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**SOCIOLOGISTS AND AMERICAN CRIMINOLOGY**

**Marshall B. Clinard**

The author is Associate Professor of Sociology at the University of Wisconsin. He served as Chief of Criminal Statistics of the U. S. Bureau of the Census prior to World War II and during the war he was Chief of the Analysis and Reports Branch of the Enforcement Department, Office of Price Administration. He is the author of several monographs and scientific articles in the field of social disorganization and criminology, and consultant to several agencies dealing with crime and delinquency.

This paper was prepared at the request of the Committee for American Participation for the Second International Congress of Criminology, September 10 to 18, 1950 at the Sorbonne, Paris. The report is concerned chiefly with the contributions of American criminologists to the etiology of crime.—EDITOR.

The control of any social problem begins with an awareness of it. The next step is to collect facts about crime, and to discover those processes which have an etiological relationship to criminal behavior. It is fortunate that in the United States, where the incidence of crime is one of the highest in the world, there has been an awareness of the seriousness of the problem, as well as the development of a substantial body of theory and empirical scientific data in the field of criminology within the past twenty-five years. Other countries with less crime, but, on the other hand, little awareness or scientific research, are in a position where they not only cannot adopt measures of control but also probably are not able to check an increase in crime.

Translations of the works of such European pioneers in criminology as Lombroso, Ferri, Garofalo, and Tarde, the publication of *THE INDIVIDUAL DELINQUENT* (1915) by William Healy, Thomas and Znaniecki's monumental volume *THE POLISH PEASANT IN EUROPE AND AMERICA* (1918-21), and the development in the 1920's of urban sociological studies in Chicago by students of Robert E. Park and Ernest W. Burgess served as the chief stimuli in the development of American sociological interest in criminology. The early writings of Henderson and the first comprehensive American textbooks in this field by Parmelee, 1918, Sutherland, 1924, and Gillin in 1926 aided this development. Today practically all American universities have a sociology department, and criminology is a standard course attracting large numbers of students. All widely used textbooks in criminology today were written by sociologists, including those by Sutherland, Taft, Reckless, Gillin, Barnes and Teeters, Cavan, Wood, Morris, Haynes, Cantor and Von Hentig. Sociologists have also written textbooks in

the field of juvenile delinquency, such as Reckless and Smith (1932) and two recent books by Neumeyer and Tappan. The sociology departments of many universities offer graduate work leading to teaching and research in criminology. The most extensive training is now offered by Chicago, Wisconsin, Ohio State, Pennsylvania, Minnesota, Illinois, Michigan, Indiana, Maryland, and New York University, the largest number of these universities being located in the Middle West.

In addition to their teaching function, many sociologists are doing research in criminology and many also serve as consultants to public or private agencies. A recent incomplete census listed thirty-seven criminological research projects underway by members of the American Sociological Society. While on the whole sociologists have done little clinical work, a research center from which has emanated much research by sociologists under the leadership of Shaw and McKay is an agency of the state of Illinois: the Institute for Juvenile Research in Chicago. Most sociological publications in criminology appear in the *AMERICAN SOCIOLOGICAL REVIEW*, *AMERICAN JOURNAL OF SOCIOLOGY*, the *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY* and *FEDERAL PROBATION*.

Since the bulk of the literature in American criminology is by sociologists it goes without saying that American criminology and sociology have developed together. As sociology has become more systematic so has criminology, and new research methods have been developed in criminology which have been later applied to other fields of sociology. The eclectic approach which formerly tended to characterize sociology in general and criminology in particular, combining constitutional, psychological, economic, and sociological factors into one great confusing "hodge podge," is giving way gradually to a more rigorous interest in a specific social psychological approach to human behavior, criminal and non-criminal alike. Such disagreements as exist among writers in the field of criminology are but reflections of the confusion in sociological theory and research. Many American sociologists interested in criminology, for example, still have not sufficiently recognized the implications for criminology of many findings about social processes and personality development in general. An adequate research program in criminology inevitably will reflect developments in general sociology and social psychology.

#### CRIME EXPLAINED PRIMARILY BY GROUP FACTORS

The work of American sociologists reveals a number of points of emerging emphasis both in theory and research methods although by

no means complete agreement. Most sociologists believe that there is a preponderance of evidence to indicate that crime is a product of definitions of situations acquired in life experience. They are generally skeptical of individualistic explanations of criminal behavior in terms of constitutional and abnormal personality patterns. Rather, the origin of crime must be sought in definitions which are present in the culture in the form of competing value systems or culture conflict. These competing value systems arise out of disorganization in social institutions and community situations.

Burgess pointed out, some twenty-five years ago in a significant paper on "The Study of the Delinquent as a Person,"<sup>1</sup> that the group, rather than the individual, is the source of deviant behavior. Sociologists have continued this emphasis on the group and culture in their studies of criminal behavior. They are increasingly interested in the conflicting values present in our culture, in the extent of a criminal's membership in social groups with deviant values, the role the person plays in such deviant groups, his conception of himself arising out of such group participation, the conduct norms in the neighborhood from which he comes, the extent of his mobility and association with other deviant norms, his attitude toward law and society, and his degree of criminal association. In explaining deviant behavior the sociologist feels it is necessary to study the associates of the deviant, his family, neighborhood agencies, the school, the effect of law enforcement agencies such as the police and prisons, and various other social institutions, as well as secondary influences including motion pictures, the radio, newspapers, and "comic books."

Some European social scientists, notably Kinberg,<sup>2</sup> have tended to regard this American emphasis on culture conflict as unique to our culture, being related notably to a more recent cultural development, immigration of diverse peoples, and extensive mobility. Factors explaining crime, however, should apply to all societies, and the findings of American sociologists in this regard cannot be assumed to be unique but rather part of the general social process. It is likely that the extensive criminality and some of the extreme social conditions in the American social scene make it possible to see some of these processes more clearly than in older and more stable cultures. The fact that they may have not been found in other cultures may be purely a matter of not looking for them.

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1. ERNEST W. BURGESS, *The Delinquent as a Person*, AMER. J. OF SOCIOLOGY, 28, No. 6 (May, 1923), p. 679.

2. OLOF KINBERG, BASIC PROBLEMS OF CRIMINOLOGY. Levin and Munksgaard: Copenhagen, 1935.

According to the view of most sociologists, participation in deviant norms, particularly through the tutelage of others, is the basic situation out of which most crimes and delinquency arise. Supporting evidence may be found in numerous studies of ordinary delinquents, petty thieves, the highly organized profession of professional theft, organized crime, and crime among business men. Studies which have indicated that the origin of crime can be looked for chiefly in participation in group norms include Thrasher's *THE GANG* (1927), a study of 1313 boys gangs in Chicago, the various volumes by Shaw and McKay such as the study of the group factors in *DELINQUENCY AREAS* (1929), *THE JACK-ROLLER* (1930), *THE NATURAL HISTORY OF A DELINQUENT CAREER* (1931), *SOCIAL FACTORS IN JUVENILE DELINQUENCY* (1931), *BROTHERS IN CRIME* (1938), and *JUVENILE DELINQUENCY AND URBAN AREAS* (1942). More recently Sutherland's *THE PROFESSIONAL THIEF* (1937) and *WHITE COLLAR CRIME* (1949) have shown how crime must primarily be looked for in participation in deviant group norms. Shaw and McKay have presented evidence from studies of thousands of delinquents, that delinquency is a product of social and cultural forces and represents a reaction of the individual in the social group. Their studies have indicated that certain areas of the city are characterized by uniform attitudes of "stimulation and excitement in delinquency situations, security in the gang, opposition to authority, contempt for the traitor, recognition and prestige through delinquency, hero-worship, stigma of petty stealing, and control of the gang over behavior of its members."<sup>3</sup> One study by Shaw and McKay has shown that over 85 percent of boys arrested in Chicago had companions and that of the remainder it may be assumed that most of them did on the first offense. If thefts alone are considered, 93.1 percent of the boys had at least one companion.<sup>4</sup>

Professional theft, such as pickpocketing, has been likened to any other profession. One not only enters the profession through tutelage on the part of others but maintains membership through group acceptance. The essential characteristics of professional theft, as of any other profession, are technical skill, status, consensus, differential association, and organization, all of which are acquired by association. Crime among business men, professional men, and politicians (white collar crime),

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3. THE CHICAGO AREA PROJECT, *Juvenile Delinquency* (Mimeo, 1946), p. 5.

