) and *Adolescent Personality and Behavior* (1963), both published by University of Minnesota Press, Minneapolis.

34. Hathaway and Monachesi, *Analyzing and Predicting*, op. cit. p. 19.

recognized directions of personality abnormality," but those with T-scores lower than 50 may not be assumed to be "more normal persons" than the average.[35] The average score—T-score of 50—is the "most normal score" under the customary interpretations of the MMPI.

The scales of the MMPI were originally identified by the customary names of the psychiatric symptoms (or pathologies) they were assumed to measure, such as hypochondriasis (Hs), depression (D), and hysteria (Hy). As the use of the scales was extended to other than clinical cases of the genuinely disturbed, there has been a tendency to identify them by number only (Scale 1, Scale 2, Scale 3, and so on). These, in turn, are arranged into *profiles*, that is, a grouping of interrelated scales in order of high-point performance.[36] There is, therefore, no single numerical score that indicates an individual's performance on the MMPI, but rather his responses on the several scales result in an individual profile, indicating the order of high performance on those scales that appear pertinent to that particular individual.

The different scales are said to be differently related to delinquency behavior. Scale 2 "is an inhibitor, with negative influence on probable delinquency,"[37] whereas Scale 4 is strongly excitatory, "the one scale most likely to be indicative of delinquency."[38] Other scales and scale combinations are variously involved with the occurrence of recognized delinquency.[39]

When similar groups of delinquents and non-delinquents are compared, the differences in performance on the several scales are considerable, but the mean or average differences between the two groups are usually neither great nor extreme. An illustration of this general interrelation may be seen in a 1946 study[40] involving 49 delinquent boys (from Hennepin County and Ramsey County home schools) and 56 non-delinquent boys (from groups such as Boy Scout

35. Ibid. pp. 19–20.

36. For a full discussion of profiles see the *Atlas* cited in footnote 33; a short account may be found in Hathaway and Monachesi, *Analyzing and Predicting*, op. cit. pp. 19–23.

37. Hathaway and Monachesi, *Analyzing and Predicting*, op. cit. p. 133.

38. Ibid. p. 134.

39. Ibid. See Tables 15, 16, and 17, pp. 126–31 for full details.

40. E. D. Monachesi, "Some Personality Characteristics of Delinquents and Non-delinquents," *Journal of Criminal Law and Criminology*, 38:487–500 (Jan.–Feb., 1948).

troops, settlement house recreation clubs, and Hi-Y groups) drawn from neighborhoods similar to those from which the delinquents had come. Some of the detailed comparisons are shown in Table 7-3, arranged to show results in terms of T-scores.

TABLE 7-3 T-Scores and Differences in Monachesi 1946 Study

MMPI Scales		Non-delinquents (56 boys)	Delinquents (49 boys)	Difference
L		54	56	2*
F		60	60	0
K		51	55	4*
1	(Hs) + .5K	53	56	3
2	(D)	52	57	5*
3	(Hy)	53	57	4*
4	(Pd) + .4K	61	68	7**
5	(Mf)	54	53	−1***
6	(Pa)	56	58	2
7	(Pt) + .1K	59	56	−3***
8	(Sc) + .1K	62	63	1
9	(Ma) + .2K	61	58	−3***

*Signifies a difference reliable above 5% level of confidence.
**Signifies a difference reliable above the 1% level of confidence.
***Minus sign signifies difference in unexpected direction.

Source: Table compiled from results shown in Table 1, p. 42, and Table 3, p. 46, S. R. Hathaway and E. D. Monachesi, *Analyzing and Predicting Juvenile Delinquency with the MMPI*, copyright 1953, University of Minnesota.

From a simple inspection of Table 7-3, it is obvious that there are more conspicuous similarities than differences between delinquents and non-delinquents. There is moderate "statistical significance" (i.e., other samples may be expected to show similar differences) to the differences obtained on four of the scales, and an even more assured difference on one scale (Scale 4, Pd), but otherwise the differences are not impressive. On three of the scales, the direction of the difference suggests greater deviation from the average adult normal means on the part of the non-delinquents than it does for the delinquents. Differences of this sort seem a very insecure foundation on which to construct any sort of theory of delinquency as the primary result of personality deviance.

It should be remembered that the differences shown in Table 7-3 are in terms of T-scores. On Scale 4 (Pd), where the differences are

greatest and most likely to be consistent, one standard deviation in T-scores is a difference of only 4 points in raw scores.[41] Hence, the T-score difference of 7 shown in the table for Scale 4 represents an actual average performance score difference of only 2.8 points. On the scale of 50 items, with all the problems of semantics and language involved in the meaning to be given the statements to be responded to, an average group difference of less than 3 points actually represents a relatively slight difference between the two groups. Both groups of young people (delinquents and non-delinquents) differ as much or more from "normal" adults (T-score of 50) as they do from one another.

In analyzing some of the data presented in Table 7-3, in an earlier publication, Monachesi said[42]:

> The critical ratios of the differences in mean scores made by non-delinquents residing in areas of high delinquency and those made by members of the delinquent group would tend to confirm the hypothesis that non-delinquents living in such areas are not significantly different from delinquents in many personality characteristics. . . . Non-delinquents residing in areas of high delinquency make significantly lower mean scores than do delinquents on only three clinical scales (D, Hy, Pd), and on only two clinical scales (Pd, Pa) do they achieve lower mean scores than do the delinquents. . . .

It is evident from the data presented that the differences obtained between delinquents and non-delinquents on personality scales may be arranged into statistically valid prediction tables and may be useful in the administration of various programs of care and/or therapy. But the cumulative effect of a mass of minor differences, which is the essential basis of statistical prediction, leaves much to be desired from the standpoint of a theory that would offer some promise of explaining the behavior subject to prediction (i.e., explaining in the sense of making the findings seem reasonable and in agreement with other information). In other words, in the behavior field, it is possible to construct successful prediction tables without having the items on which such a table is based necessarily add up to any

41. Hathaway and McKinley, *Manual for the Minnesota Multiphasic Personality Inventory*, rev. ed., Psychological Corporation, New York, 1943, pp. 10–11.

42. E. D. Monachesi, "Personality Characteristics of Male Delinquents," *Journal of Criminal Law and Criminology*, 41:173–4 (July–Aug., 1950).

consistent or adequate theoretical explanation of the behavior that is predicted.

This is not the place to scrutinize the content, or procedural assumptions, of the MMPI, but before too much attention is paid to the statistical significance of some of the scales in picking out similarities between the psychiatrically disturbed and "potential delinquents,"[43] it is in order to take a second look at what is involved in getting high scores on these scales. For example, Scale 4 (Pd), psychopathic deviate, is the most statistically significant scale of the MMPI as related to delinquency.[44] It consists of 50 statements describing a variety of situations, attitudes, and judgments. The subject is required to designate as true or false, as applied to himself, such statements as "My sex life is satisfactory," "I like school," "My relatives are nearly all in sympathy with me," and "I have never been in trouble with the law." Any youngster who fails to say that each of the above sample statements is "true" as applied to himself will build up points or "raw scores" that are translated into T-scores at the rate of ten T-scores for every four raw scores.

Regardless of what other rationalizations may be made to account for the score pattern observed, it is clear that one of the more important points that should be considered is the nature of the statements. Monachesi had found that delinquents, on the average, designate as false only three more of these statements than non-delinquents. This finding is not surprising when one considers that the psychopathic deviate scale was originally constructed by listing those items that actually differentiated between a group of patients who had been diagnosed as psychopathic and a group of persons who were considered normal. The original psychopathic group consisted largely of persons who were young and delinquent. Thus, the scale was designed as a set of statements that were more likely to be designated false by delinquents and true by non-delinquents. If the scores are then used to show that delinquents are more psychopathic than non-delinquents, it would appear that a misleading

43. Hathaway and Monachesi, op. cit. pp. 109–35.

44. Waldo and Dinitz reviewed 29 different studies published between 1950 and 1965 comparing the MMPI scores of criminals and noncriminals. In 28 of these studies it was found that there were significant differences in the scores, and most of these differences were found in Scale 4. See Gordon P. Waldo and Simon Dinitz, "Personality Attributes of the Criminal: An Analysis of Research Studies, 1950–1965," *The Journal of Research in Crime and Delinquency*, 4 (2): 185–202 (July, 1967).

conclusion is being drawn. A person who scores high on the Pd scale is one whose responses are similar to those of a group consisting primarily of young delinquents. It should not be surprising if that person is also a delinquent.

It seems clear from the foregoing brief review of the carefully controlled comparisons of the Gluecks, and of one good illustration of the use of the MMPI (these two sources may be taken as among the best available), that personality diagnosis on the basis of objective tests or scales has not yet developed to such a degree of specificity that differences established as statistically significant for particular groups may then be used in correspondingly significant theoretical formulations about personality deviation and delinquency.

6. PSYCHOPATHY, SOCIOPATHY, AND THE ANTISOCIAL PERSONALITY

The terms "psychopath," "sociopath," and "antisocial personality" are frequently used in connection with explanations of criminality. In general, these terms can be considered synonymous, with "antisocial personality" being the most recent term, although all three terms are in current use. The three terms will be used interchangeably in this section. The Diagnostic and Statistical Manual of Mental Disorders defines the antisocial personality as follows[45]:

> The term is reserved for individuals who are basically unsocialized and whose behavior pattern brings them repeatedly into conflicts with society. They are incapable of significant loyalty to individuals, groups, or social values. They are grossly selfish, callous, irresponsible, impulsive, and unable to feel guilt or to learn from experience and punishment. Frustration tolerance is low. They tend to blame others or offer plausible rationalization for their behavior.

Cleckley points out that "The term psychopath (or antisocial personality) as it is applied by various psychiatrists and hospital staffs sometimes becomes so broad that it might be applied to almost any criminal."[46] He argues however, that psychopathy is distinctly dif-

45. *Diagnostic and Statistical Manual of Mental Disorders*, 2nd ed., American Psychiatric Association, Washington, D.C., 1968, p. 41.

46. Hervey Cleckley, *The Mask of Sanity*, 5th ed., Mosby, St. Louis, 1976, p. 263.

ferent from criminality, and that the majority of psychopaths are not criminals, and the majority of criminals are not psychopaths. Psychopaths may be found in any profession, including business, science, medicine, and psychiatry.[47] The typical psychopath differs from the typical criminal in that his actions are less purposeful and his goals more incomprehensible, he causes himself needless sorrow and shame, and he usually does not commit major crimes or crimes of violence.[48]

These terms are not merely descriptions of behavior patterns, but also imply that those behaviors originate in the personality of the individual. It is possible, however, that the behaviors may be explained by factors other than personality. For example, Yablonsky argued that "core" members of violent gangs were sociopaths, and led the gang in mob-like violence as a way of acting out their own hostility and aggression.[49] Other gang researchers have described the behavior of core gang members in a similar way, but have argued that the behavior resulted from the need to create and maintain a leadership position in the gang.[50]

One major problem with the use of these terms has been that operational definitions have sometimes focused solely on the person's history of antisocial behaviors, and have ignored the many personality characteristics mentioned in the definition above. For example, Guze[51] diagnosed sociopathy

> if at least two of the following five manifestations were present in addition to a history of police trouble (other than traffic offenses): a history of excessive fighting . . . school delinquency . . . poor job record . . . a period of wanderlust, or being a runaway. . . . For women, a history of prostitution could be substituted for one of the five manifestations.

Guze found that sociopathy, along with alcoholism and drug addiction, were the only psychiatric conditions consistently associated

47. Ibid. pp. 188–221.

48. Ibid. pp. 261–63.

49. Lewis Yablonsky, *The Violent Gang*, Penguin, New York, 1970, pp. 236–47.

50. James F. Short, Jr., and Fred L. Stodtbeck, *Group Process and Gang Delinquency*, University of Chicago Press, Chicago, 1974, especially pp. 248–64. This material had been previously published in *Social Problems* 12:127–40 (Fall, 1964).

51. Samuel B. Guze, *Criminality and Psychiatric Disorders*, Oxford University Press, New York, 1976, pp. 35–36.

with criminality.[52] Given his definition of sociopathy, this conclusion might be considered merely a matter of terminology. Guze, however, goes on to question whether sociopathy should be considered a psychiatric disorder that would qualify the offender for a plea of diminished responsibility at his trial. In fact, following the *Leach* case in 1957, sociopaths were classified as mentally diseased in the District of Columbia, and persons who were so diagnosed would be acquitted by reason of insanity.[53] These persons were then committed to a mental hospital where they were treated and released when their illness had been "cured." Guze himself believes that psychiatry has no methods that are consistently effective in treating sociopathy, so he recommended that sociopaths be locked up until they reach middle age.[54]

Guze's recommendation illustrates one of the principal problems with the use of this diagnosis. The reason for locking the person up is an implicit assumption that he will continue to participate in antisocial activities if he is allowed to remain free. Thus, he is to be confined not so much as punishment for what he has done in the past, but for what it is believed that he will do in the future. When one considers the actual criteria used by Guze to diagnose sociopathy, it is apparent that his recommendation would apply to a great many people who have never committed serious crimes, but who are more or less marginal members of society. By normal standards of justice, it would seem extremely inappropriate to send these people to prison for extended lengths of time.

7. THE PREDICTION OF FUTURE DANGEROUSNESS

Guze's recommendation to lock up sociopaths until they reach middle age raises the issue of whether the law should attempt to prevent the future occurrence of crimes by confining dangerous or antisocial people. In fact, a large number of "dangerous offender," "habitual criminal," and "sexual psychopath" laws have been passed

52. Ibid. p. 124.

53. U.S. v. Leach, Crim. No. 450–57 D.D.C.; In re Rosenfield, D.C.D.C. 1957, 157 F.Supp. 18; Blocker v. U.S., 1959, 107 U.S.App.D.C. 63 at pp. 65–71; 274 F.2d 572 at pp. 574–80; and 288 F.2d 853 at pp. 860–61.

54. Guze, op. cit. p. 137.

by various states. Most of these laws rely at least in part on psychiatric evaluation in the attempt to predict the future criminality of particular individuals, and they provide extended sentences on the basis of that prediction.

Morris and Hawkins argue that these laws have been complete failures, producing chaotic and unjust results, sweeping up nuisances and social misfits and leaving untouched the truly dangerous and serious offenders.[55] The failure of these laws was strikingly in evidence when a Supreme Court decision in 1966 required the transfer to regular mental hospitals of 967 patients in New York State hospitals for the criminally insane because proper judicial procedure had not been followed in their commitments. All of these patients had been considered "dangerous." In the following five years, only 26 of these were returned to the hospitals for the criminally insane. One-half of the original group were later discharged from the mental hospital altogether, and of these, 83% had no further arrests.[56] They had been held an average of 13 years.

Although attempting to predict dangerous behavior would seem to be of value, in practice it is confounded by so many difficulties that it often does more harm than good. Brodsky notes that "there seems to be no such behavioral entity as dangerousness" and that "to predict the likely commission of a specific offense, such as murder, is very difficult."[57] Shah points out that the definition of "dangerousness" is generally left unspecified in the law, and is interpreted within a particular social context.[58] For example, drunk drivers can easily be shown to be more dangerous to both themselves and to others than paranoid schizophrenics, psychotics, or sexual psychopaths, yet these persons are never considered under the "dangerous offender" laws. At the same time, it is difficult to see how an exhibitionist, who is generally included under these laws, is dangerous to anyone. Sarbin argues that the underlying meaning of

55. Norval Morris and Gordon Hawkins, *The Honest Politician's Guide to Crime Control*, University of Chicago Press, Chicago, 1970, pp. 185–92.

56. H. J. Steadman, "The Psychiatrist as a Conservative Agent of Social Control," *Social Problems*, 20(2):263–71 (1972).

57. Stanley L. Brodsky, *Psychologists in the Criminal Justice System*, University of Illinois Press, Urbana, 1973, p. 142.

58. Saleem A. Shah, "Crime and Mental Illness: Some Problems in Defining and Labeling Deviant Behavior," *Mental Hygiene*, 53 (1): 31 (Jan., 1969).

"dangerousness" in these laws involves its threat to the social morality of the existing power structure, rather than to physical danger itself.[59]

The most extensive attempt to predict violent behavior was a 10-year study in Massachusetts by Kozol and his associates,[60] which involved the use of extensive psychiatric and social casework services in the attempt to predict the future likely dangerousness of a group of high risk offenders prior to their release from prison. Morris summarized the results of this study in Table 7-4. Although it might be

TABLE 7-4 Results of the Kozol Study[61]

Prediction	RESULT		
	No Violent Crime	Violent Crime	Total
Safe	355	31	386
Violent crime	32	17	49
Total	387	48	435

said that they had a relatively good batting average, it still should be pointed out that they were unable to predict nearly two-thirds of the violent crime that ultimately occurred (31 crimes out of 48), and that nearly two-thirds of the persons whom they predicted would be violent (32 persons out of 49) were not. Because of the probable occurrence of such errors, Morris argues that it is fundamentally unjust to detain anyone on the basis of a prediction of his future behavior.[62] In addition, the idea that a person can be punished for what he *might* do rather than for what he has actually done seriously threatens the basic notions of freedom of the individual from unwarranted governmental control.[63]

59. Theodore R. Sarbin, "The Dangerous Individual," *British Journal of Criminology*, 22: 285–295 (1967).

60. Harry L. Kozol, Richard J. Boucher, and Ralph F. Garofalo, "The Diagnosis and Treatment of Dangerousness," *Crime and Delinquency*, 18: 371–92 (1972).

61. Norval Morris, *The Future of Imprisonment*, University of Chicago Press, Chicago, 1974, p. 71. Reprinted by permission of the publisher.

62. Ibid. p. 73.

63. Ibid. pp. 83–84.

8. YOCHELSON AND SAMENOW'S STUDY OF THE CRIMINAL PERSONALITY

A recent major study by a psychiatrist and a clinical psychologist challenges many of the most basic assumptions about criminals held by both psychiatrists and criminologists. In a 14-year study at St. Elizabeth's Hospital in Washington, D.C., Samuel Yochelson and Stanton E. Samenow worked with 240 subjects, of whom 162 were "hard core adult criminals," and the remainder mostly juvenile delinquents who had committed serious crimes.[64] Their specific goal was to change the criminal behavior. At the beginning of the project, they attempted to achieve this goal with the traditional psychiatric methods of analyzing the root causes of the behavior and providing insight concerning these causes. But they found that once this insight was achieved, it did not result in any changes in behavior, and, if anything, seemed to reinforce the criminal activities. One criminal was quoted as saying: "If I didn't have enough excuses for crime before I had psychiatry, psychiatry gave me more."[65]

This realization, along with the discovery that privileges gained in the project were being used to facilitate criminal activities, led to a radical "conversion" by the experimenters, who abandoned all their earlier assumptions and undertook a totally different course. They rejected the idea that crime was caused by emotional or socioeconomic deprivation, and moved to the idea that crime was chosen freely by the criminals themselves. This shifted their focus away from the criminal's past history to his present behavior. Criminals were no longer viewed as victims of society, but as victimizers of it. Instead of attempting to provide emotional support to the criminal, they confronted him with his behavior and attempted to increase feelings of guilt and self-disgust.

Yochelson and Samenow concluded that crime was caused by the way criminals think, and they analyzed 52 distinct "thinking patterns" that characterized all of the criminals with whom they had worked.[66] These included such patterns as the "I Can't" theme,

64. Samuel Yochelson and Stanton E. Samenow, *The Criminal Personality*, Jason Aronson, New York, vol. I, 1976; vol. II, 1977.

65. Ibid. vol. I, p. 34.

66. Ibid., vol. I, pp. 251–458.

"The Victim Stance," "Failure to Put Oneself in Another's Position," "Lack of Trust," and "Refusal to be Dependent." Their response to these 52 thinking patterns was to demand a total change in the criminal's personality by teaching him that it was possible to "deter" criminal thoughts when they arose and to think noncriminal thoughts instead.[67]

The significance of this study lies both in its rejection of the traditional criminological explanations of crime and in its formulation of a new treatment technique for criminals. The treatment technique has many similarities to other therapies that have been used with criminals for some time. For example, the 52 "thinking patterns" are similar to "games" in transactional analysis,[68] the focus on the present instead of the past is similar to Reality Therapy,[69] the use of direct confrontation techniques is similar to the programs in Synanon and the Delancy Street Foundation,[70] and the idea of "deterring" criminal thought patterns is similar to techniques used in the treatment of sex offenders.[71] The value of this treatment technique can only be measured by its ability to produce long-term changes in the behavior of criminals. So far, the study claims success with only 12 men who, it is stated, are "functioning impeccably."[72] Given the fact that the study involved 240 subjects over a 14-year period, this cannot be considered a high success rate.

