

■ FOURTH EDITION



# CLINARD AND QUINNEY'S CRIMINAL BEHAVIOR SYSTEMS

A REVISED EDITION

A. JAVIER TREVIÑO



# CLINARD AND QUINNEY'S CRIMINAL BEHAVIOR SYSTEMS

An important classic, familiar to virtually all criminologists, *Clinard and Quinney's Criminal Behavior Systems: A Revised Edition* begins with a discussion of the construction of types of crime and then formulates and utilizes a useful typology of criminal behavior systems. It classifies crime into seven categories, among them: violent personal crime, occasional property crime, public order crime, occupational crime, corporate crime, organized crime, and political crime. They examine the criminal career of the offender in each category, public and legal attitudes toward these individuals, support systems they may have, attitudes of the offenders, and other features. The discussion of each category of crime is thorough and enlightening and takes the reader far in understanding the huge problem of crime and establishing intelligent definitions to study it.

The new edition looks at the criminal landscape of the twenty-first century, capturing both the numerous advancements in theory and research in the field of criminology, as well as many societal changes that have taken place in law, mass media, the economy, culture, and the political system that directly affect the book's coverage of various types of crimes. A global perspective broadens the book's relevance to include a variety of different societies. Crimes newly examined in this edition include identity theft, domestic violence, arson, hate crimes, cybercrime, campus sexual assault, police brutality, Ponzi schemes, human trafficking, and terrorism. Finally, alternatives to conventional criminal justice are considered, including such approaches as peacemaking, restorative justice, private justice, problem solving, harm reduction, naming and shaming, and internal and external controls.

Like its predecessors, *Clinard and Quinney's Criminal Behavior Systems: A Revised Edition* will be essential to criminologists formulating their own theories and research on criminal behavior as well as to students in criminology and sociology courses on how to view and study crime.

**A. Javier Treviño** is Professor of Sociology at Wheaton College. He is the author and editor of several books including *The Social Thought of C. Wright Mills* (2012); *Classic Writings in Law and Society, Second Edition, Revised and Expanded* (2010); *Talcott Parsons on Law and the Legal System* (2008); *George C. Homans: History, Theory, and Method* (2006); *Understanding Crime: A Multidisciplinary Approach* (edited with Susan Guarino-Ghezzi) (Anderson Publishing, 2005); *Goffman's Legacy* (2003); *Talcott Parsons Today: His Theory and Legacy in Contemporary Sociology* (2001); and *The Sociology of Law: Classical and Contemporary Perspectives* (1996). He received his Ph.D. from Boston College, his M.A.

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**Richard Quinney** is a renowned American sociologist, writer, and photographer known for his philosophical and critical approach to crime and social justice. After earning his Ph.D. in Sociology from the University of Wisconsin, he taught at several universities on the East Coast and in the Midwest. He is author of several books, including *Criminal Behavior Systems* (first published in 1967), *The Problem of Crime* (1970), *The Social Reality of Crime* (1974), *Critique of Legal Order* (1974), *Criminology* (1975), *Class, State, and Crime* (1977), *Providence* (1980), *Social Existence* (1982), *Criminology as Peacemaking* (1991), *Erich Fromm and Critical Criminology* (2000), *Bearing Witness to Crime and Social Justice* (2000), and *Storytelling Sociology* (2004). He was awarded the prestigious Edwin Sutherland Award in 1984 by the American Society of Criminology for his contributions to criminological theory. He is currently Professor Emeritus of Sociology at Northern Illinois University.

The late **Marshall B. Clinard** was Quinney's coauthor on the first, second, and third editions of *Criminal Behavior Systems*. The late John Wildeman joined them on the third edition.

# CLINARD AND QUINNEY'S CRIMINAL BEHAVIOR SYSTEMS

A Revised Edition

Fourth Edition

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# FOREWORD

*Richard Quinney*

A long time ago—when the world was new—I asked Marshall Clinard what he thought about creating a typology of criminal behavior. As a graduate student in sociology at the University of Wisconsin at the end of the 1950s, I had read his *Sociology of Deviant Behavior* and been impressed by his delineation of types of delinquent and criminal behavior based on a continuum of the careers of offenders. This was a time when several sociologists were constructing typologies of various kinds. I had studied with Howard P. Becker and was working on a dissertation under his direction when he died unexpectedly in the summer of 1960, as I was about to leave for my first teaching job, at St. Lawrence University. Marshall was returning from research in India, and before I left I asked him to be the advisor for my dissertation. He agreed. Thus my turn from social theory, with emphasis on the sociology of knowledge and religion, to criminology.