4. CLIFFORD R. SHAW AND HENRY D. MCKAY, *JUVENILE DELINQUENCY AND URBAN AREAS*. Chicago, 1942, pp. 193-199. Even a study such as HEALY AND BRONNER'S *NEW LIGHT ON JUVENILE DELINQUENCY AND ITS TREATMENT*, 1939 with an essentially individualistic and psychiatric nature has shown that the factor "associated with delinquent companions" appeared in 70 percent of the cases.

has been suggested by Sutherland and Clinard to be a product of sub-cultural definitions of behavior acquired from associates, much of this diffusion of illegal practices being organized activity.

This approach to crime has not only been supported by a considerable, although still insufficient, number of studies of criminals and delinquents, but other support has come from the field of social psychology and comparative cultures. It is clear that since a criminal is a human being and criminal behavior is human behavior, the fundamental processes of personality development explaining non-criminal behavior also must explain criminal behavior. From an abstract point of view human behavior may be thought of as consisting of (1) sociogenic traits (attitudes) derived from the definitions of situations furnished by the culture or subcultures to which a person belongs, and (2) psychogenic traits or general reaction patterns which are often referred to as basic personality traits. From present evidence both sociogenic and psychogenic traits are acquired through association with others. Attitudes toward law and property are examples of sociogenic traits, while feelings of emotional security or insecurity, in gradations, of course, or feelings of adequacy or inadequacy, might be examples of psychogenic traits. If there is criminal or non-criminal behavior it must be explained in terms of not one aspect but both attitudes and personality traits. Criminals and delinquents, like all human beings, started life without attitudes and in the same fashion as non-delinquents and non-criminals, the meanings of the world and the definitions of situations being acquired through association. Criminals and delinquents are persons who not only have turned away from the conventional conduct norms of society but have established their own. Attitudes toward property, the law, sexual conduct, or the rights of others are socially defined. Not only is a delinquent or criminal philosophy, with all its rationalizations, learned, but the techniques of committing a crime likewise are learned, as for example knowledge of how to "wire" and dispose of a car to a "fence," or to commit acts of vandalism. In fact, one learns not only criminal and delinquent attitudes but one learns to be a psychiatrist or sociologist, a business man, or a mechanic by association with others. To explain why a person is not criminal we must look chiefly to the lack of those associations that caused the criminality in another person.

Other evidence for the sociological view comes from studies of various societies, folk, provincial, rural and urban, which have indicated that criminality on the whole varies not according to the biological structure or personality patterns of the people but according to the presence of what might be termed characteristics of urbanization. These

characteristics appear primarily to be culture conflict, individualism, mobility, impersonal relationships, and materialism. The migration of peoples or the acquisition of an urbanized pattern by a society, without migration, appears to increase crime. While we need much more evidence on this score, many American criminologists to some degree use this frame of reference in their analysis and recognize that since types of cultures may produce greatly different behavior it is likely that subcultures could produce deviant behavior within a culture. Clinard in an analysis of farm, village, and urban criminal offenders has shown that offenders from these areas vary in the degree of urban characteristics.<sup>5</sup> Wood has pointed out that minority group criminality, as well as the crime rates of small communities, are related to cultural integration, and Angell has tried to show that variations in the crime rates of large American cities are closely tied to the degree of social integration.<sup>6</sup>

#### DISAGREEMENTS AS TO IMPORTANCE OF PERSONALITY PATTERN

There is general agreement among American sociologists about the primary importance in criminality of acquired attitudes derived from social experience. There is disagreement, however, as to the extent and nature of this emphasis, particularly as to whether the personality pattern (psychogenic traits) should also enter into the explanation.<sup>7</sup> Sutherland is an advocate of the extreme position that "differential association" alone appears to be the explanation of criminal behavior, although there is some question as to whether he would apply his frame of reference to personal crimes as well. Earlier he had even limited such an explanation to "systematic" criminal careers of property offenders. According to him, crime is learned behavior, both in techniques, motives, drives, rationalizations, and attitudes growing out of intimate personal associations with a series of pushes towards and pulls away from criminal norms. The variable of why one person participates in crime cannot be attributed to constitutional or personality factors but rather to the frequency, duration, priority, and intensity of such criminal association

5. MARSHALL B. CLINARD, *The Process of Urbanization and Criminal Behavior*, AMER. JOUR. SOCIOLOGY, 48, (September, 1942), 202-213. Also his *Rural Criminal Offenders*, AMER. JOUR. SOCIOLOGY, 50 (July, 1944), pp. 38-45.

6. ARTHUR L. WOOD, *Minority-Group Criminality and Cultural Integration*, JOUR. CRIM. LAW AND CRIMINOLOGY, 37, No. 6, 498-510. Also his *Social Organization and Crime in Small Wisconsin Communities*, AMER. SOCIOLOGY REV., 7, No. 1, 40-46. ROBERT C. ANGELL, *The Social Integration of American Cities of More Than 100,000 Population*, AMER. SOCIOLOGY REV., 12, No. 3, 335-342.

7. SUTHERLAND believes we need much further research on this point, and has suggested some excellent problems in *The Relation Between Personal Traits and Associational Patterns*, in WALTER C. RECKLESS' *The Etiology of Delinquent and Criminal Behavior*, New York, SOCIAL SCIENCE RESEARCH COUNCIL BULLETIN No. 50, 1943, pp. 131-137.

as opposed to non-criminal. On the surface this process resembles the theory of Tarde, but there are great differences and Sutherland, of course, does not make the mistake of attributing it to imitation.

The specific directions of motives and drives is learned from definitions of the legal codes as favorable or unfavorable. In some societies an individual is surrounded by persons who invariably define the legal codes as rules to be observed, while in others he is surrounded by persons whose definitions are favorable to the violation of the legal codes. In our American society these definitions are almost always mixed and consequently we have culture conflict in relation to the legal codes.

A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law. This is the principle of differential association. . . . When persons become criminal they do so because of contacts with criminal patterns and also because of isolation from anti-criminal patterns. . . .

Differential associations may vary in frequency, duration, priority, and intensity. This means that associations with criminal behavior and also associations with anti-criminal behavior vary in those respects. "Frequency" and "duration" as modalities of association are obvious and need no explanation. "Priority" is assumed to be important in the sense that lawful behavior developed in early childhood may persist throughout life and also that delinquent behavior developed in early childhood may persist throughout life. . . . "Intensity" is not precisely defined but it has to do with such things as the prestige of the source of a criminal or anti-criminal pattern and with emotional reactions related to the associations. In a precise description of the criminal behavior of a person these modalities would be stated in quantitative form and a mathematical ratio be reached.<sup>8</sup>

This theory, in which the details are still largely untested, is based on the learning process operating within the framework of an organized society which has, by processes of urbanization and the presence of conflicting conduct norms, reached a stage of partial disorganization great enough to permit the existence of groups maintaining anti-legal motives and attitudes. In his theoretical analysis of criminal behavior, Sutherland has stated that the life history of the criminal, his interaction with the public, and with other criminals reveals the processes seen in all social life. These processes include maturation, segregation, conflict, and the competitive development of techniques of crime and protection against crime. Fashions in crimes, organization, and professionalization are other important processes in social interaction among criminals.

A broader and less specific approach to criminal behavior has been adopted by Taft<sup>9</sup> who has attributed it to certain characteristics of American culture. In a sense this explanation is closely associated with those who feel that social problems in general, and crime in par-

8. EDWIN H. SUTHERLAND, *PRINCIPLES OF CRIMINOLOGY* (4th edition), J. B. Lippincott Co., New York, 1947, pp. 6-7.

9. DONALD R. TAFT, *CRIMINOLOGY*, The Macmillan Co., New York, 1942 and revised edition, 1950.



ticular, are an outgrowth of processes of urbanization. According to Taft, the many conflicts in our society, its excessive competition, and exploitation are basic factors in our high crime rate. While Taft acknowledges that his explanation is based chiefly on the United States and there is need for an analysis of the relation of culture to crime in European countries, he feels that crime grows out of a materialistically minded society with its constant striving for prestige and wealth. Taft recognizes, moreover, that biological and psychological factors must be taken into account because they contribute to an analysis of any situation.

