

Instructor's Manual^{*}

for

Gregg Barak

Integrating Criminologies

prepared by

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(Allyn & Bacon, 1997)

* The Instructor's Manual for *Integrating Criminologies* is available as a downloadable Adobe .pdf file by chapter or in complete form through <http://paulsjusticepage.com/IntegratingCrim/index.htm>. The author's website is <http://greggbarak.com>. The website for [Amazon.com](#) has additional information about the book, and the [publisher's website](#) accepts requests for academic desk copies.

PREFACE

Criminology is important and challenging work, but I have wondered for a while (relative to my age) whether it is really an academic 'discipline'. Rather, it seemed like a 'problem area' that touched on a variety of issues dealing with human nature, society and politics. Also, while philosophy classes are much ridiculed for not being helpful in gaining employment, I always felt they were asking important questions relevant to all disciplines – that a thorough discussion of any discipline ultimately ends up in philosophical questions about knowledge and existence.

Integrating Criminologies and its 'post-postmodern' perspective was thus exciting to receive and stimulating to read. Many others who see the wisdom in multidisciplinary studies will feel the same way, as will some of those who are bored or in a rut because of what Barak calls 'the sterile backwaters of disciplinary criminology'. Students, too, can benefit from reading larger issues about the production of knowledge and its synthesis. Indeed, such a pedagogy is increasingly needed for *all* of us who live in an information processing society that is increasingly fragmented and driven by sound-bites.

Some of the content of *Integrating Criminologies* will be familiar to those who have taught criminology classes before. There is, however, a broader range of topics -- from genetics to new world cybernetics -- and a stronger emphasis on epistemology. The idea is to integrate and synthesize these diverse bodies of knowledge that all relate to criminology. Integration is done not simply within disciplines, but across them. The modernist knowledge discussed in most criminology texts is related to postmodern critiques that denaturalize the 'knowledge' produced by 'criminologists'. The result is an effort to create a criminology for the 21st century that yields a more complete understanding of crime and better policies for dealing with it. As the text notes in several places, however, academic disciplines and fields like criminology exercise disciplinary functions regarding the extent, organization and content of its knowledge. Barak poses a challenge to criminology to think more broadly, more deeply and more self-reflectively. Because it does disturb the routines of 'normal science', the text is bound to encounter obstacles to its acceptance, and my hope is that this instructor's manual can facilitate acceptance in some small way.

At this time, the text is in production so the ideas in here are not field tested in the classroom. Nevertheless, this manual does offer assistance by **summarizing each chapter, providing an outline and learning objectives**. There are also ideas for discussing each chapter in class, or at least **stimulating further thinking** on how to approach this material in class. In my commentary, I have tried to mention materials that are short but interesting reads. Such materials are tagged with an **asterisk** after the reference; dates in brackets are not references, but indicate historical periods.

For those concerned about understanding, let alone teaching, **postmodernism** I would suggest Fillingham's (1993) book. This 'for beginners' book is a strong overview that contains many illustrations and can be read in an afternoon. Among the thousands of other books on the topic, I would recommend Poster's *Critical theory and Poststructuralism* (1989), which is informative and readable without being too dense. Lastly, Sheridan has translated much of Foucault from French, so he has some excellent insight. Unfortunately, at times he writes very much like Foucault and thus does not always demystify, but his work (1980) can be helpful in making sense of the philosopher's work about knowledge, subjects and domination.

Good luck & best wishes.

P.S.L.
Olympia, WA
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A note of **thanks**: My recent status as a [migrant academic](#) has made productivity (including work on this manual) difficult. I will not list the difficulties, but wish to say thanks in particular to Bonnie Berry and Pete Lara. My parents have also been quite supportive through school and the transitions afterward; they have my love and gratitude.

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CHAPTER 1

Crime and Criminology: An Integrative Perspective

OVERVIEW

As computers have sped up the flow of 'information', people increasingly attend to 'factoids', news 'McNuggets' and decontextualized bits/bytes. In higher education, people adapt to the frenetic growth of information by becoming ever more specialized, as reflected in the joke that they know more and more about less and less until they know everything about nothing. The less charitable version likens the process to a bird flying in ever tighter circles until it disappears up its own anus. Textbooks (written by specialists) tend to become catalogs of more detailed pictures of various species flying in different arcs at various speeds.

This chapter critiques the fragmented state of knowledge and the disciplinary forces exercised by the academic disciplines engaged in criminology. Barak advocates mergers, not just of theories within a discipline, but of bodies of knowledge in all disciplines concerned with the study of society and human nature. In this way, we can start to avoid sterile backwaters of disciplinary criminology and appreciate the complexity of the human condition. Only by including nature and nurture can we create comprehensive understandings. Only by including modern/positive and postmodern/deconstructive perspectives can we get a full sense of what criminology is about -- not just 'why do criminals do it?', but the relation of criminology to political, economic and cultural development in a world being changed by global capitalism and mass-communications.

OUTLINE

I In search of Criminology

- A. Survey of terms by Radzinowicz [1962] and Barak [1994]
- B. Criminologists prefer to concentrate on few 'strands' rather than pursue breadth
- C. Need for interdisciplinary or transdisciplinary criminology that incorporates the 'social facts of crime' with the 'why do criminals do it?'
 1. Need to reverse fragmentation that occurs in postmodernism
 2. Need to re-order criminology away from penal-administrative forms toward more social-democratic ones
- D. Integrate knowledges by confronting the social-structural interaction of minds, cultures and bodies

II What is Criminology?

- A. Three positions on the nature of the field
 1. Sociological traditionalists: criminology as subdiscipline of sociology
 2. Multidisciplinary specialists: elevate own (non-sociological) discipline's importance for study of criminology
 3. Interdisciplinary generalists: knowledges from broader range of fields
- B. Need for interdisciplinary mergers of knowledge between 'equals' with no privileged ranking of knowledges.

III The Need for Integration

- A. Stems from:
 1. Wide dissemination of criminological knowledge, esp. through mass media
 2. Production by non-experts
 3. Disciplinary academic structures (including departments) have own economies of value; they artificially shape knowledge through their discourses (including textbooks) and reproduce themselves
 4. Lack of awareness that criminology is the result of power and cannot be separated from the dominant values of a society
- B. Why Integrate?
 1. Helps expose narrowness and sterility of knowledge produced by single disciplines
 2. Emphasizes complex nature of reality and people as both determined and determining
 3. Expands utilitarian knowledge base of social control
 4. Criminological Inquiry
 - a. Importance of paradigms and disciplinary structures that influence where investigators look for facts, the observational instruments they select, and the interpretations they make
 - b. Everyone operates from some paradigm, so there is no neutral paradigm- (value-)free criminology
 - c. Integrate for comprehensiveness, but argue about (single) 'correct' paradigm
 4. Criminological Pedagogy
 - a. Students interested in criminal behavior and familiar with it
 - b. Use enthusiasm to create opportunity for critical thinking and examination of implicit assumptions
- C. What Should Criminology integrate?
 1. Goals
 - a. Conventional: etiology, prediction, falsification of theories, crime control
 - b. Critical: understanding, peace, emancipation, amelioration of suffering

- c. Be open to new goal of integrating both, which unsettles existing assumptions about crime and research processes
- 2. Types of integration
 - a. Modern integration of theories: positivistic emphasis on theory and 'causal models'
 - b. Postmodern integration of knowledges: emphasis on ever-changing voices of plurality that provide meaning for the local sites of crime, justice, law and community; relational, positional and provisional interpretation
- 3. Ingredients
 - a. Human agency
 - b. Socialization and identity formation
 - c. Social structure and institutional order
 - d. Discourse, knowledge and mass communication
 - e. Social and cultural change
- D. How Should Criminology Proceed?
 - 1. Interdisciplinary studies questions about crime and culture, gender, ethnicity, media, and policy
 - 2. Recognize
 - a. Modernist contribution of measurement and observation of tangible things -- what the reality is
 - b. Postmodern contribution of appreciating imagination and the subjective -- the perceptual and conceptual systems of human minds that shape how reality is understood

IV Definitions of Crime

- A. Reveal that definitions are somewhat arbitrary, non-objective, changing, and related to political, economic, social, and ideological structures
- B. They include
 - 1. A form of normal behavior
 - 2. A violation of behavioral norms
 - 3. A form of deviant behavior
 - 4. Legally defined behavior
 - 5. A universally condemned behavior
 - 6. A violation of human rights
 - 7. A social harm
 - 8. A social injury
 - 9. A form of inequality
 - 10. A limit on one's ability to make a difference

LEARNING OBJECTIVES

- 1] Introduce students to the wide range of issues, questions and theories that fall

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under the domain of criminology. Professors and students should start to become more aware of their own disciplinary perspectives and prejudices.

2] Emphasize the constructed nature of both reality and knowledge; academic disciplines arbitrarily divide up this knowledge, and exert a continuing disciplinary power that shapes knowledge and keeps it fragmented.

IDEAS FOR LECTURES & DISCUSSION

The instructor should think about her/his own disciplinary biases and start the class thinking about theirs. Ask them what seems to be the most important questions and why. This discussion could help illustrate the breadth of criminological inquiry and/or the extent to which they may be sociological traditionalists.

For more information on disciplining effects of disciplines, see Ball 1990. The title makes this volume seem a little more relevant than it might actually be for helping prepare lecture material, but the introduction in particular provides a concise overview of Foucault. Fillingham (1993)* is also a good overview of Foucault's work. While his book *The Order of Things* is not generally recommended reading (especially as an introduction), the classification system Foucault starts with would be good to facilitate a discussion of how even arbitrary classification systems shape the way people think and the problems they study. (The example divides up the animal kingdom, including categories of imaginary animals and those belonging to the emperor, etc.)

Berry's (1994)* discussion of 'artificiality' in the production of criminological knowledge is an excellent read on how disciplinary forces -- including funding sources and journal review -- produce irrelevant or biased 'knowledge'.

Barak suggests that the instability of 'crime' -- the politics of harms that do or do not become criminalized -- naturally leads students to asking questions that cross disciplines. Use this strategy and any enthusiasm the students bring to class to set up the discussion of definitions and measurement in Chapter 2. Find out their reactions to the series of vignettes at the end of the chapter and their thoughts about the range of definitions he presents. Finding out which definitions they like or do not agree with will help get a fix on the perspective of the class.

CHAPTER 2

Crimes and Harms: A Comparative Perspective

OVERVIEW

This chapter provides a conceptual comparison of what constitutes crime that problematizes its definition and measurement. Barak outlines the sources of information about crime -- UCR, NCVS, self-reports and archival research -- and what they tell us about patterns and demographic patterns (victimization by age, gender, race, etc.). While discussion of the limits and 'dark figure' of crime is part of positivist science, he extends this discussion into a critical and postmodern integrative critique. While noting that the dark figure includes unreported and undetected crimes, he also asks about other harms that are not included. The history of crime trends looks different when capitalist genocide of indigenous people is counted in with homicide rates.

Ultimately, both the definitions and measurements of crime are shown to be related to power. Acts that can be categorized as crimes of domination and control -- genocide, corporate and government crimes -- are less likely to be defined as crime, counted in victimization tallies, or be the subject of any counting at all. Crimes of resistance by those with the least power are what criminology is 'about', while the 'crimes of the public' are most likely to attract punishment when they threaten the accumulation of the more powerful.

