This book provides a comprehensive and up-to-date introduction to criminological theory for students taking courses in criminology at both undergraduate and postgraduate level. Building on previous editions, which broadened the debate on criminological theory, this book presents the latest research and theoretical developments.

The text is divided into five parts, the first three of which address ideal type models of criminal behaviour: the rational actor, predestined actor and victimized actor models. Within these, the various criminological theories are located chronologically in the context of one of these different traditions, and the strengths and weaknesses of each theory and model are clearly identified. The fourth part of the book looks closely at more recent attempts to integrate theoretical elements from both within and across models of criminal behaviour, while the fifth part addresses a number of key recent concerns of criminology: postmodernism, cultural criminology, globalization and communitarianism. All major theoretical perspectives are considered including:

- Classical criminology
- biological and psychological positivism
- labelling theories
- feminist criminology
- critical criminology and left realism
- social control theories
- the risk society.

The new edition also features comprehensive coverage of recent developments in criminology, including situational action theory, desistance theory, peacemaking criminology, Loïc Wacquant’s thesis of the penal society, critical race theory and Southern theory. This revised and expanded fourth edition of An Introduction to Criminological Theory includes chapter summaries, critical thinking questions, a full glossary of terms and theories and a timeline of criminological theory, making it essential reading for those studying criminology.

Roger Hopkins Burke is Principal Lecturer and Criminology Subject Leader in the Division of Sociology at Nottingham Trent University.
This latest edition not only offers readers an exhaustive, accessible and up-to-date explanation of criminological theories but highlights their application and relevance to contemporary debates and developments. Essential reading for anyone seeking to understand theories of crime and why they matter.

Neil Chakraborti, Reader in Criminology, University of Leicester

An Introduction to Criminological Theory offers a sound introduction to key theories relevant to crime matters in the modern age. Accessible and informative, it is written with the reflective criminologist in mind. As such, it is a must for all students, and anyone interested in explaining crime and considering how we respond to its occurrence.

Tina Patel, Lecturer in Criminology, University of Salford
For Kristan, Thomas and Oliver
This page intentionally left blank
# Contents

**Acknowledgements**

1. **Introduction: crime and modernity**
   - Pre-modern crime and criminal justice
   - The rise of modern society
   - Defining and the extent of crime
   - The purpose of criminological theory
   - The structure of the book
   - Summary of main points
   - Discussion questions
   - Suggested further reading
   - Note

2. **Classical criminology**
   - The Classical theorists
   - The limitations of Classicism
   - The neo-Classical compromise
   - The enduring influence of Classicism
   - Policy implications of Classicism
   - Summary of main points
   - Discussion questions
   - Suggested further reading

3. **Populist conservative criminology**
   - The rise of the political new right
   - James Q. Wilson and ‘right realism’
   - Right realism and social control
   - Developments in conservative criminology
   - Criticisms of populist conservative criminology
   - Policy implications of populist conservative criminology
## An Introduction to Criminological Theory

Summary of main points | 58
Discussion questions | 59
Suggested further reading | 59
Notes | 59

### 4 Contemporary rational actor theories | 60
Contemporary deterrence theories | 60
Rational choice theory | 63
Routine activities theory | 67
The rational actor reconsidered | 71
Policy implications of contemporary rational actor theories | 73
Summary of main points | 76
Discussion questions | 76
Suggested further reading | 77
Notes | 77

### Part Two: The predestined actor model of crime and criminal behaviour | 79

### 5 Biological positivism | 83
Early biological theories | 83
Inherited criminal characteristics | 86
Genetic structure theories | 90
Criminal body types | 91
Psychoses and brain injuries | 93
Autistic spectrum disorders | 96
Biochemical theories | 98
Altered biological state theories | 100
Treating the offender | 105
Conclusions | 106
Policy implications of biological positivism | 109
Summary of main points | 109
Discussion questions | 110
Suggested further reading | 110

### 6 Psychological positivism | 111
Psychodynamic theories | 111
Behavioural learning theories | 116
Cognitive learning theories | 122
Conclusions | 127
Policy implications of psychological positivism | 127
Summary of main points | 128
Discussion questions | 129
Suggested further reading | 129

### 7 Sociological positivism | 131
Emile Durkheim and social disorganization theory | 132
The Chicago School 137
Robert Merton and anomie theory 140
Deviant subculture theories 146
Conclusions 163
Policy implications of sociological positivism 163
Summary of main points 164
Discussion questions 165
Suggested further reading 165

8 Women and positivism 167
Biological positivism and women 167
Psychological positivism and women 170
Sociological positivism and women 176
Conclusions 180
Policy implications of women and positivism 181
Summary of main points 181
Discussion questions 182
Suggested further reading 182

Part Three: The victimized actor model of crime and criminal behaviour 185

9 Labelling theories 193
The social construction of crime 194
The recipients of deviant labels 196
The consequences of labelling for the recipients 198
Moral panics and deviance amplification 199
Criticisms of labelling theories 201
Labelling theories revisited 202
Policy implications of labelling theories 205
Summary of main points 205
Discussion questions 206
Suggested further reading 206

10 Conflict and radical theories 207
Conflict theories 207
Criticisms of conflict theories 210
Radical theories 211
Criticisms of radical theories 215
Peacemaking criminology 217
Policy implications of conflict and radical theories 224
Summary of main points 225
Discussion questions 226
Suggested further reading 226

11 The gendered criminal 227
Perspectives in feminist theory 228
12 Critical criminology 245
   The origins of critical criminology 246
   Crimes of the powerful 247
   Crimes of the less powerful 249
   Critical criminology or ‘left idealism’ 250
   Critical race theory 251
   Critical criminology and the challenge of zemiology 256
   Critical criminology revisited 259
   Policy implications of critical criminology 260
   Summary of main points 261
   Discussion questions 262
   Suggested further reading 262

Part Four: Integrated theories of crime and criminal behaviour 263

13 Sociobiological theories 267
   Biosocial theory 268
   Biosocial theory and the ‘new right’ 270
   Sociobiological theories of rape 272
   Recent sociobiological explanations of childhood delinquency 274
   Conclusions 275
   Policy implications of sociobiological theories 276
   Summary of main points 276
   Discussion questions 277
   Suggested further reading 277

14 Environmental theories 278
   Early environmental theories 278
   British environmental theories 279
   North American environmental theories 280
   Environmental design 285
   Environmental management 288
   Policy implications of environmental theories 290
   Summary of main points 291
   Discussion questions 292
   Suggested further reading 292
Contents

15 Social control theories
   The origins of social control theories
   Early social control theories
   Later social control theories
   Integrated theoretical perspectives
   A general theory of crime
   Developments in social control theories
   Conclusions
   Policy implications of social control theories
   Summary of main points
   Discussion questions
   Suggested further reading

16 Situational action theories
   Situational action theory
   Crime as moral action
   Rules and rule guidance
   The role of motivation
   Environment and exposure
   The importance of causal interaction
   Development and change
   Broader social conditions
   Reflections on situational action theories
   Policy implications of situational action theories
   Summary of main points
   Discussion questions
   Suggested further reading

17 Desistance theories
   The ontogenetic paradigm
   The sociogenic paradigm
   Understanding change in adulthood
   Personality traits
   The narrative identity
   Narratives of desistance and change
   Agency and choice
   Narrating desistance
   Developments and reflections on desistance theories
   Policy implications of desistance theories
   Summary of main points
   Discussion questions
   Suggested further reading
   Note

18 Left realism
   The origins of left realism
   A balance of intervention
An Introduction to Criminological Theory

Left realism and ‘New’ Labour 351
Social exclusion and the ‘underclass’: a case study 352
‘New’ Labour criminal justice policy revisited 354
Recent developments in left realism 357
Left realist theory revisited – the historical context 360
Policy implications of left realism 361
Summary of main points 361
Discussion questions 362
Suggested further reading 363

Part Five: Crime and criminal behaviour in the age of moral uncertainty 365

19 Crime and the postmodern condition 373
Constitutive criminology and postmodernism 375
Anarchist criminology 380
Policy implications of crime and the postmodern condition 384
Summary of main points 385
Discussion questions 385
Suggested further reading 386
Note 386

20 Cultural criminology and the schizophrenia of crime 387
The focus of cultural criminology 387
The seductions of crime 390
The carnival of crime 392
The schizophrenia of crime 392
Crime as normal and non-pathological 393
One planet under a groove 395
Cultural criminology and the mass media 399
Policy implications of cultural criminology 407
Summary of main points 407
Discussion questions 408
Suggested further reading 408
Notes 408

21 Crime, globalization and the risk society 410
New modes of governance 410
Crime and the risk society 412
Penal modernism and postmodernism 415
Globalization and crime 418
Southern theory 425
Terrorism and state violence 426
Terrorism and postmodernism revisited 432
Policy implications of crime, globalization and the risk society 432
Summary of main points 434
Discussion questions 435
Suggested further reading 435
Notes 435

22 Radical moral communitarian criminology 437
The communitarian agenda 440
Radical egalitarian communitarianism 443
The concept of community reconsidered 445
The development of the concept of individualism in Western Europe 447
The origins of Durkheim’s social theory 450
Durkheim, social solidarity and the French conception of individualism 451
Radical moral communitarian criminology 452
Policy implications of radical moral communitarian criminology 453
Summary of main points 455
Discussion questions 456
Suggested further reading 456

23 Living in penal society 457
Four models of criminal justice development 457
Loïc Wacquant and the government of insecurity 470
Racial inequality and imprisonment in the contemporary USA 470
Four peculiar institutions 472
Carceral recruitment and authority 473
Conclusions 476
Policy implications of living in penal society 479
Summary of main points 480
Discussion questions 480
Suggested further reading 481
Notes 481

24 Conclusions: criminology in an age of austerity 482
Criminological theory revisited 485
Competing models of a criminological future 487
Two models of public criminology 488
An alternative: democratic criminology 493
Closing thoughts: moral communitarianism and democratic criminology 497
Summary of main points 497
Discussion questions 498
Suggested further reading 498

Criminological theory timeline 499
Glossary 502
Bibliography 510
Index 567
I would like to offer my sincerest thanks to those who have provided advice and support during the researching and writing of the fourth edition of *An Introduction to Criminological Theory*. It has been appreciated. Thanks to those staff at Nottingham Trent University who have been particularly supportive to me during what has been a very difficult couple of years with a special mention to Phil Hodgson, Mike Sutton, Chris Crowther-Dowey and Matt Long. Thanks to all the staff at Routledge for their support and gentle chivvying when there was danger that this project would fail to be delivered on time (it only slipped by a couple of weeks in the end). Last, and very far from least, my family. My wife Kristan and our extremely talented boys Thomas (now 15 and doing his GCSEs) and Oliver (now 12), who are both excellent musicians and have a wicked sense of humour. Now who do they get that from?
1. Introduction: crime and modernity

This is a book about the different ways in which crime and criminal behaviour have been explained in predominantly modern times. It will be seen that there are different explanations – or theories – that have been proposed at various times during the past 200 years by, among others, legal philosophers, biologists, psychologists, sociologists and political scientists. Moreover, these theories – in particular the earlier variants – have tended to reflect the various concerns and professional interests of the discipline to which the theorist or theorists has belonged. For example, biologists sought explanations for criminality in terms of the physiology of the individual criminal, while psychologists directed our attention to the mind or personality of the person. Increasingly, explanations have come to incorporate elements from more than one discipline. Thus, for example, some biologists came to recognize that individuals with the same physiological profiles will behave differently depending on the circumstances of their socialization.

Most of the theories discussed in this book nevertheless share one common characteristic. They are all products of a time period – approximately the past two centuries – and a way of life that has come to be termed the modern age. As such, these different explanations of crime and criminal behaviour are themselves very much a reflection of the dominant ideas that have existed during this era. It is therefore a useful starting point to briefly consider how crime and criminal behaviour was explained and dealt with in the pre-modern period.

---

**Key Issues**

1. Different ways of explaining criminal behaviour
2. Definitions of crime and criminality
3. Crime associated with particular groups
4. Why theory is important
5. Structure of the book
**Pre-modern crime and criminal justice**

Prior to the modern age, crime and criminal behaviour in Europe had been explained for over a thousand years by spiritualist notions (Vold et al., 1998). The influential theologian St Thomas Aquinas (1225–74) had argued that there is a God-given ‘natural law’ that is revealed by observing – through the eyes of faith – the natural tendency of people to do good rather than evil. Those who violate the criminal law are therefore not only criminals but also ‘sinners’, and thus crime harms not only victims but also the offender because it damages their essential ‘humanness’ or natural tendency to do good (Bernard, 1983). Central to spiritualist thought was demonology, where it was proposed that criminals were possessed by demons that forced them to do wicked things beyond their control. These days, criminal activity is rarely attributed to the influence of devils from hell – well, at least not by criminologists and criminal justice system practitioners – but the logic underlying this idea that criminals are driven by forces beyond their control is still with us. What can arguably be regarded as a modified variant of this form of thought – but where the explanatory power of spirituality has been replaced by that of science – is the focus of the second part of this book.

Pre-modern European legal systems were founded on spiritualist explanations of crime, and what little written law that did exist was applied through judicial interpretation and caprice, and in the main to those who were not of the aristocracy. Because crime was identified with sin – and the criminal could therefore be considered to be possessed by demons – the state had the moral authority to use horrible tortures and punishments. Those accused of crime often faced secret accusations, torture and closed trials, with arbitrary and harsh sanctions applied to the convicted. The emphasis of punishment was moreover on the physical body of the accused, for the bulk of the population possessed little else on which the power to punish could be usefully exercised. Foucault provides an account of a public execution reserved for the greatest of all crimes under the French ancien régime, regicide:

> The flesh will be torn from the breasts, arms, thighs and calves with red-hot pincers, his right hand, holding the knife with which he committed the said parricide, burnt with sulphur, and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together and then his body drawn and quartered by four horses and his limbs and body consumed by fire.