Some sociologists, notably Reckless, Sellin, Clinard, and Cavan have felt that the culture conflict theory by itself is inadequate and that the differential response patterns of individuals must also be taken into account. None of them, however, would discount the primary importance of culture conflict in the explanation of crime. Sellin believes that we should not only study deviant norms but also the incorporation of these norms in the personalities of members of the group. Criminological research must isolate the personality elements which differentiate the conformist from the non-conformist and seek to define types of personality based on these elements.

Applying these criteria to the study of criminals, it becomes obvious that etiological conduct research is not greatly interested in the legal label attached to the crime, but to the meaning of the crime to the violator. Significant is the presence or absence in that violator of the criminal law norm as applying to the life situation involved, the manner in which this norm was incorporated in personality, the place it has in the violator's configuration of personality elements and scale of values, and its strength. Ultimately, science must be able to state that if a person with certain personality elements in a certain configuration happens to be placed in a certain typical life situation, he will probably react in a certain manner, whether the law punishes this response as a crime or tolerates it as unimportant.<sup>10</sup>

Reckless has suggested,<sup>11</sup> that criminologists concentrate on the study of categoric risks and discover what class of individuals are most likely to engage in crime, become arrested, or admitted to institutions. From a computation of the categoric risks of being involved in judicial action one can devise hypotheses to explain why sex, age, occupation, nativity, race, and other factors operate as they do. In fact, he would go so far as to limit the efforts of sociologists primarily to "actuarial sociology" or efforts to compute these actual differential risks rather than seeking any universal propositions about crime based on cultural variables alone.

Clinard has pointed out that a theory of "differential association" as

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10. THORSTEN SELLIN, *Culture Conflict and Crime*, BULLETIN NO. 41 OF THE SOCIAL SCIENCE RESEARCH COUNCIL, 1938, 44-45.

11. W. C. RECKLESS: *THE ETIOLOGY OF DELINQUENT AND CRIMINAL BEHAVIOR*, *op. cit.*

stated by Sutherland entirely neglects the psychogenic trait component of personality and, in attributing all crime to a mathematical ratio of exposure to criminal norms, makes it often difficult to explain why some engage in crime while others do not.<sup>12</sup> An explanation of all crime in terms of calculating a balance of pushes and pulls in the life history of a given criminal offender appears extremely difficult. In some, but not all, cases the differential response of certain psychogenic traits and identification with deviant norms must also be considered. Cavan<sup>13</sup> feels that one type of criminal consists of mentally abnormal personalities and that explanations of crime should include this group.

### SOME RESEARCH FINDINGS

Research by sociologists has been instrumental in pointing out fallacies in a number of contentions about crime; they also have made analyses of the research findings of others and pointed out flaws in reasoning. Sutherland and Zeleny have shown by a shrewd analysis of various reports on the general feeble-mindedness of criminals that this belief is not substantiated by the evidence. Claims by the physical anthropologist Hooten<sup>14</sup> that crime is correlated with certain biological types and a more recent claim by Sheldon<sup>15</sup> that delinquency is similarly correlated have been shown by a number of sociologists to represent fallacious reasoning, unrepresentative sampling, and errors in interpreting statistical findings. Efforts of some sociologists to show a significant correlation between the economic cycle and crime have not resulted in any definite conclusion that such a correlation exists. In fact, studies of criminality among the upper socio-economic groups have also helped to eliminate the idea that crime is a product of poverty. A few studies have indicated that broken families not only cannot be regarded as a direct cause of crime and delinquency but that the incidence of such situations among deviants may not be much higher than among non-deviants. Studies of neighborhood influences have also made sociologists extremely skeptical of the family as the chief source of patterns of delinquency and crime. Moreover, there is at present no knowledge of how many non-delinquents come from families with poor moral backgrounds.

Companions have been found to be definitely correlated with crime in the "causation of initial delinquency, continuation in a criminal

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12. MARSHALL B. CLINARD, *Criminological Theories of Violations of Wartime Regulations*, AMERICAN SOCIOLOGICAL REVIEW, 11, No. 3, p. 269.

13. RUTH SHONLE CAVAN, *CRIMINOLOGY*, Thomas Y. Crowell Co., New York, 1948.

14. EARNEST A. HOOTON, *THE AMERICAN CRIMINAL*, Harvard University Press, Cambridge, 1939.

15. WILLIAM A. SELDON, *VARIETIES OF DELINQUENT YOUTH*, Harper & Bros., New York, 1949.

career, and association in the delinquent act or on the criminal job."<sup>16</sup> Studies by Clemmer,<sup>17</sup> Shaw and McKay, as well as the autobiographies of many criminals, have indicated that most so-called "correctional institutions" as now constituted, furnish not rehabilitation but actual training in criminal techniques and can thus be regarded as a further cause of crime. Community disorganization has been shown to be an important factor in the cause of crime. Von Hentig has indicated that the role the victim plays should be considered in the casual explanation of any crime.<sup>18</sup>

In presenting some of these conclusions it is not implied that they are final or that much more research does not still need to be done to gain further insights. What is particularly needed is more precise knowledge of the differential effect of criminal norms on individuals as well as comparisons with control groups of non-criminals. Some areas of research have hardly been touched. One of these is the area of secondary influences such as the effect of motion pictures, radio and television, newspapers, "comic books," and such "agencies of moral risk" as taverns, poolrooms, and cheap dance halls. Considering the seriousness of the problem of crime and delinquency, the amount of largely scientifically unsupported discussion of the relation of secondary controls and the large financial investment in such media as the motion pictures and the radio, it is surprising that there is not more valid evidence of the relationship today. Extensive legislation has been passed against taverns and so-called "comic books" with, to date, no rigorous scientific study of their influence on delinquency and crime.

The only major study of motion pictures, by Blumer and Hauser,<sup>19</sup> was done a number of years ago and has neither been followed by other studies, nor did it embody some improved research techniques. Their research indicated that delinquents attend motion pictures more often and exhibit greater interest in them than non-delinquents. Motion pictures were found to present a version of our culture emphasizing wealth, materialism, and immoral conduct, both crime and sex, which furnished models conducive to delinquency, and concluded that they were a factor in 10 percent of the male and twenty-five percent of the female offenders. It is hardly likely, however, that without previous personal association with delinquent behavior or deviant psychogenic traits, such secondary

16. WALTER RECKLESS, *The Etiology of Delinquent and Criminal Behavior*, *op. cit.*, p. 28.

17. DONALD CLEMMER, *THE PRISON COMMUNITY*, Christopher Publishing House, Boston, 1940.

18. HANS VON HENTIG, *THE CRIMINAL AND HIS VICTIM*, Yale University Press, New Haven, 1948.

19. HERBERT BLUMER AND PHILIP HAUSER, *MOVIES, DELINQUENCY, AND CRIME*, Macmillan, New York, 1933.

influences are important. On the other hand, to those with such patterns it is likely that they furnish additional models and rationalizations which become part of the set of beliefs of the deviant as he sees the world.<sup>20</sup>

#### RELATION OF SOCIOLOGICAL AND PSYCHIATRIC APPROACHES

Some psychologists and psychiatrists object strongly to the culture conflict theory on the grounds that some psychogenic factors, such as emotional insecurity, must account in all cases for participation in deviant norms. Part of this difficulty will undoubtedly be overcome as sociology and psychiatry recognize that they represent mutual and not conflicting approaches to human behavior as is indicated by the recent development of the field of social psychiatry. Psychiatrists are recognizing the importance of group factors and culture, while sociologists are admitting that some crimes involve psychogenic factors. Part of the misunderstanding arises from a rather loose use of the term "crime" rather than types of crime. Sociologists have, for the most part, studied only property offenses which in America constitute over 94 percent of all felonies, while psychiatrists have been chiefly concerned with personal crimes or rather abnormal property offenders. As Dunham and Lindesmith have pointed out,<sup>21</sup> sociologists have consequently found that sociogenic traits (attitude-values) are the most important factors and that these are derived chiefly from group and cultural factors, while psychiatrists studying chiefly personal crimes have found crime to be more individualistic and related to psychogenic traits. Each discipline has often used their studies to generalize about all crime. It is possible, of course, that the explanation of personal crimes may turn out on closer study to have group and cultural factors involved and be more the concern of sociologists than is indicated at present.