OUTLINE

I Introduction

- A. Reasons for inaccuracy of crime statistics
 - 1. Disagreements on what constitutes crime
 - a. Something that should be counted and is not
 - b. Something should not be counted and is
 - 2. Undetected crimes, or 'the dark figure'
 - 3. Crimes detected but not reported
 - 4. Crimes reported to police but not recorded
- B. Crime statistics may tell us more about practices of criminal justice system than the 'true rates'; we can never know what the true rate is or how it is changing

II Official and Unofficial Crime

- A. FBI's Uniform Crime Reports
 - 1. Voluntary national program involving 16,000 law enforcement

agencies

- a. Information about persons arrested
- b. Information about offenses known to police
 - 1) Part 1 offenses: murder and non-negligent manslaughter, forcible rape, aggravated assault, robbery, burglary, motor vehicle theft, larceny theft and arson
 - 2) Part II offenses: 21 other less serious crimes and status offenses
- 2. Excluded from (Part 1) 'Index' crimes
 - a. Part II offenses
 - b. Harms not recognized as crimes
 - c. Undetected crimes
 - d. Unreported crime
 - e. Crimes of control (genocide, price fixing)
 - f. Crimes of the public (cheating on income tax or insurance)
- B. National Crime Victimization Survey
 - 1. Census Bureau interviews sample of households
 - 2. Shows 40 - 50% more crime than UCR
- C. Self-Reports
 - 1. Asks groups (esp. youth) about own law-breaking
 - 2. Finds high volume of trivial crimes (rather than serious, dramatic type found in media)
- D. Archival Research
 - 1. Produced by historians and anthropologists and historians (etc.), often overlooked as a source
 - 2. Reveals information about changing nature and production of crime
- E. Contradictions
 - 1. UCR showed crime on the increase until the early 1990s, while NCVS showed a decline

III Homicide and Genocide

- A. Definitions
 - 1. Homicide: killing that may be criminal depending on circumstances
 - 2. Genocide: deliberate mass murder (term not found in law dictionary or criminology textbooks)
 - 3. Genocides are homicides, so all historical discussions about crime and violence require caveat
- B. Homicide in the U.S.
 - 1. Rate of 9/100,000 in cross cultural context
 - 2. This century, rate has varied between 5 and 10/100,000
 - 3. Rates of black homicide higher
 - a. 6 to 7 times the white rate during the last 50 years
 - b. Rate for black males 15 to 19 is 11 times the white rate
- C. General history of homicide trends

1. Rates high in Middle Ages (before city and crowding)
2. 19th century US rates higher than 20th century rates
3. Downward trend explained by
 - a. 'Civilizing process'
 - b. Increase in coercive power of the state, concentration of mercantile property and formation of private militia
4. Downward trend ignores millions of indigenous victims of capitalist genocide (1500-1750)
 - a. Slave trade
 - b. Spanish killed 95-99% of natives in some South American cities; 60 - 80 million deaths by 17th Century
 - c. Deaths from capitalist crimes of control subsided because of need for cheap labor

IV Criminal Victimization in the US (1970-2005)

- A. In 1992, 6.6 million violent victimizations (NCVS)
 1. 5% of households experienced violence
 2. Lowest since 1975, but not decreasing for all groups
- B. Youth
 1. Since late 1980s, disproportionate number of killers and victims
 2. Increasing violence at a time of smaller 15-19 year old cohort
- C. Persons and Property
 1. Violent crime stable
 2. Theft down
- D. Gender
 1. Women more likely to be killed by family or intimate
 2. Women more likely to kill family or intimate
- E. Children
 1. 3 million cases of abuse and neglect
 2. 1,300 deaths, mostly children under 4
- F. Crimes against women
 1. 2.5 million women experience violence annually
 2. One-third of victims injured
 3. Half reported to police
 4. Murder and rape most likely in small and medium-sized towns
 5. Does not count sexual harassment, discrimination and molestation
 6. Sexual crimes worse in places like the Middle East and South Asia
 - a. Molesting of women on crowded busses
 - b. Reluctance of women to report crimes because of taboos and further victimizations from criminal justice officials
- G. Victimization in the workplace
 1. One million violent victimizations, 160,000 injuries
 2. Two million personal thefts

V White Collar Crime

- A. Few statistics available, but seems to be growing and acceptable
- B. Types of offenders
 - 1. Individuals who act against individuals
 - 2. Insiders who act against their organization
 - 3. External criminals
- C. Classification (federal system)
 - 1. Counterfeiting
 - 2. Embezzlement
 - 3. Forgery
 - 4. Fraud
 - 5. Regulatory offenses
- D. Statistics
 - 1. Severely undercounted (tax fraud and pilfering from work done by millions)
 - 2. In 1985, 28,000 crimes; 10,733 persons convicted, mostly for fraud
 - 3. Slightly higher conviction rate for WCC offenders, but smaller percentage sentenced to incarceration and for shorter sentences
 - 4. WCC defendants more likely to include women, nonwhites and college educated
- E. Counterfeit goods
 - 1. 'Knockoff' designer clothing, bootleg music and video, and copyright violations
 - 2. Part of 'hidden economy' that's accepted because 'everyone does it'
- F. Computer crime
 - 1. Wide range of harms constitutes fastest-growing type of wrongdoing
 - 2. Law and police force has not caught up with technology
 - 3. Problem of computer viruses, illegal copying of computer programs, time theft, unauthorized erasure of data, unauthorized access (hacking), espionage, fraud and vandalism

VI Corporate and State Crime

- A. Crimes of control or domination: committed by powerful groups on behalf of the accumulation of capital
 - 1. Victims are consumers, workers, public and environment
 - 2. Account for largest portion of losses, but no sources of information
 - 3. Culture of denial
- B. Corporate crime
 - 1. Injurious acts undertaken to facilitate capital accumulation
 - a. Reduce production costs (violate safety requirements, break unions)
 - b. Increase price or volume (monopoly, false advertising, price fixing, bribes)
 - 2. Examples include: Dalkon Shield, Pinto gas tank, E.F. Hutton's check

- kiting scheme, Exxon Valdez spill, Savings and Loan fraud and BCCI
- C. State crime
1. Acts or omissions for personal gain or to support the prevailing political and economic arrangements
 - a. Acts include surveillance, harassment, imprisonment, drug and arms trading
 - b. Omissions include policies that result in victimization through the denial of basic needs (food, clothing and shelter)
 - c. Robs citizens of effective representation, undermines democratic processes and equal protection of the laws
 2. Examples include: Watergate, Iran/Contragate, Iraqgate

VII Summary

- A. Crime can be found anywhere in the US
- B. Not good or bad people, but related to organization of political, economic and social resources
- C. Problems with data make it hard to say if crime is increasing or decreasing; even less can be concluded about corporate and state crime

LEARNING OBJECTIVES

- 1] Acquaint students with the tools criminologists use to study crime and review the picture these methods suggest.
- 2] Have students appreciate the (methodological and definitional) flaws that contribute to the dark or hidden figure of crime.
- 3] Introduce idea that a discussion of 'crime trends' is based on a specific, but not objective, definition that excludes genocide and crimes of control; definition and measurement (and thus discourse and the 'reality' about crime) are related to power(/knowledge).

IDEAS FOR LECTURES & DISCUSSION

Many students who study criminology know what the UCR or NCVS is, but have never used these reports. One useful exercise is a worksheet that requires them to go through these volumes to find certain statistics. The result is relatively easy to grade and the questions can be keyed to larger issues in the lecture (race, gender, reasons for not reporting to police, etc.). Worksheets or class lessons can also contrast the great detail of data available on street crime with white collar crime in general and crimes of domination in particular. Indeed, no single government agency collects data on the cost and extent either of white collar or corporate crime. (Ask the class to find and review an article on the aggregate costs of corporate crime.) The 1993 redesign

of the NCVS – different screening questions and the expanded use of computer based interviewing – greatly expanded the volume of crime reported. This disjuncture could be used to help make the point that the result depends on how hard we look and our methodology as much as what's happening 'out there'.

There is a relationship between power, knowledge and labeling: Harms by the most powerful against the less powerful are least likely to be defined as crimes or counted in any way. Although there is some information about 'white collar crime', it tends to be from insurance companies or other industries reporting how they are ripped off by individuals (many of whom are middle or upper class). Less information is available about the industry's behavior, be it price fixing, fraud, problems with less than universal health coverage, etc. The chart in Chapter 3 of Reiman (1997) starts to tally up the financial cost of all such crimes, but underrepresents the cost of harms done by the most powerful.

For some more thoughts on genocide that raise the issue of African Americans in the United States, see Anderson (1995); Johnson and Leighton (1997)*.

Michael Moore (the creator of the movie *Roger & Me*) opens his book with a picture of the bombed out Federal Building in Oklahoma City and factory in Flint, Michigan, that GM demolished after closing. He asks, What is terrorism? Although GM moved everyone out of the building first, the company's plan to close plants destroyed the lives of thousands of lives: some will kill themselves, others (mostly women) will die in domestic disputes over, say, the lack of money. Others will "be killed more slowly through drugs and alcohol, the substances of choice when one needs to ease the pain of his or her life being upside down and shoved into an empty, dark hole" (1996: 15). Many students (and others) see this action as acceptable and justify it in terms of profit. A later section of his book explores this reasoning: "If profit is supreme, why doesn't a company like General Motors sell crack?" (1996:254). Well, it is illegal because we as a society have determined that it destroys people's lives and communities. "If we wouldn't let GM sell crack because it destroys our communities, then why do we let them close factories? That, too, destroys our communities" (1996:255). There are many acts -- from distributing child pornography to manufacturing chemical weapons for the free market -- that we don't allow, so why do we allow downsizing (in a time of record profits)?

Moore writes in a direct and humorous way that can be good for classroom use. Many students will know his movie *Roger & Me*, which could also be used in class. His television series, *TV Nation*, introduced a corporate crime fighting chicken (as a counterpoint to the McGruff dog 'take a bite out of crime' campaign). Many of these episodes [and/or his corporate crooks trading cards (1996: 108)] would be engaging ways to raise the topic of crime in the suites and crime in the suites.

Reiman's discussion in Chapter 2 of [Chapter 2 of *The Rich Get Richer and the Poor Get Prison*](#) (1997) is also a good overview of how the social reality of crime is created, and

he answers some objections from 'Defenders of the Present Legal Order' about intentionality, directness, etc in corporate and street crimes. He also has a chart that compares how the FBI says Americans are killed with one that includes occupational hazards, inadequate health care, etc.

Johnson, Robert and Paul Leighton. 1997. "American Genocide?: The Case of the Black Underclass" in Craig Summers and Erik Markusen (eds) *Collective Violence: Harmful Behavior in Groups and the Government*. Totowa: Roman & Littlefield, 1999. A shorter version of this chapter is available through <http://paulsjusticepage.com/reality-of-justice/blackgenocide.htm>.

Reiman, Jeff. 1997. *The Rich Get Richer and the Poor Get Prison*, 5th ed. Boston: Allyn & Bacon. The companion website for Reiman's book is available through <http://paulsjusticepage.com/reiman.htm>.

CHAPTER 3

Punishment and Criminology: An Historical Perspective

OVERVIEW

This chapter examines the tenuous relationship of punishment to prevailing theories of criminology and its connection instead to social structure (productive relations) and culture. Punishment refers to criminal sanctions, but also includes gendered mechanisms of power such as surveillance and discipline that are used to recreate the privileges and inequality of the social order.

Barak reviews the main moral justifications for punishment, which he divides into backward looking ones (revenge and retribution) tied to the character of the offense and forward looking ones (deterrence, incapacitation and rehabilitation) tied to utilitarian consequences. The work of Durkheim, Rusche and Kirchheimer, and Foucault is reviewed to show the relationship of punishment to ideology/solidarity, systems of production, larger issues of 'political technologies of the body' (power, knowledge, and the body).

The nature of the contemporary state of American punishment ('corrections') is reviewed and found to be large, expensive and rapidly growing. The current bureaucratic/administrative rationales offer no vision of a better future, but promise an expanded 'prison industrial complex' and a political economy of punishment that promises to perpetuate the unequal enforcement and application of the penal law.