(1977: 3)

Pre-modern punishment frequently involved torture, and in some jurisdictions the possibility of being tortured to death remained a penal option into the nineteenth century. Penal torture had not been used in England since the eighteenth century, except in exceptional cases for treason; Scotland, on the other hand, retained in legal theory, although certainly not in practice, hanging, drawing and quartering for treason until 1948.

Little use was made of imprisonment as a punishment in the pre-modern era. Prisons were most commonly places for holding suspects and offenders prior to
trial or punishment, except in cases of debt when they were used to hold debtors until their financial affairs could be resolved. It would appear that those who framed and administered the law enacted and exercised the criminal codes on the premise that it was only the threat of savage and cruel punishments, delivered in public and with theatrical emphasis, that would deter the dangerous materially dispossessed classes who constituted ‘the mob’.

It seems that from the seventeenth to the early eighteenth century the English ruling class or aristocracy sought to protect their property interests through the exercise of the criminal law (Koestler and Rolph, 1961). Thus, a vast number of property crimes came to be punished by death in accordance with a body of legislation enacted during that period and which later came to be known as ‘the bloody code’. Hanging was the standard form of execution and was the typical punishment for offences ranging from murder to stealing turnips, writing threatening letters or impersonating an outpatient of Greenwich Hospital (Radzinowicz, 1948). By 1800, there were more than 250 such capital offences and executions were usually carried out en masse (Lofland, 1973).

The full weight of the law was nevertheless not always applied. The rural aristocracy – who sat as judges and ‘justices of the peace’ – used their prerogative of clemency and leniency in order to demonstrate their power over the ‘lower orders’. Hence, evidence of ‘respectability’ in the form of references from a benevolent landowner, confirmation of significant religious observance and piety, or the simple discretionary whim of a JP could lead to a lesser sentence. These alternatives included transportation to a colony, a nonfatal, if brutal, corporal punishment or even release (Thompson, 1975).

In short, the administration of criminal justice was chaotic, predominantly non-codified, irrational and irregular, and at the whim of individual judgement. It was the emergence and establishment of the modern era and the subsequent new ways of seeing and responding to the world that provided the preconditions for a major break in the way in which crime and criminal behaviour was both conceptualized and dealt with.

The rise of modern society

The idea of the modern originated as a description of the forms of thought and action that began to emerge with the decline of medieval society in Western Europe. The authority of the old aristocracies was being seriously questioned, both because of their claims to natural superiority and their corrupt political practices. A new and increasingly powerful middle class was benefiting from the profits of trade, industry and agricultural rationalization. In the interests of the latter, the enclosure movement dispossessed many of the rural poor from access to common lands and smallholding tenancies, causing great hardship to those involved, yet, at the same time, producing a readily available pool of cheap labour to satisfy the demands of the Industrial Revolution. The aggregate outcome of these fundamental social changes was that societies were becoming increasingly industrialized and urbanized, causing previous standard forms of
human relationships based on familiarity, reputation and localism to give way to more fluid, often anonymous interactions, which significantly posed problems for existing forms of social control.

The notion of the modern essentially involved a secular rational tradition with the following origins. First, there was the emergence of humanist ideas and Protestantism in the sixteenth century. Previously, the common people had been encouraged by the established Church to unquestioningly accept their position in life and look for salvation in the afterlife. It was with the rise of the 'protestant ethic' that people came to expect success in return for hard work in this world. At the same time, assumptions about the natural superiority – or the divine right – of the powerful aristocracy came to be questioned. Second, there was the scientific revolution of the seventeenth century where our understanding of the world around us was first explained by reference to natural laws. Third, the eighteenth-century philosophical Enlightenment proposed that the social world could similarly be explained and regulated by natural laws and political systems should be developed that embraced new ideas of individual rationality and free will. Indeed, inspired by such ideas and responding to dramatically changing economic and political circumstances, revolutions occurred in the American colonies and in France. These were widely influential and ideas concerning human rights were championed in many European countries by the merchant, professional and middle classes. Subsequently, there were significant changes in the nature of systems of government, administration and law. Fourth, the increasingly evident power of industrial society and the prestige afforded to scientific explanation in the nineteenth and twentieth centuries seemed to confirm the superiority of the modernist intellectual tradition over all others (Harvey, 1989).

The principal features that characterize the idea of modern society can thus be identified in three main areas. First, in the area of economics, there was the development of a market economy involving the growth of production for profit, rather than immediate local use, the development of industrial technology with a considerable extension of the division of labour, and wage labour became the principal form of employment. Second, in the area of politics, there was the growth and consolidation of the centralized nation-state and the extension of bureaucratic forms of administration, systematic forms of surveillance and control, the development of representative democracy and political party systems. Third, in the area of culture, there was a challenge to tradition in the name of rationality with the emphasis on scientific and technical knowledge.

The modern world was consequently a very different place from its pre-modern predecessor. Not surprisingly, therefore, modern explanations of crime and criminal behaviour – and the nature of criminal justice interventions – were different from those that existed in pre-modern times. A word of caution should nevertheless be considered at this point. Contemporary criminologist David Garland notes similarities between traditional accounts of criminality – whether they were religious or otherwise – and those of the modern era:

Stories of how the offender fell in with bad company, became lax in his habits and was sorely tried by temptation, was sickly, or tainted by bad
blood, or neglected by unloving parents, became too fond of drink or too idle to work, lost her reputation and found it hard to get employment, was driven by despair or poverty or simply driven to crime by avarice and lust – these seem to provide the well-worn templates from which our modern theories of crime are struck, even if we insist upon a more neutral language in which to tell the tale, and think that a story’s plausibility should be borne out by evidence as well as intuition.

(1997: 22–3)

Garland notes that there were plenty of secular explanations of the roots of crime to place alongside the spiritual in pre-modern society. What was lacking was a developed sense of differential explanation. Crime was widely recognized as a universal temptation to which we are all susceptible, but, when it came to explaining why some of us succumb and others resist, explanations tended to drift off into the metaphysical and spiritual.

Furthermore, we should note that ‘traditional’ ways of explaining crime have not entirely disappeared with the triumph of modernity, though nowadays they may be accorded a different status in the hierarchy of credibility. Nevertheless, we continue to acknowledge the force of moral, religious and commonsensical ways of discussing crime.

Defining and the extent of crime

It will become increasingly apparent to the reader that developments in what has come to be termed criminological theorizing have tended to reflect the economic, political and cultural developments that have occurred in modern society. In fact, definitions of crime and thus criminality are also closely linked to such socio-political factors and how we view the nature of society.

Crime includes many different activities such as theft, fraud, robbery, corruption, assault, rape and murder. We might usefully ask what these disparate activities – and their even more disparate perpetrators – have in common. Some might simply define crime as ‘the doing of wrong’ and it is a commonly used approach related to notions of morality. Yet not all actions or activities that might be considered immoral are considered crimes. For example, poverty and social deprivation might be considered ‘crimes against humanity’ but are not usually seen to be crimes. Conversely, actions that are crimes, for example, parking on a yellow line or in some cases tax evasion, are not seen as immoral (Croall, 1998).

The simplest way of defining crime is that it is an act that contravenes the criminal law. This is nevertheless a problematic definition, for many people break the criminal law but are not considered to be ‘criminals’. In English law, for example, some offences such as murder, theft or serious assaults are described as *mala in se* or wrong in themselves. These are often seen as ‘real’ crimes in contrast to acts that are *mala prohibita*, prohibited not because they are morally wrong but for the protection of the public (Lacey et al., 1990). Thus, the criminal law is used
to enforce regulations concerning public health or pollution not because they are morally wrong but because it is considered to be the most effective way of ensuring that regulations are enforced.

Legal definitions also change over time and vary across culture. Thus, for example, in some countries, the sale and consumption of alcohol is a crime, while, in others, the sale and consumption of opium, heroin or cannabis is perfectly legal. For some years, there have been arguments in Britain for the use of some soft drugs such as cannabis to be legalized, and in 2004 the latter was downgraded from Class B to Class C, which meant that the police could no longer automatically arrest those caught in possession, although it remained illegal (Crowther, 2007). The government subsequently reclassified cannabis from Class C to Class B in January 2009. They did this to reflect the fact that skunk, a much stronger version of the drug, now accounts for more than 80 per cent of cannabis available on our streets, compared to just 30 per cent in 2002 (Home Office, 2009). On the other hand, there has been a demand for other activities to be criminalized, and in recent years these have included ‘stalking’, racially motivated crime and knowingly passing on the Aids virus. The way that crime is defined is therefore a social construction and part of the political processes.

This construction can be exemplified by considering what is included and excluded. Thus, Mars (1982) observes that ‘crime’, ‘theft’ and ‘offence’ are ‘hard’ words that can be differentiated from ‘softer’ words such as ‘fiddle’ or ‘perk’ that are often used to describe and diminish criminal activities conducted in the workplace. In the same context, the terms ‘creative accounting’ or ‘fiddling the books’ do not sound quite as criminal as ‘fraud’. Furthermore, incidents in which people are killed or injured in a train crash or as a result of using unsafe equipment are generally described as ‘accidents’ or ‘disasters’ rather than as ‘crimes’, albeit they often result from a failure of transport operators or managers to comply with safety regulations (Wells, 1993). Thus, different words denote different kinds of crime, with some activities being totally excluded from the social construction of crime (Croall, 1998).

Crime is usually associated with particular groups such as young men or the unemployed, some of whom become ‘folk devils’, and are identified with certain kinds of offences. This social construction of crime is reflected in media discussions and portrayals of what constitutes the ‘crime problem’. Thus, for example, rising crime rates or policies are introduced to ‘crack down’ on crimes such as burglary or violent street crime rather than on environmental crimes such as pollution, corporate crimes or major frauds.

The vast majority of criminological research – and thus the explanations or theories of criminal behaviour that emanate from those studies and which are discussed in this book – has been conducted on those from the lower socio-economic groups and their activities. For it is concerns about this apparently ‘dangerous class’ that have dominated criminological thought since at least the beginning of modern society. The substitution of determinate prison sentences for those of capital punishment and transportation came to mean in reality the existence of a growing population of convicted criminals that frightened many in ‘respectable society’. It is therefore perhaps not
Introduction: crime and modernity

It has been estimated that, for example, in the USA, the economic losses from various white-collar crimes are about ten times those from ‘ordinary’ economic crime (Conklin, 1977) with corporate crime killing and maiming more than any violence committed by the poor (Liazos, 1972). In the same country, 100,000 people have died each year from occupationally related diseases that have mostly been contracted as a result of wilful violation of laws designed to protect workers (Swartz, 1975), defective products have killed another 30,000 US citizens annually (Kramer, 1984), while US manufacturers have been observed to dump drugs and medical equipment in developing countries after they have been banned from the home market (Braithwaite, 1984). Croall (1992, 2001) observes that the activities of the corporate criminal are not only greater in impact than those of the ordinary offender, but they are also longer lasting in effect.

There has been a real problem in actually defining the concept of white-collar or corporate crime (Geis and Maier, 1977). Sutherland (1947) had proposed that ‘white collar crime may be defined approximately as a crime committed by a person of respectability and high social status in the course of his occupation’. This is nevertheless a restricted definition. White-collar crime can occur when an individual commits crime against an organization within which they work or, for example, when a self-employed person evades income tax. Corporate crime, on the other hand, involves illegal acts carried out in the furtherance of the goals of an organization and is therefore a particular form of white-collar crime. Schraeg and Short propose that organizational crime should be defined as:

illegal acts of omission of an individual or a group of individuals in a legitimate formal organisation in accordance with the operative goals of the organisation which have a serious physical or economic impact on employees, consumers or the general public.

(1978: 409)

This is a definition that goes beyond that of economic impact and includes crimes of omission – failure to act – as well as those of commission. Others go further and include serious harms, which, though not proscribed, are in breach of human rights (Schwendinger and Schwendinger, 1970). In this book, we will consider how the various explanations – or theories – of criminal behaviour that have usually been developed and applied to the socio-economically less powerful can be – and have on occasion been – applied to these crimes of the powerful and the relatively powerful.
The purpose of criminological theory

Criminology students – and in reality students of other disciplines as well – are invariably overwhelmed by the word ‘theory’, which they seem to subconsciously associate with the esoteric or even the mythical and scary ‘rocket science’ with the outcome being an inherent resistance to the subject matter (Hopkins Burke, 2012). Theory nevertheless means nothing more than ‘explanation’ and is simply about how and, most importantly, ‘why’ we do some things and in the form that we do them.

While many students are intimidated with their very first encounter with theory, it is nevertheless used by all of us on an almost daily basis. You may be one who believes that theory is abstract and has no fundamental basis in the real world but, whether you realize it or not, you use theory almost all the time. We all make assumptions and generalizations about the world around us. We thus theorize.

Theories are logical constructions that explain natural phenomena. They are not in themselves always directly observable, but can be supported or refuted by empirical findings. Theory and empirical research are connected by means of hypotheses, which are testable propositions that are logically derived from theories. The testable part is very important because scientific hypotheses must be capable of being accepted or rejected.

Theories can be simple or complex; it depends on how relationships are made in formulating them. Theory can be fun, depending on how it is applied. If you spend the day in a shopping mall, you can see how much fun theory can be. So why do we study theory? The reality is that we need theory in order to function effectively, in order to better understand the world around us. Life would be pretty dull if we were unable to generalize or make assumptions about people and things, and, of course, most of our daily theories tend to be illogical and a product of our own selective observation. Thus, often we see what we want to see.