Yochelson and Samenow have claimed that the study has strong implications for criminological theory because it refutes the conventional idea that the root causes of criminal behavior are found in the environment.[73] It does not appear, however, that the study demonstrates that point. It is certainly possible that providing a criminal

67. Ibid., vol. II, pp. 14–15.

68. See Eric Berne, *Games People Play*, Grove Press, New York, 1966.

69. See William Glasser, *Reality Therapy*, Harper, New York, 1965.

70. See Lewis Yablonsky, *The Tunnel Back: Synanon*, Macmillan, New York 1965; and Charles Hampden-Turner, *Sane Asylum*, San Francisco Book Company, San Francisco, 1976.

71. D. H. Barlow, "Treatment of Sexual Deviation: Towards a Comprehensive Behavioral Approach," in K. S. Calhoun et al., eds., *Innovative Treatment Methods in Psychopathology*, Wiley, New York, 1974.

72. Yochelson and Samenow, op. cit., vol. I, p. 50.

73. See Michael S. Serrill, "A Cold New Look at the Criminal Mind," *Psychology Today*, Feb., 1978, pp. 86–92 ff.; Eugene H. Methvin, "The Criminal Mind: A Startling New Look," *Readers Digest*, May, 1978, pp. 120–24; and Phyllis Theroux, "Sam Yochelson Says: Criminals Are Not Crazy or Otherwise Deprived. They Simply Prefer to be Criminals," *Washingtonian*, Nov., 1976, pp. 126–31.

with insight into the root causes of his behavior does not change that behavior. That is very different than saying crime does not have root causes. Jeffery had made a similar point about psychotherapy when he stated[74]

> The failure of talking therapy is due to the fact that one cannot change a situation by talking about it. . . . To alter behavior, we must alter the environment to which the individual responds. We cannot alter cancer by talking about it, nor can we alter behavior by talking about it.

In addition, the study does not answer the question about the causes of crime when it asserts that "crime is caused by the way criminals think," since one must immediately ask: "Why do some people think this way and others don't? Is it something in their biological makeup? Is it due to their environment?" The question is changed from "What causes crime?" to "What causes criminal thinking patterns?," but it is still not answered.

Finally, the study suffers from several methodological problems. All discussion of "criminal thinking patterns" is in the form of assertion with examples.[75] The assertion is made that criminals think in a certain way, and this statement is supported with several examples to illustrate it. That format has no scientific validity, since literally any statement can be made in a similar way. One could say: "All criminals come from bad home environments—for example, Joe's father beat him and his mother drank. . . ." and so on. No terms are operationally defined, no indication is given as to how it was ascertained that all these thinking patterns were present in all the 240 subjects involved in the experiment or why it is thought that these traits, which are found in a highly selected population (those found not guilty by reason of insanity under the Durham Rule in Washington, D.C), would be found in the general population of criminals. There is also a serious problem with the use of the term "criminal." Yochelson and Samenow state[76]:

> It is essential for the reader to understand that we do not use "criminal" in a legal sense. Our emphasis is on *thinking processes* that the irresponsible

74. Jeffery, op. cit. p. 205.

75. Yochelson and Samenow, op. cit., vol. I, pp. 117–528.

76. Ibid., vol. I, p. 253. See also vol. II, p. 3.

but nonarrestable person, the petty thief, and the "professional" criminal all manifest, but to different degrees and with different consequences. A person who lies frequently may be cut of the same mental fabric as the arrestable criminal.

One chapter is entitled "Nonarrestable Phases in the Criminal," and contains discussions as to how persons with criminal thinking patterns can satisfy their needs in a wide variety of legitimate occupations, including law enforcement, fire fighting, politics, business, the ministry, social activism, counseling, law, or the arts.[77] It is difficult to understand how a "nonarrestable" person can be considered a criminal merely because he thinks in a certain way. In addition, it is apparent that many people who commit criminal acts do not have these 52 thinking patterns, including many white collar criminals and people who commit crimes of passion. According to the definition used in this study, these persons would not be considered criminals.

9. IMPLICATIONS AND LIMITATIONS

The usefulness of psychiatric explanations of criminal behavior is limited. It is certainly true that psychiatric theories can provide a great deal of insight concerning the origins of the behavior of many people called criminals. On the other hand, Cohen[78] argues that if one is attempting to understand why particular people commit particular crimes, it is much more profitable to start by analyzing their life situation rather than their personality characteristics.

Criminal behavior includes firesetting, burglary, violations of the Sherman Anti-Trust Act, chiseling on unemployment compensation, unlawful violence and searches-and-seizures by police officers, blackmarket activities, income-tax violations by the great and the small, embezzlement, and department store shoplifting by professional boosters and nonprofessional snitches. One salutary effect of contemplating the full spectrum of criminal behavior, from which I have abstracted an absurdly small sample, is that it reminds us that every life game provides invitations and opportunities to

77. Ibid., vol. I, Ch. 7.

78. Albert K. Cohen, "A Sociologist's View of Psychiatric Criminology," in Seymour L. Halleck and Walter Bromberg, eds., *Psychiatric Aspects of Criminology*, C. C. Thomas, Springfield, 1968, p. 55. Quoted by permission of the publisher.

the commission of characteristic crimes; that the rewards of criminal behavior are so multifarious and often so manifest that it is not necessary to postulate, as a general rule, that special defects or weaknesses of character are necessary preconditions to plausible motivation; and that, whatever part anomalous personality structures may play, it is fruitful to commence by analyzing the structures of the games themselves, their scoring systems and pay-offs, the built-in incentives to violate the rules and the built-in controls on violation. The political scientist, Norton Long, has said: "If we know the game being played is baseball, and that X is a third baseman, by knowing his position and the game being played we can tell more about X's behavior on the field than we could if we examined X as a psychologist or a psychiatrist."

Although psychiatry can offer particular explanations for any individual behavior, it cannot provide a general explanation of why some people are criminals and others are not. In order to pursue this question further, it is necessary to turn to an examination of the life situations of criminals, as Cohen has suggested, to see if the answer can be found there.

RECOMMENDED READINGS

Seymour L. Halleck, *Psychiatry and the Dilemmas of Crime*, Harper & Row, New York, 1967. Examines the sources of crime in terms of the advantages it offers the criminal, and considers the dangers and benefits of various psychiatric roles in correctional practice.

John J. Fitzpatrick, "Psychoanalysis and Crime: A Critical Survey of Salient Trends in the Literature," *The Annals of the American Association of Political and Social Sciences*, 423:67–74 (Jan., 1976). A brief history of psychoanalytic theories of criminal behavior.

Manfred S. Guttmacher, "The Psychiatric Approach to Crime and Correction," *Law and Contemporary Problems*, 23(4): 633–49 (Autumn, 1958). Focuses on the uses of psychiatry in corrections.

Michael Hakeem, "A Critique of the Psychiatric Approach to Crime and Correction," *Law and Contemporary Problems*, 23(4): 650–82 (Autumn, 1958). A wide-ranging attack on psychiatry and its uses in corrections.

Harry L. Kozol, Richard J. Boucher, and Ralph F. Garofalo, "The Diagnosis and Treatment of Dangerousness," *Crime and Delinquency* 18:371–92 (Oct., 1972). Report of a ten-year study claiming that "dangerousness in criminal offenders can be reliably diagnosed and effectively treated."

Stephen Van Dine, Simon Dinitz, and John Conrad, "The Incapacitation of the Dangerous Offender: A Statistical Experiment," *Journal of Research in Crime and Delinquency*, 14(1): 22–34 (Jan., 1977). Sentencing all adult felony offenders to prison for five years would prevent no more than 4% of violent crime, according to this study.

Nicholas N. Kittrie, *The Right to be Different: Deviance and Enforced Therapy*, Johns Hopkins University Press, Baltimore, 1971. The evils of unchecked power when the criminal law attempts to help rather than to punish the criminal and other deviants.

Gordon P. Waldo and Simon Dinitz, "Personality Attributes of the Criminal: An Analysis of Research Studies, 1950–65," *Journal of Research in Crime and Delinquency*, 4(2): 185–202 (July, 1967). Review of research on criminal personality characteristics.

Hervey Cleckley, *The Mask of Sanity*, 5th ed., C. V. Mosby, St. Louis, 1976. A thorough and readable discussion of the psychopathic personality which clarifies many misconceptions.

M. F. Shore, "Psychological Theories of the Causes of Antisocial Behavior," *Crime and Delinquency*, 17:456–68 (1971). Brief overview of biopsychological, developmental, psychodynamic, and social psychological theories.

Hans Toch, ed., *Psychology of Crime and Criminal Justice*, Holt, Rinehart and Winston, New York, 1979. Includes excellent chapters on psychoanalytic explanations of crime (by Fritz Redl and Hans Toch), the antisocial personality (by Albert Rabin), personality tests and delinquency (by Charles Hanley), insanity (by Thomas Szasz), and many others.

PART THREE

Positivist Theories Centering on Group or Cultural Influences

CHAPTER EIGHT

Economic Conditions and Criminality

In sharp contrast to the explanations of criminality that depend on demonstrating differences in traits or characteristics of the individuals involved, when compared with noncriminals, are the theories that minimize or ignore entirely the significance of the individual's biological or psychological makeup. Explanations in terms of differences in economic factors and influences are perhaps the oldest and most elaborately documented of the theories with a non-individual orientation. Such explanations for crime will be examined in terms of backgrounds, supporting data, and the limitations or inadequacies of this orientation.

1. IDEOLOGICAL BACKGROUND

The proposition that economic life is fundamental to all social and cultural structures, and that therefore it determines all adjustments in those structures, is old and persistent. This proposition has become the central ideological core of several political parties, in nearly every nation of the world. But political parties are action groups. Their members and followers believe in, and have accepted as desirable, the line of action that marks off the party program. When party members meet to discuss their basic ideology, they do so in the spirit of faithful followers who want to understand it better in order to strengthen their faith in its accuracy and adequacy. Any-

one who might doubt the main ideology of a party, and who would venture to offer opposition arguments would immediately become suspect, and if he persisted, would soon be expelled from the fellowship of the faithful. The principal concern of the believers is with the implementation of programs based on the accepted ideology. Any marshaling of information that does not buttress or strengthen the main ideological position is promptly deprecated and denounced rather than investigated and explored for possible significance. That is the general nature and psychology of political party organization.

There is, of course, good historical basis for the ideology of economic influence on human arrangements.[1] The production, distribution, consumption, and exchange of goods and services everywhere occupy a major part of the activities of most human beings. This is the simple, but far-reaching fact behind the idea that economic factors influence the nature and form of all social relations. In extreme form, it has been elevated to the role of a basic or "determining" factor, such that it is thought to dominate and control all other aspects of living. This is the essential content behind the phrase "economic determinism."

One of the more famous formulations of the idea of economic determinism may be found in the words of Karl Marx (1818–83) in his *Critique of Political Economy* (1859), the serious theoretical forerunner of *Das Kapital* (vol. 1, 1867; vols. 2–3, 1885–94), in which the logic and the philosophy behind the revolutionary propaganda document, *The Communist Manifesto* (1847–48), are explained. Thus, he says,[2]

The general conclusion at which I arrived and which, once reached, continued to serve as the leading thread in my studies, may be briefly summed up as follows: In the social production which men carry on they enter into definite relations that are indispensable and independent of their will; these relations of production correspond to a definite stage of development of their material powers of production. The sum total of these relations of production constitutes the economic structure of society—the real founda-

1. See, for example, the group of short articles under the entry "Economic Thought" in the *International Encyclopedia of the Social Sciences*, Macmillan and The Free Press, New York, 1968, vol. 4, pp. 430–67; and in the same volume, see "Economy and Society," by Neil J. Smelser, pp. 500–506.

2. Karl Marx, *Critique of Political Economy* (1859), English translation, International Library, New York, 1904, pp. 11–13. For a general discussion, see Alfred G. Meyer, "Marxism," *International Encyclopedia of the Social Sciences*, op. cit., vol. 10, pp. 40–46.

tion, on which rise legal and political superstructures and to which correspond definite forms of social consciousness. The mode of production in material life determines the general character of the social, political, and spiritual process of life. It is not the consciousness of men that determines their existence, but on the contrary, their social existence determines their consciousness. At a certain stage of their development, the material forces of production in society come in conflict with the existing relations of production, or what is but a legal expression for the same thing—with the property relations within which they had been at work before. From forms of development of the forces of production these relations turn into their fetters. Then comes the period of social revolution. With the change of the economic foundation the entire immense superstructure is more or less rapidly transformed.

It is clear, therefore, why in its developed form Marxian economic determinism has tended to become a broadly inclusive philosophy of social reform through the device of changing the form and organization of economic life in society. Since these economic factors were conceived of as "controlling" or "determining" all other aspects of social relations and social institutions, the entire society could be reformed by reforming the economic system. More specifically, the principal and most urgently needed reform was conceived of as involving the need to change the economic system from one of individual or corporate ownership of private property with capitalistic production for the profit of the private owners to one of state ownership of all important property with production under state planning for general use and social welfare.

This program of action has been the basic ideological appeal of all the radical or leftist movements that have swept much of the world since the days of Karl Marx. Communist, socialist, or labor parties have usually had the same ends. How revolutionary particular parties or movements have been has depended primarily on the way or method advocated for bringing about changes in the economic and political systems thought necessary to permit the same generally desired ends to be worked out.

Since in theories of economic influence, it is assumed that social arrangements generally are profoundly affected by (determined in the view of extremists) the existing system of economics, it follows that the problems and maladjustments of society, such as crime, are also the product of and affected by the existing economy. Hence,

theories of economic influence on social systems generally become also theories of the more specific influence of economic factors on crime in society.

Marx himself did not discuss the problem of crime or its relation to the economic system at length, although he did address the subject in several different passages.[3] At one point, he argued against the classical philosophy that was dominant in his day.[4] That philosophy held that all men freely and equally joined in a social contract for the common good, and that law represented a consensus of the general will. Marx maintained that this view ignored the fact that the unequal distribution of wealth in society produces an unequal distribution of power. Those with no wealth have no power in the formation of the social contract, whereas those with great wealth can control it to represent their own interests. Thus, Marx did not see crime as the willful violation of the common good, but as "the struggle of the isolated individual against the prevailing conditions."[5]

In another passage, Marx argued that crime is a form of production that is part of the overall economic life of the society.

> A philosopher produces ideas, a poet poems, a clergyman sermons, a professor compendia and so on. . . . The criminal produces not only crimes but also criminal law, and with it the professor who gives lectures on criminal law and in addition to this the inevitable compendium in which this same professor throws his lectures onto the general market as "commodities." . . . The criminal moreover produces the whole of the police and of criminal justice, constables, judges, hangmen, juries, etc., and all these different lines of business which form equally many categories of the social division of labour, develop different capacities of the human spirit, create new needs, and new ways of satisfying them.[6]

3. For discussions of Marx's views on crime, see Ian Taylor, Paul Walton, and Jock Young, *The New Criminology*, Harper & Row, New York, 1973, pp. 209–36; and Paul Q. Hirst, "Marx and Engels on Law, Crime and Morality," *Economy and Society*, 1(1): 28–56 (Feb., 1972), reprinted in Taylor, Walton, and Young, eds., *Critical Criminology*, Routledge & Kegan Paul, London, 1975, pp. 203–32.

4. Karl Marx and Friedrich Engels, *The German Ideology*, Lawrence and Wishart, London, 1965, pp. 365–67.

5. Ibid. p. 367.

6. Karl Marx, *Theories of Surplus Value*, Part 1, translated by E. Burns, Lawrence and Wishart, London, 1964, p. 375. Taylor, Walton, and Young, op. cit. pp. 210–13, as well as Hirst, op. cit. pp. 221–24, quote this passage, and maintain that it is meant to be ironic.

Hirst argued that Marx's idea of crime centered on the concept of demoralization.[7] Marx believed that it was essential to man's nature that he be productive in his life and in his work. But, in an industrialized capitalist society, there are large numbers of people who are unemployed and underemployed. Because they are not productive, these people become demoralized and are subject to all forms of crime and vice. That view is not inconsistent with the other two passages. The "prevailing conditions" of the industrialized capitalist economy determine that certain people (primarily lower class) will not be productive, and that goes against their essential natures. These people then become productive illegally—that is, they produce crime—both because being productive fulfills their essential natures and because it is a form of rebellion against those prevailing conditions.

Willem Bonger, a Marxist criminologist, provided an extensive theory of crime in his book *Criminality and Economic Conditions*.[8] Bonger argued that the capitalist economic system encouraged all men to be greedy and selfish and to pursue their own benefits without regard to the welfare of their fellow man. Crime is concentrated in the lower classes because the justice system criminalizes the greed of the poor while it allows legal opportunities for the rich to pursue their selfish desires. He argued that a socialist society would ultimately eliminate crime because it would promote a concern for the welfare of the whole society, and would remove the legal bias that favors the rich.[9]

2. THE EFFECT OF CHANGES IN ECONOMIC CONDITIONS ON CRIME RATES

Discussions of the sad state of the poor, with allegations of such undesirable consequences as sickness, vagrancy, crime, and hopeless

7. Hirst, op. cit. pp. 215–21.

8. Willem Bonger, *Criminality and Economic Conditions*, Little, Brown, Boston, 1916; reprinted by Agathon, New York, 1967. See also the excellent "Introduction" by Austin T. Turk in the Abridged Edition, Indiana University Press, Bloomington, 1969.

9. Despite Bonger's predictions, crime is still a problem in socialist countries. See, for example, Valery Chalidze, *Criminal Russia: Essays on Crime in the Soviet Union*, Random House, New York, 1977; or Walter Conner, *Deviance in Soviet Society: Crime, Delinquency, Alcoholism*, Columbia University Press, New York, 1972.

despair go far back into antiquity.[10] In addition to ideological arguments, these discussions have generated many attempts to demonstrate empirically that crime is associated with poverty. Some of these attempts have focused on variations in economic conditions to see if they correspond to variations in crime rates. If crime is caused by poverty, so the reasoning goes, then there should be more crime in times of economic depression (when there are more poor people) and less in times of economic prosperity. With the development in Europe of a relatively stable social and political organization, records and official bookkeeping began to become more accurate and dependable. Systematic registries of births and deaths, for example, developed in European cities and states in the 1500s—in Augsburg in 1501; London 1517; and state and national registries in France 1539–79; England 1547; Brandenburg 1573; Netherlands 1592, to mention a few specific instances.[11]

With better records and more emphasis on inductive reasoning and factual information, which were part of the developing scientific spirit, various items in the official records began to be counted and compared as part of an analysis of economic conditions and their consequences. It is said that the first numerical study of death records was that of John Graunt (1620–74), an English captain, who entitled his work *Natural and Political Observations upon the Bills of Mortality* (1662),[12] which in England soon came to be called a work of "political arithmetic."[13] In Germany, such studies were usually called "moral statistik."[14] Edmund Halley (1656–1742), the

10. Cf. Joseph Van Kan, *Les Causes économique de la criminalité*, A. Storck, Paris, 1903, cited by Thorsten Sellin, *Research Memorandum on Crime in the Depression*, New York, Social Science Research Council Bulletin No. 27, 1937, pp. 23–4, reprinted by Arno Press, New York, 1972; also cited by Morris Ploscowe, *Report on the Causes of Crime*, vol. 1, of No. 13, Report of the National Commission on Law Observance and Enforcement, Washington, June 26, 1931, pp. 97–99.

11. From the account of "History of Statistics" by Walter F. Wilcox in *Encyclopedia of the Social Sciences*, vol. 14, 1934, p. 356..

12. M. G. Kendall, "The History of Statistical Method," in *International Encyclopedia of the Social Sciences*, Macmillan and The Free Press, New York, 1968, vol. 15, p. 226. See also "John Graunt" by B. Benjamin, vol. 6, pp. 253–55.