OUTLINE

I Introduction

A. Definition of punishment

1. Loss or deprivation, but also death, forced labor, training, treatment, rehabilitation, surveillance, and monitoring
2. Punishment goes beyond criminal justice to a variety of strategies of domination and discipline that preserve the state and social order

II Ideology and the Rationale of Punishment

A. Ideology helps people make sense of world and (can) provide a rationale for punishment

1. Free will/rational thought suggests changing punishments; environmentalism suggests education or changes in socioeconomic conditions
2. At end of 20th century, basis for punishment not obvious or self-

evidently rational

B. Rationales for punishment

1. Backward-looking: morally proper responses to crime (offense, not perpetrator)
 - a. Retribution: measured response to restore moral balance upset by offense
 - b. Revenge: passionate sometimes excessive 'getting back'
2. Forward looking: utilitarian consequences on future criminality (not solely dependent on the nature of the offense)
 - a. Deterrence: crime prevention through fear of future suffering
 - 1) Specific: preventing further crime by offender
 - 2) General: preventing crime by other potential offenders
 - b. Incapacitation: predicated on the claim that crime reduction efficacy occurs by keeping likely reoffenders out of circulation; requires little understanding of etiology
 - 1) Collective: applied to categories of offenders -- drug dealers -- without regard to their personal characteristics
 - 2) Selective: efforts to identify high risk offenders
 - c. Rehabilitation: reduce the offender's preference for criminality by changing them or their character

III Punishment at the Turn of the 21st Century

- A. Lack of future alternative other than jailhouse state that condemns taxpayers, governments and prisoners
 1. Only expanding 'public housing' program is a 'socialism of the right'
 2. An increasingly for profit criminal justice system fosters a prison-industrial complex
 3. Opportunity cost is social services that could help prevent the reproduction of criminality
- B. The U.S. system
 1. Largest: 455/100,000 (South Africa - 311; Netherlands - 40)
 2. Fastest growing: 1970 to 1994 population quadrupled to one million state and federal inmates, plus 500,000 in jail
 3. Expensive: one inmate one year in NYC is \$58,000, plus higher expenses for aging population and HIV infected
 4. Construction lags behind capacity demanded by harsher sentences
- C. Race and the drug war
 1. Blacks make up 54% of prisoners, a rate of 1,860/100,000 v 289 /100,000 for whites
 2. War on drugs = war on black people
 - a. One gram of crack = 1 year in prison, but same amount of pure cocaine = 1 year on probation

IV Changing Explanations of Punishment

- A. Objective is to integrate the study of moral values with the study of mechanisms of power, while appreciating that criminal punishment targets men but other mechanisms disproportionately discipline women
- B. 'Founding Fathers': understanding dimensions of punishment other than retribution and deterrence
 - 1. Durkheim: crime is normal and punishment has ideological value by reinforcing solidarity
 - 2. Rusche and Kirchheimer: materialist conception that related punishment to the system of production
 - 3. Foucault: critical of process of 'civilization'; corporal punishment transformed into more efficient economy of power based on surveillance/discipline, a 'political technology of the body' having application well beyond state punishment

V Differential Application of the Penal Law

- A. Cultural meaning: treatment of others changes with historical sensibilities ('civilizing process')
- B. Social meaning: treatment based on status (race, class, gender)
 - 1. Class: 'high' and 'low' justice
 - a. In application/enforcement: rich pay fine, poor do time
 - b. In definition: theft of resources from third world not a crime but individual stealing from neighbor is
 - 2. Gender
 - a. Larger social net that goes beyond criminal law
 - b. More informal means of social control that revolve around bodies and personal freedoms

LEARNING OBJECTIVES

- 1] Review of moral rationales for punishment
- 2] Overview of punishment today, with special attention to 'actuarial' justice and prison-industrial complex
- 3] Understanding of relationship of punishment to social structure, productive relations and cultural sensibilities
- 4] Appreciation of differential application of punishment, especially non-penal disciplinary mechanisms focusing on women

IDEAS FOR LECTURES & DISCUSSION

Foucault's *Discipline and Punish* starts off with a dramatic description of a drawing and quartering, then describes the regimented/disciplined day at a prison. Ask students why the change occurred. Was it because of a civilizing process and cultural sensibilities? A more efficient way of securing the social order by creating 'docile bodies'? Barak suggests it is both, and the discussion can deal with the question of why the argument needs to be either/or. Interestingly, Johnson's excellent work on executions (1997) finds the sanction to be increasingly bureaucratic and a process of administration -- a dynamic Barak finds to be dominant in current criminology and which Ritzer describes more generally in his book *The MacDonalidization of Society* (1996).

Foucault argues that the model of power based on surveillance and discipline overflowed the banks of the prison and 'disciplined space' (Fillingham 1993) increasingly permeated society. He has been taken to task for not mentioning computers and databases or dealing with the issue of surveillance, privacy and discipline in an information processing society. This aspect of the problem -- or the larger issues of technology and social control raised in the Unabomber's manifesto -- could become part of the class lecture. Foucault has also been criticized for not analyzing gender issues after pointing out the large amount of discipline that our society has. Bartky (1990)* does an excellent job of explaining the disciplinary process as she explains the feminist overlay.

The *Sourcebook of Criminal Justice Statistics* contains a rather striking graph of the incarceration rate since 1925. The line rises sharply in the early 1970s and becomes quite vertical starting in 1980 (1995: Figure 6.4, p 555). This provocative graphic could be used to ask about the rationales, social forces, etc that created the trend and the current state of imprisonment. Because of book production schedules, the incarceration rate figures given in the text may need updating either from the *Sourcebook* or the latest *Correctional Populations in the U.S.* (available from the National Criminal Justice Reference Service or through the Internet: <http://www.ncjrs.org>).

Miller's (1994) book *Search and Destroy: African American Males in the Criminal Justice System* is probably the best analysis and critique of racial imbalances. *The Real War on Crime* (Donziger 1996), along with Irwin and Austin's (1996) book, provides good information about the costs of current imprisonment policy and the growing prison-industrial complex.

See also: Gregg Barak, Jeanne Flavin & Paul Leighton. *Class, Race, Gender & Crime: Social Realities of Justice in America*. Roxbury, 2001. More info available,

<http://paulsjusticepage.com/reality-of-justice.htm>.

CHAPTER 4

Theory and Practice: On the Development of Criminological Inquiry

OVERVIEW

This chapter seeks to locate criminology in the larger context of science and knowledge. It engages issues of epistemology (the study of knowledge) by examining the debates about how to distinguish between science and pseudoscience by reference to what constitutes a fact, what constitutes an appropriate method, and the role of social norms. Ontological issues (the study of existence) are also of concern in terms of how a person's assumptions about the world, the theories they value and the methods they use all shape the resulting 'knowledge' of crime.

These issues are applied to criminology through a review of the classical, positive and critical schools of criminology. The classical school was influenced by the Enlightenment and the notion of a social contract rationally entered into by free agents. An interest in law and reforming the administration of penal law are thus more of a concern than with the criminal. The positive school sought to use a natural science model to collect observable facts about the forces that drove people to crime, so they were more interested in the criminal and how to redirect/cure his criminality. The critical school is a reaction to modernist/positive criminology that acknowledges its subjectivity and its involvement in a social endeavor that questions the social order. It realizes that we can not separate subjective human consciousness from the social construction of reality, including 'crime'.

Barak argues for a post-postmodern integration that blends modern empiricism and postmodern interpretation. This reconciliation is a process that will reorder criminology by exposing underlying assumptions and challenging the institutionalized status quo.

OUTLINE

I Introduction

- A. Exploration of criminology in contexts of epistemology (knowledge) and ontology (existence)
- B. Overview and critique of goals: etiology/causation, association/prediction, falsification, control/intervention
- C. Kuhnian 'essential tension': keeping system of new ideas open to change while conserving gains made -- blend traditionalist and iconoclast

II Science and Pseudoscience

A. Science deals with the systematic arrangement of facts or truths to reveal the operation of general laws, while pseudoscience refers to the erroneous claim to being scientific

B. Fact

1. Veracity (truth versus fabrication): validity (accuracy versus error)
2. What counts as a fact?
 - a. Issues of poor reliability (anecdotal evidence)
 - b. Issues of subjective experiences, meanings and cognitions
 - c. Can/should 'facts' and 'values' be separated

C. Methods and the demarcation problem

1. Essentialists: can solve problem
2. Nominalists: cannot solve demarcation problem because solution comes from the analysts themselves
3. Objectivists/positivists: principle of verifiability (operationalized, measured and tested)
4. Idealists/phenomenologists: falsifiability (refutation)

D. Social norms

1. 'Facts' and 'values' shaped by historical conditions and norms of scientific communities
2. Three sets of epistemological norms in criminology
 - a. Classical (1750-1850)
 - b. Positivist (1860-1960)
 - c. Critical (1970-1990)
3. Spectrum of nominalism
 - a. Conservative: common logic of validation, but different levels of precision by discipline
 - b. Liberals: fundamental differences between hard and soft sciences
 - c. Radical: regardless of discipline, all areas of knowledge involve negotiation (social constructionists & labeling theory)
 - d. Anarchist : all methods are problematic, so none are privileged; progress for rationality and irrationality
 - 1) Deconstructionists and postmodernists: also deny existence of objective reality

III Criminological Construction: Classical, Positive and Critical

A. Assumptions

1. Ontological: relationship between criminologist and crime-- between theory, method and practice
2. Epistemological: about origin, nature, methods and limits of knowledge
3. 'Knowledge' generated by criminologist linked to ideology and

assumptions about the world

B. Classical Criminology

1. Rationalism influenced by Enlightenment's reforming spirit and humanitarianism
2. Social contract, rule of law freely chosen on basis of rational self interest
3. Concern was to balance good of society with rights of individual, so their concern was with the administration of penal justice (and 'crime' rather than the 'criminal')

C. Positivist Criminology

1. Based on methodology of natural sciences, sought to collect observable 'facts'
2. Acceptance of determinism and forces (biological, economic, psychological, social) that drove people to crime
 - a. Quetelet's 'social mechanics' of crime
 - b. Lombroso's 'born criminal'
 - c. Ferri's socio-political criminality
 - d. Garofalo's social Darwinist approach
3. Change of focus from law to criminal (punishment should fit criminal), who could be redirected (cured) into lawful behavior

D. Critical Criminology

1. Failure of positivism to identify causes of crime
2. Reflect a diversity of standpoints and include the agendas of feminism, realism, newsmaking, peacemaking and postmodernism
3. United by skepticism of positivist beliefs
 - a. Objectivity -- acknowledge that they are part of a moral and political endeavor that questions the established order
4. Influential perspectives
 - a. Social constructionism: crime exists because those in power have constructed and applied the label 'crime'
 - b. Marxism: crime related to the contradictions of capitalism

IV Theory and Practice: A Post-Postmodern Approach

A. Integrate modernist with post-modernist

1. Use modernist empiricism used to construct scientific facts
2. Use postmodern interpretation questioning how reality is conceived
3. Always in process -- exposes underlying assumptions of investigation, challenges institutionalized status quo and displaces established truths
4. Attempt to reconcile opposites or contradictions

LEARNING OBJECTIVES

- 1] Introduce students to some basic issues in the philosophy of science, including (a) what constitutes 'scientific' and (b) how do the values of the scientist shape the process/results
- 2] Apply these insights to criminology through a review of the classical, positive and critical schools of criminology

IDEAS FOR LECTURES & DISCUSSION

Most research methods text do not engage students on the issues raised by this chapter, so many of these philosophy of science questions will be novel. Some of the questions are: What do we mean when we say we 'know' something? What establishes a statement as a fact rather than an opinion or belief ['He drove negligently down the road']? How are the values and position of the observer related to the product (remember the blind men and the elephant)? What constitutes an 'authoritative' statement that is accorded deference and assented to? Why do we privilege certain people who say certain things they learned by studying the world in a certain way? What weight should be given to Barak's analysis – or to the classroom instructor's? Why?