Most sociologists are familiar with a large part of the research on crime done by psychiatrists. Their objections to the extreme psychiatric emphasis on the emotional structure of the offender and other psychogenic traits, including the term "psychopathic personality," are as follows. (1) Such patterns, with few exceptions, appear to be largely meaningless without interaction with the culture or sub-culture. (2) Many of the studies which have attempted to establish a universal relation between personality deviation and crime have failed to raise the question of association with deviant norms or failed to eliminate it as

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20. MARSHALL B. CLINARD, *Secondary Community Influences and Juvenile Delinquency*, ANN. AMER. ACAD. POL. AND SOC. SCI., Jan., 1949.

21. A. R. LINDESMITH AND H. W. DUNHAM, *Some Principles of Criminal Typology*, SOC. FORCES, 19 (March, 1941), 307-14.

the chief variable involved in the explanation. (3) Many who advocate this explanation have failed to reconcile their position with reports of the widespread evidence of such unprecise concepts as "emotional immaturity," "inadequate personality," and "insecurity feelings" among the so-called non-criminal and non-delinquent population. Even to indicate a higher percentage does not answer the problem because one must still explain the presence of the trait structure among the non-deviant. (4) Many delinquents and criminals are not found to be neurotic. (5) Judicial experience and imprisonment may have affected the individual's emotional stability even though not present before. Two sociologists, Schuessler and Cressey, recently examined some 113 previous studies which tested the personality traits of delinquents and criminals as compared with groups of non-delinquents and non-criminals. They conclude that while 42 percent of the studies showed differences in favor of the non-criminals the rest 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."<sup>22</sup>

#### GROWING ATTENTION TO TYPES OF CRIMINAL CAREERS

In criminology it is necessary to study types of criminals, for the category "criminal" is too comprehensive. Moreover, if criminal types are to have validity they must be related to some general processes and be derived from empirical reality. During the past fifteen years there has been a marked interest in this direction. The most useful effort has probably been the study of types in terms of careers of criminal development. While Reckless<sup>23</sup> suggests that recurrence and continuation in criminal activities is essential, there are other factors involved such as the way offenses are committed, the attitude of the offender towards his crimes, the offender's criminal connections, and the place crime plays in the total employment and life history of the individual. In this volume he has chapters dealing with ordinary criminal careers, professional criminals, organized crime, and white collar crime and black marketeering. Other sections are devoted to juvenile delinquency, prostitution, alcoholism, drug addiction, gambling, vagrancy, and begging. A recent volume by Cavan<sup>24</sup> also has analyzed criminal behavior in terms of a suggestive classification.

22. KARL F. SCHUESSLER AND DONALD R. CRESSEY, *Personality Characteristics of Criminals*, AMER. J. SOCIOLOGY, 55 (March, 1950), p. 476.

23. WALTER C. RECKLESS, *THE CRIME PROBLEM*, Appleton-Century-Crofts, Inc., New York, 1950.

24. Cavan, *op. cit.*

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| <p>I. The Professional Criminal</p> <p>II. Organized Crime</p> <p style="padding-left: 2em;">Organized criminal gangs</p> <p style="padding-left: 2em;">Criminal syndicates</p> <p style="padding-left: 2em;">Racketeers</p> <p style="padding-left: 2em;">Political graft and corruption</p> <p>III. Criminals who live in the Non-Criminal World</p> <p style="padding-left: 2em;">The casual offender</p> <p style="padding-left: 2em;">The occasional offender</p> <p style="padding-left: 2em;">The episodic offender</p> <p style="padding-left: 2em;">White collar crime</p> | <p>IV Habitual offenders</p> <p style="padding-left: 2em;">Drunkards</p> <p style="padding-left: 2em;">Drug addicts</p> <p style="padding-left: 2em;">Vagrants and related types</p> <p style="padding-left: 2em;">Petty thieves and criminal venders</p> <p>V. Criminals who are Personally Mal-adjusted</p> <p style="padding-left: 2em;">Psychoses and crime</p> <p style="padding-left: 2em;">Psychoneurosis</p> <p style="padding-left: 2em;">Psychopathic personality</p> |
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Both Cavan's and Reckless' classification primarily emphasize social processes and in so doing imply that criminal offenders should be classified primarily in terms of social types, *i.e.*, the social roles they play and the criminal attitudes which they have. Both classifications differ markedly from either the legal categories or those of most psychiatrists which involve principally personality types and emphasize degrees of personal disorganization. One of the neglected areas of sociological analysis has been personal crimes, and Gillin<sup>25</sup> has contributed an analysis of the characteristics of offenders classified according to murderers, sex offenders, and property offenses. He has, in turn, subdivided these categories and has, for example, some eight types of murderers according to the social situations involved. Sutherland has recently published an article dealing with our sexual psychopath laws which casts serious doubt on the current emphasis on sex crimes and the sexual psychopathy of sex offenders. He feels that "The absurdity of this theory (sexual psychopathy) should be evident to anyone who has an acquaintance with the variations in sexual behavior and sexual codes throughout the history of mankind; practically all of the present sex crimes have been approved behavior for adults in some society or other. Similarly within our society deviant cultures with reference to sex behavior prevail in sub-groups. The manner in which juveniles are inducted into the cultures of these sub-groups in the toilets of schools, playgrounds, and dormitories, as well as in other places, has been shown in many research reports on juvenile sex behavior."<sup>26</sup> In the future there will undoubtedly be increasing research on criminal social types.

25. JOHN L. GILLIN, *THE WISCONSIN PRISONER*, University of Wisconsin Press, Madison, 1946.

26. EDWIN H. SUTHERLAND, *The Sexual Psychopath Laws*, J. CRIM. LAW & CRIMINOL., 40. No. 5, January-February, 1950. p. 549.

## ATTEMPTS TO REDEFINE THE SUBJECT MATTER OF CRIMINOLOGY

A number of American sociologists, aided by some legal writers with a sociological interest, have been subjecting the nature of a crime to more scientific examination, particularly during the past fifteen years. This is important for the study of the etiology of crime, for without a scientific understanding of the unit we are manipulating we are likely to erect a scientific house on quicksand. The arbitrary definition of the criminal law does not furnish a sufficiently stable unit for the development of a science of criminology as Michael and Adler<sup>27</sup> suggested in a critique over fifteen years ago. A crime, in most thinking, is symbolized by the more conventional property crimes and crimes of personal violence. More realistic thinking, however, makes us aware of the relativity of crime, that many crimes have a history of recent development, and that criminal acts not only include other acts than are commonly so regarded but probably even acts not customarily bearing the legal label of crimes.

In the legal field of the sociology of law the American writings of Pound, Cardozo, Gurvitch, Llewellyn, and Jerome Hall have been most helpful in pointing out not only the social origins of crime but the relation of law to general society. Hall<sup>28</sup> has traced the interrelationship of social factors and law in such modern day offenses as receiving stolen property and automobile theft. Various sociologists and political scientists have also shown that the criminal law in actuality responds to many influences, including public opinion, which may interfere with the enforcement of a law or fail to bring illegal behavior to the attention of authorities, the role of the police and prosecutor, the status of the defendant, and the personal views of the judge. Of every hundred crimes committed only a certain percent are arrested, a smaller percentage tried, and so on through conviction and sentence.

Although the development of the criminal law as a social process is generally recognized by American sociologists, most American criminologists still adhere to the conventional definition of a crime as a violation of the criminal law wherein all actions coming within the province of criminology must be so defined. On the other hand, Sellin<sup>29</sup> has suggested that this is not only an extremely narrow interpretation of the subject matter but an unscientific one as well, for crime norms are but one form of conduct norms or social values of the group. Any viola-

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27. JEROME MICHAEL AND MORTIMER ADLER, *CRIME, LAW AND SOCIAL SCIENCE*, Harcourt, Brace, New York, 1933.