Obviously, there was something about the construction of typologies that appealed to my intellectual interests. While studying with Becker, I had been inspired by his constructed types of sacred and secular. He had elaborated the constructive process in articles and books, especially in *Social Thought from Lore to Science*. Eventually, the many efforts in typology construction would be presented and analyzed in John McKinney's *Constructive Typology and Social Theory* (1966). By then, I had completed my dissertation and moved to teaching jobs, first at the University of Kentucky and then at New York University. During those years, Marshall and I had been writing what would be the first edition of our *Criminal Behavior Systems: A Typology* (1967).

Marshall and I kept in contact and were colleagues and friends for 50 years, until his death in 2010 at the age of 98. There would be a second and a third edition of *Criminal Behavior Systems*. You could say that it was this book that was the thread that held us together. But certainly there was more: frequent visits over these years, travel together to India and Kathmandu, letter exchanges now comprising a thick file in a drawer beside my desk, reading and commenting on books that we wrote individually, and advice and encouragement to each other along the way. This revision of our book brings us together one more time—good fortune in the guise of an academic life.

A couple of years ago, Javier Treviño surprised me when he suggested that it was time for a new edition of what he called “a classic.” I made a few suggestions, mainly about the dimensions of the typology and the naming of the constructed types. I continue to recognize that what we call “crime” is so diverse that any explanation needs to be restricted to specifically designated

behaviors, and not only to the behaviors of those defined as “criminal” but to the process of defining behavior as criminal and to the reactions (including legal reactions) of the public. Moreover, the underlying social, political, and economic context must be central to understanding, to explaining, what is defined as a crime. My years of work as a critical criminologist are crucial to my thoughts about the construction of a typology of crime. This revision by Javier incorporates the many developments in criminology since the earlier editions of the book. We, you, and I, give our thanks to Javier for his careful and extensive work on this new edition.

# PREFACE

*Clinard and Quinney's Criminal Behavior Systems* is a revised and updated version of previous editions of the book *Criminal Behavior Systems: A Typology*. The project's conceptual and editorial lineage began years ago when Marshall B. Clinard, while an undergraduate student at Stanford University, took a criminology course in which Edwin H. Sutherland's *Criminology* (1924) was used as the textbook.<sup>1</sup> In it, Sutherland stated, "A great deal of effort has been devoted to the attempt to *classify* crimes. Most of the results must be regarded as useless."<sup>2</sup> The book left such an indelible mark on Clinard's thinking that he opted to undertake work toward the Ph.D. degree at the University of Chicago where Sutherland was teaching at the time. Shortly after arriving in Chicago, in 1935, Sutherland hired Clinard as his research assistant. "In Sutherland's role as my mentor," wrote Clinard almost three-quarters of a century later,

He exercised a decisive influence on my career. While working as his research assistant, he had me read each day a variety of newspapers to look for and cut out articles on corporate crime. He then had me *classify* [italics added] the offenses described in newspaper articles based on several factors, including the nature of the particular violation committed.<sup>3</sup>

In the fourth edition of Sutherland's book, retitled *Principles of Criminology*, published in 1939, he introduced the concept of "behavior systems" in crime. As he explained,

It is understood that certain crimes cluster in systems, are organized, are combined with other behavior in such manner as to form systems, and that certain other crimes stand somewhat isolated and outside of systems.<sup>4</sup>

The first attempt to implement Sutherland's concept of behavior systems and devise crime typologies was conducted by Clinard and Richard Quinney, his former student at the University of Wisconsin. In *Criminal Behavior Systems: A Typology* (1967), they explained that because crime covers a wide and diverse range of phenomena, "we feel that continued progress in criminology will largely depend on the study of *types* of crime."<sup>5</sup> The typological structure in that book was inspired by Clinard's "Selected Types of Delinquent and Criminal Behavior," which first appeared in his *Sociology of Deviant Behavior* (1957), a text that has become a standard in sociology and criminology.<sup>6</sup>

In order to present the forms of criminal behavior systematically, Clinard and Quinney formulated a typology based on eight types of crime: (1) violent personal crime, (2) occasional property crime, (3) occupational crime, (4) political crime, (5) public order crime, (6) conventional crime, (7) organized crime, and (8) professional crime. The typology encompassed four sociological dimensions: “the criminal career of the offender,” “group support of the criminal behavior,” “correspondence between criminal behavior and legitimate behavior,” and “societal reaction.” Their typology formed the framework for selecting, for the book, research articles on the eight types of crime. The articles consisted of previously published research studies as well as original ones prepared especially for the volume.