13. Bernard Lécuyer and Anthony R. Oberschall, "The Early History of Social Research," *International Encyclopedia of the Social Sciences*, vol. 15, pp. 36–37.

14. Yale Levin and Alfred Lindesmith, "English Ecology and Criminology of the Past Century," *Journal of Criminal Law and Criminology*, 27:801–16 (Mar.–Apr., 1937), p. 815; also mentioned by Thorsten Sellin, op. cit. pp. 22–23, in a discussion of the work of Georg von

astronomer for whom Halley's comet was named, compiled and published in 1692–93 the first systematic "life-expectancy tables."[15] It was Adam Smith's (1723–90) cogent use of these same official, quantitative data on social and economic conditions that made his great work, *Inquiry into the Nature and Causes of the Wealth of Nations* (1776) so effective.

Concern with the basic problem of poverty and its consequent train of misfortune—hunger, vice, delinquency, disease, and early death—was the immediate reason for the publication of Malthus' controversial studies of population growth.[16] Improved public records and registries soon made possible quantitative studies of social and economic conditions and their probable consequences. Thus, the *Report of the Committee of Justices Appointed to Consider the Treatment of Juvenile Offenders* (Borough of Birmingham) appeared in 1800; and in 1816, the *London Committee for the Investigation of the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis.* These were official inquiries based in part on comparisons of quantitative data in which the misconduct of the young offender was examined in the light of existing circumstances and the conditions of social and economic welfare.[17]

Such studies were greatly facilitated by the better coverage and greater accuracy of official crime registers. France is said to have set an early high standard for such official records in her *Compte générale,* first published in 1825.[18] Soon thereafter A. M. Guerry published in France what is by many considered to be the first work in "scientific criminology." He used "shaded ecological maps to represent differing crime rates" in relation to geographical factors and level of education. After preliminary publication in 1829, his work

Mayr, *Statistik der Gerichtlichen Polizei im Königreiche Bayern und in einigen anderen Ländern,* Munich, 1867.

15. Lécuyer and Oberschall, op. cit. p. 37.

16. Cf. Thomas R. Malthus, *Essay on Principle of Population as it Affects the Future Improvement of Society,* London, 1798. For a discussion of Malthus, see the article by Mark Blaug in *International Encyclopedia of the Social Sciences,* vol. 9, pp. 549–52.

17. Original sources are cited, summarized, and interpreted by Alfred Lindesmith and Yale Levin, "The Lombrosian Myth in Criminology," *American Journal of Sociology,* 42:653–71 (March., 1937) p. 658. See also Thorsten Sellin, op. cit. pp. 19–25.

18. Alfred Lindesmith and Yale Levin, "The Lombrosian Myth in Criminology," op. cit. p. 655.

appeared in expanded book form in 1833 under the title *Essai sur la statistique morale de la France.*[19] In 1836, there appeared an elaborate analysis of crime and "moral conditions" in France, Belgium, Luxembourg, and Holland by Adolphe Quetelet (1796–1874), the distinguished Belgian mathematician, astronomer, and developer of social statistics.[20] Quetelet has been called "the first social criminologist," whose view was that "Society prepares the crime and the guilty is only the instrument by which it is accomplished."[21]

Since these early efforts, there have been literally hundreds of studies published in Europe and the United States, in which some kind of conclusion about the relations claimed to exist between economic conditions and criminality was drawn.[22] Almost from the first studies, however, there has been disagreement in findings and debate about whether the conclusions drawn were justified. Thus, for example and very typically, a group of early English writers whose studies appeared in the *Journal of the Statistical Society of London* could not agree on any of the major questions about the effect of economic conditions on criminality. Russell[23] attributed the great increase in crime in England in 1842, as measured by the number of prisoners before superior courts, mainly to "the general distress, commercial, manufacturing, and agricultural, which prevailed throughout the country during that year." Joseph Fletcher,[24] using data covering a period of 37 years (1810–47), claimed to have found "an immediate connection . . . between the price of food (wheat)

19. Yale Levin and Alfred Lindesmith, "English Ecology and Criminology of the Past Century," op. cit. pp. 815–16.

20. Cf. Adolphe Quetelet, *Sur l'Homme et le développement de ses facultes; essai de physique sociale*, Bachelier, Paris, 1835. The work of Guerry and Quetelet is discussed in Leon Radzinowicz, *Ideology and Crime*, Columbia University Press, New York, 1966, pp. 29–42.

21. C. Bernaldo de Quiros, *Modern Theories of Criminality*, trans. by Alfonso De Salvio, Little, Brown, Boston, 1911, p. 10.

22. This whole subject was systematically explored, and many of the more important studies were cited and reviewed in Thorsten Sellin, *Research Memorandum on Crime in the Depression*, Social Science Research Council Bulletin No. 27, New York, 1937. His report covers both European and American studies up through 1935. It is reasonably definitive as an effort at bringing together the scattered research on the problem of economics and crime.

23. Whitworth Russell, "Abstract of the 'Statistics of Crime in England and Wales from 1839 to 1843' ", *Journal of the Statistical Society of London*, 10:38–61 (Mar., 1847), especially p. 38, cited by Sellin, op. cit. p. 20.

24. Joseph Fletcher, "Moral and Educational Statistics of England and Wales," *Journal of the Statistical Society of London*, 12:151–76; 189–335 (May–Aug., 1849), especially p. 167, cited by Sellin, op. cit. p. 21.

and the amount of commitments, every access to the former being followed by an access in the latter." But a third writer, John Clay,[25] using commitments to the Preston House of Correction for 1835–54, claimed that economic "hard times . . . may add a few cases" to the sessions calendars, whereas "good times" greatly increased summary convictions. The explanation for the increase in the sessions cases (more serious crimes) in periods of hard times he asserted to be that "the young and thoughtless who, when thrown into idleness, are liable to lapse into dishonesty." The increase in summary cases in good times "arises from the intemperance which high wages encourage among the ignorant and sensual."

Clay's work was promptly challenged by R. H. Walsh[26] on the charge that he had used a meaningless measure of criminality, namely, summary convictions, to show increase of crime with good times, whereas "a more accurate measure of crime is to be found in the returns of offenses set for trial to assizes and quarter sessions." Walsh then presented figures for England and Wales for the period 1844–54, which he claimed showed crime increasing in bad years and decreasing in good years. Clay soon made his rebuttal,[27] sticking to his original interpretation and citing a further study by H. Kitton (Norwich, 1856), in which the yearly average wheat prices for the period 1800–1853 were compared with the figures for criminality, and claimed that "the years of greatest amount of crime have been years of cheapness."

Ten years after this inconclusive argument and continuing disagreement among the English writers, there appeared the famous study of Georg von Mayr[28] in which he correlated the fluctuations in the price of rye with fluctuations in certain types of offenses in Bavaria for the period 1836–61. Using crimes known to the police as his crime index, he found a high positive correlation between offenses against the person and the price of rye. His conclusion that

25. John Clay, "On the Effect of Good or Bad Times on Committals to Prison," *Journal of the Statistical Society of London*, 18:74–9 (Mar., 1855), especially p. 79, cited by Sellin, op. cit. p. 21.

26. Richard Hussey Walsh, "A Deduction from the Statistics of Crime for the Last Ten Years," *Journal of the Statistical Society of London*, 20:37–78 (Dec., 1857), especially p. 37, cited by Sellin, op. cit. p. 21.

27. Clay, "On the Effect of Good or Bad Times on Committals to Prison," op. cit. p. 384, cited by Sellin, op. cit. p. 22.

28. von Mayr, op. cit. cited by Sellin, op. cit. p. 22.

"for every half-penny increase in the price of rye there would be an increase of one theft per 100,000 persons, and for every drop in the price of rye there would be a corresponding decrease in the crime of theft" has often been taken as a firmly established fact. In 1929, W. Woytinsky[29] applied modern statistical methods of correlation to the von Mayr data and found a correlation coefficient (r) of $+.76 \pm .08$ between the price of rye and offenses against property.

In spite of Woytinsky's more recent substantiation, a skeptical approach to the von Mayr conclusion is the prudent attitude for the present. There is an equally convincing modern contradiction to the von Mayr conclusion. In 1945, Paul Wiers[30] published the results of a relatively long study (1921–43) comparing fluctuations in juvenile delinquency court cases and various indexes of economic conditions for Wayne County (Detroit), Michigan. His correlations are generally high and opposite in direction from von Mayr's. Instead of delinquency being high in bad times and low in good times, he found positive correlations between indexes of good economic conditions and high delinquency. The correlation coefficients for some of these indexes are: (1) non-agricultural employment, +.70; (2) department store sales, +.50; (3) gross national product (1939 prices), +.49; (4) industrial production, +.48. When the World War II years are excluded and the comparison is made only for the years 1921–39, there is little change in the first two comparisons above, but the last two become gross national product, +.60; industrial production, +.63. A number of other studies have supported this conclusion.[31]

These results, it will be seen, generally contradict the more familiar conclusion usually drawn and often buttressed by reference to von Mayr. The Wiers study, both from the standpoint of the indexes used and the validity of the statistical methods employed, is fully as

29. W. Woytinsky, "Kriminalität und Lebensmittelpreise," *Zeitschrift für die gesamte Strafrechtswissenschaft*, 49:647–75 (1929), especially p. 661, cited by Sellin, op. cit. p. 22, footnote.

30. Paul Wiers, "Wartime Increase in Michigan Delinquency," *American Sociological Review*, 10:515–23 (Aug., 1945).

31. These include J. O. Reinemann, "Juvenile Delinquency in Philadelphia and Economic Trends," *Temple University Law Quarterly*, 20:576–83 (Apr., 1947); Lowell J. Carr, *Delinquency Control*, Harper, New York, 1950, pp. 83–89; David Bogen, "Juvenile Delinquency and Economic Trends," *American Sociological Review*, 9:178–84 (Apr., 1944); and James S. Plant, *Personality and the Cultural Pattern*, The Commonwealth Fund, New York, 1937, p. 141.

adequate and scientific as that of von Mayr, or of any of the others that support the same conclusion. Wiers's essentially opposite findings should not be ignored, nor can they be denied.

Contradictory findings have continued to appear in more recent studies, especially on the question of the relationship of unemployment to crime and delinquency. A study by Glaser and Rice generally supported Wiers's findings, with the conclusion that delinquency was inversely related to unemployment—that is, delinquency is high when unemployment is low and vice versa.[32] Glaser and Rice suggested that this might be because in times of unemployment parents are more available to their children. In two econometric studies, however, it was found that delinquency was directly related to unemployment, and that a 1% increase in unemployment will result in an approximately .15% increase in delinquency.[33] In a third econometric study, it was found that unemployment had no effect on criminality of urban males in the age group 14 through 24.[34] Finally, in a study of crime and unemployment rates from 1940 to 1973 carried out for the Joint Economic Committee of the United States Congress, it was concluded that a sustained 1% increase in unemployment results in a 4% increase in state prison admissions and a 5.7% increase in murder.[35]

32. Daniel Glaser and Kent Rice, "Crime, Age, and Employment," *American Sociological Review*, 24:679–86 (Oct. 1959). Additional support for this study can be found in Jack P. Gibbs, "Crime, Unemployment and Status Integration," *The British Journal of Criminology*, 6(1): 49–58 (Jan., 1966). The study was criticized as a statistical artifact in Marcia Guttentag, "The Relationship of Unemployment to Crime and Delinquency," *Journal of Social Issues* 24(1): 105–14 (Jan., 1968).

33. Larry D. Singell, "An Examination of the Empirical Relationship Between Unemployment and Juvenile Delinquency," *The American Journal of Economics and Sociology*, 26(4): 377–86; and Belton M. Fleischer, "The Effect of Unemployment on Juvenile Delinquency," *Journal of Political Economy*, 71:543–55 (Dec., 1963). Related works by Fleischer are "The Effect of Income on Delinquency," *The American Economic Review*, March, 1966, pp. 118–37; and *The Economics of Delinquency*, Quadrangle Books, Chicago, 1966. This position is supported in Harold L. Votey, Jr., and Llad Phillips, "The Control of Criminal Activity: An Economic Analysis," in Daniel Glaser, ed., *Handbook of Criminology*, Rand McNally, Chicago, 1974, pp. 1065–69.

34. Isaac Ehrlich, "Participation in Illegitimate Activities: A Theoretical and Empirical Investigation," *Journal of Political Economy*, May/June, 1973, pp. 521–64.

35. Harvey Brenner, *Estimating the Social Costs of National Economic Policy*, U.S. Government Printing Office, Washington, D.C., 1976. See also a summary of his testimony before the House Judiciary Committee's Subcommittee on Crime in *Criminal Justice Newsletter*, Oct. 10, 1977, p. 5.

3. SOURCES OF CONFUSION

Why have all these studies, extending back over a period of more than 150 years, given such inconclusive, if not actually contradictory results? One obvious difficulty is the simple fact that the data are not accurately reported, routine information. Poverty is always in part a subjective condition, relative to what others have, rather than any simple objective fact of the presence or absence of a certain amount of property or other measure of wealth. What one man considers poverty, another may view as a level of satisfactory comfort, if not of abundance. Unemployment, too, is always uncertainly related to the subjective factor of "willingness to work," and to the degree of fastidiousness exercised by the worker as to the kind of work he will do. Thus, despite the fact that both poverty and unemployment are genuine kinds of human experience, they nevertheless do not lend themselves readily to the accurate gathering of information.

Another serious problem in this whole area is the frequent lack of perspective on the basic theoretical assumptions made about the relationships that may exist between economic conditions and crime. In general, two different assumptions should be considered: (1) *That the relationship is inverse or negative;* that is, when economic conditions are good the amount of criminality should be low, but when conditions are bad, criminality should be high; (2) *that the relationship is direct or positive;* that is, that criminality is an extension of normal economic activity (a criminal fringe, as it were), and that therefore it increases or decreases in the same manner and at the same time as normal economic endeavor. If the second assumption is correct, the amount of crime should increase and be at its highest point when conditions are good, and it should decrease when conditions are bad.

The general theoretical position represented by the first assumption is that held by all Marxists and other leftists. Data on fluctuations in the amount of crime are often used to buttress Marxist inferences about the social effects of economic conditions, as witnessed, for example, in the writings of Bonger.[36] The theoretical position represented by the second assumption has been most explicitly de-

36. Bonger, op. cit.; also his *Introduction to Criminology*, Methuen, London, 1936.

veloped by the Italian Fillipo Poletti[37] to supplement the original research of Enrico Ferri[38] and his famous "law of criminal saturation."[39]

Both Ferri and Poletti were concerned with trying to explain what was generally accepted to be true, namely, a considerable increase in crime in Europe in the period 1800 to 1860, but especially 1849 to 1852.[40] Ferri had estimated that the criminal activity in France had increased at a rate represented by the index 100 to 254. Poletti sought to find a suitable measure for the increase in legitimate business and economic activity, and from a study of tax collections concluded that this increase was represented by the index 100 to 300 for the same years used by Ferri's crime study in France. Since crime had increased only 100 to 254 in the time that legitimate economic activity had increased 100 to 300, Poletti argued that actually there was less criminality than might have been expected.

Poletti's theoretical position has been restated by Ploscowe,[41] in the light of contemporary America, as follows[42]:

37. Fillipo Poletti, *Del sentimento nella scienza del diritto penale*, Undine, 1882, cited and quoted by Morris Ploscowe, op. cit. pp. 113–15.

38. Enrico Ferri, *Studii sulla criminalita in Francia*, Rome, 1881; also his *I nuovi orizzonti del diritto e della procedura penale*, Zanichelli, Bologna, 1881.

39. Enrico Ferri, *La sociologia criminale*, Turin, 1884. Published in partial English translation by "W.D.W." as *Criminal Sociology*, New York, Appleton, 1900. The usual English version is the translation by J. I. Kelly and John Lisle from the second French edition and published as *Criminal Sociology*, Boston, Little, Brown, 1917. The "law of criminal saturation" is stated as follows (p. 76) in the 1900, Appleton English edition: "Just as in a given volume of water, at a given temperature, we find a solution of a fixed quantity of any chemical substance, not an atom more or less, so in a given social environment, in certain defined physical conditions of the individual, we find the commission of a fixed number of crimes." This "law" was restated by Kai T. Erikson in *Wayward Puritans*, Wiley, New York, 1966, p. 26: "When the community calibrates its control machinery to handle a certain volume of deviant behavior it tends to adjust its . . . legal . . . definitions of the problem in such a way that this volume is realized." Eugene Doleschal found empirical support for this position in an analysis of arrest trends from 1969 to 1976. He found that arrests for serious crimes (those recorded in the FBI Crime Index) remained stable, while arrests for victimless crimes went down and arrests for non-index offenses went up almost exactly the same amount. He stated "What this apparently means is that police have been busy arresting serious offenders at roughly the same rate throughout the eight years and that, as pressure mounted to leave victimless crimes alone, they took up the slack by concentrating on non-index offenders." See Eugene Doleschal, "Input to the Criminal Justice System Remains Constant," *Criminal Justice Newsletter*, Nov. 21, 1977, p. 5.

40. Enrico Ferri, op. cit. p. 77.

41. Morris Ploscowe, "Some Causative Factors in Criminality," *Report on the Causes of Crime*, vol. 1, part 1, pp. 5–161, No. 13, Report of National Commission on Law Observance and Law Enforcement, Washington, D.C., June 26, 1931.

42. Ibid. p. 114.

Where increased incentives and increased occasions for illegitimate activities result from an increased amount of legitimate activity, there is apt to be an increase in crime.

With this reformulation of Poletti's position, Ploscowe presented a carefully formulated, theoretically consistent interpretation to explain the generally accepted belief that crime had probably increased throughout much of the Western world during the previous 150 years, despite the obvious and indisputable increase in the economic well-being of nearly everyone everywhere. The unparalleled economic and social progress had given the ordinary worker a much better economic position that he had ever enjoyed in the past, but it also brought new pressures and demands that often resulted in criminality. Thus Ploscowe concludes[43]

> There is the relentless pressure exerted by modern industry toward the stimulation of new needs, through the countless forms which advertising may take . . . there is the example of a leisure class openly enjoying all the advantages of modern society. . . . Democracy has broken down the caste lines which formerly cut an individual off from the privileges of the class above him. The modern individual does not wish to be simply a spectator at the feast of others. . . . He interprets the democratic theory to mean that all men are born with an equal right to enjoy the good things in life. What cuts him off is no inherent inferiority but merely the lack of money. Thus, as Jacquart[44] observes: "The more well-being becomes widespread and wealth greater, the more thieves, forgers, and swindlers there are. Most of them do not steal because of poverty. They are . . . thieves who wish to live from the fruit of their depredations. They are greedy individuals [whose crimes are committed] . . . not as an insurance against hunger, but to obtain enjoyments of all kinds that it makes possible."

Ploscowe's interpretation is consistent with the findings of William Nagel in a comparative study of the crime rates of the 50 states in the United States.[45] He found that there was a positive correlation between crime rates and per capita income (+.508) and be-

43. Ibid. pp. 115–16.

44. Camille Jacquart, *Essais de statistique moral, la criminalité belge, 1868–1909*. Institut Supérieur de Philosophie, Louvain, 1912, p. 117, quoted by Ploscowe, op. cit. p. 115.

45. William G. Nagel, "A Statement on Behalf of a Moratorium on Prison Construction," *Crime and Delinquency* 23(2): 154–72 (Apr., 1977).

tween crime rates and unemployment (+.517), but that there was a negative correlation between crime rates and the percentage of the population below poverty level (−.436). This would suggest that "objective" poverty is not associated with crime, but that "subjective" poverty (being unemployed in a prosperous area) may be.

One fundamental assumption behind Ploscowe's interpretation, however, was that crime had been increasing in Western society for the previous 150 years. A more recent study by Ted Robert Gurr[46] found that the crime rates of London, Stockholm, and Sydney had actually decreased from the 1840s to the 1930s (when Ploscowe wrote his report) and, at that time, were only about one-eighth of their earlier levels. Gurr also found that, since the 1930s, crime had increased by approximately the same amount as the previous decrease. He speculated that some of the recent increases in crime rates may be due to more complete police reporting of crimes, but argued that, in general, these statistics reflect basic trends in the incidence of criminal behavior.