To start thinking about the scientific enterprise within which criminology operates, I would suggest Neil Postman's essay about Social Science as Moral Theology (1988)* and some of the other essays in this collection about education. He argues that all social science is essentially story telling about human behavior. None of it is science, but it is all moral theology because it has a point -- that of making the world a better place. His discussion of Milgram's experiments on obedience to authority, however, misses part of the point: Milgram had a methodology to eliminate alternative hypotheses (it was not obedience but sadism) and systematically altered variables (presence of authority and victim). His story is thus stronger and more credible.

"'Reality' is what we take to be true. What we take to be true is what we believe. What we believe is based on our perceptions. What we perceive depends on what we look for. What we look for depends on what we think. What we think depends on what we perceive. What we perceive determines what we believe. What we believe determines what we take to be true. What we take to be true is our reality" (Zukav 1979: 310).

Many of the debates surrounding race, crime, genetics and IQ would be an interesting way to raise the problem of science and pseudoscience. Many critics charge that *The*

Bell Curve was pseudoscience whose findings were related to values placed on race. Some of this material would furnish a nice transition into the next chapter on biology (which will be a weak point for many sociological traditionalists and criminologists who went through programs dominated by sociology).

Given the high workload of most instructors and an overwhelming flood of information, I have tried to be careful about suggesting additional readings, but I recently came across an interesting book that bears on this point of what constitutes 'scientific' in relation to UFO abductions. Bryan (1995) attended a conference at M.I.T. on trying to establish a scientific basis for proving or disproving abductions. He does an interesting job trying to sort through the evidence and figure out what is important and why it might be so. Interestingly, one has to have a certain openness or conception of what is possible/real to even consider that the topic has any relation to science. Further, Harvard psychiatry professor Mack commented: "We don't have a legitimate reality that will permit my reality to be heard" (Bryan 1995:160).

CHAPTER 5

Contributions from Biology: 'Body and Temperament'

OVERVIEW

This chapter starts Part II, which is devoted to laying out a broad range of criminological knowledge that has withstood the test of time and will be integrated. Barak rejects the 'older' tradition of biology that sees criminals as inferior and reviews the newer tradition, whose knowledge he divides into genetic, biochemical and temperament. The works of naturalist E.O. Wilson furnish support for looking at the influence genes have in shaping behavior. Twin and adoption studies add more evidence linking genes to behavior, but Barak does not suggest there are born criminals or criminal propensities.

Biochemical factors may include testosterone, although the interaction with gender roles makes it difficult to tell. More attention is paid to neurotransmitters that link neurons together. Low levels of serotonin and catecholamines can result in underarousal/boredom that is compensated for by sensation seeking. Temperament is the biological and more enduring aspect of personality that is expressed in traits such as inhibition, stability, and irritability. Temperament has a biological substrate ('predispositions to respond to paradigmatic human situations of pleasure, opportunity, danger and loss') and a learned component ('learned what s/he has to be to be loved').

OUTLINE

I Introduction to Part II

- A. Aim is to pursue breadth in reviewing criminological knowledge that has stood the test of time and been granted, however temporarily, the status of truth
- B. Various levels of analysis are related to each other and the integrated product promises better policies to prevent crime

II Contextualizing Biological Contributions

- A. 'Older' tradition (19th century) tried to establish that criminals were physiologically different/inferior
 - 1. Cannot judge criminality by facial features, skull shape, or body type
- B. 'Newer' tradition (1960s and 1970s) examines how biochemical factors influence the range, form, intensity, thresholds and conditionability of emotional responses -- look at how brains behave and how they

interact with sociocultural environment

C. History and respectability given by E.O. Wilson

1. *Sociobiology*: argued that human behaviors, including altruism and tribalism, have biological/genetic underpinnings [1975]
 - a. Critics: genetic rationale for status quo
2. *Genes, Mind and Culture*: cultural universals suggest brain learns in specific ways determined by genes; cultures select certain brains and genes to reproduce
3. *On Human Nature*: starting point for understanding the human condition is Darwinian evolution and natural selection (of traits that promote survival and multiplication of genes)
4. Inherited temperamental traits may be based on inherited brain physiology and/or neurochemistry
 - a. Not to suggest 'born criminal' or 'criminal propensities'
 - b. From an evolutionary perspective 'criminal' and 'noncriminal' come out of same genetic and cultural pools (but there can be biochemical variations)

III Genetic Factors

A. Twin studies (strongest evidence)

1. Rate of criminal concordance 3 times higher with identical as opposed to fraternal twins
2. Adoptees have greater concordance with biological parents
3. Problem that studies cannot control for environment

B. Deviant chromosomal complements (XXY and XYY) not related to crime

IV Biochemical Factors

A. Glucose, cholesterol, carbohydrates, general diet, premenstrual syndrome not significantly related to crime¹

B. Mixed evidence on testosterone; greater amount of male violence may be genetically linked to hormone, interaction with gender roles and socio-cultural development

C. Neurotransmitters

1. Low serotonin seems associated with violence
2. In reticular formation (brain stem to limbic/emotion control system): catecholamines (dopamine, epinephrine and norepinephrine)
 - a. Low levels associated with suboptimal arousal (hyperactivity, impulsivity, resistance to punishment)

¹ Students may remember 'the twinkie defense' where a jury mitigated Dan White's murder charge because of high blood sugar levels, but this case involved the killing of Harvey Milk -- the first openly gay elected official.

3. Arousal/optimal stimulation theory: suboptimal arousal creates excitement or sensation seeking behaviors (but can be satisfied by skydiving as well as crime, so they can be necessary -- but not sufficient -- conditions of criminality)
 - a. Can be applied to crimes in the suites as well as the streets

V Body Physique and Temperament Factors

- A. Lombroso's born criminal [1876]: criminals look like blacks and savages
- B. Modern Study of Body Types
 1. Anthropologist Hooten [1939]: criminals sociologically and biologically inferior
 2. Psychiatrist Sheldon [1949]
 - a. Endomorph: short, soft, round-bodied; relaxed, convivial, emotionally constant
 - b. Mesomorph: lean, muscular, thick skinned; assertive, dominating, competitive and ruthless
 - c. Ectomorphs: skinny, fragile; secretive, restrained and unpredictable
 - d. Delinquency product of mesomorph and associated with inferiority
 3. Gluecks: mesomorphs criminal because they are strong, insensitive and tend to express frustrations in actions
- C. Exploration of Temperament
 1. Enduring aspect of personality with physiological substrates and experiential components
 2. Distinguished by traits like anxiety, irritability and impulsivity
 3. Shape how people react to stresses like intimidation and danger (with fear/flight, aggression/fight or sociability)
 4. Perspective
 - a. Most temperaments are blends
 - b. Nature and nurture: temperament = what one has learned to be in order to be loved + biological/genetic predispositions to respond to paradigmatic human situations of pleasure, opportunity, danger and loss
 5. Inhibited/uninhibited differences may be associated with neurochemical differences in the amygdala (brain structure that assigns emotions to experience)
 6. Irritability part of aggressiveness, but the latter is more complex (manifesting itself in impulsive and premeditated actions)

LEARNING OBJECTIVES

- 1] Review of behavioral influences that are not learned and go to the basic functioning

Instructor's Manual for *Integrating Criminologies* page 28 of 63. Additional information is available through <http://paulsjusticepage.com>. Recommended: <http://crimetheory.com>.

of our brains: natural selection, genes, biochemistry, brain physiology and temperament

2] Highlight limits: biological knowledge is not the search for (inferior) criminal type; at best genes, biochemistry and physiology are necessary (not sufficient) conditions for crime

IDEAS FOR LECTURES & DISCUSSION

For those whose perspective is sociological (or psychological), much of this material could be new and will be an interesting test of multidisciplinary in practice. Some will be least interested in this material and feel that it is not 'really' as important as other topics. Even instructors who have the best intention of being more multidisciplinary can run into time problems and other structural constraints that prevent them from researching biochemistry. Such is the process that perpetuates disciplines.

My own approach to teaching this material would fall into this category. My interest/prejudice is in the politics of this research. Questions about class, race and the policy implications of biological research certainly are part of integrating criminological knowledges, but they are a sociological examination of this body of research. Instructors who implement the following ideas -- or any others that are not based in a biological paradigm -- may wish to discuss their disciplinary preferences with the class.

The old tradition that assumed biological inferiority had classist and racist assumptions worked into it, as noted by Lombroso equating delinquents with blacks and savages. The question is over the extent to which this perception still exists and/or is used to justify such a position (i.e. blacks are criminals, less intelligent and uncivilized brutes). While it is not inevitable that genetic research gives a scientific basis to racist eugenics policies, the relationship has been problematic (Kuhl 1994; Miller 1996, Ch 5*). Certain historical conditions may also produce greater interest in biological explanations that by their nature turn attention from the social structure.

While Barak notes that research on temperament and biology could help explain white collar crime, no one even considers such issues. High flying swindlers and corporate administrative mass murders seem to be exempt from scrutiny that their brain or genes do not work right. Meanwhile, inner city residents fear that the policy implications of this research will involve genetic screening or medical 'treatments' to pacify young black men who face decreasing employment opportunities and increased marginalization.

Integrating Criminologies obviously is not using the biological paradigm to recreate

social inequalities. The notion of inferiority is rejected, as is a 'criminal type' of gene or personality; criminal and noncriminal behaviors are cut from the same cloth, notes Barak. But the affirmative deconstructionist, concerned about the underlying assumptions and institutionalized status quo, notes that genes and brains are part of the discourse about bodies. It is a good example of the power/knowledge relationship and has been used as a site for the rationalization of social inequalities. Criminology is involved in this practice, and at times is deeply implicated in the discriminatory control of minorities and its rationalization (Oshlanski 1996).

CHAPTER 6

Contributions from Psychology: 'Mind and Nature'

OVERVIEW

Psychology occupies the middle range between biology and sociology, so this chapter reviews contributions that are more focused on 'mind' than body. They include social-psychological explanations that are often discussed as sociology, but are put in this chapter because they are mechanisms that are found across socio-historical contexts. Although these theories are more basic than sociological or structural explanations, Barak eschews the notion of 'sick criminals' and a 'criminal personality' in favor of thinking about conscious and unconscious mental adaptations.

The biopsychological explanations tie in with the previous chapter by examining neuropsychological deficits and low arousal interfere with the development of moral reasoning. This perspective also includes evolutionary psychology, which is extended in this chapter to examine male violence against women. Psychoanalytic perspectives see crime as linked to tensions or conflicts, often brought about by emotional disturbances, that prevent normal/healthy development.

Antisocial personality approaches examine the progression from childhood problem behaviors to antisocial adults, especially those whose personality/ conscience is least subject to conditioning. The social psychological views, or the psychology of criminal conduct, emphasizes the importance of family influences; they include social learning and control theories. Humanistic psychology sees crime as an adaptation to meet needs outlined by Maslow or as a response to helplessness and alienation.