Human behaviour tends to be very complex, almost abstract. Criminological theories are also mostly complex. Most theories introduced and discussed in this book are derived from research, conducted both in the past and the present, on criminal behaviour, which reflects both systematic observation and very careful logic. Theories not only provide a framework for us to interpret the meanings of observed patterns but they help us to determine when these patterns are meaningful and when they are not.

The structure of the book

This book is divided into five parts. The first three parts consider a different model – or tradition – of explaining crime and criminal behaviour that has been developed during the modern era. Different explanations – or theories – can generally be located in terms of one of these models and these are here introduced chronologically in order of their emergence and development. It is
Introduction: crime and modernity

shown how each later theory helped to revive, develop and/or rectify identified weaknesses in the ideas and prescriptions of their predecessors within that tradition.

A word of caution needs to be signposted at this juncture. Explanations of criminal behaviour have become increasingly complex as researchers have become aware that crime is a more complicated and perplexing matter than their criminological predecessors had previously recognized. Thus, some readers might consider that a particular theory introduced as being central to the development of a particular tradition might also be considered in terms of a different model. In such instances, attention is directed to that ambiguity. For, clearly, as each tradition has developed, there has been an increasing recognition by researchers of a need to address previously identified weaknesses internal to the model. The solution has invariably encompassed recognition of the at least partial strengths contained within alternative approaches. Hence, biologists have come increasingly to recognize the influence of environmental factors, while some psychologists have embraced the previously alien notion of individual choice. Some more recent theoretical initiatives are in fact impossible to locate in any one of the three models. In short, their proponents have consciously sought to cross model boundaries by developing integrated theoretical approaches. These developments provide the focus of the fourth part of the book. The fifth and final part of the book addresses a range of contemporary criminological issues, forms of deviance, criminality and the nature of the societal response, which do not fit easily in any one particular theoretical tradition but which are seen to arise during an age of moral uncertainty.

Part One introduces the rational actor model. Central to this tradition is the notion that people have free will and make the choice to commit crime in very much the same way as they choose to indulge in any other form of behaviour. It is a tradition with two central intellectual influences. First, social contract theories challenged the notion of the ‘natural’ political authority, which had previously been asserted by the aristocracy. Human beings were now viewed as freely choosing to enter into contracts with others to perform interpersonal or civic duties (Hobbes, 1968 originally 1651; Locke, 1970 originally 1686, 1975 originally 1689; Rousseau, 1964 originally 1762, 1978 originally 1775). Second, utilitarianism sought to assess the applicability of policies and legislation to promote the ‘happiness’ of those citizens affected by them (Bentham, 1970 originally 1789; Mill, 1963–84 originally 1859).

Chapter 2 considers the ideas of the Classical School that provides the central theoretical foundations of the rational actor tradition. From this perspective, it is argued that people are rational creatures who seek pleasure while avoiding pain, and, consequently, the level of punishment inflicted must outweigh any pleasure that might be derived from a criminal act in order to deter people from resorting to crime. It was nevertheless a model of criminal behaviour that was to go into steep decline for many years. The increasing recognition that children, ‘idiots’ and the insane do not enjoy the capacity of perfect rational decision-making seemed best explained by the predestined actor model of human behaviour – or positivism – that is the focus of the second part of this book. The Classical School has, however, had a major and enduring influence on the contemporary criminal
justice process epitomized by notions of ‘due process’ (Packer, 1968) and ‘just

Chapter 3 considers the revival of the rational actor tradition, which arose
with the rise of the political ‘new right’ (populist or neoconservatives) both in the
USA and the UK during the 1970s. This emerging body of thought was highly
critical of both the then orthodox predestined actor model with its prescriptions
of treatment rather than punishment and the even more radical ‘victimized’ actor
model (the focus of the third part of this book) with its proposals of forgiveness
and non-intervention (Morgan, 1978; Dale, 1984; Scruton, 1980, 1985). These
rational actor model revivalists argued that crime would be reduced if the costs
of involvement were increased so that legal activities become comparatively
more attractive (Wilson, 1975; Wilson and Herrnstein, 1985; Felson, 1998). The
revival of conservative theories during the last decades of the twentieth century
has involved two significant policy agendas, incapacitation and deterrence.
Although incapacitation has made a comeback in forms such as the castration of
sex offenders and the deterrence theme has manifested itself in a variety of
approaches to crime prevention such as drug use prevention campaigns with
tactics such as mandatory urine testing, the major policy agenda of the new
conservative theorizing centres around the incarceration of larger numbers of
offenders for longer periods with the outcome that the prison population of the
USA more than doubled in the space of twenty years (Irwin and Austin, 1994).

Chapter 4 discusses those theories that have come to prominence with the
revival of the rational actor tradition. First, modern deterrence theories have
addressed the principles of certainty, severity and promptness in terms of the
administration of criminal justice (Zimring and Hawkins, 1973; Gibbs, 1975;
Wright, 1993). Second, contemporary rational choice theories have proposed that
people make decisions to act based on the extent to which they expect that choice
to maximize their profits or benefits and minimize the costs or losses. Hence,
decisions to offend are based on expected effort and reward compared to the
likelihood and severity of punishment and other costs of crime (Becker, 1968;
Cornish and Clarke, 1986). Routine activities theorists have developed a more
sophisticated variant of this argument to propose that the likelihood of a crime
increases when there are one or more motivated persons present, a suitable target
or potential victim available, and an absence of capable guardians to deter the
offender (Cohen and Felson, 1979).

Part Two introduces the predestined actor model. Proponents of this perspec-
tive fundamentally reject the rational actor emphasis on free will and replace it
with the doctrine of determinism. From this positivist standpoint, criminal
behaviour is explained in terms of factors, either internal or external to the human
being, that cause (or determine) people to act in ways over which they have little
or no control. The individual is thus in some way predestined to be a criminal.

There are three basic formulations of the predestined actor model: biological,
psychological and sociological. All three variants nevertheless incorporate the
same fundamental assumptions, and, although each is discussed separately, it
will become increasingly apparent to the reader that they are not mutually exclu-
sive; for example, biologists came to embrace sociological factors, while at times
it is often difficult to differentiate between biological and psychological
explanations. Three factors were central to the emergence of the predestined actor model. First, there was the replacement of theology as the central explanation of the essence of humanity with science. In particular, the theory of evolution proposed that human beings were now subject to the same natural laws as all other animals (Darwin, 1871). Second, there was development of social evolutionism and the view that human beings develop as part of a process of interaction with the world they inhabit (Spencer, 1971 originally 1862–96). Third, there was the philosophical doctrine of positivism and the proposition that we may only obtain knowledge of human nature and society by using the methods of the natural sciences (Comte, 1976 originally 1830–42).

Chapter 5 considers biological variants of the predestined actor model and starts with an examination of the early theories of the ‘Italian School’ where the central focus is on the notion that the criminal is a physical type distinct from the non-criminal (Lombroso, 1875; Ferri, 1895; Garofalo, 1914). There follows consideration of increasingly sophisticated variants on that theme. First, there is an examination of those theories that consider criminal behaviour to be inherited in the same way as physical characteristics. Evidence to support that supposition has been obtained from three sources: studies of criminal families (Dugdale, 1877; Goddard, 1914; Goring, 1913), twins (Lange, 1930; Christiansen, 1968, 1974; Dalgard and Kringlen, 1976; Cloninger and Gottesman, 1987; Rowe and Rogers, 1989; Rowe, 1990) and adopted children (Hutchings and Mednick, 1977; Mednick et al., 1984). Second, consideration is given to those theories that link criminal behaviour to abnormalities in the genetic structure of the individual (Klinefelter et al., 1942; Price and Whatmore, 1967; Ellis, 1990; Jones, 1993) and, third, later versions of the body type thesis (Hooton, 1939; Sheldon, 1949; Glueck and Glueck, 1950; Gibbons, 1970; Cortes and Gatti, 1972). Fourth, neurological and brain injuries (Mark and Ervin, 1970; Mednick and Volavka, 1980; Volavka, 1987) and, fifth, different categories of biochemical explanation are examined (Schlapp and Smith 1928; Dalton, 1961, 1984; Rose et al., 1974; Keverne et al., 1982; Olwens, 1987; Schalling, 1987; Virkkunen, 1987; Ellis and Crontz, 1990; Baldwin, 1990; Fagan, 1990; Fishbein and Pease, 1990; Pihl and Peterson, 1993).

Biological explanations of criminality are in some circumstances still highly relevant in contemporary society. Thus, autism and Asperger’s Syndrome are two of the five pervasive developmental disorders (PDD) relatively recently discovered that are more often referred to as autistic spectrum disorders and these can – but not always – predispose those with the condition to criminal behaviour (Wing, 1998; Frith, 2003; Rosaler, 2004). The use of alcohol has much closer links with crime and criminal behaviour than most other drugs and this is at least partially explained by the reality that alcohol is legal, readily available and in extremely common usage. Alcohol and young people have become closely linked in the contemporary UK with hazardous drinking now most prevalent in teenagers and young adults than in any other age groups (Saunders, 1984; Collins, 1988; Fagan, 1990; Ramsay, 1996; Walby and Allen, 2004; Ruparel, 2004; Jefferis et al., 2005). Drugs are chemicals and once taken alter the balance of the body and brain and this can clearly affect behaviour, but the way that this occurs varies according to the type and quantity taken. Cannabis and opiates such as heroin tend to reduce aggressive tendencies, while cocaine and its derivative crack are
more closely associated with violence (Fishbein and Pease, 1990; Pihl and Peterson, 1993; Ruggiero and South, 1995).

Central to biological positivism is the perception that criminality arises from some physical disorder within the individual offender and it is proposed that treatment can cure them of an inclination to criminality. The policy implication is thus to treat the defect and protect society from the untreatable. The available treatments have included drugs, psychosurgery, plastic surgery, genetic counselling and eugenics for those deemed untreatable.

Chapter 6 considers psychological variants of the predestined actor model. These all have in common the proposition that there are patterns of reasoning and behaviour specific to offenders that remain constant regardless of the different environmental experiences of individuals. There is a criminal mind. Three different psychological perspectives are identified. First, the psychodynamic approach has its roots in the notion of psychosexual development and the idea of a number of complex stages of psychic development (Freud, 1920, 1927). This approach was later developed through latent delinquency theory, which proposed that the absence of an intimate attachment with parents could lead to later criminality (Aichhorn, 1925; Healy and Bronner, 1936). Maternal deprivation theory was to propose that a lack of a close mother–child relationship in the early years of life could lead to criminal behaviour (Bowlby, 1952). Other researchers have proposed that the nature of child-rearing practice is closely linked to later behavioural patterns (Glueck and Glueck, 1950; McCord et al., 1959; Bandura and Walters, 1959; Hoffman and Saltzstein, 1967), while other theories propose that much criminality is a product of ‘broken families’ (Burt, 1945; Mannheim, 1948; Wootton, 1959; West, 1969; Pitts, 1986; Kolvin et al., 1990; Farrington, 1992a). Second, behavioural learning theories have their origins in the notion that all behaviour is learned from an external stimulus (Skinner, 1938). Criminals thus develop abnormal, inadequate or specifically criminal personalities or personality traits that differentiate them from non-criminals. These theories – based on the concept of conditioned learning – propose that there are dimensions of personality that can be isolated and measured and thus criminal behaviour predicted (Eysenck, 1970, 1977; Smith and Smith, 1977; McEwan, 1983; McGurk and McDougall, 1981; Farrington, 1994). Antisocial personality disorder proposes that similar techniques can be used to detect individuals who are ‘psychopaths’ (Cleckley, 1976; Hare, 1980; Feldman, 1977; Hare and Jutari, 1986; Hollin, 1989) and predict future dangerousness (Kozol et al., 1972; Monahan, 1981; Loeber and Dishion, 1983; Holmes and De Burger, 1989; Omerod, 1996). Third, cognitive theories are explicitly critical of the determinist nature of the previous two psychological traditions (Tolman, 1959; Piaget, 1980; Skinner, 1981). Social learning theory thus proposes that behaviour is learned through watching what happens to other people and then making choices to behave in a particular way (Sutherland, 1947; Akers et al., 1979; Akers, 1985, 1992). In this way, psychology can be seen to have moved away from its roots in the predestined actor model to incorporate notions from the rational actor model.

Chapter 7 considers sociological variants of the predestined actor model. These provided a direct challenge to those variants of the tradition that had focused on the characteristics – whether biological or psychological – of the
deviant individual. Thus, in contrast, crime is explained as being a product of the social environment, which provides cultural values and definitions that govern the behaviour of those who live within them. Deviant or criminal behaviour is said to occur when an individual – or a group of individuals – behave in accordance with definitions that conflict with those of the dominant culture. Moreover, such behaviour is transmitted to others – and later generations – by frequent contact with criminal traditions that have developed over time in disorganized areas of the city (Durkheim, 1933 originally 1893; Shaw and McKay, 1972 originally 1931). Later anomie or strain theories develop the positivist sociological tradition to propose that most members of society share a common value system that teaches us both the things we should strive for in life and the approved way in which we can achieve them. However, without reasonable access to the socially approved means, people will attempt to find some alternative way – including criminal behaviour – to resolve the pressure to achieve (Merton, 1938). Delinquent subculture theories develop that argument further by observing that lower-class values serve to create young male behaviours that are delinquent by middle-class standards but that are both normal and useful in lower-class life. Thus, crime committed by groups of young people – or gangs – that seriously victimizes the larger community is in part a by-product of efforts by lower-class youth to attain goals valued within their own subcultural social world (Cohen, 1955; Miller, 1958; Cloward and Ohlin, 1960; Spiegel, 1964; Matza, 1964; Mays, 1954; Morris, 1957; Downes, 1966; Wilmott, 1966; Parker, 1974; Pryce, 1979). Later deviant subculture theorists – with clear theoretical foundations in the victimized actor model – propose that involvement in particular subcultures, whether these be ‘mainstream’ (Willis, 1977; Corrigan, 1979) or ‘spectacular’ (Hebdige, 1976, 1979; Brake, 1980, 1985), is determined by economic factors. Postmodern approaches develop that perspective but recognize an element of albeit limited and constrained choice for some young people (Hopkins Burke and Sunley, 1996, 1998).