Gurr considered the relationship between crime and economic conditions, and found support for both assumptions:

> The evidence of the city studies is that poverty *and* wealth are correlated with the incidence of common crime, not only theft but crimes against the person as well. In nineteenth century London, Stockholm, and New South Wales both theft and assault increased during periods of economic slump and declined when economic conditions improved again. Economic distress had very little effect on crime rates in either direction in the twentieth century, but as total productivity (wealth) increased, so did common crime. Evidently two separate causal processes were at work at different times.[47]

It would seem that the effect of economic conditions on crime rates is still not precisely known. But one can always find an argument in favor of one or the other of the two contradictory interpretations. In these arguments, it is important to recognize the problem

46. Ted Robert Gurr, *Rogues, Rebels, and Reformers*, Sage, Beverly Hills, 1976. This study also considers crime rates of Calcutta, a non-Western city that had a different pattern of crime rates. For the complete study see Ted Robert Gurr, Peter N. Grabosky, and Richard C. Hula, *The Politics of Crime and Conflict: A Comparative History of Four Cities*, Sage, Beverly Hills, 1977. A shorter version is found in Gurr's article "Contemporary Crime in Historical Perspective: A Comparative Study of London, Stockholm, and Sydney," *Annals of the American Academy of Political and Social Science*, 434:114–36 (Nov., 1977).

47. Gurr, *Rogues, Rebels, and Reformers*, op. cit. p. 179.

of specifying the time interval assumed to be involved before economic changes exhibit any effect on criminality. Are the effects to be assumed to be immediate and simultaneous, or should one assume that there will be some period of delay or lag before the crime index is affected by change in economic conditions? An illustration or two will set out the problem.

One of the most widely used textbooks in criminology in the United States carried, virtually without change in several editions, the following statement summarizing one of the more pertinent statistical studies[48]:

> Thomas found a correlation of −.25 between all indictable crimes and economic prosperity in England and Wales for the period 1857–1913. . . .

But it is clear that in arriving at this statement the textbook writer resolved the problem by the judicious selection of a correlation coefficient consistent with the point he wished to make. The full spread of numerical values of several coefficients from the work of Dorothy Thomas[49] is shown in Table 8-1. It is clear from Part A, "Prosecutions for All Indictable Crimes," that if one assumes that it takes as long as two years for a change in economic conditions to have a maximum effect on criminality, then the correlation coefficient is not $-.25 \pm .13$, as selected by the textbook writer, but instead is $+.18 \pm .13$.

In this case, the assumption made about the time interval gives the correlation coefficient the meaning attributed to it by the textbook writer quoted above. But it should be noted that there is nothing in the statistical information as such that makes the assumption of an immediate effect of economic conditions on criminality any more probable, or plausible, than the equally reasonable assumption that there will be a time lag of several years before their consequences appear as criminal cases in court. Obviously the statistics here were selected to fit a particular interpretation rather than the interpretation evolving from the relationship established as most probable. In view of the magnitude of the standard deviations in

48. Edwin H. Sutherland and Donald R. Cressey, *Criminology*, 9th ed., Lippincott, Philadelphia, 1974, p. 225. This statement appeared in all editions since 1934, but was eliminated in the 10th edition (1978, p. 235).

49. Dorothy Swaine Thomas, *Social Aspects of the Business Cycle*, Routledge & Kegan Paul, London, 1925, Table 6, Parts A, B, and C, p. 143.

TABLE 8-1 Coefficients of Correlation (Standard Deviations Indicated) British Business Cycles as Standard

Time Period Covered	Number of years correlative lags behind standard			
	Synchronous Items	One Year	Two Years	Three Years
(A) *Prosecutions for All Indictable Crimes as Correlative*				
1857–1913	−.25 ±.13	+.09 ±.14	+.18 ±.13	+.15 ±.14
1857–1874	−.32 ±.21	−.16 ±.23	−.11 ±.23	−.27 ±.22
1875–1894	−.18 ±.23	+.05 ±.24	+.28 ±.22	+.39 ±.21
1895–1913	−.27 ±.21	+.21 ±.23	+.51 ±.18	+.40 ±.21
(B) *Prosecutions for Crimes against Property without Violence as Correlative*				
1857–1913	−.25 ±.13	+.02 ±.14	+.16 ±.14	+.07 ±.14
1857–1874	−.31 ±.21	−.08 ±.23	−.06 ±.24	−.26 ±.22
1875–1894	−.19 ±.23	.00	+.18 ±.23	+.20 ±.23
1895–1913	−.26 ±.21	+.24 ±.22	+.52 ±.18	+.37 ±.22
(C) *Prosecutions for Crimes against Property with Violence as Correlative*				
1857–1913	−.44 ±.11	−.37 ±.12	+.08 ±.13	+.11 ±.13
1857–1874	−.39 ±.20	−.51 ±.17	−.32 ±.21	−.19 ±.23
1875–1894	−.51 ±.17	−.39 ±.19	.00	+.30 ±.20
1895–1913	−.49 ±.17	−.09 ±.23	+.32 ±.22	+.51 ±.18

Source: Dorothy S. Thomas, *Social Aspects of the Business Cycle*, Routledge & Kegan Paul, London, 1925. Table 6, p. 143, Parts A, B, and C. (Values are Pearsonian *rs*.) Reproduced with permission of publisher.

each case, however, little statistical significance can be attached to any of these coefficients, except perhaps that for the period of 1895–1913, with a lag of two years, where r is $-.51 \pm .18$.

Part B of Table 8-1 (Prosecutions for Crimes against Property without Violence) similarly shows a range of negative to positive correlation coefficients. Again, the spread of the standard deviations makes the statistical significance of the data unlikely, but the most probably significant value of r is $+.52 \pm .18$ for a time lag of two years (period 1895–1913).

In Part C of Table 8-1 (Prosecutions for Crimes against Property

with Violence), the correlation coefficients are more nearly statistically significant than was the case in either Part A or Part B. But it should be noted that, again, r may be either positive or negative depending upon the time lag chosen. For the period 1895–1913, r is $-.49 \pm .17$ for synchronous items, which seems to be the coefficient preferred by Thomas.[50] But with a lag of three years, r is $+.51 \pm .18$, which is fully as significant statistically. Again, it appears that preference for the assumptions of one theoretical orientation rather than another may lead to the selection of particular coefficients that fit in with the theory preferred.

Since this work is one of the best statistical studies of its kind, and is often quoted in discussions of the problem of economics and criminality, it seems worthwhile to emphasize its equivocal nature and to call attention to the tendency to select those correlation coefficients that support a preferred theory and to ignore those that suggest different conclusions. In this kind of problem, one cannot measure both the degree of relationship and the time lag involved by the same correlation coefficient. One either assumes the relationship (presumably on the basis of good, independent information) and then uses that correlation coefficient to determine the time when the relationship is most significant,[51] or one assumes the time lag (again, presumably from independent information) and uses the correlation coefficient to measure the degree of relationship involved. It is impossible to do both at the same time. Yet this is precisely where much of the confusion originates in the statistical argument over the relation between economic conditions and criminality.

4. IMPLICATIONS AND LIMITATIONS OF ECONOMIC EXPLANATIONS

The foregoing review of some of the efforts made in this area of research has sought to focus attention on the problem of underlying theory. No attempt has been made to harmonize differences or to find an acceptable middle ground between inconsistent extremes. The idea that economic explanations of criminality are somehow more scientific than ordinary political party doctrine because the alleged proof is quantitative seems clearly not to be well supported. Theoretical assumptions tend to control the selection of data, rather

50. Ibid. p. 139.

51. For a good illustration of this use of correlation methods see F. Stuart Chapin, "Dependency Indexes for Minneapolis," *Social Forces*, 5 (2): 215–24 (Dec., 1926).

than the array of data leading to summary formulations basic to the theory then advanced.

In the objective data reviewed, assumptions involving either *positive* or *negative* relationships with economic conditions may be supported with some show of statistical significance. The obvious inference is that the general relations of economic conditions and criminality are so indefinite that no clear or definite conclusion can be drawn. Hence, there is a general tendency to accept the position that economic conditions represent only one of a large number of environmental circumstances.[52] As such, this then becomes one factor in the "multiple factor" approach to the causation of crime. No one area of influence—economic, biological, psychological, or social—is considered of particular significance; each plays an indefinite and changing role in a total whole. The real problem in this view is to go beyond the commonsense assertion of relationship to make a more technically accurate or scientific statement of the extent or degree of influence or relationship involved. This then becomes a question of statistical procedure. This is a far cry from the earlier "economic determinism" of Marx and his followers.

The lessening of the significance of economic factors to that of making an undetermined contribution to a whole brings to the fore the theoretical orientation of interdependence and interrelationship that is so fundamental to sociological theories. In any serious sociological sense, influence is a two-way street. If economic conditions contribute to the structure and functioning of various social arrangements, including crime, it is equally true that the social and institutional structure affects the nature of economic affairs. Economic conditions are then no longer "determining" factors and the theoretical orientation changes. This orientation is discussed later.

RECOMMENDED READINGS

J. M. van Bemmelen, "Willem Adriaan Bonger," in Herman Mannheim, ed., *Pioneers in Criminology*, Patterson Smith, Montclair, 1972, pp. 443–57. A brief account of Bonger's life, work, and times.

52. The so-called multiple factor approach is probably the one used by the great majority of textbook writers and others interested in the field of criminology. Its great weakness from the standpoint of theory is the inability to pinpoint factors of significance such that they can be singled out for purposes of prediction and control. There is always a large group of negative cases to which the theory does not apply.

Austin T. Turk, "Introduction," in Willem Bonger, *Criminality and Economic Conditions*, Abridged Edition, Indiana University Press, Bloomington, 1969. A good presentation of Bonger's thought.

Thorsten Sellin, *Research Memorandum on Crime in the Depression, Social Science Research Council, New York*, 1937. Summary and appraisal of studies on the effect of economic conditions on crime rates up to the 1930s.

Leon Radzinowicz, "Economic Pressures," in Leon Radzinowicz and Marvin E. Wolfgang, eds., *Crime and Justice, Volume 1: The Criminal in Society*, Basic Books, New York, 1971, pp. 420–42. Reviews theories and studies that relate crime to economic insecurity, to economic affluence, and to the capitalist economic system.

Ted Robert Gurr, *Rogues, Rebels, and Reformers*, Sage, Beverly Hills, 1976. A survey of crime and conflict in four cities between 1800 and the present, in relation to socioeconomic and political conditions and criminal justice policies.

CHAPTER NINE

The Ecology of Crime

Although it is not clear how economic conditions affect crime rates, it is apparent that poor people have much higher rates of arrest and conviction than other people, and that the so-called "high crime areas" are normally the areas in which poor people live. Economic conditions may be only one of a number of factors that cause crime, or there may be other factors that "cause" both low economic status and high crime rates.

In the 1920s, members of the Department of Sociology at the University of Chicago attempted to pinpoint the environmental factors associated with high crime rates and the relationships among those factors. Their procedure involved correlating the characteristics of each neighborhood with the crime rates of that neighborhood. This first large scale study of crime in America produced a mass of data and a large number of observations about crime that led directly to much of the later work in American criminology. Since this research was based on an image of human communities taken from plant ecology, it became known as "The Chicago School of Human Ecology."

1. THE THEORY OF HUMAN ECOLOGY

The term "ecology," as it is used today, is often linked to the idea of protecting the natural environment. In its original meaning, how-

ever, it is a branch of biology in which plants and animals are studied in their relationships to each other and to their natural habitat. Plant life and animal life are seen as an intricately complicated whole, a web of life in which each part depends on almost every other part for some aspect of its existence. Organisms in their natural habitat exist in an ongoing balance of nature, a dynamic equilibrium in which each individual must struggle to survive. Ecologists study this web of interrelationships and interdependencies in an attempt to discover the forces that define the activities of each part.[1]

Human communities, particularly those organized around a free-market economy and a *laissez-faire* government, could be seen to resemble this biotic state in nature. Each individual struggles for his or her survival in an interrelated, mutually dependent community. The Darwinian law of "survival of the fittest" applies here as well.

Robert Park was the first to propose a parallel between the distribution of plant life in nature and the organization of human life in societies. He had been a Chicago newspaper reporter for 25 years and had spent much of that time investigating social conditions in the city. Chicago was at that time a massive city of over 2 million, which, between 1860 and 1910, had doubled in population every 10 years with wave upon wave of immigrants.[2] Park was appointed to the Sociology Department at the University of Chicago in 1914. From the study of plant and animal ecology he derived two key concepts that formed the basis of what he called the "theory of human ecology."

The first concept came from the observations of the Danish ecologist Warming, who noted that a group of plants in a given area might have many characteristics that, in combination, were similar to those of an individual organism.[3] Warming called such groups "plant communities." Other ecologists argued that the plant and animal life in a given habitat tended to develop a "natural economy" in which different species are each able to live more prosperously together than separately. This is called "symbiosis," or the living

1. For a discussion of ecology, see any good ecology textbook, such as Robert E. Ricklefs, *Ecology*, Chiron Press, Newton, 1973; or Paul Colinvaux, *Introduction to Ecology*, Wiley, New York, 1973.

2. Terence Morris, *The Criminal Area*, Humanities Press, New York, 1966, p. 4.

3. See Lee R. Dice, *Natural Communities*, University of Michigan Press, Ann Arbor, 1968. See also Ricklefs, op. cit. pp. 589–775, and Colinvaux, op. cit. pp. 61–90.

together of different species to the mutual benefit of each. Since each plant and animal community was said to resemble an organism, the balance of nature in the habitat was said to resemble a super-organism.[4]

Park's work as a newspaperman had led him to view the city in a similar way—not merely as a geographic phenomenon, but as a kind of social organism[5]:

> The city may . . . be regarded as a functional unit in which the relations among individuals that compose it are determined, not merely by the city's physical structure, nor even by the formal regulations of a local government, but rather more by the direct and indirect interaction of individuals upon one another. Considered from this point of view, the urban community turns out to be something more than a mere congeries of peoples and institutions. On the contrary, its component elements, institutions, and persons are so intimately bound up that the whole tends to assume the character of an organism, or to use Herbert Spencer's term, a super-organism.

Within this super-organism called the city, Park found many "natural areas" where different types of people lived. These natural areas, like the natural areas of plants, had an organic unity of their own. Some of them were racial or ethnic communities, such as Chinatown, Little Italy, or the "Black Belt." Other natural areas were peopled by individuals in certain income or occupational groups, or they were industrial or business areas. Still other areas were physically cut off from the rest of the city by railroad tracks, rivers, major highways, or unused space. "Symbiotic" relationships existed not only among the people within a natural area (where the butcher needed the baker for bread and the baker needed the butcher for meat), but also among the natural areas within the city. Each natural area was seen as playing a part in the life of the city as a whole.

The second basic concept Park took from plant ecology involved the process by which the balance of nature in a given area might change. A new species may invade the area, come to dominate it, and drive out other lifeforms. For example, a cleared field in one of

4. See Colinvaux, op. cit. pp. 78–88.

5. Robert E. Park, *Human Communities*, The Free Press, Glencoe, 1952, p. 118.

the southern states will first be covered with tall weeds. Later, this field will be invaded and dominated by broomsedge, and even later, by pine trees. Finally, the field will stabilize as an oak–hickory forest. Ecologists call this process "invasion, dominance and succession."[6]

This process can also be seen in human societies. The history of America is a process of invasion, dominance, and succession by the white man into the territory of the red man. And in cities, one cultural or ethnic group may take over an entire neighborhood from another group, beginning with the shift of only one or two residents. Similarly, business or industry may move into and ultimately take over a previously residential neighborhood.

Park and his associate, Ernest Burgess, interpreted the growth of American cities in terms of these two ecological images—the organic unity of the city and of the natural areas within the city, and the process of invasion, dominance, and succession, whereby one organic community replaces another in a particular location. They pointed out that cities do not merely grow at their edges. Rather, they have a tendency to expand radially from their center in patterns of concentric circles, each moving gradually outward. This tendency was portrayed by Burgess (Chart I).

Zone I is the central business district or "Loop." Zone II is the area in transition, being invaded by the central business district and industrial areas. This is generally the oldest section of the city. The residential districts in this zone are already deteriorating, and will be allowed to deteriorate further because it is anticipated that they will be torn down in the forseeable future to make way for incoming business and industry. Since this is the least desirable residential section of the city, it is usually occupied by the poorest classes, including the most recent migrants to the city.

Zone III is the zone of workingmen's homes, occupied by those people who have escaped the deteriorating conditions in Zone II. Beyond this is Zone IV, the residential districts of single-family houses and more expensive apartments. Beyond the city limits are the suburban areas and the satellite cities, which constitute Zone V, the commuter zone. Each of these five zones is growing and thus is

6. See Charles S. Elton, *The Ecology of Invasions by Animals and Plants*, Wiley, New York, 1958. See also Ricklefs, op. cit. pp. 751–775, and Colinvaux, op. cit. pp. 71–90.

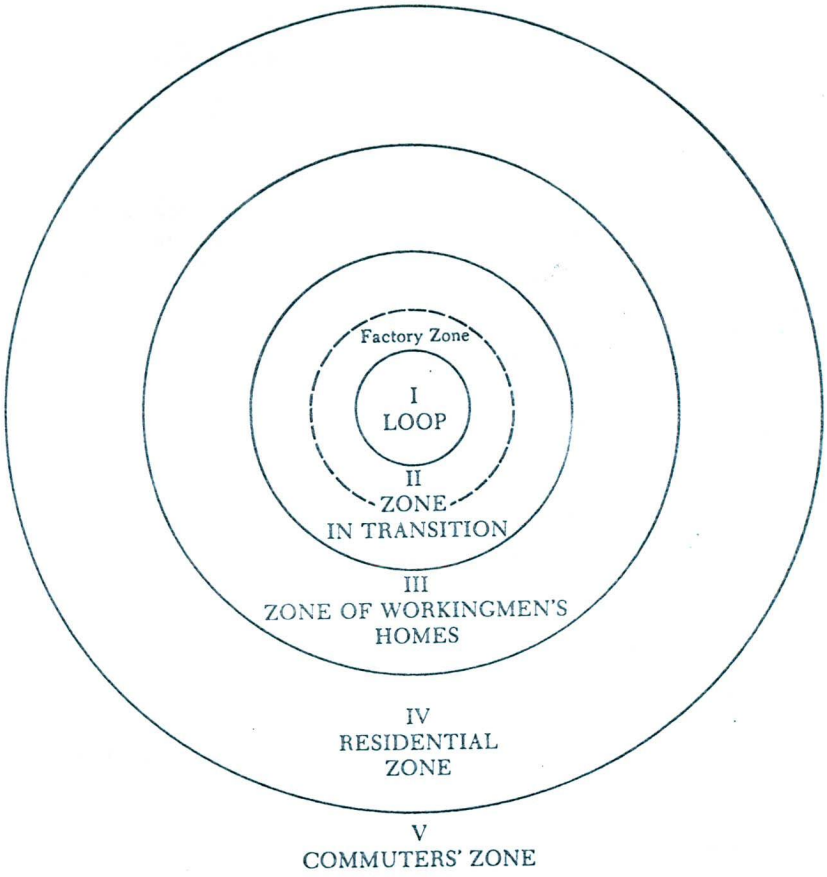


CHART I. The growth of the city. Source: Ernest W. Burgess, "The Growth of the City," in Park, Burgess, and McKenzie, *The City*, The University of Chicago Press, Chicago, 1928, p. 51. Reproduced by permission of the publisher.

gradually moving outward into the territory occupied by the next zone, in a process of invasion, dominance, and succession.

No one city totally conforms to this pattern, since it is influenced by a variety of natural and historical factors. Chicago, for example, is most dramatically influenced by the presence of Lake Michigan, and more subtly influenced by such other factors as the Chicago River, the railroad lines, and the location of industry and highways.