OUTLINE

I Introduction

- A. Interest is in basic components of human nature -- appetites, aversions, motives and emotion
- B. Problem with validation when focus is on the 'mind', but this chapter reviews conscious and unconscious components
- C. No 'sick criminal' theories, but interested in psychology of criminal conduct and processes of mental adaptation

II Contextualizing Psychological Contributions

- A. Included are theories that are normally considered sociological (social control and social learning)
- B. Social Control

1. Sociological meaning: institutions engaged in preserving the social order
2. Social psychology: socialization by significant others
- C. Behaviorism/social learning: reciprocal interactions of personality and environment; crime from conditioning history and reinforcement
- D. Freud/humanistic psychology: people essentially good, but commit crimes to satisfy basic needs or adapt to feeling of helplessness
- E. Evolutionary psychology: natural selection includes infrastructure for reciprocal altruism (perhaps frustrated by modern society)
- F. Perspective
 1. Early familiar nurturing important
 2. Notion of 'criminal personalities' and 'mental defectives' problematic [Dahmer example]
 3. Interest in how mind and nurture interact at crucial developmental phases

III Biopsychological Approaches to Criminal Behavior

- A. IQ and crime: inferiority not significant or helpful in causal explanations of white collar crime
- B. Cognitive or neuropsychological deficits
 1. Interest in frontal lobes of brain responsible for executive functions (attention, concept formation, planning, self-monitoring and inhibition)
 2. Such deficits conducive to low measured intelligence and offending
 3. Deficits also related to inability to reach higher levels of moral reasoning [Kohlberg] that include empathy and anticipation of consequences
 - a. Supportive research may change if white collar crime included
- C. HIA (hyperactivity-impulsivity-attention deficit)
 1. Related to delinquency through sensation seeking, poor concentration in school, and risk-taking
 2. HIA might be related to low levels of arousal (Ch 5)
- D. Evolutionary Psychology
 1. Not study of 'invariant innate', but based on persistent essential features of past environments + adaptive abilities
 2. Aggression as evolved adaptation
 3. Male sexual violence as evolved adaptation
 - a. Violence is found cross-culturally, but specific to situations involving infidelity or reproductive access/fitness

IV Psychoanalytic Views of Criminal Behavior

- A. Crime is the expression of tension and conflicts in individual, probably related to emotional disturbances that inhibit development
- B. Based largely on Freudian theory

1. Id: instinctual and unconscious drives; pleasure principle
 2. Ego: develops out of id by age 3, is the set of consciousness, and mediates id with reality principle and social conventions
 3. Superego: develops by age 5; conscience that sublimates unacceptable desires and uses identification to incorporate parents' standards
 4. Stages of psychosexual development: oral, anal, phallic, latent and genital
- C. Four psychoanalytical approaches
1. Crime maintains psychic balance (may stem from unconscious desire for punishment)
 2. Crime as psychosis
 3. Crime is a gratification that substitutes for blocked needs
 4. Crime compensates for repressed feelings of inadequacy
- D. Other theories that do not fit into categories above
1. Psychopath/sociopath/anti-social personality: weak superego from improper resolution of monopoly feeling for opposite-sexed parent (Oedipal and Electra complexes)
 2. Psychic need theories: denial of love from parents and esteem from peers results in anxiety; excitement seeking mutes anxiety, delinquency gets attention from parents, bravado compensates for inferiority
 3. Techniques of neutralization [Sykes and Matza]: delinquency as extension of Freudian defense mechanisms
 - a. denial of responsibility (didn't mean to do it)
 - b. denial of injury
 - c. denial of victim (they had it coming)
 - d. condemnation of condemners (everybody does it; they don't know what they're talking about)
 - e. appeal to higher loyalties (did it for the gang)
- E. Neo-Freudians
1. Less patriarchal
 2. More humanistic and phenomenological
 3. Claims that people are social beings motivated to participate in groups
 4. People overcompensate for feelings of insecurity, inferiority isolation and helplessness in potentially hostile world

V Antisocial Personality Approaches to Criminal Behavior

- A. Assumption that childhood problem behavior develops into antisocial adult behavior
- B. Development
1. Risk factors for antisocial personality overlap significantly with those for juvenile delinquency and violent crime
 2. Learning and rewards may encourage development of antisocial

personality

C. Contributions of Eysenck

1. Crime part of hedonistic tendency conscience, which is conditioned fear response
2. Poor conditionability linked to: high Extraversion (low arousal), high Neuroticism (interference of anxiety) and high Psychoticism (emotionally cold, low empathy)

VI Social Psychological Views of Criminal Behavior

- A. Focus on individuals -- human development, sensation/perception, motivation/emotion, learning/cognition, memory/information processing and personality
 1. Same principles may explain criminal behavior, noncriminal antisocial behavior and even prosocial behavior
- B. Importance of family -- poor parental supervision, erratic or harsh discipline, discord, abuse or neglect, large families and antisocial parents
- C. Social learning theories
 1. Hedonistic children learn inhibitions through socialization
 2. Use of description of moral development by Piaget or Kohlberg
 3. Tarde's [1890] theory of imitation is the earliest of learning theories
 - a. Recidivism from self-imitation and reactions of external world
 - b. Imitation also on social level and across socio-historical contexts
 4. Recent social learning theory includes Jeffery's 'differential reinforcement'; Burgess and Akers' theory that blends differential reinforcement with differential association
- D. Social control theories: Crime when individual's social bond to society weakened
 1. Containment theory [Reckless]: rates of offending related to ability of groups to contain norm-violating behavior
 - a. Inner containments: individual consciousness
 - b. Outer containments: functional families and supportive groups
 2. Control/Bonding theory [Hirschi]: need to look at causes of conformity rather than delinquency; antisocial tendencies materialize when social control relaxed
 - a. Bond: attachment, commitment, involvement, belief

VII Humanistic Psychological Approaches to Criminal Behavior

- A. Influences by neo-Freudians and assumes people are essentially good
- B. Maslow (as applied to crime): crime is the means people use to satisfy blocked basic needs
 1. Physiological: food, shelter and sex
 2. Safety: security and stability
 - 3/4. Belonging/Respect: need to belong and be loved/need for esteem

from self and others

5. Self-actualization

C. Halleck: crime provides opportunities for creativity and autonomy that are denied by conventional society

1. Experience of (real or imagined) oppression is helplessness that people adapt to through: conformity, pro- or anti- social activism, conformity + activism, mental illness or crime

LEARNING OBJECTIVES

1] Review range of explanations between biology's focus on body and genes and sociology's focus on organization and process

2] Introduce students to ideas about the 'mind' -- from unconscious drives and adaptations to conscious mechanisms and learning/development processes

3] Help students integrate contributions from biology with psychology to show continuity and complementarity of theories

IDEAS FOR LECTURES & DISCUSSION

While books of necessity must have chapters to divide up the material and make topics manageable, instructors can start integrating ideas across chapters. Many of the ideas about the neuropsychological deficits can be integrated into explanations based on learning and development. Evolutionary psychology seems consistent with many patterns of violence (especially homicides in families), and can easily be integrated with socialization, learning, support, and punishment.

The material on moral development can be used to teach several points. First, it relates to the idea of how factors impeding moral development are related to criminality. Second, Kohlberg's specific scale of moral development raises some questions about values and power/knowledge. A student of his noted that the scale consistently scored men higher and as being more developed than women, which Gilligan (1982) argued was an artifact of using a male sample as a basis for the scale and not a reflection of reality. Her work reported some alternative ideas about moral development and conceptions of justice that were in turn criticized for inscribing class and race biases because of her white sample from an elite school.

As this chapter notes, the family is an important focus for theories relating to nurture, development, learning and socialization. Currie, in his excellent work *Confronting Crime*, argues that liberals have denied the importance of 'under the roof culture' while conservatives play it to the hilt for ideological reasons (1983: Ch 6)*. He

criticizes writers like Wilson for committing “the *fallacy of autonomy*—the belief that what goes on outside the family can usefully be separated from the forces that affect it from the outside: the larger social context within which families are embedded for better or worse” (1983: 185). In his reckoning, family experiences and the labor market are not competing explanations, but “closely related parts of a larger set of interlocking circumstances” (ibid). The review of the literature in this chapter is insightful at untangling the ideological values and examining the effects single moms, broken families, violence and adequate resources to support a child. At the same time, Currie sets the stage for integrating various factors in a way that helps promote rational public policy.

As with the last chapter, keep asking and reviewing epistemological questions. What are Barak's criteria for selecting theories? Do students agree that they have 'stood the test of time'? Does any of this material strike them as pseudoscience?

CHAPTER 7

Contributions from Sociology: 'Environment and Structure'

OVERVIEW

The sociological contributions move beyond the 'kinds-of-people' explanations in previous chapters to factors that are external to individuals and largely beyond their control. Barak reviews the vast amount of sociological research under two headings (crime and social organization; crime and social process) that answer 'why do criminals do it?' and one heading (crime and social structure) that is more keyed to answer 'why do we have the aggregate crime we do?'.

CSO assumes social disorganization promotes crime and deviance; it includes ideas from social ecology, anomie/strain and subcultural theories. CSP views people as more active co-producers of the social world; it includes differential association (including identification and anticipation), labeling, and social constructionism. CSS is interested patterned variables -- race, class, gender -- of social structural analysis; it includes conflict, Marxist and feminist theories.

OUTLINE

I Crime and Social Organization

- A. Common theme: social order, stability and integration conducive to conformity; disorder conducive to crime and deviance
- B. Chicago School/Human Ecology [1920s]
 - 1. Environment is the structuring of space mediated by culture or subculture
 - 2. Crime is the result of disorganization; the patterned distribution of crime corresponds with social disorganization, such as inner city neighborhoods
 - 3. Extended by
 - a. Newman's defensible space (physical environment affects crime)
 - b. Cohen and Felson's routine activities (importance of structured life activities)
- C. Anomie/Strain
 - 1. Crime from people trying to fit in and adapt to organization and contradictions of society
 - 2. Tradition traced to Durkheim: social changes (industrialization, urbanization) created anomic conditions -- traditional norms no longer apply and new norms not fully evolved; expectations raised to high, so suicide and crime result

3. Merton argued anomie was part of everyday operation of society that blocks access to cultural goal of material wealth
- D. Subcultural theories
1. Emphasize the importance of social values in informal groups
 2. Cohen: delinquency from strain because esteem from peers (not wealth) is blocked
 3. Miller: delinquency from values/focal concerns that emphasize 'toughness'
 4. Cloward and Ohlin: differential access to legitimate and illegitimate opportunities
 5. Wolfgang and Ferracuti: analyze spontaneous killings and find values that favor violence and create a subculture of violence
 6. Criticisms
 - a. Do subcultural theories reflect middle-class stereotype of the poor or their actual lifestyle?
 - b. Is there a lower class culture at all?
 - c. Gang members have conservative middle class values
- E. Pre-feminist women's crime [Adler, Simon]: women's lib would affect legitimate and illegitimate opportunities, though Simon thought violent crime would decrease

II Crime and Social Process

- A. Assumption that people are 'active' agents, co-producing their social world (and rendering causality problematic)
- B. Sutherland: differential association through communication and social interaction to learn criminal attitudes, motivations and techniques
- C. Glaser: adds differential identification (modeling and reference group) and differential anticipation (expectation based on learning, opportunities and bonds)
- D. Labeling/social reaction/symbolic interactionism/phenomenology: interest in relativity of the criminalization process and consequences for the construction of self-image (secondary deviance)
- E. Social constructionism: interested in the construction of the larger relations that produce criminals
 1. Quinney: social reality of crime: crime is defined and applied by dominant class to further their interests and secured through ideology

III Crime and Social Structure

- A. Not 'why do they do it?' but 'why do we have the criminality we do?'
- B. Messner and Rosenfeld [*Crime and the American Dream*]: crime from normal functioning and related to structural flaws
- C. Non-Marxist conflict/pluralist theories: crime related to differential power, inequality and ongoing struggles for control
- D. Marxist theories: similar to conflict, but more focused on political economy

and greed produced by capitalism

1. Instrumental: dominant economic elites use state to secure position
 2. Structural: state has semi-autonomous relation to economic interests
- E. Feminist: diverse approaches that remedy exclusive focus on male behavior, viewpoints and experiences; examine issues of female conformity as shaped by relations of production (gender inequality) and reproduction (control of sexuality)

LEARNING OBJECTIVES

- 1] Review the contributions that have been the mainstay of 20th Century criminology.
- 2] Help tie the individual to the group and to society.
- 3] Start to raise the question of 'why do we have the crime we do' (rather than 'why do criminals do it?').

IDEAS FOR LECTURES & DISCUSSION

Given the traditional emphasis on sociology within criminology, the material in this chapter should be familiar to most instructors. For those in search of ideas, the content of this chapter would lend itself to a discussion of gangs – a topic in which students have a great deal of interest. Although I am not familiar with the video offerings in this area, I am sure there are some interesting ones that could enhance class and help illustrate aspects of the theories.