Chapter 8 considers how proponents of the predestined actor model have considered female criminality. Lombroso and Ferrero (1885) provide a fundamentally biologically determinist account, and later studies in this tradition rely implicitly on their assumptions about the physiological and psychological nature of women (Thomas, 1907, 1923; Davis, 1961, originally 1937; Pollak, 1950). The Freudian perspective is fundamentally grounded in explicit biological assumptions about the nature of women encapsulated by his famous maxim that ‘anatomy is destiny’ (Lerner, 1998); while Kingsley Davis’ (1961, originally 1937) influential structural functionalist study of prostitution is founded on crucial assumptions about the ‘organic nature of man and woman’. Sociological theories tend to be explanations of male patterns of behaviour and appear to have at first sight little or no relevance for explaining female criminality (Leonard, 1983).

Part Three introduces the victimized actor model. This is a tradition that proposes – with increasingly radical variants – that the criminal is in some way the victim of an unjust and unequal society. Thus, it is the behaviour and activities of the poor and powerless sections of society that are targeted and criminalized, while the dubious activities of the rich and powerful are simply ignored or not even defined as criminal.
There are two factors central to the emergence of the victimized actor model. First, there emerged during the mid-twentieth century within the social sciences an influential critique of the predestined actor model of criminal behaviour. Symbolic interactionism (Mead, 1934), phenomenology (Schutz, 1962) and ethnomethodology (Garfinkel, 1967) all questioned the positivist insistence on identifying and analysing the compelling causes that drive individuals towards criminal behaviour, while at the same time being unable to describe the social world in a way that is meaningful to its participants. Positivists were observed to have a restricted notion of criminality that was based on a tendency to accept the conventional morality of rules and criminal laws as self-evident truths and where a particular action is defined as a crime because the state has decreed it to be so.

Second, there developed a critique of the orthodox predestined actor model notion that society is fundamentally characterized by consensus. Pluralist conflict theorists proposed that society consists of numerous interest groups all involved in an essential struggle for resources and attention with other groups (Dahrendorf, 1958). More radical theories – informed by various interpretations of Marxist social and economic theory – view social conflict as having its roots in fundamental discord between social classes struggling for control of material resources (Taylor et al., 1973).

Chapter 9 considers social reaction – or labelling – theories (Lemert, 1951; Kitsuse, 1962; Becker, 1963; Piliavin and Briar, 1964; Cicourel, 1968). These propose that no behaviour is inherently deviant or criminal, but only comes to be considered so when others confer this label upon the act. Thus, it is not the intrinsic nature of an act, but the nature of the social reaction that determines whether a ‘crime’ has taken place. Central to this perspective is the notion that being found out and stigmatized, as a consequence of rule-breaking conduct, may cause an individual to become committed to further deviance, often as part of a deviant subculture. The labelling perspective has also been applied at a group level, and the concept of ‘deviancy amplification’ suggests that the less tolerance there is of an initial act of group deviance, the more acts will be defined as deviant (Wilkins, 1964). This can lead to a media campaign that whips up a frenzy of popular societal indignation – or a ‘moral panic’ – about a particular activity that is seen to threaten the very fabric of civilization. For example, ‘lager louts’, ‘football hooligans’, ‘new age travellers’, ‘ravers’ and even ‘dangerous dogs’ have all been the subjects of moral panics in recent years. Once labelled as such, those engaged in the particular activity become ostracized and targeted as ‘folk devils’ by the criminal justice system reacting to popular pressure (Young, 1971; Cohen, 1973). Among the critics of these classic labelling theories are those who argue they do not go far enough. By concentrating their attention on the labelling powers of front-line agents of the state working in the criminal justice system, the capacity for powerful groups to make laws to their advantage and to the disadvantage of the poor and dispossessed is ignored.

In more recent years, the notions and concepts of labelling theories have been modified and developed with more attention devoted to the significant issue of informal labelling carried out by parents, peers and teachers, which, it is argued, has a greater effect on subsequent criminal behaviour than official labelling (Matsueda, 1992; Heimer and Matsueda, 1994). Some have observed a significant
shift to have occurred around 1974 with labelling theorists retreating from their underdog focus, moving away from the study of ‘nuts, sluts, and perverts’ (Liazos, 1972) and coming to accommodate legalistic definitions and focus on state power. Others, more recently, have suggested that the criminal justice system and the public are increasing the stigmatization of – particularly young – offenders and thus heightening the most negative effects of labelling (De Haan, 2000; Triplett, 2000; Meossi, 2000; Halpern, 2001).

Chapter 10 considers conflict and radical theories. For both sets of theorists, laws are formulated to express the values and interests of the most powerful groups in society, while at the same time placing restrictions on the behaviour and activities common to the less powerful, thus disproportionately ‘criminalizing’ the members of these groups. The more radical variants propose that it is the very conditions generated by the capitalist political economy that generate crime (Vold, 1958; Turk, 1969; Quinney, 1970; Chambliss, 1975). These latter ideas were further developed in the UK in the late 1960s and early 1970s by the ‘new criminology’ that sought an explanation of criminal behaviour based on a theoretical synthesis of Marxism and labelling perspectives (Taylor et al., 1973; Hall et al., 1978).

Criticisms of radical criminology have originated from three primary sources. First, traditional Marxists have questioned the manipulation of this theoretical tradition to address the issue of crime (Hirst, 1980). Second, there was the important recognition by the populist conservatives – or right realists – that most predatory crime is committed by members of the poorer sections of society against their own kind which changed the whole nature of political debate on the crime problem. Third, there was the increasing recognition of this latter reality by sections of the political left and the consequent development of a populist socialist response that is the focus of the final chapter of the fourth part of this book.

Peacemaking criminology takes these issues further and reflects the position of many marginalized groups in society who realize that they are incapable of overcoming political opposition and have to reach an accommodation in a fundamentally unequal society (Pepinsky and Quinney, 1991). The general argument presented is that the whole of the US criminal justice system is based on the continuance of violence and oppression (as seen in the prison system), war (as seen in the ‘war on crime’ and the ‘war on drugs’) and the failure to account for how the larger social system contributes to the problem of crime (as seen in the failure to reduce poverty in society) (Fuller, 2003; Young, 2011). Peacemaking criminology, perhaps not surprisingly, has been the recipient of significant and often vitriolic criticism, having been viewed as ‘utopian’, ‘soft on crime’, ‘unrealistic’ and ‘just not feasible’ (Akers, 1997, 2000).

Chapter 11 considers the gendered criminal. Feminists propose that it is men who are the dominant group in society and it is privileged males who make and enforce the rules to the detriment of women. Feminism is nevertheless not a unitary body of thought and this chapter thus commences with a brief introduction to the different contemporary manifestations of feminism. There follows a feminist critique of the predestined actor model explanations of female criminality (Smart, 1977; Heidensohn, 1985) and an examination of the impact of
feminist critiques in four critical areas: the female emancipation leads to crime debate (Adler, 1975; Simon, 1975), the invalidation of the leniency hypothesis (Pollak, 1950), the emergence of gender-based theories (Heidensohn, 1985) and the recognition and redefinition of previously non-problematic activities such as domestic violence and intrafamilial child molestation as serious crimes that need to be taken seriously (Hanmer and Saunders, 1984; Dobash and Dobash, 1992). The chapter concludes with an examination of the notion of masculinity that feminism has encouraged a small but growing group of male writers to ‘take seriously’ (Connell 1987, 1995; Messerschmidt, 1993; Jefferson, 1997).

Chapter 12 considers critical criminology, which is one of two contemporary variants of the radical tradition in criminology. There are a number of different versions but in general critical criminologists define crime in terms of oppression where it is members of the working class, women and ethnic minority groups who are the most likely to suffer the weight of oppressive social relations based upon class division, sexism and racism (Cohen, 1980; Box, 1983; Scraton, 1985; Sim et al., 1987; Scraton and Chadwick, 1996 originally 1992). The contemporary notion of relative deprivation has been developed – with its roots in anomie theory – and its proposition that crime is committed by members of the poorer sections of society who are excluded from the material good things in life enjoyed by those with economic advantage. They have also importantly drawn our attention to the crimes of the powerful that – as we observed above – have been inadequately addressed by traditional explanations of crime and criminal behaviour.

Critical criminologists have nevertheless been criticized by the other contemporary wing of the radical tradition – the populist socialists or ‘left realists’ – who consider them to be ‘left idealists’ with romantic notions of criminals as revolutionaries or latter-day ‘Robin Hoods’ stealing from the rich to give to the poor, while failing adequately to address the reality that much crime is committed by the poor on their own kind. Critical criminologists have nonetheless widened the horizons of the discipline to embrace the study of zemiology or those social harms that are often far more damaging to society than those restricted activities that have been defined as criminal (Schwendinger and Schwendinger, 1970; Shearing, 1989; Tifft, 1995). Critical race theory addresses the construction of racialized justice as a social and discursive process in the USA. Since its emergence twenty years ago, it has grown in significance to provide a major challenge to the operation of social control agencies that produce and maintain conditions of racial injustice (Bell, 2004; Coyle, 2010).

Part Four introduces various attempts at integrating different theories both within one of the theoretical traditions outlined in the first three parts of this book and across model boundaries. It observes that there are three ways in which theories can be developed and evaluated. First, each theory can be considered on its own. Second, there can be a process of theory competition where there is a logical and comprehensive examination of two different perspectives and a consideration of which one most successfully fits the data at hand (Liska, 1987). The third way is by theoretical integration where the intention is to identify commonalities in two or more theories in order to produce a synthesis that is superior to any one individual theory (Farnsworth, 1989). Hirschi (1989)
nevertheless cautions that what passes for theoretical integration in criminology invariably involves ignoring crucial differences between the theories undergoing integration and observes that some examples are merely oppositional theories – from the victimized actor model tradition – in disguise.

Chapter 13 considers those sociobiological theories that have attempted a synthesis of biological and sociological explanations. Biosocial theorists argue that the biological characteristics of an individual are only part of the explanation of criminal behaviour and, thus, factors in the physical and social environment of the offender are also influential. It is proposed that all individuals must learn to control natural urges towards antisocial and criminal behaviour (Mednick, 1977; Mednick et al., 1987). Environmentally influenced behaviour explanations address those incidents where outside stimuli such as drug and alcohol use has instigated or enhanced a propensity towards certain forms of behaviour (Fishbein and Pease, 1996).

The sociobiological perspective has been developed by the ‘right realist’ criminological theorists Wilson and Herrnstein (1985), who have developed a theory combining gender, age, intelligence, body type and personality factors and have considered these in the context of the wider social environment of the offender. They propose that the interplay between these factors provides an explanation of why it is that crime rates have increased in periods of both economic boom and recession, observing that the relationship between the environment and the individual is a complex one. Among the most contentious sociobiological criminological theories to emerge in recent years have been those that propose that rape has evolved as a genetically advantageous behavioural adaptation (Thornhill and Palmer, 2000). Moreover, there has been significant recent interest by sociobiologists in the USA in antisocial behaviour that is seen to emerge early in childhood, persists into adulthood and that is difficult or even impossible to rehabilitate (Aguilar et al., 2000).

Chapter 14 discusses environmental theories, which are part of a long-established tradition with their foundations firmly located in the sociological version of the predestined actor model. Later British area studies were to incorporate notions from the victimized actor model, primarily a consideration of the effects of labelling individuals and groups of residents as different or bad (Damer, 1974; Gill, 1977). Later North American studies sought to incorporate the discipline of geography to provide a more sophisticated analysis of the distribution of crime and criminals (Brantingham and Brantingham, 1981). However, this was not to be simply a geographical determinist account. For, in adopting the recognition that crime happens when the four elements of a law, an offender, a target and a place concur, the perspective is brought into contact with those contemporary opportunity theories that characterize recent developments within the rational actor model (Cohen and Felson, 1979). Environmental management theories certainly presuppose the existence of a rational calculating individual whose activities can be restricted or curtailed by changing his or her surroundings (Wilson and Kelling, 1982).

Chapter 15 examines social control theories, which again have a long and distinguished pedigree with their origins in both the rational actor and predestined actor models (Hobbes, 1688 originally 1651; Durkheim, 1951 originally
An Introduction to Criminological Theory

1897; Freud, 1927), with both social and psychological factors employed in order to explain conformity and deviance. Early social theory had proposed that inadequate forms of social control were more likely during periods of rapid modernization and social change because new forms of regulation could not evolve quickly enough to replace declining forms of social integration (Durkheim, 1951 originally 1897). Early social control theorists – such as the Chicago School – had taken this argument further and proposed that social disorganization causes a weakening of social control, making crime and deviance more possible. Other control theorists nevertheless attached more importance to psychological factors in their analysis of deviance and conformity (Nye, 1958; Matza, 1964; Reckless, 1967). Later control theories are based on the fundamental assumption that criminal acts take place when an individual has weakened or broken bonds with society (Hirschi, 1969).