28. JEROME HALL, *THEFT, LAW, AND SOCIETY*, Little, Brown & Co., Boston, 1935.

29. SELLIN, *op. cit.*

tion of a conduct norm arouses a group reaction and the type and force of the reaction depends upon what the situation means to the individual. The conduct norms are supported by sanctions reflecting the value attached to the norm, and the strength of the norm depends not so much on the form of the sanction as the deterrent value, "the resistance potential" which the group attaches to it. Crimes are legal conduct norms which are supported by the punishment of the political group. While criminologists are likely to concentrate their study on such criminal norms, he feels that not only should there be a study of all conduct norms and their violations, "Ethology," but also that criminologists should adopt a wider perspective. He even suggests that criminology could well be broadened to include legal conduct norms embodied in the civil law. In studying variations in legal conduct norms either among the states of the United States or among various countries the emphasis should be on the "resistance potential," scale of penalty, rather than on the label of the crime.

A more specific effort to reformulate the definition of crime has been the recent efforts by a few American criminologists, notably Sutherland in a presidential address to the American Sociological Society in 1939, to broaden the concept of crime to include all violations punishable by the state and deemed socially injurious. This approach, which has been supported by Clinard and Hartung, would include as crimes not only the criminal law, but civil actions brought by the government, such as injunctions, treble damage suits, and various actions by administrative boards. This broader definition has been thought imperative if we are to deal with a totality which does not reflect the bias of economic class and occupation. While more overt offenses against the state are covered by the criminal law, violations of law in connection with their occupations by such "white collar groups" as business men, professional men, and politicians are generally dealt with by civic or administrative action, as Sutherland has stated.

White collar crime is real crime. It is not ordinarily called crime, and calling it by this name does not make it worse, just as refraining from calling it crime does not make it better than it otherwise would be. It is called crime here in order to bring it within the scope of criminology, which is justified because it is in violation of the criminal law. The crucial question in this analysis is the criterion of violation of the criminal law. Conviction in the criminal court, which is sometimes suggested as the criterion, is not adequate because a large proportion of those who commit crimes are not convicted in criminal courts. This criterion, therefore, needs to be supplemented. When it is supplemented, the criterion of the crimes of one class must be kept consistent in general terms with the criterion of the crimes of the other class. The definition should not be the spirit of the law for white collar crimes and the



letter of the law for other crimes, or in other respects be more liberal for one class than for the other.<sup>30</sup>

According to those who believe in this broader definition, the distinction between crimes and public torts, and between the customary use of the term "penal" as opposed to "non-penal," is artificial and illogical. Certain acts can be designated as crimes according to whether the state has prohibited such behavior, considers it to be socially injurious, and provides for the application of punishment in the event of a violation. Crimes, therefore, are not only legally designated as harmful but, in the event that certain behavior takes place, a penal sanction can be applied. Whether the action carries the term "crime" or the sanction applied is imprisonment, a fine, civil action, or an administrative action is immaterial, for all can be designated as punishment whether overtly or as a social stigma. The essential nature of a crime, moreover, does not hinge on whether an element of wilfulness must be established. The expansion of crime, however, to include public torts and administrative penalties as well should not include behavior which is solely "anti-social," "injurious to society," "greedy," "unfair," but not illegal.

Some persons in the field of criminology and law object to this formulation of the nature of crime. It follows neither the conventional nor the predominant legal view. Tappan, for example, has advanced several criticisms of such an approach, particularly that the penal treatment prescribed in the criminal law is a customary method in our culture, affecting our conception of crime, and influencing the criminal in his conception of himself, because crime carries public stigma in its association with a fine, imprisonment, or probation.<sup>31</sup> To include civil damages and injunctions, according to this argument, results in complete confusion in both the nature of criminal law and crime. Moreover, the determination of crime follows careful procedural methods including the statement of specific acts as crimes; the question of actual or implied intent, unless the statute excludes it; guilt established, except where jury trial is waived, by a unanimous verdict of a jury; and, finally, protection against double jeopardy. Burgess objects to the inclusion of white collar crime in the field of criminology on the basis that it is legalistic rather than sociological. He feels that white collar violators do not conceive of themselves as criminal, nor does the public express strong public disapproval.<sup>32</sup> As Hartung has pointed out, the objections are contra-

30. EDWIN H. SUTHERLAND, *White-Collar Criminality*, AMER. SOCIOLOGICAL REV. 5, (Feb., 1940) p. 5. Also see his *WHITE COLLAR CRIME*, The Dryden Press, New York, 1949.

31. PAUL TAPPAN, *Crime and the Criminal*, FED. PROB., 11, No. 3 (July-September, 1947). See also his *Who is the Criminal*, AMER. SOCIOLOGICAL REV., 12 No. 1 (February, 1947) pp. 98-99.

32. ERNEST W. BURGESS, in his Comments on Frank E. Hartung, *White Collar Offenses*

dictory, Tappan believing that white collar crime is not legalistic, while Burgess feels that it is not sociological.

In reply to these objections an adequate science of criminology must bring like actions together within the same frame of reference regardless of the legal label. The distinction between criminal and civil actions is not only arbitrary, but it is frequently difficult to get laws passed defining certain practices of white collar groups as crime because of the unorganized resentment of the public against such acts. This differential treatment results from the lack of sufficient recognition by society of the extent and consequence of white collar group violations to warrant making the behavior criminal. Where there is diversity of opinion as to whether the behavior is serious enough to be punished by criminal action the problem is frequently the enforceability of a criminal action rather than appropriateness. This differential attitude on the part of the public results, first of all, from the complexity of the violations of law by white collar groups and the diffusion of their effect over a long period of time. Ordinary crime is overt, simple, and easy for the public to see; white collar crimes are not so easily discernible. Secondly, most white collar laws are not only new but are highly specialized, which tends to conceal the criminality of the violations. Third, white collar crime does not receive the same publicity, particularly in the press, that ordinary crimes do and, therefore, does not arouse the same resentment. There has been a tendency to pass differential laws and to enforce laws in various ways according to the social status of the offenders.

Criminal intent need not be established in all criminal court prosecutions, and there is evidence that statutes are increasingly being enacted incorporating this principle. In many states a person may now be convicted of a criminal charge without criminal intent being established for such crimes as bigamy, adultery, statutory rape, passing bad checks, selling mortgaged property, and other offenses. Finally, legislation involving business violations has largely occurred in recent times when there has been a general tendency away from the criminal sanction in legislation or even punishment in our various other social institutions, such as the family and the school. In situations where the behavior is defined as criminal there is, moreover, a tendency to include alternative civil and administrative actions which is not the case with ordinary crimes.

While persons who commit white collar crimes may not wish to have

their actions called "criminal," they generally regard themselves as "offenders" against the law, and the issue becomes merely a matter of labels. The evasive nature of most violations of this character indicate that awareness of the illegal nature of the activities is present. Moreover, as in the case of surveys of public attitudes toward the black market, there is evidence of extensive public support for many of the laws regulating white collar crime.

There are considerable consequences for a science of criminology through either the study of violations of all conduct norms or through a definition of crime based on all violations punishable by the state. Such definitions make it possible to see a criminal act not in limited perspective but as a part of culture and as a problem subject to social psychological interpretation. Such an approach also makes it possible to eliminate some of the unrepresentative and unscientific nature of current etiological research on crime where it is arbitrarily confined to customary crimes and to those persons in prison. A broader interpretation of crime will undoubtedly help to dispose of generalizations to the effect that crime is usually a product of such factors as poverty, low intelligence, innate viciousness, emotional difficulties, low education, and broken homes. In place of it we shall have to develop a theory of crime which includes all violations of conduct norms and illegal acts committed by persons of the lower as well as the upper socio-economic groups. Three studies using this approach have been made. Sutherland<sup>33</sup> has studied the criminal behavior of seventy large corporations. Clinard has studied the black market among business concerns during the recent war,<sup>34</sup> and Hartung has made a study of the black market among the wholesale meat industry in Detroit.<sup>35</sup> This effort to reformulate the sociological definition of crime, still in its beginning, constitutes one of the chief contributions of American sociologists to the development of a science of criminology.