The second edition of *Criminal Behavior Systems: A Typology* (1973) was revised in several ways.<sup>7</sup> First, it dropped the readings format in favor of a greater discussion of each type of crime as well as of greater integration of research that had, up to that point, been conducted on each type. Second, in considering Quinney’s notion that crime is a category of human behavior that is created and imposed by authorized political agents through the formulation of criminal definitions,<sup>8</sup> Clinard and Quinney felt that in their original conceptualization of the dimensions they “had not properly considered how certain offenses relating to each type had become defined as crimes nor the differences in the legal processing of each type.” Thus, they developed more fully the dimension of “societal reaction” by dividing it into two: “legal aspects of selected offenses” and “societal reaction and legal processing.” Third, they added a new type, *corporate* criminal behavior, to the original eight types of crime. Their rationale for doing so was that “this new type distinguishes between the complex criminal behavior of large corporations and other kinds of occupational criminal behavior.” Building on earlier work by Quinney,<sup>9</sup> Clinard and Quinney added conceptual clarity to Sutherland’s amorphous concept of “white-collar crime” by delineating its two principal forms: occupational crime, which involves the violation of criminal law committed by individuals in the course of their legitimate occupations, and corporate crime, which involves crimes by the corporation and crimes by corporate officials.<sup>10</sup>

For the third edition of *Criminal Behavior Systems: A Typology* (1994) John Wildeman, who had been a student of Quinney’s at New York University, was recruited as coauthor.<sup>11</sup> A typological revision consisted of clarifying further and clearly distinguishing the categories of occupational crime and corporate crime. The category of political crime was greatly expanded and included discussion of nonviolent responses to offenders on the part of the state, based on Quinney’s pioneering work on peacemaking criminology.<sup>12</sup>

The present edition has been retitled *Clinard and Quinney’s Criminal Behavior Systems: A Revised Edition* as testimony to the fact that it was the conceptualization of criminal behavior systems that made the book a classic in criminology. This volume, authored by A. Javier Treviño, Quinney’s former student at Boston College, continues the legacy of the previous editions by maintaining focus on criminal behavior systems and discussion of recent research studies that relate to the systems. Quinney revised the list of types in the typology and renamed the theoretical dimensions on which the typologies are based. These are now labeled “definition of behavior as criminal,” “sociology of criminal behavior,” and “social reaction to criminal behavior.” Treviño updated the language and research to make it more relevant, informative, and appealing to current readers. Greater focus is given to alternative responses to mainstream criminal justice approaches. These responses are in the tradition of peacemaking, restorative justice, and transformative justice.

It is our hope that our typology of criminal behavior systems continues to be of use to a new generation of students in the field of criminology and to criminologists formulating their own theories and research on criminal behavior. Our work is indebted to those criminologists who have devoted their attention to the study of the various types of criminal behavior.