In an attempt to remedy identified defects in control theory, different writers have sought to integrate control theory with other perspectives. First, a model expanding and synthesizing strain, social learning and control theories begins with the assumption that individuals have different early socialization experiences and that these lead to variable degrees of commitment to – and integration into – the conventional social order (Elliott et al., 1979). Second, an integration of control theory with a labelling/conflict perspective – from the victimized actor tradition – seeks to show how ‘primary’ deviants become ‘secondary’ deviants. This, it is argued, is an outcome of the selective targeting of the most disadvantaged groups in society – by the criminal justice system – acting in the interests of powerful groups (Box, 1981, 1987). Third, a further highly influential approach builds upon and integrates elements of control, labelling, anomie and subcultural theory and proposes that criminal subcultures provide emotional support for those who have been stigmatized and rejected by conventional society (Braithwaite, 1989).

Gottfredson and Hirschi (1990) subsequently sought to produce a ‘general theory of crime’ that combines rational actor notions of crime with a predestined actor model – control – theory of criminality. In accordance with the rational actor tradition, crime is defined as acts of force or fraud undertaken in pursuit of self-interest, but it is the predestined actor notion of – or lack of – social control that provides the answer as to exactly who will make the choice to offend when appropriate circumstances arise.

More recent developments in the social control theory tradition have been power control theory, which has sought to combine social class and control theories in order to explain the effects of familial control on gender differences in criminality (Hagan et al., 1985, 1987, 1990; Hagan, 1989); control balance theories that define deviancy as simply any activity that the majority find unacceptable and/or disapprove of and that occurs when a person has either a surplus or deficit of control in relation to others (Tittle, 1995, 1997, 1999, 2000); and differential coercion theory which seeks to extend our existing understanding of the coercion–crime relationship (Colvin, 2000).

Chapter 16 introduces situational action theory, which is a recently developed general theory of moral action and crime that aims to integrate person and environmental explanatory perspectives and is based on five key propositions
Introduction: crime and modernity

(Wikström, 2005). First, acts of crime are moral actions. Second, people engage in acts of crime because they see them as a viable action alternative. Third, the likelihood that a person will consider an act of crime a valid action alternative depends on their crime propensity. Fourth, the role of broader social conditions should be analysed as the wider causes of criminal involvement. Fifth, the relevant causes of crime are only those social conditions and aspects of life-histories that directly influence the development of the individual propensity to criminality. Situational action theory provides a sophisticated basis for discovering who is likely to offend and under what circumstances, and in doing so considers key predestined actor model motivational issues long neglected by rational choice theorists (Wikström, 2005, 2006, 2009; Wikström and Sampson, 2003; Wikström and Treiber, 2007, 2009; Wikström et al. 2011).

Chapter 17 introduces desistance theories, which address the psychosocial processes involved in ‘going straight’ or what it is that enables or helps offenders to desist from committing crime. Maruna (1997) observes that few phenomena in criminology have been as widely acknowledged and as poorly understood as why people desist from committing crime. It is observed that, for most individuals, participation in ‘street crimes’ generally begins in the early teenage years, peaks in late adolescence or young adulthood and ends before the person reaches 30 or 40 years of age. Moreover, at some stage in their life course, usually between 18 and 35 years of age, even serious offenders tend to cease criminal behaviour. Age is clearly a very strong correlate of desistance but criminologists have generally failed to ‘unpack’ the ‘meaning’ of age (Sampson and Laub, 1992). Maruna (1997) asserts that what seems to be missing from both the previously orthodox ontogenetic and sociogenic approaches to desistance is ‘the person’ or the whole-ness and subjective agency of the individual. Thus, we find the use of personal autobiographies in social enquiry, occasionally referred to as ‘narrative’ (Maruna, 2001; Maruna and Immarigeon, 2004).

Chapter 18 concludes the fourth part of the book with a consideration of ‘left realism’, which is a perspective that arose as a direct response to two closely related factors. First, a reaction among some key radical criminologists on the political left to the perceived idealism of critical criminology and its inherent apology for criminals; and, second, the rise of the populist conservatives and their ‘realist’ approach to dealing with crime. Thus, ‘left realists’ came to acknowledge that crime is a real problem that seriously impinges on the quality of life of many poor people and must therefore be addressed. From this perspective, a comprehensive solution to the crime problem – a ‘balance of intervention’ – is proposed (Young, 1994). On the one hand, crime must be tackled and criminals must take responsibility for their actions; on the other hand, the social conditions that encourage crime must also be tackled.

Left realism is not really an integrated theory of crime but rather an approach that recognizes that there is something to be said for most theories of crime and for most forms of crime prevention with the distinct suggestion that insights can be incorporated from each of the three models of crime and criminal behaviour introduced in this book. It is a strategy that was very influential with the ‘New’ Labour Government elected in the UK in 1997, which was demonstrated by the oft-quoted remark of Prime Minister Tony Blair first made while he was
previously the Shadow Home Secretary: ‘tough on crime, tough on the causes of crime’.

The chapter includes a case study that considers the issue of social exclusion, criminality and the ‘underclass’ from different theoretical standpoints introduced in the book. First, the behavioural perspective – normally associated with the populist or neoconservatives – argues that state welfare erodes individual responsibility by giving people incentives not to work and provide for themselves and their family. Moreover, it is observed that those ‘controls’ that stop individuals and communities from behaving badly – such as stable family backgrounds and in particular positive male role models – have ceased to exist for many members of this identified ‘underclass’ (Murray, 1990, 1994). Second, structural explanations – normally associated with sociological variants of the predestined actor model, critical criminologists and left idealists – observe the collapse of the manufacturing industry, traditional working-class employment and the subsequent retreat of welfare provision in modernist societies as providing the structural preconditions for the creation of a socially excluded class (Dahrendorf, 1985; Campbell, 1993; Jordan, 1996; Crowther, 1998). Third, a process model – which has a resonance with left realism – suggests that we identify and address the structural preconditions for the emergence of a socially excluded underclass, while at the same time considering and responding to the behavioural subcultural strategies developed by those finding themselves located in that socio-economic position (Hopkins Burke, 1999a).

Developments in ‘left realist’ theory are introduced to demonstrate the validity and value of the approach in an historical context and its significant contribution to theorizing the development of the criminal justice system. Hopkins Burke (2012, 2013) has thus adapted and adopted left realist theory in an historical context as a significant component of his criminal justice theory, which seeks to explain the development of the criminal justice system in modern societies and in whose interest this has all happened.

Part Five considers the implications for explaining crime and criminal behaviour posed by the fragmentation of the modernity that had provided the socio-economic context for the theories we encounter in the first four parts of this book. The outcome of that fragmentation has been a new socio-economic context that has been termed the postmodern condition by some social scientists (Lyotard, 1984; Baudrillard, 1988; Bauman, 1989, 1991, 1993) where there is recognition of the complexity of contemporary society, the moral ambiguities and uncertainties that are inherent within it, and where it is proposed that there are a range of different discourses that can be legitimate and hence right for different people, at different times, in different contexts.

Chapter 19 considers the morally ambiguous nature of crime and criminal behaviour in the postmodern condition. It is observed that the essential problem for the development of legislation and legitimate explanations of criminality in this fragmented social formation and era of moral uncertainty is the difficulty of making any objective claims for truth, goodness and morality. The only well-developed attempt to rethink the central issues and themes of criminology in terms of postmodern theories is the constitutive criminology originally developed by Henry and Milovanovic (1996, 1999, 2000, 2001) and in which two main
theoretical inputs can be identified: the post-Freudian Jacques Lacan and chaos theory. Henry and Milovanovic (1996) define crime as the power to deny others and they argue that conventional crime control strategies actually encourage criminality rather than discourage it. They seek the development of ‘replacement discourses’, which encourage positive social constructions and challenge the omnipresence of power (Henry and Milovanovic, 1996).

The chapter concludes with a consideration of anarchist criminology, which, unlike most modernist intellectual orientations, does not seek to incorporate reasoned or reasonable critiques of law and legal authority but, in contrast, argues that progressive social change requires the pursuit of the ‘unreasonable’ and the ‘unthinkable’ (Ferrell, 1998). Anarchist criminologists thus launch aggressive and ‘unreasonable’ critiques against a law and legal authority which they observe undermines human community and constrains human diversity (Mazor, 1978; Ferrell, 1996, 1998).

Chapter 20 considers cultural criminology and the schizophrenia of crime. The former seeks to explain crime and criminal behaviour and its control in terms of culture, and it is argued that the various agencies and institutions of crime control are cultural products that can only be understood in terms of the phenomenological meanings they carry (Presdee, 2004). Cultural criminology thus uses everyday existences, life histories, music, dance and performance in order to discover how and why it is that certain cultural forms become criminalized (O’Malley and Mugford, 1994; Ferrell and Sanders, 1995; Ferrell, 1999), while Katz (1988) writes about the ‘seductions of crime’ in which disorder becomes in itself a ‘delight’ to be sought after and savoured and argues that the causes of crime are constructed by the offenders themselves in ways that are compellingly seductive. Presdee (2000) develops this sense of the interrelationship between pleasure and pain with his notion of ‘crime as carnival’, where he argues that the latter is a site where the pleasures of playing at the boundaries of illegality are temporarily legitimated at the time of carnival.

Hopkins Burke (2007) uses the term ‘the schizophrenia of crime’ to refer to the apparently contradictory contemporary duality of attitude to criminal behaviour where there is both a widespread public demand for a rigorous intervention against criminality, while, at the same time, criminality is seen to be widespread to the virtual point of universality with most people having committed criminal offences at some stage in their life. It is observed that, in a world where crime has become ‘normal and non-pathological’ (Garland, 1996), the boundaries between criminals and non-criminals – and legal and illegal activities – have become increasingly difficult to disentangle (Young, 1999, 2001), while, at the same time, the classic crime control strategies of modernity have become more problematic not least with the increasing globalization of deviance.

The chapter then considers the globalization of deviant youth subcultures in the guise of a significant fast-growing club culture (Carrington and Wilson, 2002), which has clear identifiable roots in the notions of the postmodern condition, the carnival of crime and beyond. The chapter concludes with a discussion of crime and the mass media. It is recognized that there are essentially two kinds of media coverage and/or representation of crime: first, the more frequent inclusion of some type of felony or street crime often involving an act of violence; and, second,
the less common insertion of white-collar offences, involving some type of public or private trust violation that usually concentrates its focus on individuals and their victims in contrast to societal institutions or social organizations and their victims (Barak, 2012). Steve Chibnall (1977) and Yvonne Jewkes (2004) have mapped out the news values that not only shape the reporting of crime but that also help to locate these within the larger practices of journalism. Thus, at the end of the newsmaking day, the mediated construction of crime and justice becomes the socially constructed reality when, in reality, this is the socially constructed subjective reality (Surette, 2007). Hayward and Young (2012) respond to the frequent criticism that cultural criminology has little potential for crime policy by observing that it is an appreciative approach that totally eschews ‘correctionalism’.

Chapter 21 considers further the relationship between crime and the increasing globalization of crime in the context of what has come to be termed ‘the risk society’ (Beck, 1992). The chapter commences by considering new modes of governance, which in criminology is a concept that has been used to signify changes in the control of crime. It is observed that for most of the twentieth century crime control was dominated by the ‘treatment model’ prescribed by the predestined actor model of crime and criminal behaviour and closely aligned to the benevolent state, which was obliged to intervene in the lives of offenders and seek to diagnose and cure their criminal behaviour. It was the apparent failure of that interventionist modernist project epitomized by chronically high crime rates and the seeming inability of the criminal justice system to do anything about it that was to lead to a rediscovery of the rational actor model and an increased emphasis on preventive responses (Crawford, 1997; Garland, 2001). Feeley and Simon (1994) propose that these changes are part of a paradigm shift in the criminal justice process from the ‘old penology’ to a ‘new penology’, which is concerned with developing techniques for the identification, classification and management of groups and categorizing them in accordance with the levels of risk they pose to society. Some consider these trends to be indicative of a broader transition in the structural formation from an industrial society towards a risk society (Beck, 1992), and Ericson and Haggerty (1997) observe that in this context we are witnessing a transformation of legal forms and policing strategies characterized by surveillance. The risk society thesis is – like the postmodern thesis – far from universally accepted by academics, with some recognizing the survival of significant aspects of penal welfarism – penal modernism (Garland, 1996, 2001) – and rejecting the whole notion that we have seen a significant penological break with the modernist past. With the huge expansion in prison populations during the past thirty years, it has become increasingly apparent to many penologists and sociologists that the state has taken ‘a punitive turn’ away from penal welfarism, but other academics propose that recent developments in social control are largely benevolent or benign (O’Malley, 1999; Matthews, 2005; Penna and Yar, 2003; Meyer and O’Malley, 2005; Hannah-Moffat 2005; Van Swaaningen, 2007; Hallsworth and Lea, 2008).

The chapter further considers the issue of the globalization of crime and criminality and it is observed that dealing in illicit drugs, illegal trafficking in weapons and human beings, money laundering, corruption, violent crimes, including
terrorism, and war crimes are characteristic of such developments (Braithwaite, 1979; UNDP, 1999; Bequai, 2002; Eduardo, 2002). The growing influence of global organized crime is estimated to gross $1.5 trillion a year and has provided a significant rival to multinational corporations as an economic power (UNDP, 1999). Findlay (2000) explains the global explosion in criminality in terms of the market conditions that he observes to be the outcome of the internationalization of capital, the generalization of consumerism and the unification of economies that are in a state of imbalance. He proposes that power and domination are simply criminogenic. A United Nations Office on Drugs and Crime (UNODC) (2013) audit of globalized criminality showed that the global crime trends identified previously are still very much in existence with new profitable crimes emerging all the time. Transnational organized crime continues to be big business.