### RESEARCH TECHNIQUES

*Ecological Approach*—A number of techniques have been developed in America which have been helpful in understanding the realities of crime. One of these is referred to as the use of the ecological approach. This technique which was introduced in the late 1920's involves the spot-mapping of various criminal data and the analysis of the distribution in terms of other similarly spatially located socio-economic data,

33. SUTHERLAND, WHITE COLLAR CRIME, *op. cit.*

34. CRIMINOLOGICAL THEORIES OF VIOLATIONS OF WARTIME REGULATIONS, *op. cit.*

35. HARTUNG, *op. cit.*

usually in small census tracts. Quetelet and Guerry had made use of a similar technique in France in the 1830's, but these efforts were not continued. Beginning with Chicago, delinquency and crime in a large number of American cities has been analyzed in this fashion and the technique is now a generally accepted pattern for research.<sup>36</sup> The location of gangs, the residences of delinquents and criminals, the location of the place of offense compared with the residence of the offender, residences of both parties in sex cases, and the location of vice have been compared with local community factors such as rental costs, racial and ethnic distribution, and mobility. Similarly, comparisons have been made with distributions of the incidence of marital disorganization, mental disease, chronic alcoholism, suicide, and other social problems. As the result of the application of this technique valuable insights have been achieved about the nature of crime. Ordinary crime, following Burgess' zonal hypotheses, has been shown to be concentrated in the more socially and physically deteriorated areas of the city and the rates tend to decrease as one goes toward the city's periphery. It has also revealed that other social problems occur in those same areas, suggesting that common forces may be in operation.<sup>37</sup>

There have been several objections to these ecological studies. (1) Robison, a sociologist, has raised the question *Can Delinquency Be Measured?* (1936), and has pointed out that administrative statistics on delinquency and crime are so incomplete and biased that it is impossible to discriminate precisely between areas of the city. In areas of higher socio-economic status, as well as among certain ethnic and religious groups, there is a tendency to deal informally with certain law infractions and not report them to the police. Similarly social work agencies also deal informally with certain types of cases. These arguments, while partially valid, fail to consider that there are often such large differences in delinquency and crime between deteriorated areas and other areas of the city that the incompleteness of reporting would have only a minor effect. (2) Others have indicated that this localization of crime and delinquency can be attributed either to biological inferiority or selective migration of constitutional and psychiatric deviants into these areas. Closer inspection, however, reveals that the cultural and social characteristics of the areas appear to be the main explanation for there are present deviant value systems, centers of vice, heterogeneity of population, extensive mobility, and impersonality. Moreover, studies of police records have indicated that these areas have had traditions of criminal

36 See SHAW AND MCKAY, *JUVENILE DELINQUENCY AND URBAN AREAS*, *op. cit.*

37. Ernest R. Mowrer, *Disorganization, Personal and Social*, Lippincott Co., 1942.

behavior for several decades. The continuity of delinquent boys' gangs has been traced over several generations to show the transmission of cultural traditions. The changing composition of the population in these areas, as well as the indigenous character of delinquency, have served to reject both constitutional and selective migration factors. (3) Some psychiatrists have felt that this cultural evidence is not conclusive since all persons in the areas do not become delinquent or criminal, and they feel that the variable must be emotional insecurity in some persons which causes them to seek out deviant associations. While there may be some cases where the personality characteristics may be involved, on the whole it is likely to be more adequately explained as a push and pull of cultural forces in the areas in terms of Sutherland's variables. This, of course, has as yet not been fully substantiated.

The ecological technique has not only been useful as a source of fruitful hypotheses for scientific research, but it has made possible the location and control of areas of extensive delinquency and crime. In turn, this should result not in the elimination of such behavior but rather in a reduction in rates. Local community projects, based on these sociological findings, have been established in numerous American cities, the Chicago Area Projects, and the Back of the Yards Neighborhood Council in Chicago being the most well-known of this type of approach. They use local or "natural" leaders and the efforts of the local inhabitants to set reorganizing forces in motion which may overcome the social deterioration of these areas. This method is decidedly different from the conventional philanthropic approach or the settlement house movement. These new projects have not been in use long enough to test thoroughly the adequacy of the hypotheses involved, but indications are that they will result in a marked decline in delinquency and crime.

*Use of Control Groups*—The development of more rigorous methods in criminological research has made persons more aware of the importance of parallel studies of non-criminals or at least non-apprehended criminals. The isolation of characteristics of criminals does not constitute valid scientific knowledge until we can show the frequency of such variables in the non-criminal population. While this principle has been recognized in a few studies, it has not as yet become fully applied in American criminological research. There are a number of difficulties. Control groups add materially to the work of a research effort. The composition of an adequate control group poses a difficult problem, and in addition there is frequently the reluctance of such persons to cooperate. Siblings have been generally used, but since this controls only the family and not the companions and other neighborhood influences they

may not be the best group. Assuming an adequately matched group it is imperative that as complete research be done on the control group as on the deviant group.

In a sense our widening knowledge of the psychological, psychiatric, and moral aspects of the general population is adding an indirect control situation and is helping to eliminate factors thought peculiar to criminal groups. The Kinsey report,<sup>38</sup> for example, even if the sample were only partially representative, shows that sexual misconduct is both extensive and flagrant among large sections of the adult population. There is considerable indication, both from government reports and from a limited number of research studies, that there are extensive violations of law not only by adults of the lower socio-economic groups but among business and professional men and politicians as well. Crimes committed by the latter groups include the sale of fraudulent securities; black market activities, sale of adulterated and misbranded foods and drugs, violations of the anti-trust, Federal trade and labor relations laws, fraudulent income tax returns, fee-splitting in medicine, illegal abortions, and bribery.

*Study of Criminals in the Open*—There are limitations in studying persons who are under administrative controls or institutionalized because of the possibility that they represent a biased sample, and there are, moreover, often difficulties in establishing proper scientific rapport with such persons. Some efforts have been made to study criminals in the open, and many present-day criminologists have the research confidence of a considerable number of offenders. This professional relationship of mutual confidence and the recognition of the scientific interest of sociologists in them as criminals, should make possible more significant research in the years to come.

*Personal Documents*—American sociologists make wide use of personal documents such as life histories, descriptions of some particular events, letters, diaries, verbatim interviews, and other similar items written by delinquents or criminals. The use of such documents largely began with Thomas and Znanieckis<sup>39</sup> who included a discussion of crime among Poles in Europe and Chicago. Thrasher, in a study of 1313 boys gangs in Chicago (1927), used interviews with members of the gangs and had the boys write stories of their participation. Shaw and McKay have published a number of volumes which have either contained entire life histories or excerpts from them. One entire book

38. ALFRED C. KINSEY, WARDELL B. POMEROY, AND CLYDE E. MARTIN, *SEXUAL BEHAVIOR IN THE HUMAN MALE*, W. B. Saunders Co., 1948.

39. *THE POLISH PEASANT IN EUROPE AND AMERICA* (2 vols.), Alfred A. Knopf, Inc., 1927.

consisted chiefly of a single life history, another of two, and one was the story of five brothers, all of whom engaged in crime. There have been numerous studies by other sociologists employing personal documents in large numbers. In general, they contain additional case material and are analyzed by the research worker. Sutherland had a professional criminal write not a personal story but a description of the profession of thievery and then had other thieves and police officers analyze it, in turn followed by his own analysis. Various life histories of criminals which have been published commercially have also been used in research, probably the best known being Jack Black<sup>40</sup> and Victor Nelson.<sup>41</sup> Works of this kind have to be used with caution for they are hardly scientific documents, lacking as they do case material, and the situation of commercial gain under which they are written may lead to the selection of events.

Such documents give us insight into the world as the delinquent or criminal sees it and not as an observer thinks he might see it. In this sense they differ greatly from the typical case history or the analysis of most psychiatrists which are accounts of interpretations by a second person of another's verbalizations. Moreover, personal documents, coupled with case records, afford a permanent record which may be examined by other observers. They give us a picture of the social and cultural world to which the delinquent responds, the interpretations he makes of it, and also afford an idea of the sequence of past experiences and situations in the life of the offender, a longitudinal picture which cannot be obtained from mere statistical analyses or speculation. The life history shows the importance of the family, delinquent play groups, criminal gang associations, and gives evidence of community disorganization.