## Notes

- 1 Edwin H. Sutherland, *Criminology* (Philadelphia: J.B. Lippincott, 1924).
- 2 *Ibid.*, 22.
- 3 Marshall B. Clinard, "How I Became a Criminologist," in *Studies in Symbolic Interaction*, ed. by Norman K. Denzin (Bingley, UK: Emerald, 2008), 31:133–142, 136.
- 4 Edwin H. Sutherland, *Principles of Criminology*, 4th edition (Philadelphia: J.P. Lippincott, 1939), 230.
- 5 Marshall B. Clinard and Richard Quinney, *Criminal Behavior Systems: A Typology* (New York: Holt, Rinehart and Winston, 1967), v.
- 6 Marshall B. Clinard, *Sociology of Deviant Behavior* (New York: Rinehart, 1957). That classificatory scheme consisted of several categories of offenders based on a continuum ranging from "non-career" types to "criminal-offender" types.
- 7 Marshall B. Clinard and Richard Quinney, *Criminal Behavior Systems: A Typology*, 2nd edition (New York: Holt, Rinehart and Winston, 1973).
- 8 Richard Quinney, *The Social Reality of Crime* (New York: Little, Brown, 1970).
- 9 Richard Quinney, "The Study of White Collar Crime: Toward a Reorientation in Theory and Research," *Journal of Criminal Law, Criminology and Police Science* 55, no. 2 (1964): 208–214.
- 10 Clinard, along with Peter C. Yeager, later clarified that corporate crime included crimes committed by corporate officials with the aim of benefitting the corporation. See Marshall B. Clinard and Peter C. Yeager, *Corporate Crime* (New York: Free Press, 1980).
- 11 Marshall B. Clinard, Richard Quinney, and John Wildeman, *Criminal Behavior Systems: A Typology*, 3rd edition (Cincinnati: Anderson Publishing, 1994).
- 12 Harold E. Pepinsky and Richard Quinney, eds., *Criminology as Peacemaking* (Bloomington: Indiana University Press, 1991).



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# 1

## A TYPOLOGY OF CRIMINAL BEHAVIOR SYSTEMS

We all try to give meaning to our existence. Our common goal is to make the world understandable and familiar, thus rendering it amenable to order, prediction, and control. A principal way we achieve understanding is by generalizing beyond the singular, the unique, and the particular. Whether we are participants or observers of the social scene, we understand largely by searching for recurrent and uniform patterns. Thus, it is through abstraction that we are able to comprehend the world of concrete experience.

All phenomena are unique in time and space. Nothing ever recurs exactly as before. But in order to reduce the complexity of our experiences, we tend to compartmentalize the infinite variety of life. We construct images or concepts in our attempt to “know” the world around us. These constructs are a reduction of our intricate and manifold experiences, a reduction that treats occurrences *as if* they were similar, recurrent, and general. Events are placed into categories. Phenomena thus become comparable, and comparison is the beginning of scientific and philosophical reflection.

Thus, as with all human endeavors, the systematic study of behavior is based on an ordering of the diversified world of discrete phenomena. This is accomplished in the sciences by the development of classifications, where concrete occurrences are ordered and compared by categorizing single observations into typologies. As abstractions, these constructed types deviate from the concrete in that they combine and accentuate attributes relevant to a particular analysis. A constructed type consists of characteristics with empirical referents that serve as a basis for comparison of empirical cases.<sup>1</sup>

Typologies have been used for centuries in the study of physical and human phenomena. For example, as early as the third century BCE, Aristotle in his *Politics* proposed a typology of political systems. Another important typology was created by the Swedish botanist Linnaeus in the eighteenth century when he developed the modern scientific classification of plants and animals. But it was Max Weber who, early in the twentieth century, made explicit the procedure of typology for use in the social sciences with his proposal of the “ideal type.” An analytical construct, the ideal type is created by combining diverse phenomena and accentuating their essential characteristics.<sup>2</sup> One of Weber’s most famous ideal types is his four-fold classification of social actions, or meaningful human behaviors, that are determined by rationality, values, emotions, or habits.<sup>3</sup>

## 2 A Typology of Criminal Behavior Systems

The use of typologies is common today, not only in botany, but in zoology, geography, geology, and other physical sciences. In the area of human behavior, the social scientist attempts to derive types, whether they be types of social organizations, types of occupations, or types of deviants. The use of types in ordering the diversities of observed phenomena has been instrumental in the development of the social sciences.

Types not only reduce phenomena to more systematic observation, but they also assist in the formulation of interrelated concepts and serve as guides for research. The construction of types may lead to a theoretical formulation. The constructed type, as John C. McKinney notes, functions as an analytic element in a more comprehensive theory and also orients empirical research to that theory:

On the one hand, the type is related to a conceptual scheme and hence is implicated in a theoretical context more broadly conceived than any problem under immediate consideration. On the other hand, it serves as the unit for comparison and probability statement of empirical occurrence.<sup>4</sup>

Thus, the construction of types from a broad range of concrete social phenomena is a necessary stage in the development of specific theories. This process involves theorizing at what Robert K. Merton has called the “middle-range”—intermediate between a comprehensive theory of crime and empirical studies of concrete social phenomena.<sup>5</sup> Middle-range theorizing involves developing specialized theories on various types of crime: a theory of personal violent crime, a theory of occupational crime, a theory of political crime, and so on. Middle-range theorizing from typologies also offers the possibility of formulating a comprehensive theory for the explanation of all the phenomena under observation. Conversely, a typology can be derived from a comprehensive theory of a specified phenomenon. There is, indeed, an interdependence between theory construction and constructed typology. While types may emerge from theory, they also are instrumental in the reformulation and expansion of theory. Typology and its relation to theory construction are essential to the further development of comprehensive theory.