The chapter then considers the Southern theory devised by the Australian academic Raewyn Connell (2007), who has challenged the intellectual domination of social theory – and by implication criminological theory – by those in the metropoles of Europe and North America. She argues that this has entailed a view of the world from the skewed, minority perspective of the educated and the affluent, whose views are then perpetuated globally in educational curricula. The South merely appears in such global theories primarily as a source of data for Northern theorists.

Globalization has greatly facilitated the growth of international terrorism, with the development of international civil aviation having made hijacking possible, television and the Internet have given terrorists worldwide publicity and modern technology has provided an amazing range of weapons and explosives (Eduardo, 2002). The chapter thus concludes with an extensive discussion of terrorism and state violence and observes that the widespread development of terrorist activities throughout the world during the past fifteen years has signified the end of any positive notion of postmodernism. For such societies can only function effectively if there is a reciprocal acceptance of diverse values from all participant groups.

It is observed that most of the major theories that seek to explain terrorism are derived from theories of collective violence developed in the field of political science. Hoffman (1993) notes that about a quarter of all terrorist groups and about half of the most dangerous ones are primarily motivated by religious concerns, believing that God demands action. However, religious terrorism is not about extremism, fanaticism, sects or cults, but about a fundamentalist or militant interpretation of the basic tenets of the religion. Crenshaw (1998) argues that terrorism is not a pathological phenomenon and the focus of study should be on why it is that some groups find terrorism useful and other groups do not. Nassar (2004) argues that the processes of globalization contribute to dreams, fantasies and rising expectations, which leads to dashed hopes, broken dreams and unfulfilled achievements. Terrorism breeds in the gap between expectations and achievements.

Chapter 22 presents the case for radical moral communitarian criminology. While it is recognized that recent terrorist atrocities have ended any legitimate notion of a postmodern society, it is also observed that there is no justifiable basis
for a return to the unquestioned moral certainty of high modernity. It is the work of Emile Durkheim (1933) and his observations on the moral component of the division of labour in society that provides the theoretical foundations of a ‘new’ liberalism – or radical moral communitarianism – that provides a legitimate political vision that actively promotes the rights and responsibilities of both individuals and communities in the context of an equal division of labour. The latter is a highly significant element that deviates significantly from the orthodox version of communitarianism promoted by Amitai Etzioni (1993, 1995a, 1995b) and that was embraced and distorted in the UK by New Labour with its enthusiasm for a strong dictatorial central state apparatus with which to enforce its agenda. Radical moral communitarianism proposed that policies should be introduced that recognize that people and communities have both rights and responsibilities and acknowledge the fine balance between them (Hopkins Burke, 2003).

Chapter 23 commences with a consideration of four different models of criminal justice development. First, the orthodox social progress model is the standard non-critical explanation that considers the development of law and the criminal justice system to be predominantly non-contentious with institutions operating neutrally in the interests of all. Second, proponents of the radical conflict model argue that society is inherently conflict-ridden and the new control system served more than adequately the requirements of the emerging capitalist order for the continued repression of recalcitrant members of the working class (Cohen, 1985). Third, proponents of the carceral society model do not totally disregard the arguments presented by either the proponents of the orthodox social progress model or the radical conflict model, but consider the situation to be far more complex. From this Foucauldian perspective, strategies of power are pervasive throughout society with the state only one location of the points of control and resistance. Power and knowledge are inseparable. Humanism, good intentions, professional knowledge and the rhetoric of reform are neither, in the idealist sense, the producers of change nor, in the materialist sense, the mere product of changes in the political economy (Foucault, 1977, 1980). Fourth, the left realist hybrid model provides a synthesis of the orthodox social progress, radical conflict and carceral surveillance society models but with the added recognition of our interest and collusion in the creation of the increasingly pervasive socio-control matrix of the carceral society.

The chapter then considers the work of Loïc Wacquant (2009a), who identifies a new ‘government of social insecurity’ targeted at shaping the conduct of the men and women caught up in the turbulence of economic deregulation in advanced societies. Crucial to this disciplinary-tutelage agenda in the USA has been the need to control an increasingly economically excluded but enduringly problematic and potentially dangerous black population (Wacquant, 1998a, 1998b, 2001). Wacquant (2009a) argues that workfare and prisonfare are simply two sides of the same coin in the contemporary USA and this double regulation of poverty – through workfare and prisonfare – has been exported to Europe. It is observed that many black people in the UK are the targets of tutelage and discipline strategies, but as part of a socially excluded underclass that incorporates people from all ethnic groups but which, at the same time, is invidious and
Introduction: crime and modernity

pervasive. It has become increasingly apparent that the socio-control matrix of the carceral society continues to incrementally expand in close parallel with increasingly insurmountable economic pressures (Hopkins Burke, 2012, 2013).

Chapter 24 concludes the book and considers criminology in an age of austerity. The chapter commences with some reflections on the difference between the socio-economic conditions at the time the first edition was published and subsequent developments. It is observed that, at the time of writing, two influential think tanks have warned that austerity measures in the UK could still be in place when the 2020 election takes place in seven years’ time. This is the future socio-economic context in which academic and professional (applied) criminology will operate. The criminological theories introduced and discussed in this book are then briefly reviewed before we proceed to consider the future of criminology in an age of austerity. We follow Fichtelberg and Kupchik (2011), who observe a recent debate among criminological scholars who have engaged with the idea of ‘public criminology’ (Chancer and McLaughlin, 2007; Garland and Sparks, 2000; Zahn, 1999) where the focus has been on the growing disjunction between criminological knowledge and criminal justice policy. The authors observe that there are numerous models for understanding how social scientists and their findings interact with broader society and briefly outline and critique two of these broad inclusive models before contrasting them with their notion of democratic criminology. First, the technocratic model posits that the social scientist is the expert whose knowledge should be used without wider societal critique or debate in order to formulate criminal justice policy. They can thus advise policymakers and help them to construct effective criminal justice policies based not on ideology or opinion, but instead rooted in scientific research. Second, the genealogical approach swings to the extreme opposite from the technocratic model. Rather than seeing the views of the criminologist as those of a trained expert who rationally and scientifically guides policy formation, for the genealogist, the contributions of the social scientist themselves, along with criminal justice policy, are a subject of analysis. Fichtelberg and Kupchik (2011) then provide us with a third approach, ‘democratic criminology’, which involves an exchange of ideas between the criminologist and the public, in which public concern helps direct criminological research while the latter influences public opinion and policy.

The chapter concludes with a few closing thoughts and recognizes the connections and accord between moral communitarianism and democratic criminology and proposes that a legitimate role for the progressive criminologist in the age of – protracted – austerity is in challenging policies that help to reinforce the disciplinary-control-matrix, particularly when these are being promoted by moral entrepreneurs who have little or no understanding of how their humble policy or strategy contributes to the overall surveillance schema.

Summary of main points

1. This is a book about the different ways in which crime and criminal behaviour have been explained in predominantly modern times.
2. There have been different explanations – or theories – proposed by, among others, legal philosophers, biologists, psychologists, sociologists and political scientists.

3. The simplest way of defining crime is that it is an act that contravenes the criminal law, but this definition is problematic: many people break the criminal law but are not considered to be ‘criminals’.

4. Legal definitions change over time and vary across culture. They are a social construction and part of the political processes.

5. Crime is usually associated with particular groups, such as young men or the unemployed, who become identified with certain kinds of offences.

6. This social construction of crime is reflected in media discussions and portrayals of what constitutes the ‘crime problem’ and policies are introduced to ‘crack down’ on these crimes.

7. The problem of ‘white-collar’, business or corporate crime has continued to be neglected and under-researched by criminologists.

8. Criminology students are often overwhelmed by the word ‘theory’ but it means nothing more than ‘explanation’ and about how and ‘why’ we do some things and in the form that we do them.

9. Theories are logical constructions that explain natural phenomena. They can be simple or complex.

10. Theories provide a framework for us to interpret the meanings of observed patterns and help us to determine when these are meaningful and when they are not.

Discussion questions

1. How was crime explained in pre-modern times?
2. How did society respond to criminality in pre-modern times?
3. Discuss the issues involved in defining crime and criminal behaviour.
4. Why is criminological theory important?
5. Who are the ‘usual suspects’ when targeting crime and why is this problematic?

Suggested further reading

For some contrasting accounts from very different perspectives of pre-modern criminal justice and attempts to explain the causes of crime, see Foucault (1977), Hay (1981) and Thompson (1975). Garland (1997) provides something of a pragmatic antidote to those who seek to identify distinct ruptures between pre-modern and modern thinking. For an introduction to the notion of modern society and modernity, albeit in the context of his discussion of postmodernity, see Harvey (1989). Croall (1998) provides an excellent introduction to the different forms of crime in existence and the extent of criminality with a particular emphasis on business and corporate crime that is still highly relevant today.
Pontell and Geis are editors of the excellent *International Handbook of White-collar and Corporate Crime*.

**Note**

1. Raewyn Connell is a transsexual who was formerly Bob Connell.
This page intentionally left blank
The rational actor model of crime and criminal behaviour

The average citizen hardly needs to be persuaded of the view that crime will be more frequently committed if, other things being equal, crime becomes more profitable compared to other ways of spending one’s time. Accordingly, the average citizen thinks it obvious that one major reason why crime has gone up is that people have discovered it is easier to get away with it; by the same token, the average citizen thinks a good way to reduce crime is to make the consequences of crime to the would-be offender more costly (by making penalties swifter, more certain, or more severe), or to make the value of alternatives to crime more attractive (by increasing the availability and pay of legitimate jobs), or both . . . These citizens may be surprised to learn that social scientists that study crime are deeply divided over the correctness of such views.

(Wilson, 1975: 117)
The first identifiable tradition of explaining crime and criminal behaviour to emerge in modern society is the rational actor model. It has its origins in a range of philosophical, political, economic and social ideas that were developed and articulated during the seventeenth and eighteenth centuries and that were fundamentally critical of the established order and its religious interpretations of the natural world. Two major sets of ideas provide the intellectual foundations of a major period of social change: social contract theories and utilitarianism.

The essence of social contract theories is the notion that legitimate government is only possible with the voluntary agreement of free human beings who are able to exercise free will. It was the key writers in this tradition – Thomas Hobbes, John Locke and Jean-Jacques Rousseau – and their criticisms of the exercise of arbitrary powers by monarchs, established churches and aristocratic interests that created the preconditions for the specific attacks on pre-modern legal systems and practices that were later mounted by Jeremy Bentham and Cesare Beccaria and that provided the foundations of the rational actor model of crime and criminal behaviour.

Thomas Hobbes (1588–1678) emphasized that it is the exercise of human free will that is the fundamental basis of a legitimate social contract. Compliance can be enforced by the fear of punishment, but only if entry into the contract and the promise to comply with it has been freely willed, given and subsequently broken. Hobbes held a rather negative view of humanity and proposed a need for social institutions – and we have here the origins of the very idea of modern criminal justice systems – to support social contracts and to enforce laws. He claimed that in a ‘state of nature’ – or without outside intervention in their lives – people would be engaged in a ‘war of all against all’ and life would tend to be ‘nasty, brutish and short’. He thus proposed that people should freely subject themselves to the power of an absolute ruler or institution – a ‘Leviathan’ – which, as the result of a political-social contract, would be legitimately empowered to enforce the contracts that subjects make between themselves (Hobbes, 1968 originally 1651).

John Locke (1632–1704) had a more complex conception of what people are like ‘in the state of nature’ and argued that there is a natural law that constitutes and protects essential rights of life, liberty and property: key assumptions that, subsequently, were to significantly shape the constitutional arrangements of the USA. Locke proposed that the Christian God has presented all people with common access to the ‘fruits of the earth’, but at the same time individual property rights can be legitimately created when labour is mixed with the fruits of the earth, for example by cultivating crops or extracting minerals. People nevertheless have a natural duty not to accumulate more land or goods than they can use, and if this natural law is observed then a rough equality can be achieved in the distribution of natural resources. Unfortunately, this natural potential towards egalitarianism had been compromised by the development of a money economy that has made it possible for people to obtain control over more goods and land than they can use as individuals.

Locke saw the transition from a state of nature to the development of a political society as a response to desires, conflict and ethical uncertainty brought about by the growth of the use of money and the material inequalities that
consequently arose. The expansion of political institutions is thus necessary to create a social contract to alleviate the problems of inequality generated by this distortion of natural law. For Locke, social contracts develop through three stages. First, people must agree unanimously to come together as a community, and to pool their natural powers, so as to act together to secure and uphold the natural rights of each other. Second, the members of this community must agree, by a majority vote, to set up legislative and other institutions. Third, the owners of property must agree, either personally or through political representatives, to whatever taxes that are imposed on them.

Locke disagreed with Hobbes’ view that people should surrender themselves to the absolute rule of a Leviathan and argued that people gain their natural rights to life and liberty from the Christian God and hold them effectively in trust. These rights are not therefore theirs to transfer to the arbitrary power of another. Furthermore, he argued that government is established to protect rights to property and not to undermine them. It cannot therefore take or redistribute property without consent. It is not the task of human legislation to replace natural law and rights but to give them the precision, clarity and impartial enforceability that are unattainable in the state of nature. Although Locke had a relatively optimistic view of human potential in the state of nature, he nevertheless observed the inevitable potential for conflict and corruption that occurs with the increasing complexity of human endeavour and the ‘invention’ of money. If natural rights are to be preserved, what is required is the consensual development of institutions to clarify, codify and maintain these rights to life, liberty and property. In short, these institutions should constrain all equally in the interests of social harmony (Locke, 1970 originally 1686).