Some attempts have been made to describe the types of situations most conducive to obtaining reliable personal documents from delinquents and criminals, and there have been attempts to analyze life histories in terms of the types of documents which they represent. Sociologists in using them are still faced with a number of important problems. While personal documents are a fruitful source of hypotheses, provide insights for questionnaires, aid in the discovery of types of criminals and situations, and are valuable in understanding an individual case, they are difficult as yet to use in testing hypotheses. We still do not know how many documents are necessary to test a hypothesis or the type of hypothesis which most readily lends itself to their use. They

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40. JACK BLACK, *YOU CAN'T WIN*, Macmillan Co., 1926.

41. VICTOR NELSON, *PRISON DAYS AND NIGHTS*, Little, Brown & Co., 1933.

are difficult to obtain in large numbers and careful analysis is time-consuming. To what extent the documents are representative and how far they need to be verified are other questions.

The most serious difficulty in using personal documents, however, is whether the documents speak for themselves or, like the accusation often made about Freudian psychoanalysts, the interpretation is read into the facts. Because the tools of analysis of sociologists are not sufficiently sharp, the use of such documents has been tremendously handicapped. Still it is hard to see how criminal behavior can be analyzed in any meaningful fashion without dealing with subjective experience. Any methodological problems which arise are not questions of choice but of necessity and will undoubtedly be solved. In general, personal documents should be used not as a substitute for, but as a supplement to, other research techniques.

*Statistical Data*—While extensive use is made of statistics, research in criminology is greatly handicapped in the United States by inadequate statistical data. The collection of most criminal statistics is not nationwide and centralized in a single branch of the national government as in many European countries, but rather what is collected is largely incomplete and scattered in several agencies. While a few states have fairly adequate central statistics there is great variation in the quality of the others. "Nowhere in the United States today is it possible to find a well integrated and reasonably adequate system of criminal statistics, either on the local, state, federal, or national basis, in spite of the fact that we have long been deeply concerned with the serious character of our crime problem."<sup>42</sup> These inadequacies are particularly marked in regard to delinquency and crime in rural areas and with respect to court statistics. From time to time there have been suggestions for improvements in these conditions. Certainly the situation is much better today than before 1930 when we did not have even an approximate idea of how many crimes were reported to the police nationally or how many arrests were made. Considerable work has also been done on the problem of the most adequate indices to measure the extent of crime with rather general agreement today on crimes known to the police.

These remarks apply to simple counts of the number of crimes, type of last offense, age, sex, and a few other traditional categories. Such

42. THORSTEN SELLIN, *The Uniform Criminal Statistics Act*, J. CRIM. LAW & CRIMINOL., Vol. 40, No. 6 (March-April, 1950), p. 680 and THORSTEN SELLIN, *Status and Prospects of Criminal Statistics in the United States*, *Svensk Juristtidnings Festschrift för Karl Schlyter*, Stockholm, 1949.



information, even if uniformly collected and analyzed, would be only of minor use to sociologists, for it would simply represent volume. What is needed for research is the collection of data on meaningful items which will enable us to find real answers to some of the theoretical questions about crime. Some of the essential items which are either rarely or never included in statistical enumerations are age at the time and nature of each offense, the number of companions, mobility, residence in what local area of the city, sociological analysis of degree of criminal development, and psychiatric analysis.

*Prediction of Criminality*—The problem of predicting whether a person will continue in crime after release, on probation but particularly parole, has engaged the attention of American criminologists more than any other single subject. Not only have there been several significant volumes published by Burgess, the Gluecks, Vold, Monachesi, Laune, and Graham, but there have been numerous M. A. and Ph. D. studies. In addition, there are a considerable variety of published articles including those by Laune, Tibbits, Sanders, Hakeem, Gillin, Schnur, Hart, Ohlin and Duncan, Ray, and Argow. Weeks has even suggested the possibility of predicting juvenile delinquency by types.<sup>43</sup> The Illinois correctional system has for several years employed sociologists who apply prediction methods in the release of inmates on parole.

Studies involving the prediction of criminal behavior, as in the prediction of other forms of personal adjustment such as occupational and marital success, are based on the assumption that scientific study will lead to the classification of human beings into some stable categories. It is assumed that persons having a number of similar situational characteristics will act, on the average, in similar ways. In general, there are several basic steps in this procedure.<sup>44</sup> (1) In the first place, indices or measures of success such as in parole, "good behavior after release from prison," are used as a measure or criterion of success. (2) Various personal data are compiled on the background of the group of violators and non-violators on which the prediction is to be made. Background factors generally include such items as age, race, occupation, work record, education, criminal record, mobility, and sometimes more subtle personality characteristics. There is an effort in each instance to determine the relation of a given factor to success or failure in readjustment. For example, a "regular work record before arrest" usually

43. H. ASHLEY WEEKS, *Predicting Juvenile Delinquency*, AMER. SOCIOLOGICAL REV., 8 (February, 1943), 40-46.

44. HORST, P. WALLIN, P., AND GUTTMAN, L. *The Prediction of Personal Adjustment*. BUL. NO. 48, SOC. SCI. RES. COUNCIL, New York, 1941, pp. 4-5.

becomes a favorable factor for the successful rehabilitation of a criminal. Similarly, other items which are found related to success or failure are utilized as predictive items. (3) Such predictive items are then combined to give a total prediction score for each individual which can then be interpreted in terms of an index or criterion of the degree of probable successful adjustment. (4) Such items as were worked out in the prediction table are in some studies, but not all, tested on another group of offenders and the stability of the items and the score are thus checked. (5) Assuming that the prediction scores prove to bear a sufficiently high relationship to the criterion scores in the sample, the prediction table is then ready for application to the institutional population of which the original group was a sample.

Much of the effort in this field has been concentrated on the question of the statistical technique to be employed in computing the score. Burgess, for example, in his pioneer 1928 study<sup>45</sup> of Illinois offenders, used the unit method by which each of the items on the institutional record counted equally, and a prediction score was worked out on this basis. In the preparation of their prediction tables, the Gluecks<sup>46</sup> used a coefficient of mean square contingency whereby each factor in an individual's life history was associated with those aspects of conduct to be predicted. They were thus able to select out some seven factors from a multitude which were related in some degree to criminal behavior. The weighting of factors was accomplished by adding together the percentage of total failures for each sub-category of factors selected in which each of the individuals studied had been classified. The individual offender's scores, as determined by this technique, are a summation of the unfavorable items or factors in pre-reformatory experiences weighted in accordance with their respective percentage values. Essentially the difference between the Burgess and the Glueck method is that the former utilized all of his twenty-one factors, while the latter eliminated those that appeared to have little significance as indicated by low coefficients of contingency in connection with behavior after release on parole. In a later study the Gluecks used a simpler method.<sup>47</sup> The maximum percentage difference was calculated between a specific sub-class of a factor category and the percentage of all individuals who were involved in such a factor, served as an index. Argow has suggested a different method termed a "criminal-liability index" which involves the division

45. BRUCE, A. A., HARNO, A. J., BURGESS, E. W., AND LANDESCO, J., *PAROLE AND THE INDETERMINATE SENTENCE*, 1928.

46. SHELDON AND ELEANOR GLUECK, *500 CRIMINAL CAREERS*, Knopf & Co., 1930.

47. SHELDON AND ELEANOR GLUECK, *FIVE HUNDRED DELINQUENT WOMEN*, Knopf & Co., 1934.

of the offender's score by the mean score of the group.<sup>48</sup> Actually the score of each offender becomes the summation of the varying effects on an individual's behavior of personal and social factors which are found to differentiate first offenders from recidivists.