### Typologies in Criminology

A diverse and wide range of behaviors is included in the category of crime. The one characteristic that all criminal behaviors have in common is that they have been defined as such by some recognized political authority. Much of the work of criminology is concerned with crime in general. However, because crime refers to a limitless variety of behaviors, criminologists also study particular types of crime. Thus, criminologists consider the identification, classification, and description of types of criminal behavior as defined by politically organized society.

Categories of crime and criminal behavior that are homogenous with respect to a specific explanation have been delineated by criminologists. Considering the wide range of phenomena subsumed under the concept of crime, a theory may be formulated after specific types of crime have been identified. The reciprocal relationship between typology and theory construction is clear: theoretical assumptions are necessary for the formulation of types, and a typology forces the reformulation of theory.

Criminologists have constructed and used many different typologies of crime and criminals. The most common typologies have been the legalistic, the individualistic, and the social.

## Legalistic Typologies

The oldest forms of classification are based on the legal definition of the criminal offense. Perhaps the most commonly used legalistic classification is in terms of the seriousness of the offense, as indicated by the kind of punishment provided for the behavior. The most serious offenses, like murder, kidnapping, and arson, are called felonies and are usually punishable by confinement in a state prison for more than 1 year (or by capital punishment in those states that permit it). Less serious offenses, like shoplifting, trespassing, and vandalism, are called misdemeanors and are normally punishable by fines or by confinement in a county jail for up to 1 year. Another legalistic typology of crime, found in the *Model Penal Code* drafted by the American Law Institute, determines the level of culpability based on the defendant's mental state during the commission of the crime. Thus, crime may be committed purposefully, knowingly, recklessly, and negligently.

As classifications of crime, these typologies are not very useful because they are ambiguous and inconsistent. For example, in 2017 possession of any amount of marijuana was a felony in Arizona, possession of 1 ounce was a misdemeanor in Massachusetts, and possession of 1 to 2 ounces carried no penalty in Colorado. As for the *Model Penal Code's* legal classifications, a few states have adopted most of its provisions while other states have adopted only some of them. Consequently, the form of punishment prescribed for given offenses differs from time to time and from state to state.

It is common also to identify the criminal in terms of a legal category. "Crimes against the person" include such illegal acts as murder, assault, and rape; "crimes against property" include burglary, larceny, forgery, and motor vehicle theft; and "crimes against public order" consist of such behavior as prostitution, gambling, drug violations, and driving under the influence. Thus, criminals may be given labels such as "murderer," "rapist," "burglar," "thief," or "prostitute." This method of classifying offenders suffers from a variety of disadvantages. For example: (1) it says nothing about the person and the circumstances associated with the offense, nor does it consider the social context of the criminal act, (2) it creates a false impression of specialization by implying that criminals confine themselves to the kind of crime for which they happen to be arrested or convicted, (3) in order to secure easy convictions, it is a common practice to allow offenders to receive a reduced sentence, and in these cases the final legal status of the original criminal action will bear little resemblance to the actual behavior, (4) because the legal definition of a criminal act varies according to time and place, the legal classification of crime presents problems for comparative analysis, and (5) the use of legal categories in a classification assumes that offenders with a certain legal label are all of the same type or are products of a similar process.

There have been several attempts to overcome some of the problems of legalistic classifications of crime, while still utilizing the legal categories. Although the categories of crime defined in criminal law may not be appropriate for sociological purposes, they may nevertheless be used in forming types of crime. One possibility is that types may be defined *within* specific legal categories. For example, burglars, depending upon their mode of operation, could be divided into house-breakers, smash and grab burglars, professional burglars, and amateur burglars. Another possibility is that related legal categories may be *combined*. For example, the FBI in its National Incident Based Reporting System distinguishes between Group A and Group B offenses based on their severity, frequency, and prevalence as well as on the likelihood and importance of reporting these crimes by law enforcement. Group A incorporates aggravated assault, bribery, counterfeiting, human trafficking, sex offenses, and weapons law violations. Group B integrates writing bad checks, disorderly conduct, liquor law violations, and trespassing.