Messner and Rosenfeld's *Crime and the American Dream* (1996) is a good read. Their ideas help tie Merton strain to some of the social structure material; it will also help set up the discussion of crime and consumer culture for Chapter 11.

While the overall project of integration may not favor any disciplines, certain sub-questions may be better answered from one discipline than another (at least if we really do keep what is unique to each perspective and not dissolve their differences). Does the question 'why do criminals do it?' benefit any more from sociology than psychology or biology? Is there any way to have this conversation without the either/or competition that so far has been unproductive? Certainly we need some debate about the relative contributions of various factors, at least in terms of generating public policy based on the comprehensive understanding. Or does that sound too much like the positivist effort to create causal models with all of the paths marked

with their relative strength?

Reiman's book *The Rich Get Richer and the Poor Get Prison* contains an overview of some of the conflict approaches, which he integrates with Durkheim and others. See the companion website at <http://paulsjusticepage.com/reiman.htm>.

CHAPTER 8

Contributions from Law and Economics: 'Reason and Rationality'

OVERVIEW

This chapter discusses the role of human reason both in the decisions of criminals and of those who administer the legal order. It is thus about the Classical school, which sees crime as a violation of the social contract that is undertaken in the rational pursuit of self-interest. In that patterns of crime are seen as relating to patterns of punishment provided by the criminal law, Barak argues that this material has much in common with environmental or structural theories of crime.

The postmodern critique of law challenges the notions of objectivity and rationality by pointing out the social, cultural and political factors that play into law. A review of postclassical choice-opportunity theories (such as routine activities) highlights the constraints on rationality and choice. This reading helps open the door to integrating structural variables (race, class, gender) and erodes the exaggerated distinction between classical and positive criminology.

OUTLINE

I Introduction

- A. Interest in law, liberty and reason; return to classical perspectives that emphasize rational calculation of free people
 - 1. Crime determined and 'sub-rational' to a degree, but see crime as a response to the predictability of punishment
 - 2. Also use legal and economic contributions to critique/deconstruct criminal law and social justice
- B. Classical school
 - 1. Punishment to fit the crime (not offender)
 - 2. Law should only punish behavior that harms others
 - 3. Importance of due process and equal protection
- C. Discussion placed here because classical school has much in common with environmental or structural explanations of crime
- D. Range of theories, but share interest in cost-benefit analysis of crime as defined by law
 - 1. Also share consensus view of society expressed in the concept of the social contract

II From Torts to Felonies

- A. Laws

1. Provide for maintenance of order, social cohesion and solidarity
 2. Social control
 - a. Law establishes rules of conduct
 - b. Law allocates power throughout stratified society
 3. Laws become vehicles of authority and ideology, provide rationales for the way things are done
 4. Critique: law can be arbitrary compromises and legal norms may reflect the needs of powerful interests
 5. Distinctions
 1. Public law: constitutional, administrative and criminal (state injured)
 2. Private law: property, contracts and torts (between individuals)
- B. History
1. Originally, all crimes were torts (private matters)
 2. State/King gets involved as society becomes more complex
 3. Consensus theory posits law coming from norms
 4. Conflict theory posits law reflecting interests of the powerful
 5. Criminal law emerged during 14th to 16th centuries to protect propertied classes as capitalism developed
 - a. Chambliss on vagrancy

III Postmodernism and the Critique of Rational Law

- A. Critique
1. Criminology has not developed a theory of state or law
 2. No understanding of political power and thus general support of 'law and order' position; does not address 'whose law and what order?'
- B. Critique of case law
1. Individualistic case approach ignores social forces, surroundings and cultural dimensions
 2. It ignores framing, associative paradigms and cognitive domains
 3. Portrays decision makes as objective and neutral
- C. Deconstructionism
1. 'Questions the ontology of being and the philosophic means by which reality is constituted'
 2. Denies binary dualities can be correlated with variables to predict patterns of outcome
 3. Rejects logocentrism (speaking subject is determinant of meaning)
 4. Final understanding is not possible
 5. Legal decision making is fraught with contradictions and interests of [class, race and gender](#)
 6. Problematizes the reason-emotionality dichotomy from Enlightenment
- D. 'Relational' theory of the state
1. State constructed as fluid and dynamic intersections of political economy, people, culture, ideologies and apparatuses of legislation

- and administration
2. Useful for integration because of multiple levels of analysis

IV Economic Models and Rational Choice Theories of Crime

- A. People criminal not because of pathology but choice based on cost-benefit preferences within given restraints
 1. Crime varies directly with benefits and inversely with legitimate opportunities
- B. Classical: increase costs; no need to reform system
- C. Neo-classical: focuses attention on arbitrariness of decision-making process and discretion
- D. Postclassical: choice-opportunities approaches
 1. Routine activities: change crime through change in environmental situations as they relate to motivated offenders, suitable targets, and lack of protectors
 2. Situational choice: offender's skills interact with offense's risks and payoffs
 3. Routine conflict: routine activities emphasis on victim lifestyle + understanding of how structural position of individuals relates to learned repertoires for managing conflict and situated transactions
 4. Evolutionary ecological model: crime from limited behavioral choice to satisfy needs by taking from others
- E. Classical and Positive
 1. Classical theory appreciates limits and constraints on choices; assumes no more or less rationality than positive theory (except some versions of biological and psychoanalytic theory)

V Conclusion

- A. Neo-classical position major model for understanding crime; it can apply to crimes in the streets and the suites
- B. Has failed to recognize divergence between assumption of formal equality and discriminatory reality
 1. Has thus blamed criminals and victims; 'solutions' involves target hardening, get tough and ideas that do not challenge status quo
- C. Fails to appreciate individual differences in pleasures, pains and ability to reason; need to include informal social control

LEARNING OBJECTIVES

- 1] Review history and assumptions of the classical school
- 2] Overview of the development and functions of the legal order; critique of the role of rationality, reason and objectivity

3] Discuss various choice-opportunity theories and how the limitations on them erode the distinction with positive theories

IDEAS FOR LECTURES & DISCUSSION

This chapter raises issues about the extent and scope of rationality in terms of criminal behavior and decisions of the legal system. In terms of criminal behavior, the Classical school is considered modernist, but shares with postmodern perspectives a view of people as active decision makers. The assumption has been that crime flows from a rational pursuit of pleasure, but deconstructing this assumption raises many questions. First, how rational is the pursuit of pleasure? Is the rationality short-term and centered on immediate gratification? (These notions can be integrated with impulse control and sensation seeking theories.) Is the rationality based on middle class values and assumptions about the person's stake in the future? (The deterrence argument about capital punishment seems to have this premise.) How do drug and alcohol use change the calculation about pleasure? What are the structural constraints that shape the available options from which people make decisions (and which might make people's decisions seem irrational)? Once such qualifications are included, then the distinction between Classical and Positive theories does seem exaggerated. Also, the policy implications are much broader than simply another turn of the 'get tough' ratchet.

The second aspect of rationality is its application to the legal order and decision making. While there is a process of legal reasoning, critical legal studies attempts to show that law is made and not found. The correct result is not simply discovered by an impartial, objective decision maker. Rather, everyone has a social location, and the whiteness, richness, maleness and heterosexuality of the judges affects what they consider to be a 'rational' decision. We may share many of these assumptions and biases, but that does not make the position 'objective'. These points can also be brought up in terms of the social contract, which is a staple of Classical Theory. Early theorists were quite blunt that the social contract was there to protect the accumulation of private property – their property. Once again, class (and race and sex) are important ingredients in the concept but are eventually erased; an upper class, white male 'rationality' thus becomes universalized and naturalized as 'objective'. The postmodern and critical projects thus attempt to ask the 'whose law and what order?' types of questions.

See also: Gregg Barak, Jeanne Flavin & Paul Leighton. *Class, Race, Gender & Crime: Social Realities of Justice in America*. Roxbury, 2001. More info available, <http://paulsjusticepage.com/reality-of-justice.htm>.

CHAPTER 9

Integrating Criminological Theories: A Critique

OVERVIEW

The final section of the book starts with this chapter, which looks at some of the various issues involved in integration. Barak generates a friendly critique of modernist integration, which is aimed at 'causative-predictive' criminology. Many of these relate to dialectical causality, which involves multiple variables that are simultaneously interacting and instantaneously transforming; it is how the world works, but is not incorporated into traditional modernist models. He reviews integrative efforts that fall into the categories of social process-micro, social structure-macro, and agency-context (micro-macro). While generally supportive of modernist integration, Barak finds them limited and attempting to prove the value of one set of integrative variables over another.

OUTLINE

I Introduction

- A. Interest in integration from
 - 1. Glut (rather than paucity) of knowledge
 - 2. Desire to develop central notions/provide coherence
 - 3. Develop comprehensive explanation
- B. Modernist/propositional v postmodern/conceptual
 - 1. Chapter 9 to critique modernist causative-predictive criminology

II Integrating Criminology: Meanings and Approaches

- A. Specific integrated theories focus on specific form of criminality (domestic violence) while general integrated theories apply to broader range
- B. Conceptual integration likens concepts from different theories while propositional integration links separate theories
- C. principles of propositional integration
 - 1. End to end: causal ordering of theories
 - 2. Side by side: appreciate overlapping and unique areas of explanation
 - 3. Up and down: one theory deduced or subsumed by changing level of abstraction
- D. Static/consensus v dynamic/conflict theories

III A Discussion of Modernist Integration and Causation

- A. Fission (kept on separate plates) v fusion (mixed up)
- B. Causality

1. Necessary cause: B cannot happen without A
 2. Sufficient: B will be produced by A, but can also happen without it
- C. Causal Relationships
1. Linear: sequential, conditional
 2. Multiple: many sufficient causes or combined causes co-produce event
 - a. No required temporal order
 3. Interactive/reciprocal: cyclical, spiral process
 4. Dialectical/codetermination: multiple interactive causality
 - a. Cause and effect not discreet but overlapping
 - b. No causal priority because simultaneously transformative
 - c. Instantaneous reciprocal influence
- D. Dialectical causality questions temporal ordering that underlies formal and propositional models, path analysis and predictive efforts

IV Modernist Constructions of Integrated Theory

- A. Social process/micro/kinds of people
 1. Wilson and Herrnstein's *Crime and Human Nature*
 2. Krohn's networking theory
- B. Social structure/macro/kind of organization
 1. Quinney's *Class, State and Crime*
 2. Colvin and Pauly's structural-Marxist framework for delinquency production
 3. Stark's propositions for deviant places
- C. Agency-context/micro-macro/kinds of culture
 1. Johnson's *Delinquency and Its Origins*
 2. Box's *Power, Crime and Mystification*
 3. Pearson and Weiner's social learning + everything else
 4. Benard's unified conflict theory of crime
 5. Coleman's *The Criminal Elite*
 6. Hagan's *Structural Criminology*
 7. Braithwait's *Crime, Shame and Reintegration*
 8. Kaplan's Self-Attitudes and Deviant Behavior
 9. Tatum's neocolonial model
 10. Miethe and Meier's *Crime and Its Social Context*

V Conclusions

- A. Modernist integration limited, reductionist and concerned with trying to prove the value of one set of integrative variables over another
- B. Formal and propositional integration worth pursuing, but theories, data and methodology too primitive to discern relative impact of variables
- C. Relationship of integration to falsification

LEARNING OBJECTIVES

- 1] Review the types of integration and the issues involved with them
- 2] Outline a variety of integrative efforts to highlight the strengths and weaknesses of modernist theoretical integration

IDEAS FOR LECTURES & DISCUSSION

The goal is to create theory that can explain individual differences in offending while also being able to grapple with aggregate patterns. An important discussion, then, relates to the factors, concepts and processes that help explain individual differences *and* make sense of gender, class and race differences. More generally, what theories (or aspects of theories) do the students think are most significant? Are there any other ideas from section two of the book that should be integrated but were not mentioned in the list of theories?