Vold<sup>49</sup> applied the methods of Burgess and the Gluecks to Minnesota records, and Monachesi<sup>50</sup> in turn has applied the technique developed by Burgess, the Gluecks, and Vold to the problem of probation. Tibbits has applied the Burgess factors to another sample and found that they retained their significance. Hakeem made a follow-up study of 1,145 cases based on the Burgess method and found remarkable accuracy in prediction based on this method.<sup>51</sup>

The Burgess method has been criticized by Vold from several standpoints: (1) only official records were used, (2) the research was largely confined to conduct during the parole period, some of the sub-classes are quite subjective and there is considerable overlapping of items, (3) the reliability or consistency of the data was not measured, and, finally, (4) equal weight was given to all factors in scoring. The Glueck's method also has shortcomings, for, as Vold has indicated, "Four out of the seven factors have reference to the violation of the law or prison regulations. May not this be giving too much weight to the assumption 'once a criminal, always a criminal'?"<sup>52</sup>

In general, most of the prediction studies have been spot studies, covering a given jurisdiction and a given period. There has been little application of the specific lessons learned or the procedures used in arriving at the findings. Practical application and validation have been largely neglected. Ohlin and Duncan have summarized three types of error in the practice of applying prediction tables to actual outcome samples as the lack of association between the predictive factors and outcome in the population, sampling fluctuation, and errors correlated with time in which the probabilities associated with outcome change markedly.<sup>53</sup>

Another major difficulty, probably of greater importance than the question of inadequacies in statistical methodology, is the meaningfulness to a science of criminology of the items used in the prediction score.

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48. WALTER W. ARGOW, *A Criminal-Liability Index for Predicting Possibility of Rehabilitation*, J. CRIM. LAW & CRIMINOL., 26:561-577, 1935.

49. GEORGE B. VOLD, *PREDICTION METHODS AND PAROLE*, Sociological Press, 1931.

50. ELIO D. MONACHESI, *PREDICTION FACTORS IN PROBATION*, Sociological Press, 1932.

51. MICHAEL HAKEEM, *The Validity of the Burgess Method of Parole Prediction*, AMER. JOUR. SOCIOL., 53, No. 5, March, 1948, 376-387.

52. GEORGE B. VOLD, *PREDICTION METHODS AND PAROLE*, Sociological Press: Hanover, N. H., 1931, p. 18.

53. LLOYD E. OHLIN and OTIS D. DUNCAN, *The Efficiency of Prediction in Criminology*, AM. JOUR. SOCIOL., 54, No. 5 (March, 1949), 441-452.

The lack of standards or variations in standards in the selection of parolees is seldom taken into account. Most studies to date have been obviously limited by the typically inadequate records of American institutions. In general, the items employed have been rather mechanistic, restricted to experience prior to institutionalization, or with items pertaining to good conduct and other such misleading institutional symbols of adjustment. In addition, the official records from which the information is obtained is often poorly recorded. Moreover, there has been a tendency to give undue weight to certain factors, particularly in the unit count method, where it is possible that a few factors not only may be the most important but where more subtle influences may be involved. These difficulties can be met by a selection of more appropriate items and by the wider use of intercorrelations and tests of significance.

For this approach to be meaningful we must employ items, not on the basis of expediency, but rather those derived from some scientific theory of human behavior. The interest must not be confined so much to techniques and multiple factor analysis as in the search for items related to etiology. In this search exceptions to the quantitative measure may be extremely significant. The social situation of community, family, and the parole situation must all be taken into account in ascertaining why some adjust and others do not. Parole prediction involves the problem of criminal attitudes and deviant psychogenic traits and the effects of institutionalization on them. A study of Laune<sup>54</sup> is suggestive of this direction of attack. He believed that the offender's adjustment to life after being a prison inmate is dependent upon his attitudes, that there must be a periodic determination of the offender's attitudes to determine when he should be released (rather than simply items prior to imprisonment), and that fellow inmates should be qualified to render opinions as to another offender's parolability. To determine the items involved in these "hunches" he used what he termed the "discussion method" based on an observer's judgments. Contrary to traditional items he used such meaningful items as excessive interest in clothes, love of comfort, argumentativeness, previous hoodlum activities, and wander lust.

Most prediction studies involve such preoccupation with elaborate statistical procedures and with the practical problems of post-institutional treatment that one may well ask what relevant knowledge about criminal causation has either come out of it or may be expected to do so. Certainly the test of a science, regardless of other justifications,

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54. FERRIS F. LAUNE, *PREDICTING CRIMINALITY*, Northwestern University Press, 1936.

must be in its ability to predict. If we were able to understand why some men persist in criminal attitudes while the criminal attitudes and deviant psychogenic traits of others are changed we would be closer to the control of crime. As yet efforts at prediction have not resulted in such knowledge and from the standpoint of both time and effort the past twenty years of work by American sociologists in this field has generally been disappointing. This is not to say that where employed they may have not been an improvement administratively over the previous hit and miss methods of probation and parole. The limitations of prediction studies have been great, but these inadequacies are today being partly overcome. There is hope that new techniques for obtaining more meaningful, reliable, and accurate data will be developed. Much greater attention is now being given to sampling, its implications and ramifications, and to the development of new measures of association. In the future there must be a more extensive comparison of predicted behavior with actual behavior. Several studies on this subject have been made, but more investigations must be forthcoming if we are ever to discover the effectiveness of those factors chosen for prediction purposes.<sup>55</sup> More studies need to be longitudinal, such as the Glueck's re-study of a group of juveniles,<sup>56</sup> and their study of the progress of a group of criminal offenders over a long period of time.<sup>57</sup> As Monachesi states, however, "how well such instruments predict actual behavior remains for the most part unknown."<sup>58</sup> These are the tasks which face the investigators of prediction possibilities in criminology in the near and distant future.

#### SUMMARY

American sociologists, on the whole, agree that the etiology of crime must be sought primarily in group experience and cultural factors and that personal association is the most important influence. They disagree as to whether the individual personality pattern should also be considered as important in some instances. The eclectic approach which formerly tended to characterize sociology in general and criminology in particular, combining constitutional, psychological, economic, and sociological factors is giving way to more rigorous interest in a specific social

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55. JOHN L. GILLIN, *PAROLE PREDICTION IN WISCONSIN*, *SOCIOLOGY AND SOCIAL RESEARCH*, 34, No. 6 (July-August, 1950), 407-414.

56. SHELDON AND ELEANOR GLUECK, *JUVENILE DELINQUENTS GROWN UP*, Commonwealth Fund, 1940.

57. SHELDON AND ELEANOR GLUECK, *LATER CRIMINAL CAREERS*, Commonwealth Fund, 1937, and *CRIMINAL CAREERS IN RETROSPECT*, Commonwealth Fund, 1943.

58. ELIO D. MONACHESI, *Prediction of Criminal Behavior*, *ENCYCLOPEDIA OF CRIMINOLOGY*, New York, Philosophical Library, 1949.

psychological approach to human behavior, criminal and non-criminal alike. One encouraging feature of present-day research leads is the possibility that sociology and psychiatry, functioning together, may be able to work out a more complete theory of criminal behavior. The Somerville-Cambridge Youth Studies, now in process of completion, are an example of such a joint effort. Recent developments in the use of group therapy in correctional work offer an excellent theoretical problem for joint research.

There is considerable interest in what behavior should constitute the subject matter of criminology. Some sociologists believe that criminologists should be interested in the problem of violations of all conduct norms, while others believe that criminology should include not only the criminal law but the entire area of acts punishable by the state, consisting of civil and administrative measures as well.

In their research sociologists have made wide use of a number of techniques including ecology, personal documents, and prediction studies. They have also encouraged the use of control groups, and they are attempting to improve present extremely inadequate criminal statistics.

Criminology constitutes a prominent field within sociology as evidenced by extensive teaching, graduate training, and research. Sociologists have contributed some positive knowledge about crime and have been instrumental in either eliminating or challenging a number of fallacies. Much additional research work needs to be done to test adequately various theories which have been proposed, and to pursue diverse research leads. One hopeful aspect is that sociologists interested in criminological research feel that proof does not rest on the logic of arm chair speculation or a few cases chosen to support rather than test a given theory. Rather a hypothesis must be empirically proven by increasingly rigorous scientific techniques. It is the hope of American criminologists that some of their theories can be tested in other countries.