#### 4 A Typology of Criminal Behavior Systems

Criminologists who favor the strategy of defining types according to legal categories claim that doing so is desirable because official data concerning criminal histories appear in terms of legal nomenclature, and because the criminal code contains specific operational definitions of criminal behavior. However, as practical as these procedures of using various legal classifications appear, they have largely resulted in numerous unrelated categories of crime lacking a common conceptual frame of reference. They have not generated comprehensive theories.

An important problem with the construction of legal typologies of crime concerns the controversy over what behaviors and what persons should be regarded as criminal.<sup>6</sup> At what stage of the criminal defining process should persons and behaviors be deemed to be criminal? Is it at the stage of official detection, at the stage of arrest, at the stage of official adjudication, or at the stage of official disposition? Or, to state the extreme, should a typology of crime include persons and behaviors irrespective of official legal action? Indeed, criminologists have long argued that the discipline should go beyond the legal definition of crime to include those actions that cause social harm to the general public. For example, as long ago as 1944, the American criminologist, Edwin H. Sutherland maintained that such actions as antitrust violations, false advertising, and infringements of patents, copyrights, and trademarks—what he called “white-collar crimes”—though not in strict violation of criminal law, should nonetheless be considered crimes because they are socially injurious to business competitors and to consumers.<sup>7</sup>

Even if the criterion of official legal action is dropped in the construction of a typology, there is still the problem of how long a person remains a criminal after they violate the criminal law. Ultimately the selection of the stage of legal action to be used in defining the persons and behavior to be included in a typology of crime depends upon the purpose of the typology and the kinds of research problems that are anticipated. In other words, the needs of the research sometimes dictate the kind of typology employed.

The use of legal categories of crime is valid when the purpose is to understand the process by which behavior becomes defined as criminal.<sup>8</sup> Since criminality is not inherent in behavior but is a quality conferred upon individuals and acts by others, the study of the formulation and administration of the law is important to the criminologist. The legal definition of crime is the best indication of how the category of crime is created as a form of public policy. Any typology could incorporate the legal aspects of criminal offenses. The legal category itself is a constructed category.

#### ***Individualistic Typologies***

In contrast to the various legal typologies that emphasize the criminal act, there have been typologies based on certain characteristics of individuals. This was the case with the criminologists of the so-called Italian School of Positivist Criminology, founded in the latter part of the nineteenth century, who were instrumental in turning attention to classification and to the use of criteria other than those found in the criminal law.<sup>9</sup> These early criminologists delimited types of offenders in terms of a heterogeneous collection of personal attributes. For example, Cesare Lombroso, in his book of 1878, *The Criminal Man*, identified, to his own satisfaction at least, a “born criminal” with a unique, inferior physique. Later, he recognized other types of criminals, including (1) the insane criminal, (2) the criminal by passion, and (3) the occasional criminal, a type that emphasized the social aspects of the offender as well as individualistic characteristics.

Another member of the Italian School, Raffaele Garofalo, a jurist, maintained that criminals are characterized by psychological anomalies. He divided these “defectives” into four categories: (1) typical criminals, or murderers who kill for enjoyment, (2) violent criminals, (3) criminals

deficient in pity and probity, and (4) lascivious criminals. In a similar fashion, Enrico Ferri, of the same School, distinguished between five types of criminals: (1) the insane, (2) the born, (3) the habitual, (4) the occasional, and (5) the passionate.

Criminologists, clinical psychologists, and psychiatrists have subsequently attempted to classify criminal offenders by utilizing either a single personality trait, such as low self-control,<sup>10</sup> or a syndrome or grouping of traits, such as antisocial personality disorder.<sup>11</sup> Accordingly, criminal offenders have been grouped according to whether they are immature, emotionally insecure, dependent, hostile, antisocial, nonconformist, or aggressive. Sometimes a single trait, such as weak or inflated self-esteem, has been applied to a variety of criminal offenders differing in both the nature and seriousness of activity. Consequently, personality trait syndromes by themselves have little meaning for distinguishing types of criminal careers or the behavior of criminals from non-criminals who may also have these traits.