This chapter is also a good forum from which to raise issues about the data analysis part of research methods. Specifically, some of the assumptions of basic multiple regression (linearity and additive) might not hold in the real world. Problems with assumptions can lead to findings being an artifact of methodology, and many of the subsequent debates about models are largely irrelevant. Causal interactions in the real world are too complex to model and data is too poor to engage in sophisticated analysis. The dialectical causality discussed by Barak needs to be modeled in terms of complexity theory, which uses non-linear dynamics and has 'sensitivity to initial conditions'. Because functions are non-linear, small changes in time one produce enormous differences after several iterations, so measurement error (of the type found in social science and criminology) makes this approach problematic for achieving positivist models even though it is the most accurate reflection of processes in the real world.

CHAPTER 10

Integrating Criminological Knowledges: A 'Post' Postmodern Synthesis

OVERVIEW

Barak outlines his ideas for a post-postmodern synthesis for criminology that is analogous to Zetetic studies, which attempts to map and systematize all knowledge. Before discussing the synthesis, this chapter discusses postmodernism, including its desire to make sense of situated pleasures and its critique of modernism, rationality, progress and totalizing control. Constitutive criminology furnishes a model for this synthesis because of its open-ended framework, understanding of dialectical causation, and the replacement discourses that seek to include sensual knowledges and transform both crime control and the broader social relations.

Ultimately, modern and postmodern thought are less opposites than dialectically interdependent views whose overlapping areas can be explored through 'textuality' that views social science and society as texts. The author discusses research methodology less in terms of qualitative/quantitative than as relating to four equally important and interdependent levels of investigation that include frames of meaning, consciousness, knowledgeability, and institutional orders. The paradigm of including all disciplines in an interdisciplinary narrative about crime and crime control focuses on the overlapping spaces between environmental relations, relations of social control, and personal and community histories.

OUTLINE

I Introduction

- A. Postmodern project - trying to make sense of crime in an interconnected, but alienated and fragmented world
 - 1. interest in shared excitement, adrenaline rushes, style, and resistance
- B. Zetetic studies: approach to integrating human knowledge as a whole
 - 1. Zetetics of criminology: open-ended, 'being built while building'
- C. Constitutive criminology
 - 1. Assumption that people actively constructing their world and imposing order on chaos
 - 2. Crime is indeterminable, interactional, interrelational, dynamic and dialectical; these active subjects are in turn objects of domination by criminal justice system and discourse
 - a. 'Causation' does not exist in positivistic sense; speak of influences rather than causes
 - 3. Replacement discourses to add sensuous elements back in and

transform crime policy and social relations

II Modernist v Postmodernist Thought: Dueling Paradigms and the Need for Synthesis

- A. Modernism: normal science, belief in universals, scientific method, language is a credible means to access reality, increasing control over nature and society is progress
- B. Postmodernism: problematizes language as product of dominating discourse that seeks to naturalize (universalize) itself, seeks to interrogate modernist 'progress' by pointing out contradictions and disillusionment
- C. Barak contends two overlap as much as oppose, and can be cross fertilized to invigorate each other and create fullest possible explanation of crime and crime control
 - 1. language as historical practice rather than reflection of the world or product of the mind
 - 2. View society and social science as text

III The Case for Knowledge Synthesis: Textuality and Society

- A. Textualist understanding emphasizes constitutive social practices and critiques their reification; sees modern and postmodern as 'dialectically interdependent views of knowledge, self and society'
- B Examples
 - 1. Sampson and Laub's 'pathways and turning points through life'
 - 2. Bryan Vila's 'general paradigm for understanding criminal behavior'
 - 3. Arrigo: integrate in non-totalizing, non-homeostatic model that appreciates ever-changing meaning

IV Research Forms as kinds of Knowledge: Integrating Methods

- A. Four levels of study necessary to understand crime or human behavior
 - 1. Hermeneutic Elucidation of Frames of Meaning: part of all social science, but often suppressed in quantitative research
 - 2. Investigation of Context and Form of Practical Consciousness: need to add to 'rational' and 'repressed' criminals through ethnomethodology
 - 3. Identification of Bounds of Knowledgeability: study unintended consequences and unacknowledged condition of action
 - 4. Specification of Institutional Orders: analysis of macro components that reproduce structural principles
- B. Replace qualitative/quantitative dualism with appreciation that each is necessary for understanding the other
- C. Social structure as 'medium' and 'outcome' of the conduct it recursively organizes

V Integrating Knowledges: Toward a 'Post' Postmodern Synthesis

- A. Indefensible not to bring together all knowledges and wealth of criminological

- contributions.
- B. Interdisciplinary narratives is the way to do it
 - 1. Classical, positive and critical schools
 - 2. Modern and Postmodern
 - C. No real 'dividing lines'; free flow of ideas
 - D. Look to convergence of environmental relations, social control and personal and community history
 - E. Stop 'internecine' warfare between theories that will not predict individual criminality anyway

LEARNING OBJECTIVES

- 1] Extend postmodern critiques of society, rationality and knowledge
- 2] Outline structure of integrated modern/postmodern paradigm, with attention to (a) textuality and (b) epistemological frameworks/methodology

IDEAS FOR LECTURES & DISCUSSION

While Barak does not pursue it in depth, the issue of sensuality and the phenomenology of crime is an important aspect of understanding criminal behavior. Katz is quite clear in his book that: "Although his economic status, peer group relations, Oedipal conflicts, genetic makeup, internalized machismo, history of child abuse, and the like remains the same, he must suddenly become propelled to commit the crime" (1988:4). Because factors that are constant cannot cause a change (from non violent behavior to violence), Katz argues for a phenomenological study that looks at situated transactions. His theory examines how humiliation can become transformed into a righteous rages and how people empower the world to seduce them into crime.

This understanding is the mental aspect – the interpretation of a situation as being appropriate for fight, flight or diplomacy. Katz says little about social structure, but other theories can be integrated into his to explain gender differences (humiliation transformed into guilt or blame) or class differences in what we record as homicide [Braithwait introduces the idea of structural humiliation (1992)]. Individual differences would also be expected from variations in impulse control, verbal expression, learning, routine behaviors that may involve frequent alcohol use, etc. Katz's theory also reminds us that the pursuit of pleasure and sensuousness may not always be rational (a notion familiar to many who have made poor choices of sexual partners at late night parties, but which seems to have escaped criminologists).

Not all postmodern thinking is critical theory, but Barak seems to use it as such. Poster's explanation thus captures much of what Barak argues postmodernism needs to do in this synthesis:

"It represents an attitude of antagonism and critique in the face of deeply problematic contemporary social formation. It sustains an effort to theorize the present as a moment between the past and the future, thus holding up a historicizing mirror to society, one that compels recognition of the transitory and fallible nature of society, one that insists that what is can be disassembled and improved considerably. Critical theory goes against the grain of a legitimating process endemic to power formations, a discursive mechanism through which the finitude of institutions is naturalized and universalized. Critical theory is a disruptive counterforce to the inscription on the face of social practices which says, 'Do not tamper with me for I am good, just and eternal'" (1989:3)

By not explicating many assumptions, social structure is naturalized and reproduced. Poster's critique of modernity also points out that rationality created the atom bomb, Napalm, and Nazi concentration camps in addition to all the improvements that are more frequently touted. Further, rationally organized systems like bureaucracies produce irrationalities, such as Ritzer discusses in *The MacDonalidization of Society* (1996). How does the increasingly sterile, administered and homogeneous nature of the world (evidenced in bureaucracies, strip malls and endless franchises) affect the dynamic of crime that is associated with pleasure, adrenaline and self -identity as an individual?

CHAPTER 11

Integrating Culture, Media, and Gender Studies: An Interdisciplinary Perspective on Crime Production

OVERVIEW

This chapter analyzes crime from a cultural studies standpoint that tells the story of crime in terms of capitalist political economy and the contextualization of life histories/identity formation. An understanding of the culture of late capitalism requires an understanding of electronic mass media, which shape political consciousness and identity. These are increasingly about 'cybernetic rites of sign work' that blur first hand experience with electronically mediated collective social representations that create premodeled (ideologically laden) images. Late capitalism is also characterized by increasing global capital and a kaleidoscope of consumer choices and consumerism that are so tied to identity as to encourage its pursuit through illegitimate means by both the rich and poor.

Race, class and gender are powerful aspects of the context within which identities are shaped. An understanding of oppression and inequality are thus important projects, though experiences can vary dramatically within an ethnic category by gender (which can be seen with the research on gangs). To further contextualize criminals, Barak has criminals talk about crime not to create a criminal profile but as an ethnographic exercise to show that crime is about: establishing ego identity, gratifying emotional and material desires, saving face, controlling threats to psychic self-esteem and protecting themselves from vulnerabilities. The final section discusses 'criminological indicators' for offenders and unhealthy social ecologies.

OUTLINE

I Introduction

- A. Cultural studies interested in politics of difference and identity, dealing with plurality and diversity in world
- B. Not 'value neutral' but side with the oppressed, marginalized and invisible
- C. Examine crime in probabilistic terms related to individual biography/identity and social context (political economy, individualism, consumption, symbolic self-esteem, racism)
- D. Look at narrative themes, symbols, and images (textuality)
- E. Ideology: conceptual framework we use to make sense of social existence; allow positions of identification and knowledge from which to utter 'truths'

II Mass Communications and New World Cybernetics

- A. Mills: communications stands between consciousness (identity) and existence; changes in communication change our social experience and self
- B. 'Cybernetic rites of sign work' involve rituals of collective social representation that are symbols and ideology blurring the boundary between first hand and electronically mediated experiences
 - 1. Premodeled images of crime: black men on drugs, but no way to put into play collective memories of white male capitalist violence
- C. Cybernetics is the study of command, control and communications systems

III Change in Late Modernity: Crime and the Culture of Consumption

- A. Late 20th Century, crime and social control increasingly tied to internationalization and globalization of capital that has a homogenizing effect (such as the development of malls that look the same everywhere)
 - 1. Multinational corporations seek to maximize profits and make decisions without regard for the needs or policies of states/localities
 - 2. Downsizing of manufacturing industry or development of commercial area affect patterns of crime
- B. Cities are kaleidoscope of consumer choices that offer self identity to those with the means to consume; others search for same opportunity through deviant means
- C. Globalization of decontextualized consumer choices undermines traditional community normative values
- D. Braithwait: inequality in advanced capitalism will produce high rates of white collar and street crime
- E. Importance of consumer culture through strain/anomie theory because ends overemphasized relative to means for both rich and poor (Messner and Rosenfeld)
 - 1. Cooperative bonds weakened and people will turn to illegitimate means to keep status/consumption when necessary

IV Variability and the Intersection of Race, Gender and Class

- A. Problem of complex interactive effects of race, class and sex that neither quantitative nor qualitative theory can adequately articulate
- B. Four accounts for differences in criminality
 - 1. Hereditary traits (basically discounted)
 - 2. Socialization practices (Sutherland's differential association)
 - 3. Structural opportunities (Cloward and Ohlin)
 - 4. Societal reaction (biases in formal and informal systems of control)
- C. Integrative-constitutive perspective
 - 1. Appreciate that whites also have race and men have gender, so all are part of historically created system that finds structural form in interconnected social institutions
 - 2. Also appreciate that each category needs to be taken on its own terms

- with awareness of cultural hegemony
- 3. Incorporate external processes and internal perceptions of oppression
- D. Gangs
 - 1. 'Gang' seems to be a code word for 'black', but they are multicultural and include both sexes
 - 2. Gang meets different needs and has different social reality for boys and girls even of the same ethnic group
 - 3. Gangs provide social outlet, relief from boredom and protection
- E. Class
 - 1. Inequality growing, social mobility declining for many, and downward mobility is a reality for many
 - 2. Trends suggest further illegalities and future without stability or consensus