Jean-Jacques Rousseau (1712–1778) was a severe critic of some of the major aspects of the emerging modern world, arguing that the spread of scientific and literary activity was morally corrupting. He emphasized that human beings had evolved from an animal-like state of nature in which isolated, somewhat stupid individuals lived peacefully as ‘noble savages’. Rousseau (1964 originally 1762) originally claimed that humans were naturally free and equal, animated by the principles of self-preservation and pity. However, as humans came together into groups and societies, engaging in communal activities that gave rise to rules and regulations, the ‘natural man’ evolved into a competitive and selfish ‘social man’, capable of rational calculation and of intentionally inflicting harm on others. Rousseau thus had a pessimistic view of social change and was unconvinced that the human species was progressing. Civilization was not a boon to humanity; it was ‘unnatural’ and would always be accompanied by costs that outweighed the benefits.

With his later work, Rousseau (1978 originally 1775) appeared a little more optimistic about the future of humanity. He still asserted that at the beginning of history people were admirable, fundamentally equal, free individuals and that moral corruption and injustice arose as people came to develop more complex forms of society and become dependent on one another, thus risking exploitation and disappointment. However, he was now prepared to propose political solutions to the moral corruption of society, arguing the necessity of establishing human laws that consider all individuals equally and give each a free vote on the enactment of legislation.
Rousseau developed the concept of the general will, observing that, in addition to individual self-interest, citizens have a collective interest in the well-being of the community. Indeed, he traced the foundations of the law and political society to this idea of the ‘general will’ – a citizen body, acting as a whole, and freely choosing to adopt laws that will apply equally to all citizens.

Rousseau’s work presented a radical democratic challenge to the French monarchical ancien regime, proposing that it was the ‘citizen body’ – not kings – that were ‘sovereign’ and government should represent their interests. It was only in this way that individuals could freely vote for, and obey, the law as an expression of the common good, without contradicting their own interests and needs. Rousseau considered that he had resolved the dilemma of human selfishness and collective interests posed by Hobbes. Moreover, he had done this without denying the potential existence of a positive and active form of civic freedom, based on self-sacrifice for a legitimate political community.

Social contract theories provide an overwhelming critique of pre-modern forms of government and are highly relevant to the development of the rational actor model of crime and criminal behaviour. First, there is the claim that human beings once lived in a state of ‘innocence’, ‘grace’ or ‘nature’. Second, there is the recognition that the emergence of humanity from its primitive state involved the application of reason – an appreciation of the meaning and consequences of actions – by responsible individuals. Third, the human ‘will’ is recognized as a psychological reality, a faculty of the individual that regulates and controls behaviour, and is generally free. Fourth, society has a ‘right’ to inflict punishment, although this right has been transferred to the political state, and a system of punishments for forbidden acts, or a ‘code of criminal law’.

Thus, human beings are viewed as ‘rational actors’, freely choosing to enter into contracts with others to perform interpersonal or civic duties. Laws can legitimately be used to ensure compliance if they have been properly approved by citizens who are party to the social contract.

A further major intellectual contribution to the development of the rational actor model was the philosophical tradition termed utilitarianism. Essentially, this assesses the rightness of acts, policies, decisions and choices by their tendency to promote the ‘happiness’ of those affected by them. The two most closely associated adherents and developers of the approach were the political philosophers Jeremy Bentham and John Stuart Mill.

Jeremy Bentham (1748–1832) proposed that the actions of human beings are acceptable if they promote happiness, and they are unacceptable if they produce the opposite of happiness. This is the basis of morality. His most famous axiom is the call for society to produce ‘the greatest happiness of the greatest number’. ‘Happiness’ is understood to be pleasure and unhappiness is pain, or the absence of pleasure. The moral principle arising from this perspective is that, if individuals use their reason to pursue their own pleasure, then a state of positive social equilibrium will naturally emerge.

For Bentham, pleasures and pains were to be assessed, or ‘weighed’, on the basis of their intensity, duration and proximity. Moreover, such a calculus was considered to be person-neutral – that is, capable of being applied to the different pleasures of different people. The extent of the pleasure – or the total number of
people experiencing it – was also a part of the calculation of the rightness of the outcome of an act. The overall aim was to provide a calculation whereby the net balance of pleasure over pain could be determined as a measure of the rightness of an act or policy.

John Stuart Mill (1806–1873) generally accepted the position of Bentham, including his emphasis on hedonism as the basic human trait that governs and motivates the actions of every individual. Mill nevertheless wanted to distinguish qualities – as well as quantities – of pleasures and this posed problems. For it is unclear whether a distinction between qualities of pleasures – whether one can be considered more worthwhile than another – can be sustained or measured. Mill emphasized, first, that pure self-interest was an inadequate basis for utilitarianism, and suggested that we should take as the real criterion of good the social consequences of the act. Second, he proposed that some pleasures rank higher than others, with those of the intellect superior to those of the senses. Importantly, both social factors and the quality of the act were seen as important in seeking an explanation for human behaviour.

Mill has proved to be a formidable and influential philosophical force but it is Bentham who has had the greatest impact on the development of the rational actor model of crime and criminal behaviour. He essentially provided two central additions to social contract theory. First, there is his notion that the principal control over the unfettered exercise of free will is that of fear, especially the fear of pain. Second, there is the axiom that punishment is the main way of creating fear in order to influence the will and thus control behaviour.
2. Classical criminology

Classical criminology emerged at a time when the naturalistic approach of the social contract theorists we encountered in the Introduction was challenging the previously dominant spiritualist approach to explaining crime and criminal behaviour. Cesare Beccaria in Italy and Jeremy Bentham in Britain, writing in the late eighteenth century, established the essential components of the rational actor model.

Beccaria considered that criminals owe a ‘debt’ to society and proposed that punishments should be fixed strictly in proportion to the seriousness of the crime. Torture was considered a useless method of criminal investigation, as well as being barbaric. Moreover, capital punishment was considered to be unnecessary.
with a life sentence of hard labour preferable, both as a punishment and deterrent. The use of imprisonment should thus be greatly extended, the conditions of prisons improved with better physical care provided and inmates should be segregated on the basis of gender, age and degree of criminality.

Beccaria was a very strong supporter of ‘social contract’ theory with its emphasis on the notion that individuals can only be legitimately bound to society if they have given their consent to the societal arrangements. It is nevertheless the law that provides the necessary conditions for the social contract and punishment exists only to defend the liberties of individuals against those who would interfere with them.

Beccaria’s theory of criminal behaviour is based on the concepts of free will and hedonism where it is proposed that all human behaviour is essentially purposive and based on the pleasure–pain principle. He argues that punishment should reflect that principle and thus fixed sanctions for all offences must be written into the law and not be open to the interpretation, or the discretion, of judges. The law must apply equally to all citizens, while the sole function of the court is to determine guilt. No mitigation of guilt should be considered and all that are guilty of a particular offence should suffer the same prescribed penalty. This extremely influential essay can be summarized in the following thirteen propositions:

1. In order to escape social chaos, each member of society must sacrifice part of their liberty to the sovereignty of the nation-state.
2. To prevent individuals from infringing the liberty of others by breaking the law, it is necessary to introduce punishments for such breaches.
3. ‘The despotic spirit’ – or the tendency to offend – is in everyone.
4. Punishments should be decided by the legislature not by the courts.
5. Judges should only impose punishment established by the law in order to preserve consistency and the certainty of punishment.
6. The seriousness of the crime should be judged not by the intentions of the offender but by the harm that it does to society.
7. Punishment must be administered in proportion to the crime that has been committed and should be set on a scale – or a tariff – with the most severe penalties corresponding to offences that caused the most harm to society. The most serious crimes are considered to be those that threaten the stability of society.
8. Punishment that follows promptly after a crime is committed will be more just and effective.
9. Punishment has to be certain to be effective.
10. Laws and punishments have to be well publicized so that people are well aware of them.
11. Punishment is imposed for the purpose of deterrence and therefore capital punishment is unnecessary and should not be used.
12. The prevention of crime is better than punishment.
13. Activities that are not expressly prohibited by law are therefore not illegal and thus permissible.
It is important to recognize that Beccaria’s ideas have had a profound effect on the establishment of the modern criminal law and, while they may not be expressed in quite the same way, it is easy to detect resonances of his views in any popular discussion on crime. The doctrine of free will is built into many legal codes and has strongly influenced popular conceptions of justice.

Jeremy Bentham was a leading disciple of Beccaria. As a philosopher – as we saw above – he is classed as a utilitarian, or a *hedonistic utilitarian*, due to his emphasis on the human pursuit of pleasure. He was very much influenced by the philosophical materialism of John Locke, which had denied the existence of innate ideas and traditional, established religious notions of original sin. He consequently ascribed criminal behaviour to incorrect upbringing or socialization rather than innate propensities to offend. For Bentham, criminals were not incorrigible monsters but ‘forward children’, ‘persons of unsound mind’, who lacked the self-discipline to control their passions according to the dictates of reason.

Bentham’s ideas are very similar to those of Beccaria and his most famous principle – ‘the greatest happiness of the greatest number’ – is the fundamental axiom of all utilitarian philosophy. People are rational creatures who will seek pleasure while trying to avoid pain. Thus, punishment must outweigh any pleasure derived from criminal behaviour, but the law must not be as harsh and severe as to reduce the greatest happiness. Moreover, the law should not be used to regulate morality but only to control acts harmful to society that reduce the happiness of the majority. He agreed with Beccaria about capital punishment, that it was barbaric and unnecessary, but disagreed about torture, allowing that on occasion it might be ‘necessary’ and thus have utility. This is a significant point worth reflecting on. If the intention is to get someone – anyone – to admit to having committed a criminal act, then the use of torture will be useful, but, if the purpose is to ensure that you have found the right offender, then it is of no use. This seems to be the point being made by Beccaria. If, on the other hand, you wish to obtain urgently some important information from someone whom you have good reason to believe is withholding this – as, for example, in the case of a planned terrorist atrocity – then the rationale for torture is rather different. This seems to be the utilitarian point being made by Bentham.

We might note that, although Bentham believed in the doctrine of free will, there is a strong hint in his work that suggests criminality might be learned behaviour. Indeed, it would seem to be the case that neither Beccaria nor Bentham believed that human beings enjoyed complete free will. Beirne (1993: 51) questions the nature of the voluntarism in Beccaria’s notion of will, suggesting that his ‘is a determined will, rather than a free will’; while it is clearly Bentham’s view that human behaviour is ‘determined’ by the categorical imperatives of pleasure and pain:

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think:
every effort we can make to throw off our subjection will demonstrate and confirm it.

(1970 originally 1765: 11)

Beirne (1993) suggests that it may be that free choice was believed to relate to the actions taken to satisfy what was a driven desire or need, rather than determining the desires or need *per se*. He notes that Beccaria’s observation that ‘every act of our will is always proportionate to the strength of the sense data from which it springs’ (cited in Beirne, 1991: 808) does not so much deny the presence of free will but suggests that free will is not the only aspect of human beings that must be considered. He concludes that Beccaria ‘subscribed to a notion of human agency simultaneously involving “free” rational calculation and “determined” action’. The early purist judicial application of the Classical School doctrines nevertheless clearly presumed free will and full rationality on the part of the offender and all were to be held fully responsible for their actions.

**Bentham and the Panoptican**

Bentham spent a considerable amount of time and energy designing a prison, an institution to reflect and operationalize his ideas on criminal justice. Prisons were not much used as a form of punishment in pre-modern times, being reserved for holding people awaiting trial, transportation or some other punishment. They were usually privately administered, chronically short of money, undisciplined and insanitary places.

In 1791, Bentham published his design for a new model prison called a Panoptican. The physical structure of this edifice was a circular tiered honeycomb of cells, ranged round a central inspection tower from which each could be seen by the gaolers. He proposed that the constant surveillance would make chains and other restraints superfluous. The prisoners would work sixteen hours a day in their cells and the profits of their labour would go to the owner of the Panoptican. Bentham described the prison as a ‘mill for grinding rogues honest’ and it was to be placed near the centre of the city so that it would be a visible reminder to all of the ‘fruits of crime’. Furthermore, said Bentham, such an institution should act as a model for schools, asylums, workhouses, factories and hospitals that could all be run on the ‘inspection principle’ to ensure internal regulation, discipline and efficiency.

Underpinning all of these institutions of social control was a shared regime and common view of discipline and regimentation as mechanisms for changing the behaviour of the inmates. The rigorous regime proposed as the basis of these institutions was itself part of a more general discipline imposed on the working class in the factories and mills:

[The prison] took its place within a structure of institutions so interrelated in function, so similar in design, discipline and language of command that together the sheer massiveness of their presence in the Victorian landscape inhibited further challenge to their logic.
It was no accident that the penitentiaries, asylums, workhouses, monito-
rial schools, night refuges and reformatory schools looked alike or that their
charges marched to the same disciplinary cadence. Since they made up a
complementary and independent structure of control, it was essential that
their diets and deprivations be calibrated in an ascending scale, school-
workhouse-asylum-prison, with the pain of the last serving to undergird
the pain of the first.

Nor was it accidental that these state institutions so closely resembled
the factory . . . the creators of the new factory discipline drew inspiration
from the same discourse in authority as the makers of the prison: noncon-
formist asceticism, faith in human improvability through discipline, and
the liberal theory of the state.