Natural areas occur within each zone. For example, Burgess notes the location in Chicago's Zone II of the so-called "Ghetto", where Jewish immigrants initially settled. In Zone III was "Deutschland," an area of Jewish workingmen's homes, which was constantly receiving new residents from the "Ghetto," and at the same time was constantly losing residents to the more desirable neighborhoods in the residential zone.[7]

Within the framework of these ideas, Park and his colleagues studied the city of Chicago and its problems. They attempted to discover "the processes by which the biotic balance and the social equilibrium are maintained once they are achieved, and the processes by which, when the biotic balance and the social equilibrium are disturbed, the transition is made from one relatively stable order to another."[8]

2. RESEARCH IN THE "DELINQUENCY AREAS" OF CHICAGO

Park's theories were used as the basis for a broadly ranging study of the problem of juvenile delinquency in Chicago by Clifford R. Shaw. The problem of crime and delinquency had become of increasing concern to social scientists in the 1920s because the country was gripped in a crime wave generated by resistance to "Prohibition," a problem that was particularly severe in Chicago.

Shaw, a probation and parole officer during this period, was later described by James Short in the following terms[9]:

> His experiences with youthful and adult offenders affected him deeply and set his inquiring mind to work on the nature of their problems. He was convinced of the essential humanity of these young men, and impressed and dismayed at their detachment from conventional groups.

Following his appointment to the Institute for Juvenile Research in Chicago, Shaw devised a strategy, based on the theory of human ecology, to study the process by which this "detachment from conventional groups" occurred.

7. Ernest W. Burgess, "The Growth of the City" in Park, Burgess, and McKenzie, *The City*, University of Chicago Press, Chicago, 1928, p. 62.

8. Park, op. cit. p. 158.

9. James F. Short, Jr., "Introduction to the Revised Edition" in Shaw and McKay, *Juvenile Delinquency and Urban Areas*, University of Chicago Press, Chicago, 1969, p. xlvii.

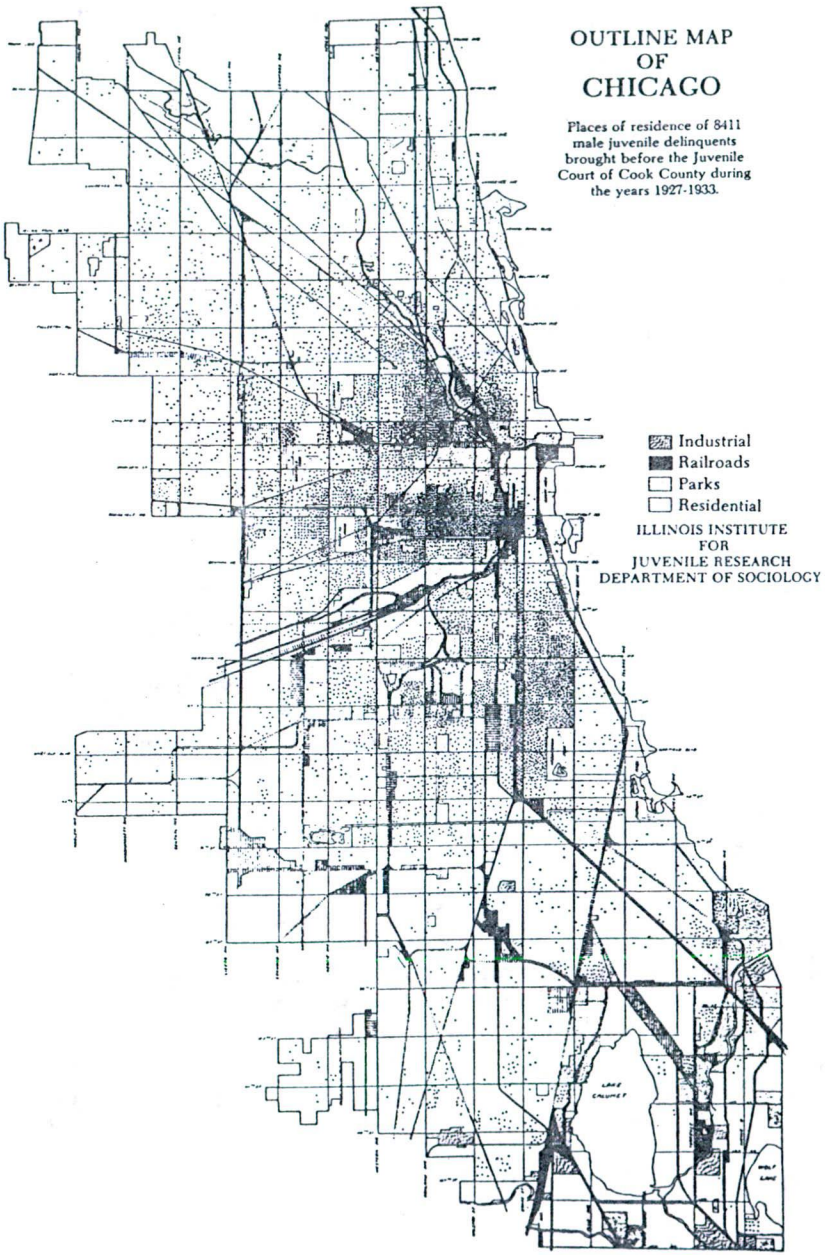
Because he saw delinquents as essentially normal human beings, he felt that their illegal activities were somehow bound up with their environment. Therefore, the first stage of his strategy involved analyzing the characteristics of the neighborhoods that, according to police and court records, had the most delinquents. But even in the worst of these neighborhoods, only about 20% of the youth were actually involved with the court. Shaw therefore compiled extensive "life histories" from individual delinquents to find out exactly how they had related to their environment. Thus,[10]

> Shaw's work is an attempt to combine a kind of factorial analysis of objective social data, with a situational analysis of individual behavior . . . [I]t attempted to accommodate the fact of individual motivation with an objective scheme of social action.

Shaw first published his neighborhood studies in 1929 in a volume entitled *Delinquency Areas,* and he subsequently published more of his research in two studies coauthored with Henry D. McKay—*Social Factors in Juvenile Delinquency* (1931) and *Juvenile Delinquency and Urban Areas* (1942). In these studies, Shaw and McKay constructed a series of "spot maps" such as Map 1, which pinpointed the residences of those juveniles involved at various stages of the criminal justice system. Other spot maps showed various other community characteristics, such as the location of demolished buildings, the incidence of tuberculosis, and the residences of truants. "Rate maps," such as Map 2, were then constructed on the basis of 140 "square mile areas." These maps showed the percentage of the total juvenile population of the area who were involved in the criminal justice system, based on data from the preceding census. In a comparison of the two maps, it can be seen that areas with the highest rates of delinquency are not necessarily those with the greatest number of delinquents. That is because some of the high rate areas had smaller total juvenile populations. Finally, "zone maps," such as Map 3, were constructed to show that in spite of wide variations in specific locations there was a general tendency for community problems to be concentrated close to the center of the city.

Shaw and McKay reached the following conclusions as a result of their statistical analysis:

10. Morris, op. cit. p. 72.


OUTLINE MAP
OF
CHICAGO
Places of residence of 8411 male juvenile delinquents brought before the Juvenile Court of Cook County during the years 1927-1933.
Industrial
Railroads
Parks
Residential
ILLINOIS INSTITUTE
FOR
JUVENILE RESEARCH
DEPARTMENT OF SOCIOLOGY

1. Physical Status: The neighborhoods with the highest delinquency rates were found to be located within or immediately adjacent to areas of heavy industry or commerce. These neighborhoods also had the greatest number of condemned buildings, and their population was decreasing. The population change was assumed to be related to an industrial invasion of the area, which resulted in fewer buildings being available for residential occupation. Table 9-1 shows the relationship between rates of population change and delinquency.

TABLE 9-1 Rates of Delinquents for Areas Grouped According to Percentage Increase or Decrease of Population: 1927–33

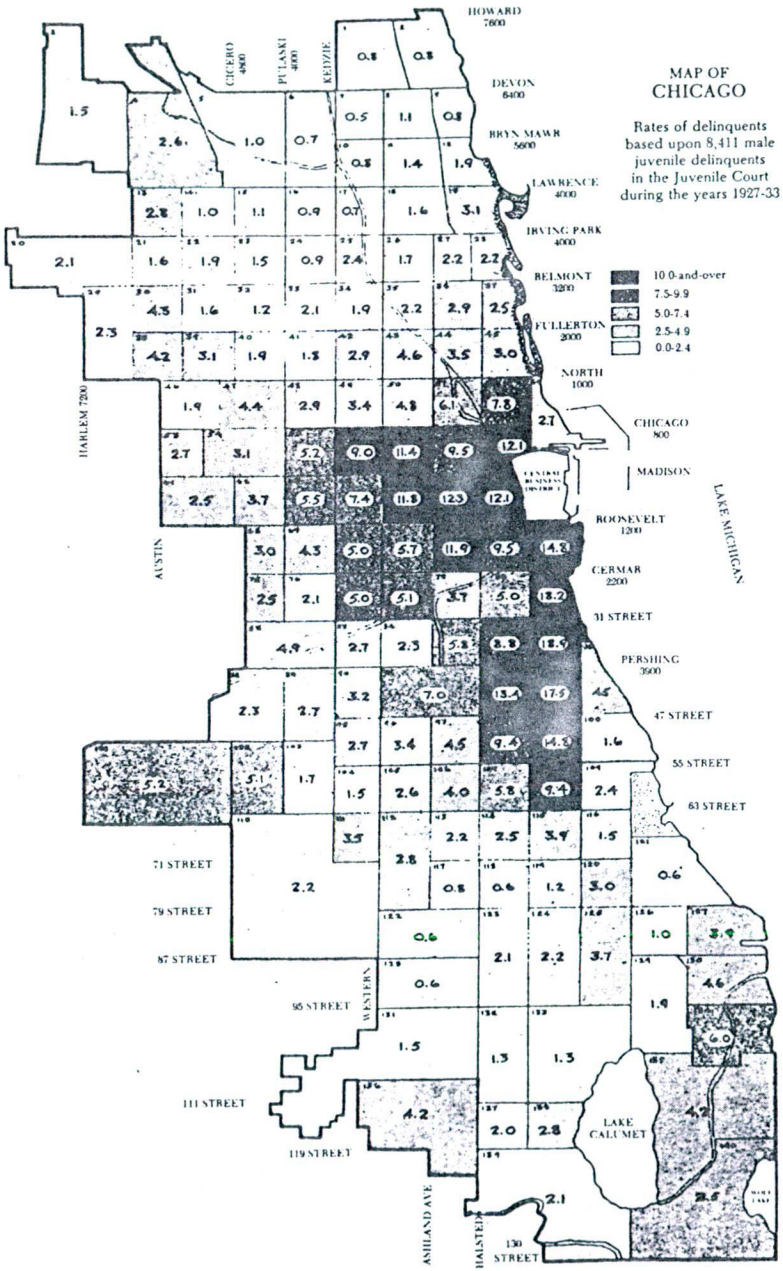
Percentage Increase or Decrease of Population, 1920–30	Rate of Delinquents 1927–33
Decreasing:	
20–39	9.5
0–19	6.3
Increasing:	
0–19	4.1
20–39	3.0
40 and over	2.0

Source: Shaw and McKay, op. cit. p. 145. Reprinted by permission of the publisher.

2. Economic Status: The highest rates of delinquency were found in the areas of lowest economic status as determined by a number of specific factors, including the percentage of families on welfare, the median rental, and the percentage of families owning homes.[11] These areas also had the highest rates of infant deaths, active cases of tuberculosis, and insanity. But Shaw and McKay concluded that economic conditions did not in themselves *cause* these problems. This conclusion was based on the fact that the rates of delinquency,

11. Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas*, University of Chicago Press, Chicago, 1969, pp. 147–52.

MAP 1. Distribution of male juvenile delinquents, Chicago, 1927–33. Source: Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas*, The University of Chicago Press, Chicago, 1969, p. 51. Reproduced by permission of the publisher.


MAP OF
CHICAGO
Rates of delinquents based upon 8,411 male juvenile delinquents in the Juvenile Court during the years 1927-33
10.0-and-over
7.5-9.9
5.0-7.4
2.5-4.9
0.0-2.4
HOWARD 7600
DEVON 6400
BRYN MAWR 5600
LAWRENCE 4000
IRVING PARK 4000
BELMONT 3200
FULLERTON 2000
NORTH 1000
CHICAGO 800
MADISON
ROOSEVELT 1200
CERMAK 2200
31 STREET
PERSHING 3900
47 STREET
55 STREET
63 STREET
71 STREET
79 STREET
87 STREET
95 STREET
111 STREET
119 STREET
130 STREET
CICERO 4800
PULASKI 4000
KEDZIE
HARLEM 7200
AUSTIN
WESTERN
ASHLAND AVE
HALSTED
LAKE MICHIGAN
LAKE CALUMET

of adult criminality, of infant deaths, and of tuberculosis for the city as a whole remained relatively stable between 1929 and 1934 when the Great Depression hit, and there was a tenfold increase in the number of families on public or private assistance. Median rentals, welfare rates, and other economic measures continued to show that the areas with the highest concentrations of these problems were in the lowest economic status relative to other areas of the city. These problems appeared to be associated with the least privileged groups in society, regardless of the actual economic conditions of that society as a whole.

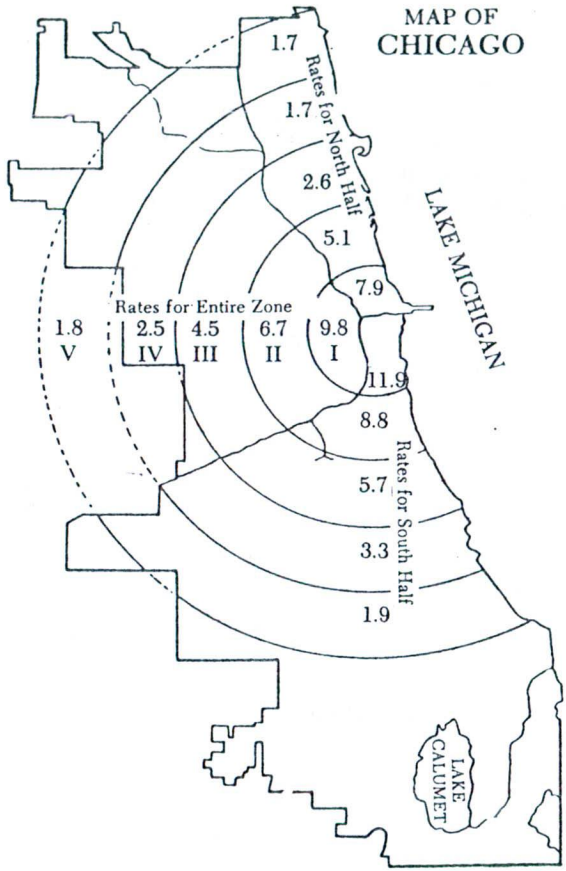
3. Population Composition: Areas of highest delinquency were consistently associated with higher concentrations of foreign-born and Negro heads of families, as seen in Table 9-2. In order to determine the precise role of racial and ethnic factors in the causation of delinquency, Shaw and McKay further analyzed these data. They found that certain inner-city areas in Zone II remained among those with the highest delinquency rates in the city in spite of shifts of almost all the population of these areas. In 1884, approximately 90% of the population in these areas were German, Irish, English, Scottish, or Scandanavian. By 1930, approximately 85% of the population were Czech, Italian, Polish, Slavic, or other. In spite of this dramatic shift in ethnic populations, these eight areas continued to have some of the highest delinquency rates in the city. At the same

TABLE 9-2 Rates of Delinquents for Areas Grouped by Percentage of Foreign-born and Negro Heads of Families: 1930

Percentage of Foreign-born and Negro Heads of Families, 1930	Rate of Delinquents 1927–33
70.0 and over	8.2
60.0–69.9	4.8
50.0–59.9	3.9
40.0–49.9	2.8
Under 40.0	1.7

Source: Shaw and McKay, op. cit. p. 155. Reprinted by permission of the publisher.

MAP 2. Rates of male juvenile delinquents, Chicago, 1927–33. Source: Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas*, The University of Chicago Press, Chicago, 1969, p. 54. Reproduced by permission of the publisher.



MAP 3. Zone rates of male juvenile delinquents, Chicago, 1927–33. Source: Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas*, The University of Chicago Press, Chicago, 1969, p. 69. Reproduced by permission of the publisher.

time, there was no increase in delinquency rates in the areas into which the older immigrant communities moved.

They also found that, within similar areas, each group, whether foreign-born or native, recent immigrant or older immigrant or black or white, had a delinquency rate that was proportional to the rate of the overall area. No racial, national, or nativity group exhibited a uniform characteristic rate of delinquency in all parts of the

city. Each group produced delinquency rates that ranged from the lowest to the highest in the city, depending on the type of area surveyed. Although some variation associated with the group could be seen, it was apparent that the overall delinquency rate of a particular group depended primarily on how many individuals of that group resided in "delinquency areas." Shaw and McKay concluded[12]

In the face of these facts it is difficult to sustain the contention that, by themselves, the factors of race, nativity, and nationality are vitally related to the problem of juvenile delinquency. It seems necessary to conclude, rather, that the significantly higher rates of delinquents found among the children of Negroes, the foreign born, and more recent immigrants are closely related to existing differences in their respective patterns of geographical distribution within the city. If these groups were found in the same proportion in all local areas, existing differences in the relative number of boys brought into court from the various groups might be expected to be greatly reduced or to disappear entirely.

In addition to this research, Shaw compiled and published a series of "life histories" of individual delinquents, including *The Jackroller* (1930), *The Natural History of a Delinquent Career* (1931), and *Brothers in Crime* (1938). The basic findings of these histories are summed up in the following points.

1. Delinquents, by and large, "are not different from large numbers of persons in conventional society with respect to intelligence, physical condition, and personality traits."[13]

2. In delinquency areas, "the conventional traditions, neighborhood institutions, public opinion, through which neighborhoods usually effect a control over the behavior of the child, were largely disintegrated."[14] In addition, parents and neighbors frequently approved of delinquent behavior, so that the child grew up "in a social world in which [delinquency] was an accepted and appropriate form of conduct."[15]

12. Ibid. pp. 162–63.

13. Clifford R. Shaw, *Brothers in Crime*, University of Chicago Press, Chicago, 1938, p. 350. See also Shaw's *The Jackroller*, University of Chicago Press, Chicago, 1930, p. 164; and *The Natural History of A Delinquent Career*, University of Chicago Press, Chicago, 1931, p. 226.

14. Shaw, *Natural History*, op. cit. p. 229. See also *The Jackroller*, p. 165, and *Brothers in Crime*, p. 358.

15. Shaw, *Brothers in Crime*, p. 356. See also Shaw and McKay, op. cit. p. 172; *The Jackroller*, p. 165; and *Natural History*, p. 229.

3. The neighborhoods included many opportunities for delinquent activities, including "junk dealers, professional fences, and residents who purchased their stolen goods" and "dilapidated buildings which served as an incentive for junking." There was also a "lack of preparation, training, opportunity, and proper encouragement for successful employment in private industry."[16]

4. Delinquent activities in these areas began at an early age as a part of play activities of the street.[17]

5. In these play activities, there is a continuity of tradition in a given neighborhood from older boys to younger boys.[18] This tradition includes the transmission of such different criminal techniques as jackrolling, shoplifting, stealing from junkmen, or stealing automobiles, so that different neighborhoods were characterized by the same types of offenses over long periods of time.[19]

6. The normal methods of official social control could not stop this process.[20]

7. It was only later in a delinquent career that the individual began "to identify himself with the criminal world, and to embody in his own philosophy of life the moral values which prevailed in the criminal groups with which he had contact."[21] This was due both to the continuous contact the delinquent had with juvenile and adult criminals on the street and in correctional institutions, and to rejection and stigmatization by the community.

Shaw concluded that delinquency and other social problems are closely related to the process of invasion, dominance, and succession that determines the concentric growth patterns of the city.[22] When a particular location in the city is "invaded" by new residents, the established symbiotic relationships that bind that location to a natu-

16. Ibid. p. 356.

17. Shaw, *Brothers in Crime*, p. 354, 355; *Natural History*, p. 227; *The Jackroller*, p. 164. See also Short, op. cit. p. xli.