V Criminals on Crime: Controlling their Vulnerability

- A. Examine views and world of criminals, who (like non-criminals) defend their existence, fight for integrity and establish ego identity
 - 1. Themes have to do with saving face and controlling (real or imagined) threats to psychic states of well-being
- B. Working class property offenders
 - 1. Rational choice theory problematic because offenders gave little thought to arrest
 - 2. Thought about money and consumer purchases
- C. White Collar Offenders
 - 1. Offenders denied criminal intent and did not assimilate criminal identities; self concepts validated through conventional occupational roles
 - 2. Resist 'criminal' label and condemn the condemners
- D. Sexual-Homicide Offenders
 - 1. Adaptive behavior both compulsive-determined and rationally calculated
 - 2. Violence from challenge to grandiose self-assessment
- E. Battering
 - 1. Emotional self-alienation
 - 2. Externalization of blame for inner anguish
 - 3. Roles, attachments and history of violence in the home
- F. Gangbanging
 - 1. Importance of 'standing ground'
 - 2. "don't have nothin' to live for no more"

VI An Inventory of Criminological Indicators

- A. Not profiles of offenders, but manifestations of problems associated with the constitutive nature of crime production
 - 1. Physicality (biochemical conditions)

2. Temperament (personality types)
 3. Cognition (analytical abilities)
 4. Ego/identity (psychic development)
 5. Familiarity (early socialization)
 6. Gender (sexism)
 7. Race/Ethnicity (discrimination)
 8. Class (inequality)
 9. Resources/services (distribution)
 10. Social Ecology (environmentalism)
- B. Policies of non-repressive crime prevention take into account offenders as well as unhealthy social ecologies

LEARNING OBJECTIVES

- 1] Introduction to cultural studies and its methodology
- 2] Overview of late capitalism with emphasis on mass media/cybernetics and the importance of consumerism
- 3] Review of inequality with attention to race, class, gender
- 4] Discuss criminal ethnography and the emotional and material desires potentially satisfied by crime

IDEAS FOR LECTURES & DISCUSSION

Because the cultural studies perspective is a rich field, many topics of discussion present themselves. The first would be a general study of late capitalism and its social structure. *Crime and the American Dream* is a good theme from which to bring up many issues and build on discussions of earlier chapters. Especially important is the notion of consumer culture and materialism in an increasingly stratified and unequal social system. Other aspects of late capitalism include the role mechanization plays in eliminating jobs, with the attendant conflict between encouraging consumption and eliminating people from the paid labor pool. The Marxist analysis suggests that the criminal justice system controls the surplus population – those denied employment – which is consistent with recent trends in incarceration.

Meanwhile, even those who have vast accumulations of wealth commit illegal actions to acquire even more because there is no point at which one 'has enough'. A review of corporate crime, especially some of the Savings and Loan crooks would go a long way to showing how even people who have hundreds of millions of dollars – more than the lifetime earnings of the entire class – still wanted more. Such money goes

for 'needs' like docks made of exotic hardwoods for 120 foot yachts with marble fireplaces.

Cybernetics is the study of what the military calls C3I – Command, Control, Communications and Information. The study of media is the more familiar aspect of this topic. Media coverage of crime and the expanding use of criminal justice for entertainment is an important topic for the field to understand. Indeed, such increased coverage may explain why fear of crime increases as crime rates have fallen (because the distinction between first hand experience and media consumption is blurred). The other important point is how media contributes to creating the social reality of crime. Segal's article on the time she spent working for a 'COPS' like program is an excellent look at what ends up getting edited out of such programs and shows clearly the ideology of 'reality' based TV shows (1993)*.

The less familiar part of cybernetics is how all people are increasingly 'wired into' the social system, which the Unabomber pointed out expects humans to adapt to it rather than changing to meet human needs. The advent of cellular phones, pagers, global positioning satellites, etc means that people can always be found (and are usually tied more tightly into their jobs). There is also increased electronic surveillance of people's lives and discussion of implanting computer chips into humans, something we have already done with animals. People not only become figurative cogs in the machine, but more literal cogs as human parts are replaced with mechanization. The theme of technology intruding into people's lives and their very humanity is one of the staples of cyberpunk science fiction, where technology becomes part of the body and creates part-human part-machine 'cyborgs'. (This concept will be familiar to many through 'the borg' on the Star Trek TV series who have a 'hive' type mentality because they are all wired together.)

The material at the end of the chapter on identity and protection of self through crime can be related back to theories that explain why some people rather than others seem to have a precarious ego and sense of themselves. This includes psychoanalytic theories, development, learning, and family dynamics.

Gregg Barak, Jeanne Flavin & Paul Leighton. *Class, Race, Gender & Crime: Social Realities of Justice in America*. Roxbury, 2001. More info available, <http://paulsjusticepage.com/reality-of-justice.htm>.

CHAPTER 12

Integrating Crime and Social Control: An Interdisciplinary Approach to Crime Reduction

OVERVIEW

This analysis of crime control starts with how the current homogenized rendering is the result of corporate values and a National Entertainment State, which Barak likens to a 'user friendly' Big Brother who selectively omits news of corporate wrong doing. The war on youth violence is included as a case study that shows how media portrayals of youth demonize all of them while ignoring increases in youth poverty and violence against youth. Solutions tend to focus on getting tough, surveillance and control (which increase inequality) rather than on larger social ecologies.

Barak's overview of social control suggests that the field has traditionally equated norm with social control, focused on learning and operant conditioning, and examined formal institutions (law and government). Non-integrated modes of social control include both conservative and liberal ideas that tend to reinforce problematic aspects of the American Dream and thus fail to achieve crime reduction. Integrated modes aim to temper materialism, reintegrate informal institutions, encourage communitarianism, and reintegrate 'recovering subjects'.

OUTLINE

I Introduction

- A. Crime reduction requires change in public discourse that permeates the relationship between the mass consumption of values and crime control
- B. National Entertainment State (NES) dominated by four corporate conglomerates (user friendly Big Brother)
 - 1. General Electric
 - 2. Disney/Cap Cities
 - 3. Westinghouse
 - 4. Time Warner
- C. Selective news coverage and silence on corporate power/abuses; have considerable influence over social construction of crime and crime control

II The War on Youth and Youth Violence

- A. Perception of 'out of control' youth who need surveillance/discipline
- B. Real threats to children take a back seat to crime control
 - 1. Television and marijuana experimentation less problematic than rapes and beatings of children

2. Homicide rate doubled, as did youth poverty (policies aimed at latter likely to be at least as effective as policies aimed at TV)
 3. What is missing from discussion more important than what is addressed
- C. Inequality reproduced with especially negative effects on poor blacks
1. Black youth culture demonized through gangsta rap
 2. Rape, male violence against women and patriarchy ignored

II Social Control: A Conceptual and Practical Overview

- A. With advent of democracy, 'control' not examined and equated with evil/vested interests
- B. Following Ross [1901] control seen as relating to norms and social order
 1. Equating normative consensus and social control problematic
- C. Control is the basis of power
- D. Include formal and informal systems
- E. Recent expansion, dispersal and intensification of formal control; rise of managerialism – administrative/technocratic styles
- F. Increasing control over nonhuman objects
- G. Discourses of social control
 1. Political: order, legitimacy, authority
 2. Anthropological: socialization, conformity, norms
 3. Deviance and Crime: labeling, Marxism and Foucauldian surveillance/discipline
- H. Modes of social control
 1. Punitive
 2. Compensatory
 3. Conciliatory
 4. Therapeutic

III Non-Integrated Modes of Crime Control

- A. 1980s crime control focused on formal criminal justice system and ignore social ecologies of crime
- B. Target hardening: influenced by routine activities, works only for crimes committed in public by strangers and tends to place responsibility for victimization on victims
- C. Proactive policing: more proactive searching for crime results in selective enforcement and punishment of minorities
- D. Judicial restraint: limit discretion, impose more actuarial justice
- E. 'New' penology: no rehabilitation, pro-imprisonment policies disproportionately impacts young black men
- F. Conservative war on crime: reclaiming the streets through tough criminal justice system has failed to reduce crime, undermined Constitutional rights, and destabilized minority communities
- G. Liberal war on poverty: assumes that people locked out of legitimate

opportunities and need expanded means of success to achieve American Dream; failed to target cultural and structural causes (importance of material success) unrelated to poverty

IV Integrated Modes of Crime Reduction

- A. Challenge assumptions about crime and develop domestic policies in global context
- B. More holistic view that includes more emphasis on informal social control
- C. Appreciate values, but also understand their relationship to social and economic realities
 - 1. Integrative modes of crime/harm reduction recognize that the American Dream and its silent values of avarice, consumption and exploitation may well need to be changed
- D. Integrative policy platform
 - 1. Full potential and full employment: toward a society where money is not the principal value of personal and social worth
 - a. Replacement discourse deconstructs capitalist inequality
 - 2. Crime Reduction Through Institutional Reorganization: Supporting Social Ecologies of Crime Prevention
 - a. Reintegrate offenders and informal institutions
 - 3. Reintegrating Laissez-Faire Society: Reconstructing Mutual Support, Collective Obligations, and Co-responsibility and Crime
 - a. Reintegrative shaming in communitarian setting
 - b. Replacement discourse of newsmaking criminology that changes public consciousness about crime and justice
 - 4. Reintegrating Ex-Convicts: Reconstructing Images and Stereotypes of Recovering Subjects
 - a. Policies that facilitate individual transformation and focus on shared responsibility before release into community
 - b. Establish identity as 'recovering subject' rather than 'menace to society'

LEARNING OBJECTIVES

- 1] Examine the origins of corporate-based 'crime control' consciousness and its harmful effects (such as on youth)
- 2] Review the theoretical and conceptual issues surrounding the field of crime control
- 3] Explicate and critique non-integrated social control, then review the components of integrative social control

IDEAS FOR LECTURES & DISCUSSION

The discussion of corporate values and the concentration of media ownership (see Bagdikian 1992) can be used to finish residual discussions from the last chapter about media and the social construction of reality. The main thrust of this chapter, however, is policy – both a critique of what we are doing and some ideas about what we should be doing.

Barak's characterization of non-integrated modes can be tested by examining recent or current criminal justice legislation. Such policies tend to emphasize getting tough by dishing out longer sentences for more (street) crimes, redeploying police and infusing criminal justice agencies with military technology. Current federal legislation can be reviewed on the Internet at <http://thomas.loc.gov>. Click on 'review legislation' then 'by topic' and one of the options will be criminal justice. Subsequent screens will list all proposed legislation, a summary, full text, and information about its status that includes information about hearings. Linking the book to current examples can help reinforce student interest and demonstrate that textbooks (even theoretical ones) have relevance to what is going on in the world.

The overall critique of current policies is well summed up by Currie:

"If we wanted to sketch a hypothetical portrait of an especially violent society, it would surely contain these elements: It would separate large numbers of people, especially the young, from the kind of work that could include them securely in community life. It would encourage policies of economic development and income distribution that sharply increased inequalities between sectors of the population. It would rapidly shift vast amounts of capital from place to place without regard for the impact on local communities, causing massive movements of population away from family and neighborhood supports in search of livelihood. It would avoid providing new mechanisms of care and support for those uprooted, perhaps in the name of preserving incentives to work and paring government spending. It would promote a culture of intense interpersonal competition and spur its citizens to a level of material consumption many could not lawfully sustain" (1985: 278).

(Part of this discussion also relates back to some of my discussion in Chapter 2 about Moore's criticism of corporate downsizing destroying communities.)

A final useful exercise would be to review Barak's integrated plan and see what the students might add to it. Students may wish to discuss some of the changes in their perspectives about criminology or social control after having read the text.

See also – StopViolence.com: Resources for a Just Peace, <http://stopviolence.com>.

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