(Ignatieff, 1978: 214–15)

The Panoptican, in its strict interpretation, was never built in England, but two
American prisons were built based on such a model, although these institutions
did not prove to be a success in terms of the original intentions of the builders
and they had to be taken down and rebuilt. A variation on the theme, London’s
Millbank Prison, built in 1812, was also poorly conceived, built and adminis-
tered, and was eventually turned into a holding prison rather than a penitentiary.
Bentham’s proposal also called for the provision of industrial and religious
training and pre-release schemes, and suggested the segregation and classifi-
cation of prisoners in order to avoid ‘criminal contamination’.

Michel Foucault (1977) and Michael Ignatief (1978) have both traced the
development of the prison as a concept and as a physical institution observing
that it was one of many ‘carceral’ institutions developed around the time in order
to rationalize and discipline human activity along the lines of early modern
thought. Foucault provides the following extract from rules drawn up for the
House of Young Prisoners in Paris:

At the fi rst drum-roll, the prisoners must rise and dress in silence, as the
supervisor opens the cell doors. At the second drum-roll, they must be
dressed and make their bed. At the third, they must line and proceed to the
chapel for Morning Prayer. There is a fi ve-minute interval between each
drum-roll.

(1977: 6)

These imposing new penal institutions soon competed for domination of the new
urban skylines with the great palaces, cathedrals and churches, which had long
provided the symbols of the concerns of an earlier age. While the original
Panoptican idea was not widely implemented, a variation on the theme de-
veloped and built from the early part of the nineteenth century still forms a sub-
stantial part of the prison estate in many countries. After a number of aborted
experimental institutions had failed, a new model prison was built in North
London, inspired by the Quaker prison reformer John Howard. Pentonville
prison provided a template for over fi fty similar prisons in Britain and for many
others throughout the world.
While his writings focused on reform of the penal system, Bentham was also concerned to see crime prevented rather than punished, and to this end made suggestions that alcoholism should be combated and that those with no means of sustenance should be cared for by the state.

The limitations of Classicism

The philosophy of the Classical theorists was reflected in the Declaration of the Rights of Man in 1789 and the French Penal Code of 1791, the body of criminal law introduced in the aftermath of the French Revolution. The authors of these documents had themselves been inspired by the writings of the major Enlightenment philosophers, notably Rousseau. It was nevertheless attempts such as these to put the ideas of the Classical School into practice that exposed the inherent problems of its philosophy of criminal justice. The Classical theorists had deliberately and completely ignored differences between individuals. First offenders and recidivists were treated exactly alike and solely on the basis of the particular act that had been committed. Children, the ‘feeble-minded’ and the insane were all treated as if they were fully rational and competent.

This appearance in court of people who were unable to comprehend the proceedings against them did little to legitimize the new French post-revolutionary criminal code and, consequently, this was revised in 1810, and again in 1819, to allow judges some latitude in deciding sentences. It was thus in this way that the strict, formal, philosophical elegance of the Classical model was to be breached. It was to become increasingly recognized that people are not equally responsible for their actions and, as a result, a whole range of experts gradually came to be invited into the courts to pass opinion on the degree of reason that could be expected of the accused. Judges were now able to vary sentences in accordance with the degree of individual culpability argued by these expert witnesses, and it was this theoretical compromise that was to lead to the emergence of a modified criminological perspective that came to be termed the neo-Classical School.

The neo-Classical compromise

Neo-Classicists such as Rossi (1787–1848), Garraud (1849–1930) and Joly (1839–1925) modified the rigorous doctrines of pure Classical theory by revising the doctrine of free will. In this modified form of the rational actor model, ordinary sane adults were still considered fully responsible for their actions and all equally capable of either criminal or non-criminal behaviour. It was nevertheless now recognized that children – and, in some circumstances, the elderly – were less capable of exercising free choice and were thus less responsible for their actions. Moreover, the insane and ‘feeble-minded’ might be even less responsible. We can thus observe here the beginnings of the recognition that various innate predisposing factors may actually determine human behaviour, which is a significant
perception that was to provide the fundamental theoretical foundation of the predestined actor model that is the focus of the second part of this book.

It was these revisions to the penal code that admitted into the courts for the first time non-legal ‘experts’, including doctors, psychiatrists and, later, social workers. They were gradually introduced into the criminal justice system in order to identify the impact of individual biological, psychological and social differences with the purpose of deciding the extent to which offenders should be held responsible for their actions. The outcome of this encroachment was that sentences became more individualized, dependent on the perceived degree of responsibility of the offender and on mitigating circumstances.

It was now recognized that a particular punishment would have a different effect on different people and, as a result, punishment increasingly came to be expressed in terms of punishment appropriate to rehabilitation. However, as those eminent proponents of the more radical variant of the victimized actor model Taylor et al. were later to observe:

There was, however, no radical departure from the free-will model of man involved in the earlier Classical premises. The criminal had to be punished in an environment conducive to his making the correct moral decisions. Choice was (and still is) seen to be a characteristic of the individual actor – but there is now recognition that certain structures are more conducive to free choice than others.

(1973: 10)

The neo-Classicists thus retained the central rational choice actor model notion of free will, but with the modification that certain circumstances may be less conducive to the unfettered exercise of free choice than others. Indeed, it can be convincingly argued that most modern criminal justice systems are founded on this somewhat awkward theoretical compromise between the rational actor model of criminal behaviour and the predestined actor model that we will encounter in the second part of the book. This debate between free will and determinism is perhaps one of the most enduring in the human and social sciences.

In summary, it is possible to identify the following central attributes of the Classical and neo-Classical Schools that provide the central foundations of the rational actor model:

1. There is a fundamental focus on the criminal law and the simple adoption of a legal definition of crime. This leaves the perspective crucially exposed to the criticism that legal definitions of crime are social constructions that change over time and with geographical location.
2. There is the central concept that the punishment should fit the crime rather than the criminal. This leaves it exposed to the criticism that it fails to appreciate the impact of individual differences in terms of culpability and prospects for rehabilitation.
3. There is the doctrine of free will according to which all people are free to choose their actions, and this notion is often allied to the hedonistic utilitarian philosophy that all people will seek to optimize pleasure but avoid pain. From
this perspective, it is assumed that there is nothing ‘different’ or ‘special’ about a criminal that differentiates them from other people. It is a doctrine thus exposed to the criticism that it fails to appreciate that the exercise of free will may be constrained by biological, psychological or social circumstances.

4. There is the use of non-scientific ‘armchair’ methodology based on anecdote and imaginary illustrations in place of empirical research, and it was thus an administrative and legal criminology, concerned more with the uniformity of laws and punishment rather than really trying to explain criminal behaviour.

The rational actor model was to go out of fashion as an explanatory model of crime and criminal behaviour at the end of the nineteenth century and was to be replaced predominantly by the new orthodoxy of the predestined actor model in its various guises. It nevertheless continued to inform criminal justice systems throughout the world.

The enduring influence of Classicism

The enduring influence of the Classical School is evident in the legal doctrine that emphasizes conscious intent or choice, for example, the notion of mens rea or the guilty mind. In sentencing principles, for example, the idea of culpability or responsibility; and in the structure of punishment, for example, the progression of penalties according to the seriousness of the offence or what is more commonly known as the ‘sentencing tariff’.

Philosophically, the ideas of the Classical School are reflected in the contemporary ‘just deserts’ approach to sentencing. This involves four basic principles. First, only a person found guilty by a court of law can be punished for a crime. Second, anyone found to be guilty of a crime must be punished. Third, punishment must not be more than a degree commensurate to – or proportional to – the nature or gravity of the offence and culpability of the offender. Fourth, punishment must not be less than a degree commensurate to – or proportional to – the nature or gravity of the offence and culpability of the criminal (von Hirsch, 1976).

Such principles have clear foundations in the theoretical tradition established by Beccaria and Bentham. There is an emphasis on notions of free will and rationality, as well as proportionality and equality, with an emphasis on criminal behaviour that focuses on the offence not the offender, in accordance with the pleasure–pain principle, and to ensure that justice is served by equal punishment for the same crime. ‘Just deserts’ philosophy eschews individual discretion and rehabilitation as legitimate aims of the justice system. Justice must be both done and seen to be done and is an approach that is closely linked with the traditional Classical School notion of ‘due process’.

Packer (1968) observes that the whole contemporary criminal justice system is founded on a balance between the competing value systems of due process and crime control. The former maintains that it is the purpose of the criminal justice system to prove the guilt of a defendant beyond a reasonable doubt in a public
trial as a condition for the imposition of a sentence. It is based on an idealized form of the rule of law where the state has a duty to seek out and punish the guilty but must prove the guilt of the accused (King, 1981). Central to this idea is the presumption of innocence until guilt is proved.

A due process model requires and enforces rules governing the powers of the police and the admissibility and utility of evidence. There is recognition of the power of the state in the application of the criminal law but there is a requirement for checks and balances to be in place to protect the interests of suspects and defendants. The use of informal or discretionary powers is seen to be contrary to this tradition.

A strict due process system acknowledges that some guilty people will go free and unpunished but this is considered acceptable in order to prevent wrongful conviction and punishment, while the arbitrary or excessive use of state power is seen to be a worse evil. Problematically, a high acquittal rate gives the impression that the criminal justice agencies are performing inadequately and the outcome could be a failure to deter others from indulging in criminal behaviour.

A crime control model, in contrast, prioritizes efficiency and getting results with the emphasis on catching, convicting and punishing the offender. There is almost an inherent ‘presumption of guilt’ (King, 1981) and less respect for legal controls that exist to protect the individual defendant. These are seen as practical obstacles that need to be overcome in order to get on with the control of crime and punishment. If occasionally some innocent individuals are sacrificed to the ultimate aim of crime control, then that is acceptable. Such errors should nevertheless be kept to a minimum and agents of the law should ensure through their professionalism that they apprehend the guilty and allow the innocent to go free.

In the crime control model, the interests of victims and society are given priority over those of the accused, and the justification for this stance is that swifter processing makes the system appear more efficient and that this will deter greater criminality. In other words, if you offend, you are likely to be caught and punished and it is therefore not worth becoming involved in criminality. The primary aim of crime control is thus to punish the guilty and deter criminals as a means of reducing crime and creating a safer society.

It was observed above that the rational actor model had gone out of fashion as an explanatory model of criminal behaviour with the rise of the predestined actor tradition at the end of the nineteenth century. However, it would return very much to favour with the rise of the ‘new’ political right – or populist conservatism – during the last quarter of the twentieth century. It was, however, a revival where the purist Classical tradition of ‘due process’ promoted in particular by Beccaria would be very much superseded by the interests of the proponents of the crime control model of criminal justice.

**Policy implications of Classicism**

From this perspective, human beings are rational calculating individuals who enjoy free will and choose to commit crime in the same way that they choose any
other form of behaviour. The key issue for policy-makers is thus how to use the institutions of the state – or the criminal justice system – to influence people not to choose crime.

The theory emerged at the time of the European Enlightenment over two hundred years ago and its central focus on rationality. This was nevertheless problematic. The theory is lacking in sophistication and was thus operationalized in a simplistic fashion based on an assumption that there is a mathematics of deterrence, that is, a proportional calculation undertaken first by policy-makers and then by potential offenders.

The Classical School believed that there are constants of value in pain and gain that can influence a decision to offend or not to offend. Problematically, we are not all the same nor do we share the same view as to what constitutes a rational decision to offend. At the same time, the Classical School were somewhat idealistic in presuming that a professional policing system could rapidly expand and deliver an exemplary service of investigation and detection. This was not to be the case and thus, if the certainty of punishment is to be achieved, there must be a major investment in policing.

Summary of main points

1. The Classical School of criminology established the essential components of the rational actor model.
2. Classical School criminology is based on the concepts of free will and hedonism where all human behaviour is purposive and based on the pleasure–pain principle.
3. Punishment should reflect that principle with fixed sanctions for all offences written into the law and not be open to the interpretation, or discretion, of judges.
4. The law must apply equally to all citizens, and all found guilty of a particular offence should suffer the same prescribed penalty.
5. Punishment must outweigh any pleasure derived from criminal behaviour, but the law must not be as harsh and severe as to reduce the greatest happiness.
6. Jeremy Bentham designed a prison – the Panoptican – to reflect and operationalize his ideas on criminal justice and to act as a model for schools, asylums, workhouses, factories and hospitals.
7. It became increasingly apparent that people are not equally responsible for their actions, with the outcome that increasingly experts were introduced into the courtroom to pass opinion on the level of culpability of the accused and judges were able to vary sentences accordingly.
8. These revisions to the penal code led to sentences becoming more individualized, dependent on the extent of mitigating circumstances, with punishment increasingly expressed in terms of the possibilities for rehabilitation.
9. The rational actor model went out of fashion as an explanatory model of
criminal behaviour at the end of the nineteenth century but continued to inform criminal justice systems throughout the world and is reflected in the contemporary ‘just deserts’ approach to sentencing.

10. Packer (1968) observes that the whole contemporary criminal justice system is founded on a balance between the competing value systems of due process and crime control.

Discussion questions

1. What are the key components of the rational actor model?
2. What are the basic principles of punishment from this rational actor perspective?
3. What were the identified weaknesses of the rational actor?
4. What was the neo-Classical compromise?
5. What are the enduring influences of the Classical School?

Suggested further reading

The best exposition and introduction of the core ideas of the Classical School and the fundamental concepts of the rational actor model is still provided by the most accessible original account by Beccaria (1963). King (1981), Packer (1968) and Von Hirsch (1976) provide essential demonstrations of the enduring and revitalized influence of the Classical School and rational actor thinking on the contemporary legal system and jurisprudence.