18. Shaw and McKay, op. cit. pp. 174–75.

19. Ibid. p. 174.

20. Shaw, *Natural History*, op. cit. p. 233. *Brothers in Crime*, p. 360; Shaw and McKay, op. cit. p. 4.

21. Shaw, *Natural History*, op. cit. p. 228. See also *The Jackroller*, pp. 119, 165; *Brothers in Crime*, p. 350.

22. Morris, op. cit. pp. 77, 78; Ian Taylor, Paul Walton, and Jock Young, *The New Criminology*, Harper & Row, New York, 1973, pp. 110–14.

ral area are destroyed. Ultimately, this location will be incorporated as an organic part of a new natural area, and the social equilibrium will be restored. Meanwhile, the natural organization of the location will be severely impaired.

These "interstitial areas" (so called because they are *in between* the organized natural areas) become afflicted with a variety of social problems that are directly traceable to the rapid shift in populations. The formal social organizations that existed in the neighborhood tend to disintegrate as the original population retreats. Because the neighborhood is in transition, the residents no longer identify with it, and thus they do not care as much about its appearance or reputation. There is a marked decrease in "neighborliness" and in the ability of the people of the neighborhood to control their youth. For example, in an established neighborhood, a resident who is aware that a child is getting into trouble may call that child's parents or may report that child to the local authorities. But because new people are continuously moving into the interstitial area, residents no longer know their own neighbors or their neighbors' children. Thus, a child who is out of his parents' sight may be under almost no control, even though he is in his own neighborhood. The high mobility of the residents also means that there is a high turnover of children in the local schools. This is disruptive both to learning and to discipline. Finally, the area tends to become a battleground between the invading and the retreating cultures. This can generate a great deal of conflict in the community, which tends to be manifested in individual and gang conflicts between the youth of the two cultures.

Although other areas only periodically undergo this process, areas in Zone II are continually being invaded both by the central business district, and by successive waves of new immigrants coming into the city from foreign countries and from rural areas. These new immigrants already have many problems associated with their adjustment to the new culture. In addition, the neighborhood into which the immigrant moves is in a chronic state of "social disorganization." This presents the immigrant with many additional problems, and there is almost no help available to solve any of them. Thus, recent immigrants tend to have a wide range of social problems, including delinquency among their youth. These problems are resolved as recent immigrants acquire some of the resources necessary both to solve their own problems and to move into the better

established neighborhoods of Zone III, with its natural processes of social control.

3. IMPLICATIONS AND LIMITATIONS

Because Shaw felt[23] that juvenile delinquency was generated by social disorganization in the interstitial areas, he did not believe that treatment of individual delinquents would have much effect in reducing overall delinquency rates.

> It would appear from the findings of this study that successful treatment of the problem of delinquency in large cities will entail the development of programs which seek to effect changes in the conditions of life in specific local communities and in whole sections of the city. Diagnosis and supervision of the individual offender probably will not be sufficient to achieve this end.

In Shaw's view, these programs could only come from organizations of neighborhood residents, so that the natural forces of social control could take effect. Thus, in 1932, he launched the Chicago Area Project, which established 22 neighborhood centers in six areas of Chicago.[24] Control of these centers rested with committees of local residents, rather than with the central staff of the project, and local residents were employed as staff.

These centers had two primary functions. First, they were to coordinate such community resources as churches, schools, labor unions, industries, clubs, and other groups in addressing and resolving community problems. Second, they were to sponsor a variety of activity programs including recreation, summer camping and scouting activities, handicraft workshops, discussion groups, and community projects.[25] Through these activities, the project sought "to develop a positive interest by the inhabitants in their own welfare, to establish democratic bodies of local citizens who would enable the whole community to become aware of its problems and attempt their solution by common action."[26]

23. Shaw and McKay, op. cit. p. 4.

24. See Solomon Kobrin, "The Chicago Area Project—A 25-Year Assessment," *Annals of the American Society of Political and Social Science*, Mar., 1959, pp. 19–29; or Anthony Sorrentino, "The Chicago Area Project After 25 Years," *Federal Probation*, June, 1959, pp. 40–45.

25. Shaw and McKay, op. cit. p. 324.

26. Morris, op. cit. p. 83.

The Chicago Area Project operated continuously for 25 years, until Shaw's death in 1957. Although its effect on the juvenile delinquency in these areas was never precisely evaluated,[27] it has been stated that "in all probability delinquency was substantially reduced."[28] A similar project in Boston was carefully evaluated by Walter B. Miller over a three-year period.[29] Here, it was found that the project was effective in achieving many admirable goals. It established close relationships with local gangs and organized their members into clubs, it increased their involvement in recreational activities, it provided them with access to occupational and educational opportunities, it formed citizens organizations, and it increased interagency cooperation in addressing community problems. The goal of all these activities, however, was to reduce the incidence of delinquent behavior. To assess the impact of the project on the behavior of the youth, Miller analyzed the daily field reports of the outreach workers, which included a description of the activities of each youth. The behaviors were then classified as "moral" or "immoral" (where "immoral" meant disapproval by the community, but not necessarily a violation of the law) and as "legal" or "illegal." It was found that the ratio of "moral" to "immoral" behaviors remained relatively constant throughout the project, and that, although the total number of illegal acts decreased slightly during the project, the number of major offenses by boys increased. In addition, data were compiled on the number of court appearances made by each youth before, during, and after contact with the project, and these data were compared with the number of court appearances by a control group. There was almost no difference in these statistics. Miller concluded that the project had had a "negligible impact" on delinquency.[30]

This finding would have been anticipated by Morris, who earlier had remarked,[31]

> The rationale of this Project makes the assumption that delinquency is a direct result of conditions in the community, though it pointed out that

27. Short, op. cit. p. xlvi.

28. Martin R. Haskell and Lewis Yablonsky, *Juvenile Delinquency*, Rand McNally, Chicago, 1974, p. 423.

29. Walter B. Miller, "The Impact of a 'Total-Community' Delinquency Control Project," *Social Problems*, 10:168–91 (Fall, 1962).

30. Ibid. p. 187.

31. Morris, op. cit. p. 84.

there was no conclusive evidence to suggest that local conditions in themselves *caused* delinquency. Rather, the suggestion was that they, like delinquency, were symptomatic of a common problem. It might well be that the most communal action can do is to cure the symptoms, leaving the malady untouched.

A number of other people have also attacked the notion that "social disorganization causes crime." Hayner stated that Japanese living in deteriorated areas were able to prevent delinquency in their children.[32] Taft and England pointed out that few areas were less "neighborly" than high-class apartment buildings where there is high mobility, little contact between residents, and no community organizations. Yet these areas produced little crime. In their view, "delinquency areas" would be better explained by a process of "selective migration" in which those oriented toward criminal behavior would tend to migrate into the same area, whereas those oriented toward law-abiding behavior would tend to migrate out of those areas.[33] Finally, Downes argued that the term social disorganization is essentially tautological because "the rate of delinquency in an area is the chief criterion for its 'social disorganization' which, in turn [is], held to account for the delinquency rate."[34]

On the theoretical level, Alihan has argued that the whole theory of human ecology is based on a series of false analogies with plant ecology.[35] Human society is regulated by many cultural and legal forces that cannot be compared to the forces that govern the survival of the fittest in nature. In addition, the field of ecology has discarded the whole concept that plant communities have an organic unity of their own, and that the balance of nature is a super-organism.[36]

On the empirical level, Robison criticized the use of official police and court records to measure delinquency in a given area.[37] In her

32. N. S. Hayner, 'Delinquency Areas in the Puget Sound Region," *American Journal of Sociology*, Nov., 1933, pp. 314–28.

33. Donald R. Taft and Ralph W. England, *Criminology*, Macmillan, New York, 1964, pp. 160, 161.

34. David Downes, *The Delinquent Solution*, Routledge & Kegan Paul, London, 1966, p. 71; quoted in Taylor, Walton, and Young, op. cit. p. 125.

35. M. A. Alihan, *Social Ecology, A Critical Analysis*, Columbia University Press, New York, 1938. See also Morris, op. cit. p. 13.

36. Colvinvaux, op. cit. p. 13.

37. Sophia M. Robison, *Can Delinquency Be Measured?*, Columbia University Press, New York, 1936.

study based on the records of both criminal justice and social welfare agencies, she found that juvenile "maladjustment" was evenly distributed throughout the city. Many more recent studies support her finding.[38]

In spite of these shortcomings, the Chicago school can be seen to have had two significant effects on the study of crime. First, it provided an extensive statistical analysis of police and court records, which formed the basis for much of the later research into crime. Second, the Chicago school focused attention on the high crime rates in poor areas, and pointed out that these rates were not the direct result of economic conditions. Thus, a problem was posed that remains a central issue in criminology: how to provide a theoretically sound explanation of the high crime rates among the lower classes.

RECOMMENDED READINGS

Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas*, Rev. Ed., University of Chicago Press, Chicago, 1969. Shaw and McKay's basic work, with an excellent "Introduction to the Revised Edition" by James F. Short, Jr.

Clifford R. Shaw, *The Jackroller*, University of Chicago Press, Chicago, 1930; reprinted by the University of Chicago Press, 1966, with an "Introduction" by Howard S. Becker. A delinquent boy's own story.

Terrence Morris, *The Criminal Area: A Study in Social Ecology*, Routledge & Kegan Paul, London, 1957. A comprehensive critique of the ecological approach to the study of crime.

Jon Snodgrass, "Clifford R. Shaw and Henry D. McKay: Chicago Criminologists," *British Journal of Criminology*, 16(1): 1–19 (1976). The author contends that Shaw and McKay believed that the Chicago Area Project failed because it did not attempt to control the continual expansion of industry into residential communities.

C. T. Jonassen, "A Reevaluation and Critique of the Logic and Some Methods of Shaw and McKay," *American Sociological Review*, 14:608–17 (1949). Argues that Shaw and McKay did not demonstrate that all nationalities have similar crime rates within similar areas and, thus, that they did not demonstrate nationality is not related to crime rates.

38. For a discussion of these studies, see Roger Hood and Richard Sparks, *Key Issues in Criminology*, McGraw-Hill, New York, 1971, pp. 46–79.

Bernard Lander, *Towards an Understanding of Juvenile Delinquency*, Columbia University Press, New York, 1954. A study of delinquency rates in Baltimore; this study provides some support for Shaw and McKay's conclusions.

James F. Short, ed., *Delinquency, Crime and Society*, University of Chicago Press, Chicago, 1976. A book of readings focusing on the contributions of Shaw and McKay.

Amos H. Hawley, "Human Ecology,' *International Encyclopedia of the Social Sciences*, Macmillan and The Free Press, New York, 1968, vol. 4, pp. 328–37. General overview of ecological studies.

CHAPTER TEN

The Anomie Tradition

The term *anomie* is derived from an ancient Greek word meaning "lawlessness." In criminology it is important because of its use by Emile Durkheim and Robert K. Merton in their discussions on the structure of society and the effects that structure can have on individuals within society. These writers used "anomie" to designate a state of "normlessness" in society which could have the effect of generating deviant behavior in individuals.

Like Lombroso, who had written his major work approximately 20 years earlier, Durkheim was reacting against the classical assumptions that man was free in a contractual society. But whereas Lombroso focused on the determinants of human behavior within the individual, Durkheim focused on society and its organization and development. Durkheim's original formulation of anomie was later revised by Merton, who applied it directly to American society. In this form, it gained widespread acceptance, and subsequently provided the ideological underpinning for Lyndon Johnson's War on Poverty.

1. EMILE DURKHEIM

Emile Durkheim (1858–1917) has been called "one of the best known and one of the least understood major social thinkers."[1] Pre-

1. Dominick LaCapra, *Emile Durkheim, Sociologist and Philosopher*, Cornell University Press, Ithaca, 1972, p. 5.

senting his thought is no easy task, since "the controversies which surround this thought bear upon essential points, not details."[2] For this reason, it is best to approach his work by first considering the political and intellectual climate in which it evolved.

The nineteenth century in France was an age of great turmoil generated by the wake of the French Revolution of 1789 and by the rapid industrialization of French society. Speaking of these two "revolutions," Nisbet has pointed out that "[i]n terms of immediacy and massiveness of impact on human thought and values, it is impossible to find revolutions of comparable magnitude anywhere in human history."[3] The writings of the day were filled with a "burning sense of society's sudden, convulsive turn from a path it had followed for millennia" and a "profound intuition of the disappearance of historic values—and with them, age-old securities, as well as age-old tyrannies and inequalities—and the coming of new powers, new insecurities, and new tyrannies that would be worse than anything previously known unless drastic measures were taken. . . ."[4]

Sociology had been developed by Auguste Comte in the first half of the century largely in response to the effects of these two revolutions; it was part of a more general effort to construct a rational society out of the ruins of the traditional one.[5] Sociologists saw themselves as providing a rational, scientific analysis of the monumental social changes that were occurring, in order to "mastermind the political course of 'social regeneration.' "[6] This regeneration would consist primarily of the reestablishment of social solidarity, which appeared to have substantially disintegrated in French society.

Emile Durkheim was born of Jewish parents in a small French town on the German border, one year after the death of Comte. After completing his studies in Paris, he spent several years teaching philosophy at various secondary schools in the French provinces near Paris. He then spent a year in Germany where he studied social science and its relation to ethics under the famed experimental psychologist Wilhelm Wundt. Durkheim's publication of two

2. Ibid. p. 5.
3. Robert A. Nisbet, *Emile Durkheim*, Prentice-Hall, Englewood Cliffs, 1965. p. 20.
4. Ibid. p. 20.
5. LaCapra, op. cit. p. 41.
6. Julius Gould, "Auguste Comte," in T. Raison, ed., *The Founding Fathers of Social Science*, Penguin, Harmondsworth, 1969. p. 40.

articles as a result of these studies led to the creation of a special position for him at the University of Bordeaux, where in 1887, he taught the first French university course in sociology. In 1892, Durkheim received the first doctor's degree in sociology awarded by the University of Paris, and ten years later he returned to a position at that university, where he dominated sociology until his death in 1917.

Durkheim's analysis of the processes of social change involved in industrialization is presented in his first major work, *De la division du travail social* (*The Division of Labor in Society*),[7] written as his doctoral thesis and published in 1893. In it he describes these processes as part of the development from the more primitive "mechanical" form of society into the more advanced "organic" form. In the mechanical form, each social group in society is relatively isolated from all other social groups, and is basically self-sufficient.[8] Within these social groups, individuals live largely under identical circumstances, do identical work, and hold identical values. There is little division of labor, with only a few persons in the clan or village having specialized functions. Thus, there is little need for individual talents, and the solidarity of the society is based on the uniformity of its members.

Contrasted with this is the organic society, in which the different segments of society depend on each other in a highly organized division of labor. Social solidarity is no longer based on the uniformity of the individuals, but on the diversity of the functions of the parts of the society. Durkheim saw all societies as being in some stage of progression between the mechanical and the organic structures, with no society being totally one or the other. Even the most primitive societies could be seen to have some forms of division of labor, and even the most advanced societies would require some degree of uniformity of its members.[9]

Law plays an essential role in maintaining the social solidarity of each of these two types of societies, but in very different ways. In the mechanical society, law functions to enforce the uniformity of

7. Emile Durkheim, *The Division of Labor in Society*, tr. by George Simpson, The Free Press, New York, 1965.

8. Raymond Aron, *Main Currents in Sociological Thought*, vol. II; tr., Richard Howard and Helen Weaver; Basic Books, New York, 1967, p. 12.

9. Ibid. pp. 12–13.

the members of the social group, and thus is oriented toward repressing any deviation from the norms of the time. In the organic society, on the other hand, law functions to regulate the interactions of the various parts of society and provides restitution in cases of wrongful transactions. Because law plays such different roles in the two types of societies, crime appears in very different forms. Durkheim argued that to the extent a society remains mechanical, crime is "normal" in the sense that a society without crime would be pathologically overcontrolled. As the society develops toward the organic form, it is possible for a pathological state, which he called anomie, to occur, and such a state would produce a variety of social maladies, including crime. Durkheim developed his concept of "crime as normal" in his second major work, *The Rules of the Sociological Method,*[10] published in 1895, only two years after *The Division of Labor;* he went on to develop anomie in his most famous work, *Suicide,*[11] published in 1897. These concepts will be explored in the following sections.

2. CRIME AS NORMAL IN MECHANICAL SOCIETIES

Mechanical societies are characterized by the uniformity of the lives, work, and beliefs of their members. All of the uniformity that exists in a society, i.e., the "totality of social likenesses," Durkheim called the collective conscience.[12] Since all societies demand at least some degree of uniformity from their members (in that none are totally organic), the collective conscience may be found in every culture. In every society, however, there will always be a degree of diversity in that there will be many individual differences among its members. As Durkheim said, "There cannot be a society in which the individuals do not differ more or less from the collective type."[13]

To the extent that a particular society is mechanical, its solidarity will come from the pressure for uniformity exerted against this di-

10. Emile Durkheim, *The Rules of the Sociological Method,* tr. by Sarah A. Solovay and John H. Mueller; ed. by George E. G. Catlin, The Free Press, New York, 1965.

11. Durkheim, *Suicide,* tr. by John A. Spaulding and George Simpson; ed. by George Simpson; The Free Press, New York, 1951.

12. Durkheim, *Division of Labor,* p. 80; n. 10. In French, the term *conscience* has overtones of both "conscience" and "consciousness" but the term is usually translated as "collective conscience."

13. Durkheim, *Rules,* p. 70.

versity. Such pressure is exerted in varying degrees and in varying forms. In its strongest form, it will consist of criminal sanctions. In weaker forms, however, the pressure may consist of designating certain behaviors or beliefs as morally reprehensible or merely in bad taste.

> If I do not submit to the conventions of society, if in my dress I do not conform to the customs observed in my country and my class, the ridicule I provoke, the social isolation in which I am kept, produce, although in attenuated form, the same effects as a punishment in the strict sense of the word. The constraint is nonetheless efficacious for being indirect.[14]

Durkheim argued that "society cannot be formed without our being required to make perpetual and costly sacrifices."[15] These sacrifices, embodied in the demands of the collective conscience, are the price of membership in society, and fulfilling the demands gives the individual members a sense of collective identity, which is an important source of social solidarity. But more importantly, these demands are constructed so that it is inevitable that a certain number of people will not fulfill them. The number must be large enough to constitute an identifiable group, but not so large as to include a substantial portion of the society. This enables the large mass of the people, all of whom fulfill the demands of the collective conscience, to feel a sense of moral superiority, identifying themselves as good and righteous, and opposing themselves to the morally inferior transgressors who fail to fulfill these demands. It is this sense of superiority, of goodness and righteousness, which Durkheim saw as the primary source of the social solidarity. Thus, criminals play an important role in the maintenance of the social solidarity, since they are among the group of those identified by society as inferior, which allows the rest of society to feel superior.

The punishment of criminals also plays a role in the maintenance of the social solidarity. When the dictates of the collective conscience are violated, society responds with repressive sanctions not so much for retribution or deterrence, but because without them those who are making the "perpetual and costly sacrifices" would

14. Ibid. pp. 2–3.

15. Kurt Wolff, ed., *Emile Durkheim et al.; Writings on Sociology and Philosophy;* Harper & Row, New York, 1960, p. 338.

become severely demoralized.[16] For example, when a person who has committed a serious crime is released with only a "slap on the wrist," the average, law-abiding citizen may become terribly upset. He feels that he is playing the game by the rules, and so everyone else should too. The punishment of the criminal is necessary to maintain the allegiance of the average citizen to the social structure. Without it, the average citizen may lose his overall commitment to the society and his willingness to make the sacrifices necessary for it. But beyond this, the punishment of criminals also acts as a visible, societal expression of the inferiority and blameworthiness of the criminal group. This reinforces the sense of superiority and righteousness found in the mass of the people, and thus strengthens the solidarity of the society.

Crime itself is normal in society because there is no clearly marked dividing line between those behaviors considered criminal and those considered morally reprehensible or merely in bad taste. If there is a decrease in behaviors designated as criminal, then there may be a tendency to move behaviors previously designated as "morally reprehensible" into the criminal category. For example, not every type of unfair transfer of property is considered stealing. But if there is a decrease in the traditional forms of burglary and robbery, there then may be an associated increase in the tendency to define various forms of "white collar" deception as crime. These behaviors may always have been considered morally reprehensible, and in that sense they violated the collective conscience. They were not, however, considered crimes. Society moves them into the crime category because criminal sanctions are the strongest tool available to maintain social solidarity.

Since the institution of punishment serves an essential function, it will be necessary in any society.

> Imagine a society of saints, a perfect cloister of exemplary individuals. Crimes, properly so called, will there be unknown; but faults which appear venial to the layman will create there the same scandal that the ordinary offense does in ordinary consciousnesses. If, then, this society has the power to judge and punish, it will define these acts as criminal and will treat them as such. For the same reason, the perfect and upright man judges his

16. Nisbet, op. cit. p. 225. See also Jackson Toby, "Is Punishment Necessary?" *Journal of Criminal Law, Criminology and Police Science*, 55:332–37 (1964).

smallest failings with a severity that the majority reserve for acts more truly in the nature of an offense.[17]

Thus, a society without crime is impossible. If all the behaviors that are presently defined as criminal simply no longer occurred, new behaviors would be placed in the crime category.[18] Crime, then, is inevitable. It is inevitable not because man is inherently wicked or weak, but because there is an inevitable diversity of behavior in society. The solidarity of the society is generated by exerting pressure for conformity against this diversity, and some of this pressure will inevitably take the form of criminal sanctions.[19]

Let us make no mistake. To classify crime among the phenomena of normal sociology is not merely to say that it is an inevitable, although regretable, phenomenon, due to the incorrigible wickedness of men; it is to affirm that it is a factor in public health, an integral part of all societies.

The abnormal or pathological state of society would be one in which there was no crime. A society that had no crime would be one in which the constraints of the collective conscience were so rigid that no one could oppose them. In this type of situation, crime would be eliminated, but so would the possibility of progressive social change. Social change is usually introduced by opposing the constraints of the collective conscience, and those who do this are frequently declared to be criminals. Thus, Moses, Socrates, and Jesus were all declared criminals, as were Mahatma Gandhi and George Washington. The leaders of the union movement in the 1920s and 1930s were criminalized, as were the leaders of the Civil Rights Movement of the 1960s. If the demands of the collective conscience had been so rigidly enforced that no crime could exist, then these movements would have been impossible also.

Thus, crime is the price society pays for the possibility of progress. As Durkheim wrote,[20]

To make progress, individual originality must be able to express itself. In order that the originality of the idealist whose dreams transcend his cen-

17. Durkheim, *Rules*, pp. 68–69.
18. Ibid. p. 67.
19. Ibid. p. 67.
20. Ibid. p. 71.

tury may find expression, it is necessary that the originality of the criminal, who is below the level of his time, shall also be possible. One does not occur without the other.

In a similar way, individual growth cannot occur in a child unless it is possible for that child to misbehave. The child is punished for misbehavior, and no one wants the child to misbehave. But a child who never did anything wrong would be pathologically overcontrolled. Eliminating the misbehavior would also eliminate the possibility of independent growth. In this sense, the child's misbehavior is the price that must be paid for the possibility of personal development. Durkheim concluded,[21]

> From this point of view, the fundamental facts of criminality present themselves to us in an entirely new light. Contrary to current ideas, the criminal no longer seems a totally unsociable being, a sort of parasitic element, a strange and unassimilable body, introduced into the midst of society. On the contrary, he plays a definite role in social life. Crime, for its part, must no longer be conceived as an evil that cannot be too much suppressed. There is no occasion for self-congratulation when the crime rate drops noticeably below the average level, for we may be certain that this apparent progress is associated with some social disorder.

3. ANOMIE AS A PATHOLOGICAL STATE IN ORGANIC SOCIETIES.

To the extent that a society is mechanical it derives its solidarity from pressure for conformity against the diversity of its members. The criminalizing of some behaviors is a normal and necessary part of this pressure. But to the extent that a society is organic, the function of law is to regulate the interactions of the various parts of the whole. If this regulation is inadequate, there can result a variety of social maladies, including crime. Durkheim called the state of inadequate regulation anomie.

Durkheim first introduced this concept in *The Division of Labor in Society*. There he argued that the industrialization of French society, with its resulting division of labor, had destroyed the traditional solidarity based on uniformity. But this industrialization had been so rapid that the society had not yet been able to evolve sufficient

21. Ibid. p. 72.

mechanisms to regulate its transactions. Periodic cycles of overproduction followed by economic slowdown indicated that the relations between producers and consumers were ineffectively regulated. Strikes and labor violence indicated that the relations between workers and employers were unresolved. The alienation of the individual worker and the sense that the division of labor was turning men into mere "cogs in the wheel" indicated that the relation of the individual to his work was inadequately defined.[22]

Durkheim expanded and generalized his notion of anomie four years later with the publication of his most famous work, *Le Suicide*. In it he statistically analyzed data that showed that the suicide rate tends to increase sharply both in periods of economic decline and in periods of economic growth. Whereas suicide in a time of economic decline might be easily understood, the key question is why suicide would increase in a time of prosperity. Durkheim proposed that society functions to regulate not only the economic interactions of its various components, but also how the individual perceives his own needs.

Durkheim's analysis of the high rate of suicide in France is important in criminology because the entire structure of this argument was later used by Robert K. Merton to analyze the high rates of crime in America. It has also been used to analyze a variety of other forms of deviant behavior, including mental disorders, alcoholism, and drug addiction.[23] For this reason, Durkheim's description of anomie is here presented at some length, and in his own words.[24]

a. No living being can be happy or even exist unless his needs are sufficiently proportioned to his means. In other words, if his needs require more than can be granted, or even merely something of a different sort, they will be under continual friction and can only function painfully.

b. In the animal, at least in a normal condition, this equilibrium is established with automatic spontaneity because the animal depends on purely material conditions.

22. Durkheim, *Division of Labor*, pp. 370–73.

23. Marshall B. Clinard, ed., *Anomie and Deviant Behavior*, The Free Press, New York, 1964.

24. Reprinted with permission of Macmillan Publishing Co., Inc. from *Suicide* by Emile Durkheim, pp. 246–53. © The Free Press, a Corporation, 1952.

c. This is not the case with man, because most of his needs are not dependent on his body. . . . A more awakened reflection suggests better conditions, seemingly desirable ends craving fulfillment. . . . Nothing appears in man's organic nor in his psychological constitution which sets a limit to such tendencies. . . . They are unlimited so far as they depend on the individual alone. . . . Thus, the more one has, the more one wants, since satisfactions received only stimulate instead of filling needs.

d. A regulative force must play the same role for moral needs which the organism plays for physical needs. . . . (S)ociety alone can play this moderating role; for it is the only moral power superior to the individual, the authority of which he accepts. . . . (I)t alone can estimate the reward to be prospectively offered to every class of human functionary, in the name of the common interest.

e. As a matter of fact, at every moment of history there is a dim perception, in the moral consciousness of societies, of the respective value of different social services, the relative reward due each, and the consequent degree of comfort appropriate on the average to workers in each occupation. . . . Under this pressure, each in his sphere vaguely realizes the extreme limit set to his ambitions and aspires to nothing beyond. . . . Thus, an end and goal are set to the passions. . . .

f. But when society is disturbed by some painful crisis or by beneficient but abrupt transitions, it is momentarily incapable of exercising this influence; thence come the sudden rises in the curve of suicides which we have pointed out above.

g. In the case of economic disasters, indeed, something like a declassification occurs which suddenly casts certain individuals into a lower state than their previous one. Then they must reduce their requirements, restrain their needs learn greater self-control. . . . So they are not adjusted to the condition forced on them, and its very prospect is intolerable. . . .

h. It is the same if the source of the crisis is an abrupt growth of power and wealth. Then, truly, as the conditions of life are changed, the standard according to which needs were regulated can no longer remain the same; for it varies with social resources. . . . The scale is upset; but a new scale cannot be immediately improvised. Time is required for the public conscience to reclassify men and things. So long as the social forces thus freed have not regained equilibrium, their respective values are unknown and so all regulation is lacking for a time. The limits are unknown between the possible and the impossible, what is just and what is unjust, legitimate claims and hopes and those which are immoderate. Consequently, there is no restraint upon aspirations. . . . Appetites, not being controlled by a public opinion

become disoriented, no longer recognize the limits proper to them. Besides, they are at the same time seized by a sort of natural erethism simply by the greater intensity of public life. With increased prosperity desires increase. At the very moment when traditional rules have lost their authority, the richer prize offered these appetites stimulates them and makes them more exigent and impatient of control. The state of de-regulation or anomy is thus further heightened by passions being less disciplined, precisely when they need more disciplining.

Durkheim went on to argue that French society, over the previous 100 years, had deliberately destroyed the traditional sources of regulation for man's appetites.[25] Religion had almost completely lost its influence over both workers and employers. Traditional occupational groups, such as the guilds, had been destroyed. Government adhered to a policy of *laissez-faire* or non-interference in business activities. As a result, man's appetites were no longer curbed. This freedom of appetites was the driving force behind the French industrial revolution, but it also created a chronic state of anomie, with its attendant high rate of suicide.

4. ROBERT K. MERTON AND ANOMIE IN AMERICAN SOCIETY

Durkheim had analyzed anomie as a breakdown in the ability of society to regulate the natural appetites of individuals. Merton, in an article first published in 1938, pointed out that many of the appetites of individuals were not necessarily "natural," but rather were "culturally induced." At the same time, he argued that the social structure could limit the ability of certain groups to satisfy those appetites. This would mean that the social structure itself might "exert a definite pressure on certain persons in the society to engage in nonconformist rather than conformist conduct"[26] and would explain why crime is more concentrated in some groups than in others. In 1964, Merton's revision of anomie theory was called "the most influential single formulation in the sociology of deviance in the last 25 years, and . . . possibly the most frequently quoted single paper in modern sociology."[27]

25. Ibid., pp. 254–58.

26. Robert K. Merton, *Social Theory and Social Structure*, The Free Press, Glencoe, 1968, p. 186.

27. Clinard, op. cit. p. 10.

Merton begins by pointing out that the culture of any society defines certain goals it deems "worth striving for."[28] There are many such "culture goals" in every society, and they vary from culture to culture. Perhaps the most prominent culture goal in American society, however, is the goal of acquiring wealth. This might be regarded merely as a "natural aspiration," as Durkheim maintained. But American culture clearly encourages this goal far beyond any intrinsic rewards the goal itself might have. Accumulated wealth is generally equated with personal value and worth and is associated with a high degree of prestige and social status. Those without money may be degraded even if they have personal characteristics that other cultures may value, such as age or spiritual discipline.

In addition, whereas Durkheim said that culture functioned to limit these aspirations in individuals (although at certain times it did not do this well), Merton argued that American culture specifically encourages all individuals to seek the greatest amount of wealth. American culture is based on an egalitarian ideology in which it is maintained that all men have an equal chance to achieve wealth. This ideology is frequently illustrated by "Horatio Alger" type stories in which "poor boy makes it big." Although not all individuals are expected to achieve this goal, all are expected to try. Those who do not may be unfavorably characterized as "lazy" or "unambitious."[29]

Cultures also specify the approved norms, or "institutionalized means," all individuals are expected to follow in pursuing the culture goals. These means are based on values in the culture, and generally will rule out many of the technically most efficient methods of achieving the goal. For example, in American culture, the "institutionalized means" that should be used to achieve wealth can generally be identified as "middle-class values" or "the Protestant work ethic." They include hard work, honesty, education, and deferred gratification. The use of force and fraud, which are more efficient methods of gaining wealth, is forbidden.[30]

Merton argued that because all persons cannot be expected to achieve the goals of the culture, it is very important that the culture

28. Merton, op. cit. p. 187.
29. Ibid. p. 193.
30. Ibid. p. 187.

place a strong emphasis on the institutionalized means and the necessity of following them for their own value.[31] These means must provide some intrinsic satisfactions for all persons who participate in the culture. This is similar to the situation in athletics, in which the sport itself must provide enjoyment, even if the person does not win. The phrase "It's not whether you win, it's how you play the game," expresses the notion that the primary satisfaction comes from following the "institutionalized means" (rules) rather than achieving the goal (winning).

In athletics, however, the goal of winning may be unduly emphasized, so that there is a corresponding de-emphasis on the rewards provided by the sport itself. In this situation ("It's not how you play the game, it's whether you win"), the institutionalized means are placed under a severe strain. Merton argues that this is the situation in American culture regarding the goal of achieving wealth.[32] The goal has been emphasized to the point that the institutionalized means are little reward in themselves. The person who adheres to these methods—that is, hard work, education, honesty, deferred gratification—receives little social reward for it unless he also achieves at least a moderate degree of wealth as a result. But the person who achieves wealth, even if it is not by the approved means, still receives the social rewards of prestige and social status. This situation places a severe strain on the institutionalized means, particularly for those persons who cannot achieve wealth through their use.

This strain falls on a wide variety of people in the society, but it tends to be more concentrated among persons in the lower class. In that group, the ability to achieve wealth is limited not only by the talents and efforts of the individual, but by the social structure itself. Only the most talented and the most hard-working individuals from this class can ever expect to achieve wealth through the use of the institutionalized means. For the majority of persons, this possibility is simply not realistic, and therefore the strain is most severe. By the same token, the strain is least apparent among those in the upper classes, in which, using the same institutionalized means, a person of moderate talents can achieve a degree of wealth with only reasonable efforts.

31. Ibid. p. 188.

32. Ibid. p. 190.

For certain groups, then, a severe strain on the cultural values arises because (1) the culture places a disproportionate emphasis on the achievement of the goal of accumulated wealth and maintains that this goal is applicable to all persons, and (2) the social structure effectively limits the possibilities of individuals within these groups to achieve this goal through the use of institutionalized means. This contradiction between the culture and the social structure of society is what Merton defines as anomie.[33]

Merton's definition of anomie is similar to Durkheim's in that both refer to a condition in the society which results in a breakdown of the regulation of the individual's desires, so that the person wants more than he can obtain within the structure of the society. The difference between the two definitions is that Durkheim conceived of anomie as something that occurred only during times of rapid economic change, whereas Merton saw anomie as a permanent feature of American society that disproportionately affected the lower class.[34]

There are various ways in which an individual can respond to this problem of anomie, depending on his attitude toward the culture goals and the institutionalized means. Merton describes these options as conformity, innovation, ritualism, retreatism, and rebellion (Table 10-1).

TABLE 10-1 Merton's Typology of Modes of Individual Adaptation*

Modes of Adaptation	Culture Goals	Institutional Means
I. Conformity	+	+
II. Innovation	+	−
III. Ritualism	−	+
IV. Retreatism	−	−
V. Rebellion	±	±

*Key: + signifies "acceptance," − signifies "rejection," and ± signifies "rejection of prevailing values and substitution of new values."

Source: Reprinted with permission of Macmillan Publishing Co., Inc. from *Social Theory and Social Structure*, by Robert K. Merton. Copyright © 1968, 1967, by Robert K. Merton.

33. Ibid. p. 216.

34. Durkheim's and Merton's formulations are compared in John Horton, "The Dehumanization of Anomie and Alienation: A Problem in the Ideology of Sociology," *British Journal of Sociology* 15:294–95 (Dec., 1964).

To the extent that a society is stable, most persons in it will choose conformity, which entails acceptance of both the culture goals and the institutionalized means. These persons strive to achieve wealth through the approved methods of "middle-class values" and will continue to do so whether or not they succeed.

Most crime that exists in society, however, will probably take the form of "innovation." Persons who "innovate" retain their allegiance to the culture goal of acquiring wealth (since this is so heavily emphasized), but they find that they cannot succeed at this through the institutionalized means. Therefore, they figure out new methods by which wealth can be acquired. Businessmen may devise different forms of "white collar crime" entailing fraud and misrepresentation, or they may cheat on their income tax. Workers may systematically steal from their place of employment. Poor people may develop illegal operations, such as gambling, prostitution, or drug dealing, or they may burglarize and rob. In each of these cases, the individual has retained his commitment to the culture goal, but is pursuing it through unapproved means.

This situation is very similar to that described by the classical thinkers, who maintained that since man was hedonistic, he would always choose the most technically efficient methods of achieving his goals, unless limited by punishments imposed by society.[35] Although the classical thinkers thought this was the normal condition of man, Merton argued that it was the condition only when the cultural goals were overemphasized to the point that the norms broke down.

A third possible adaptation involves rejecting the possibility of ever achieving wealth, but retaining allegiance to the norms of hard work, honesty, etc. This is the adaptation of the person who wishes to "play it safe." He will not be disappointed by failure to achieve his goals, since he has abandoned them. At the same time, he will never find himself in any trouble since he abides by all the cultural norms. This is the perspective of "the frightened employee, the zealously conformist bureaucrat in the teller's cage"[36] and tends to be found most frequently among persons in the lower middle class.

35. Ibid. p. 211.

36. Ibid. p. 204.

These persons have achieved a minimum level of success through the institutionalized means, but have no real hope of achieving anything more. The fear of losing even this minimum level locks them into their adaptation.

The fourth adaptation—retreatism—involves simply dropping out of the whole game. Dropouts neither pursue the cultural goals nor act according to the institutionalized means. Those who choose this adaptation include "psychotics, autists, pariahs, outcasts, vagrants, vagabonds, tramps, chronic drunkards and drug addicts."[37] Merton points out that this adaptation does not necessarily arise from a lack of commitment to the culture. It can also occur when there is a strong commitment to both the goals and the means, but no real possibility of achieving success.[38]

> There results a twofold conflict: the interiorized moral obligation for adopting institutional means conflicts with pressures to resort to illicit means (which may attain the goal) and the individual is shut off from means which are both legitimate and effective. The competitive order is maintained, but the frustrated and handicapped individual who cannot cope with this order drops out.

Rebellion is the last of the possible adaptations to the problem of anomie. Here, the person responds to his frustrations by replacing the values of the society with new ones. These new values may be political, in which the goals are, for example, the achievement of a socialist society, and the approved means might involve violent revolution. On the other hand, these values might be spiritual, in which the goals entail the achievement of certain states of consciousness; and the means involve fasting and meditation. Or the values might be in one of any number of other areas. The basic point is that this person ceases to function as a member of the existing society and begins to live within an alternate culture.

These "adaptations" do not describe personality types. Rather they describe an individual's choice of behaviors in response to the strain of anomie. Some individuals may consistently choose one adaptation, such as the low level bureaucrat who responds to his situation through ritualism. But this same bureaucrat may occasionally innovate by stealing small amounts from his employer, or he may

37. Ibid. p. 207.
38. Ibid. p. 207.

occasionally retreat through the use of alcohol. Other persons develop patterns of behavior involving the use of several adaptations simultaneously. For example, a professional criminal (innovation) may also consistently use narcotics (retreatism) while at the same time promoting a militant, revolutionary philosophy (rebellion). These behaviors might not be seen as consistent with each other unless it is understood that they are all responses to the anomic stresses he faces.

These same adaptations may be seen in other situations in which there is a discrepancy between the emphasis placed on the goals and the means to achieve them. In athletics, if the goal of winning is overemphasized, those who cannot win within the institutionalized means (rules) may be strongly motivated to cheat (innovate), they may merely continue playing without hope of winning (ritualism), they may quit playing altogether (retreatism), or they may attempt to get a different game going (rebellion). Students are often faced with a strong overemphasis of the goal of achieving high grades, and may resort to similar adaptations. Deviant behavior among scientists has been analyzed in terms of an overemphasis on the goal of originality in scientific research.[39] Those who cannot achieve this goal may resort to various adaptive behaviors such as "reporting only the data which support an hypothesis, making false charges of plagiarism, making self-assertive claims, being secretive lest one be forestalled, occasionally stealing ideas, and in rare cases, even fabricating data."[40]

Although Merton regarded all these adaptations (except conformity) as deviant, they do not all entail criminality. The ritualist adaptation in particular, with its rigid adherence to the norms of society, does not involve any crime at all. Retreatism involves crime to the extent that society criminalizes the process of dropping out, with laws against vagrancy, public drunkenness, and drug use. Rebellion, when it is politically oriented, may involve such criminal activities as assassinations and bombings, or the expression of the militant beliefs may itself be criminalized. Innovation itself is not necessarily criminal;[41]

39. Robert K. Merton, "Priorities in Scientific Discovery: A Chapter in the Sociology of Science," *American Sociological Review*, 22:635–59 (Dec., 1957).

40. Clinard, op. cit. p. 23.

41. Merton, *Social Theory and Social Structure*, p. 195.

On the top economic levels, the pressure toward innovation not infrequently erases the distinction between business-like strivings this side of the mores and sharp practices beyond the mores. As Veblen observed, "It is not easy in any given case—indeed it is at times impossible until the courts have spoken—to say whether it is an instance of praiseworthy salesmanship or a penitentiary offense."

Finally, Merton makes the point that "the foregoing theory of anomie is designed to account for some, not all, forms of deviant behavior customarily described as criminal or delinquent."[42] The intention of the theory is to focus attention on one specific problem; "the acute pressures created by the discrepancy between culturally induced goals and socially structured opportunities,"[43] and does not attempt to explain all the diverse behaviors that at one time or another are prohibited by the criminal law.

A number of theorists have attempted to extend and refine Merton's theories. The most significant of these attempts was by Richard Cloward, writing in 1959.[44] Whereas Merton focused on the fact that lower-class people had limited access to legal means of achieving success goals, Cloward pointed out that these same people often had very broad access to illegal means that existed in their neighborhoods. The local pawn shop, which would fence stolen goods; the junkyard, which would take that hot car off your hands; the numbers racket; the drug and prostitution rings all provided illegal opportunities to achieve the success goals of society. Cloward made the additional point that[45]

> When we employ the term "means," whether legitimate or illegitimate, at least two things are implied: first that there are appropriate learning environments for the acquisition of the values and skills associated with the performance of a particular role; and second, that the individual has opportunities to discharge the role once he has been prepared. The term subsumes, therefore, both *learning structures* and *opportunity structures*.

The point is that the mere presence of an opportunity is not enough unless you have somehow been introduced to the ways of

42. Ibid.

43. Ibid.

44. Richard A. Cloward, "Illegitimate Means, Anomie, and Deviant Behavior," *American Sociological Review*, 24:164–76 (Apr., 1959).

45. Ibid. p. 168.

taking advantage of it. This learning structure has been described by both Shaw and McKay in their studies of delinquency areas and by Sutherland in his theory that crime is normal, learned behavior; and Cloward regarded his formulation as a consolidation of these three approaches. Merton agreed with Cloward's theory, regarding it as a substantial extension of his own theory.[46]

5. ANOMIE AS THE EXPLANATION OF GANG DELINQUENCY

Just as Merton took the structure of Durkheim's argument and applied it to the problem of American crime, Albert Cohen took the structure of Merton's argument and applied it to the problem of gang delinquency.[47] In his work with juveniles, Cohen found that most delinquent behavior occurred in gangs rather than individually, and that most of it was "non-utilitarian, malicious, and negativistic." By that he meant that much delinquency, in contrast to adult crime, seemed to serve no useful purpose. Juvenile gangs stole things they did not want or need, vandalized and maliciously destroyed property, and participated in gang wars and unprovoked assaults. Cohen believed that these actions were methods of gaining status among the delinquent's peers, but then he had to ask why these behaviors were "a claim to status in one group and a degrading blot in another?"[48] He concluded that gangs have a separate culture from the dominant culture, with a different set of values for measuring status. The question that Cohen then addressed was why and how this separate culture had evolved.

Merton described people as seeking the cultural goal of success. In a similar way, Cohen saw youths as seeking the goal of status among their peers. He utilized the classic distinction between achieved status, which is earned in competition with one's own age and sex group, and ascribed status, which is acquired by virtue of one's family, such as when one's father is an important person. Competition for achieved status normally takes place within the school. Cohen saw school as a solidly middle-class institution, permeated by

46. Robert K. Merton, "Social Conformity, Deviation and Opportunity Structures: A Comment on the Contributions of Dubin and Cloward," *American Sociological Review*, 24:188 (Apr., 1959).

47. Albert K. Cohen, *Delinquent Boys: The Culture of the Gang*, The Free Press, New York, 1955.

48. Ibid. p. 27.

the values of its middle-class teachers and administrators. Status in school was judged on the basis of such values as ambition, responsibility, achievement (especially in the areas of academic work and athletics), deferred gratification, rationality, courtesy, ability to control physical aggression, constructive use of time, and respect for property.[49]

A youth who has no ascribed status by virtue of his family, and who typically loses in the competition for achieved status, is placed under a severe strain. He can continue to conform to middle-class values, but he must then be content with a low-status position among his peers. Or he can rebel against middle-class values, and set up a new value structure according to which he can increase his status and self-worth. Youths who rebel in such a way tend to come together to form a group in order to validate their choices and reinforce their new values. The delinquent gang is such a group. It is a spontaneous development in which a number of youths, each of whom faces a similar problem (low status), together create a common solution to that problem.

Lack of status may affect youths in different social classes but, like Merton's anomie, it disproportionately affects youths from the lower class. These youths generally have no ascribed status from their families, since their parents normally have low-status occupations. At the same time, they are at a disadvantage in competing for achieved status in the schools. Lower-class children often have internalized values different from those of middle-class children prior to entering the school. When measured against these values, they perform poorly, and must either adjust to these new values or reject them. Thus, members of delinquent gangs will generally be lower-class children. And because the gang is primarily rebelling against middle-class values, it takes on the "negativistic" character noticed by Cohen.

Merton's and Cohen's theories differ in several respects. Merton emphasized the utilitarian nature of crime, focusing on "innovation" as a response to the social structural pressures, whereas Cohen sought to explain the nonutilitarian character of much delinquency. Cohen's theory is similar to the "rebellion" adaptation proposed by Merton, but it differs in that the particular form the rebellion takes

49. Ibid. pp. 88–91.

is determined by a reaction against middle-class values. In Merton's theory, rebellion may take any one of a number of different forms. Finally, Cohen saw the choice of rebellion as linked to the choices of other members of the group, whereas Merton portrayed the choice of an adaptation as an individual response.

Cloward and Ohlin sought to resolve the conflicts between the theories of Merton and Cohen, and also to integrate with these two theories the ideas of the Chicago Ecologists and of Edwin Sutherland.[50] Whereas Merton had argued that lower-class youths strive for monetary success and Cohen that they strive for status, Cloward and Ohlin argued that these were separate strivings, which could operate independently of each other. They proposed four categories of lower-class youths, as shown in Table 10-2. Youths who seek an increase in status are seen as striving for membership in the middle class, while other youths seek an improvement in their economic position without seeking to change their class association.

TABLE 10-2 Cloward and Ohlin's Classification of Lower Class Youth

Categories of Lower-Class Youth	ORIENTATION OF LOWER-CLASS YOUTH	
	Toward Membership in Middle Class	Toward Improvement in Economic Position
Type I	+	+
Type II	+	−
Type III	−	+
Type IV	−	−

Source: Reprinted with permission of Macmillan Publishing Co., Inc. from *Delinquency and Opportunity* by Richard A. Cloward and Lloyd Ohlin. © The Free Press, a Corporation, 1960.

Cohen claimed that most delinquency is committed by boys of Type I and Type II, who are striving to increase their status. Cloward and Ohlin agreed that when pressures toward delinqunCy arise among these boys, they were likely to be of the type described by Cohen, that is, reactions against the middle-class values in which the boy believes, but with which he is unable to conform, due to social structural pressures. But they argue that these boys do not constitute the major group of delinquents, since their values generally are consistent with those of middle-class authorities. They argue

50. Richard A. Cloward and Lloyd E. Ohlin, *Delinquency and Opportunity: A Theory of Delinquent Gangs*, The Free Press, New York, 1960.

instead that the most serious delinquents are of Type III. These youths are oriented toward conspicuous consumption, "fast cars, fancy clothes, and swell dames," goals that are phrased solely in economic terms and not in terms of middle-class life-styles. These youths experience the greatest conflict with middle-class values, since they "are looked down upon both for what they do *not* want (i.e., the middle-class style of life) and for what they *do* want (i.e., 'crass materialism')."[51] These are the youths, Cloward and Ohlin claim, who have been repeatedly described in the literature of juvenile delinquency. Finally, Cloward and Ohlin argue that Type IV youths, although they may incur criticism from middle-class authorities for their "lack of ambition," generally stay out of trouble because they tend to avoid middle-class institutions and people as much as possible.

Cloward and Ohlin then refer to the earlier extension of Merton's theory by Cloward in order to explain the particular form of delinquency which these Type III youths will commit. It is assumed that there are no legitimate opportunities for these youths to improve their economic position. If illegitimate opportunities are presented, as described by Cloward, then these youths will tend to form "criminal" gangs, in which the emphasis is on production of income. If, however, neither legitimate nor illegitimate opportunities are available, then the youths' frustration and discontent will be heightened. In addition, lack of opportunities is often a symptom of a lack of social organization (whether legitimate or illegitimate) in the community, which means there will be fewer controls on the youths' behavior. In this circumstance, the youths will tend to form a violent or "conflict" gang to express their anger. This is the source of the "non-utilitarian, malicious, and negativistic" activity described by Cohen. Finally, Cloward and Ohlin describe a "retreatist subculture" similar to Merton's "retreatist" adaptation and similarly populated with "double failures." Youths in this subculture were unable to achieve the economic improvement they sought, whether because of lack of opportunity or because of internal prohibitions against the use of illegitimate means. They also fail in the resort to conflict and violence. This group turns to alcohol or to drugs, and drops out.

51. Ibid. p. 97.

6. IMPLICATIONS AND LIMITATIONS

The anomie tradition has influenced both criminology and sociology greatly, and for a time, it clearly dominated the thinking in both fields. It also had a great impact on federal policy toward crime and delinquncy in the 1960s.[52] After Robert Kennedy, who was then Attorney General of the United States, read Cloward and Ohlin's book, he asked Lloyd Ohlin to help develop a new federal policy on juvenile delinquency. The result was the passage of the Juvenile Delinquency Prevention and Control Act of 1961, which was based on a comprehensive action program developed by Cloward and Ohlin in connection with their book. The program included improving education, creating work opportunities, organizing lower-class communities, and providing services to individuals, gangs, and families. The program was later expanded to include all lower-class people and became the basis of Lyndon Johnson's War on Poverty.

Although billions of dollars were spent on these programs, the only clear result seemed to be the massive political resistence that was generated to this attempt to extend opportunities to those without them. The program was eventually dismantled by Richard Nixon, having failed to achieve its goals. Since no genuine extension of opportunities ever took place, this failure might be attributed to the opposition the program encountered. But the results from other educational and vocational training programs for delinquent youths have not been encouraging. After reviewing a number of studies evaluating these programs, Martinson concluded that "it can be safely said that they provide us with no clear evidence that education or skill development programs have been successful."[53] This raises the question of whether denial of legitimate opportunity is really adequate to explain delinquent or criminal behavior.

One problem with all the anomie-type theories is that they may have a covert middle-class bias. Merton, Cohen, and Cloward and and Ohlin all presumed that lower-class persons really want the same things middle-class persons want, and that criminal and delinquent behavior is some type of response to the fact that they cannot

52. For a good review of the implementation of Cloward and Ohlin's ideas in federal policy, see LaMar T. Empey, *American Delinquency*, The Dorsey Press, Homewood, 1978, pp. 294–300.

53. Robert Martinson, "What Works? Questions and Answers About Prison Reform," *The Public Interest*, 35:27 (Spring, 1974).

have them. Cohen had emphasized the frustration involved in this response, whereas Merton and Cloward and Ohlin emphasized the attempt to achieve the middle-class objectives through illegal means. This type of theory is quite attractive to middle-class persons because it reinforces the values they themselves hold. But it is also possible that delinquent and criminal activites have a validity all their own and that they are not a reaction to middle-class values any more than middle-class activities are a reaction to lower-class values. This is the position of Walter B. Miller, who described delinquent gangs as the natural product of the values or "focal concerns" of lower-class culture.[54] Miller maintained that the lower class has a separate, identifiable culture distinct from the culture of the middle class, that this culture has a tradition at least as old as that of the middle class, and that it cannot be considered as merely a reaction to middle-class values.

It also has been argued that anomie theories rely primarily on their intuitive appeal, but that they do not offer precise definitions of their principal terms. As a result, it is frequently difficult to verify or falsify them as scientific theories. Kitsuse and Dietrick raised this point regarding Cohen's theory, maintaining that a determination of why a delinquent subculture emerged is empirically impossible, since it involves analyzing the psychological motivations of past populations.[55] Nettler argued that the two key concepts in Cloward and Ohlin's theory are "aspiration" and "opportunity" and that neither of these terms is well defined.[56] He also argued that although a delinquent may state verbally that he aspires to a goal, he may exhibit no effective motivation toward it, and that when he is presented with a legitimate opportunity to achieve it he may fail to take advantage of the opportunity. Lemert criticized the use of two basic terms of Merton's theory—cultural structure and social structure—stating that the rigid dichotomy which is drawn between them may be so artificial as to have little meaning in reality.[57] In addition, he ques-

54. Walter B. Miller, "Lower Class Culture as a Generating Milieu of Gang Delinquency," *Journal of Social Issues*, 14 (3): 5–19 (1958).

55. John I. Kitsuse and David C. Dietrick, "Delinquent Boys: A Critique," in Harwin L. Voss, ed., *Society, Delinquency, and Delinquent Behavior*, Little, Brown, Boston, 1970, pp. 238–45.

56. Gwynn Nettler, *Explaining Crime*, 2nd ed., McGraw-Hill, New York, 1978, pp. 228–30.

57. Edwin M. Lemert, "Social Structure, Social Control, and Deviation," in Clinard, op. cit. pp. 57–97.

tioned whether there is any society in the contemporary world that realistically can be said to have one set of values, even if the subcultural values of ethnic minorities are excluded.

There is also a question as to whether the description of delinquent and criminal activities presented by anomie theories accurately represents reality.[58] Kitsuse and Deitrich[59] question Cohen's description of gang delinquency as "malicious, negativistic, and nonutilitarian," maintaining that much gang delinquency is really serious criminal activity. Bordua[60] has pointed out the utilitarian nature of much gang delinquency, and has also argued that delinquency can be attractive in itself, saying,

It seems peculiar that modern analysts have stopped assuming that "evil" can be fun and see gang delinquency as arising only when boys are driven away from "good."

In studies of delinquent gangs, little evidence has been found that the principal motivation is a reaction against middle-class values, as described by Cohen, or that criminal gangs specialize in criminal, conflict, or retreatist activities, as described by Cloward and Ohlin.[61] Cohen has questioned Merton's portrayal of criminal behavior in terms of goals and the means to achieve those goals, saying that much behavior is better seen as "roles" in which the person is attempting to communicate what kind of person he is[62]:

A tough and bellicose posture, the use of obscene language, participation in illicit sexual activity, the immoderate consumption of alcohol, the deliberate flouting of legality and authority, a generalized disrespect for the sacred symbols of the "square" world, a taste for marijuana, even suicide—all of these may have the primary function of affirming, in the language of gesture and deed, that one is a certain kind of person.

58. Empey (op. cit.), pp. 300–306, reviews these criticisms concerning Cohen's and Cloward and Ohlin's theories.

59. Kitsuse and Dietrich, op. cit.

60. David J. Bordua, "Delinquent Subcultures: Sociological Interpretations of Gang Delinquency," *Annals of the American Academy of Political and Social Science*, 338:119–36 (Nov., 1961).

61. Empey, op. cit. pp. 304–5.

62. Albert K. Cohen, "The Sociology of the Deviant Act: Anomie Theory and Beyond," *American Sociological Review*, 30:12 (Feb., 1965).

Finally, like ecological theories, anomie theories have been criticized for focusing on the lower class and for ignoring middle- and upper-class crime. Self-report surveys (questionnaires in which individuals are asked to report on their own criminal activities anonymously) indicate that criminal behavior is much more widely distributed in society than official statistics would indicate. If this is true, then it seems likely that the basic motivations for crime are common in all social classes, not just to the lower class.

Durkheim's influence has been much broader, and thus his theories are more difficult to assess. His primary impact has been that he focused attention on the role social forces play in determining human conduct at a time when the dominant thinking held either that man was free in choosing courses of action or that his behavior was determined by inner forces of biology and psychology. If Durkheim had a weakness, it was that he overemphasized the role of those social forces and failed to recognize the individual's role in interacting with them.[63]

Durkheim's view of crime as normal has often been ignored by criminologists, who, like the public, may prefer to view crime as "an evil that cannot be too much suppressed." His theory of anomie has been more influential precisely because it seemed to imply methods by which crime rates could be reduced. Durkheim's statement that this might be "no occasion for self-congratulation" has been seen as irrelevant, since there has been the general presumption that crime was at a pathologically high level. The fact that programs based on anomie theory have thus far failed to reduce crime is one of the reasons anomie theories are currently losing some of their influence.

In general, sociologists today are less certain that they can so readily interpret the behavior of deviant minorities solely in terms of the minority group's reaction to the majority group. Although it may make a great deal of sense to us to understand criminals in terms of their failure to "make it" in our world, criminals themselves may totally disagree with our interpretation. Sociologists are beginning to focus more on the world in which the deviant lives in an attempt to understand his actions as he understands them.[64] At the same time,

63. Nicholas S. Timasheff, *Sociological Theory: Its Nature and Growth*, Random House, New York, 1967, p. 121.

64. For a discussion of this perspective as it conflicts with that of Durkheim and of Merton, see Jack D. Douglas, "Deviance and Order in a Pluralistic Society" in John C. McKinney and Edward A. Tiryakian, eds., *Theoretical Sociology: Perspectives and Developments*, Appleton-Century-Crofts, New York, 1970, pp. 368–401.

they are increasingly interested in the manner in which the majority groups react to deviant minorities. Both these developments lead back to Durkheim's view of crime as normal, so that this is becoming his more influential idea at the present time.

RECOMMENDED READINGS

Robert A. Nisbet, *The Sociology of Emile Durkehim,* Oxford University Press, New York, 1974. A concise introduction to Durkheim's fundamental ideas, with an especially good chapter on "deviance."

Dominick LaCapra, *Emile Durkheim, Sociologist and Philosopher,* Cornell University Press, Ithaca, 1972. A comprehensive interpretation and assessment of the thought of Durkheim, seen in its historical context.

Robert A. Nisbet, *Emile Durkheim,* Prentice-Hall, Englewood Cliffs, 1965. A long essay examining Durkheim's contributions to modern sociology, followed by a series of articles by other authors on various aspects of Durkheim's work.

Walter A. Lunden, "Emile Durkheim," in Hermann Mannheim, *Pioneers in Criminology,* Patterson Smith, Montclair, 1972, pp. 385–99. A brief review of Durkheim's life and contributions to criminology.

Robert K. Merton, *Social Theory and Social Structure,* The Free Press, New York, 1968, pp. 185–214. The current version of Merton's anomie theory.

Richard A. Cloward and Lloyd E. Ohlin, *Delinquency and Opportunity,* The Free Press, New York, 1960. A theory of delinquent gangs that links the theories of Durkheim and Mertin to those of Shaw, McKay, and Sutherland.

Albert K. Cohen, *Delinquent Boys: The Culture of the Gang,* The Free Press, New York, 1955. The classic theory of malicious, nonutilitarian, and negativistic gang delinquency.

John I. Kitsuse and David C. Dietrick, "Delinquent Boys: A Critique," *American Sociological Review,* 24:208–15 (Apr., 1959). A number of strong criticisms are rasied about Cohen's theory.

Clarence Schrag, "Delinquency and Opportunity: Analysis of a Theory," *Sociology and Social Research,* 46:167–74 (1962). Although the theory is generally on solid ground, some of its claims do not correspond to reality.

Marshall B. Clinard, ed., *Anomie and Deviant Behavior,* The Free Press, New York, 1964. A book of original papers on anomie by leading sociologists in various areas of deviant behavior.

Alfred Blumstein and Jacqueline Cohen, "A Theory of the Stability of Punishment," *Journal of Criminal Law and Criminology*, 64:198–207 (June, 1973). A reinterpretation and empirical analysis of Durkheim's thesis that crime is normal in society, using data from the United States and Norway. See also Blumstein, Cohen, and Daniel Nagin, "The Dynamics of a Homeostatic Punishment Process," *Journal of Criminal Law and Criminology*, 67:317–34 (Sept., 1976).