One limited individualistic typology of serial murderers has been developed on the basis of the psychodynamics of criminal motivation and rationalization: (1) the visionary serial killer, (2) the mission serial killer (3) the hedonistic serial killer (4) the power/control serial killer.<sup>12</sup> This typology fails to consider social-structural variables and is overly subjective in its interpretation of offender background characteristics. In terms of individualistic factors, offenders also have been divided according to their gender, age, race, ethnicity, and other personal attributes. Gender is not a very meaningful criterion for classification because, with the exception of prostitution, women in the Western world commit almost as wide a variety of offenses as men, although not as frequently. It is increasingly difficult to distinguish clearly among offenders merely upon the basis of gender.

Age also is a somewhat meaningless classification because all types of crime are committed by persons of varying ages, although at far different rates (for example, rapists are seldom over the age of 60). Offenders committing the most overt serious crimes against the person, however, are more frequently under 25 years of age, while occupational and corporate crimes are generally committed by middle-aged persons. Classification of offenders by age has little merit, for the criminal development of an offender may have little relation to age. An offender may be considered “developed criminally” if they have unfavorable attitudes toward laws, property, and the police; specialized knowledge of techniques to commit crimes and avoid prosecution; and a framework of motives to support their conduct. These qualities can be present in a juvenile offender and be comparatively absent in a middle-aged one, or vice-versa. Classifications by racial and ethnic characteristics have serious negative effects. There is plenty of evidence that racial profiling is used to routinely stop young African American and Latino men by police to search their cars without probable cause,<sup>13</sup> to subject them to higher rates of incarceration,<sup>14</sup> and to expose them to police brutality.<sup>15</sup>

The individualistic approach to criminal classification employs the questionable assumption that individuals with particular personal and physical characteristics commit certain types of crime. In addition, the individualistic approach implies that persons with these characteristics specialize in particular offenses. Finally, while individualistic classifications may offer some diagnostic possibilities for treatment, they have little utility for the construction of sociological theories of criminal behavior.

### ***Social Typologies***

If crime is to be studied as a social phenomenon, it is necessary to delineate types of criminal behavior according to the social context of the criminal offender and the criminal act. A number of such types have been developed. Two criminologists of the nineteenth century, the Englishman

Henry Mayhew and the Frenchman Georges Moureau, proposed criminal types based on how crime is related to the various activities of the criminal. Mayhew distinguished between *professional criminals*, who earn their living through criminal activity, and *accidental criminals*, who commit crimes as a result of unanticipated circumstances. Moureau added one other type of criminal to Mayhew's types. Recognizing that many of the offenders who commit crimes against the person cannot be included in either of Mayhew's types, Moureau designated the *habitual criminal* who continues to commit criminal acts for such diverse reasons as a deficiency in intelligence or lack of self-control.

Building on the Mayhew-Moureau criminal types, in 1941 Alfred R. Lindesmith and H. Warren Dunham devised a continuum of criminal behavior ranging from the *individualized criminal* to the *social criminal*.<sup>16</sup> The criminal acts of the individualized criminal are committed for situational and personal reasons, with the behavior finding little cultural support. This would be the case with a murderer who prior to the crime was a law-abiding person. In contrast, the criminal behaviors of the social criminal, such as the racketeer, are supported and prescribed by group norms. The social criminal through criminal behavior achieves status and recognition within a tight and limited group, such as an organized crime group or gang. In addition, although the social criminal uses illegitimate means, the goals he or she seeks, such as economic gain and personal security, are valued by the broader culture. The types of offenders found between the extremes of the individualized criminal and the social criminal share in varying degrees the characteristics of one or the other polar types. Focusing on the relationship between age and criminality, or crime and the life cycle in general, some criminologists have highlighted the vocational aspects of certain forms of crime. Sheldon and Eleanor Glueck may have been the first to examine, during the 1930s, the relationship between age and criminal behavior over the life span.<sup>17</sup> Later criminologists have seen that some crimes are committed by persons who pursue criminal behavior as a *career*.<sup>18</sup>

In a pioneering study, Walter C. Reckless suggested two types of criminal careers: *ordinary* and *professional*.<sup>19</sup> As career crimes, these two types of crime are similar in that they usually involve property offenses for the purpose of gain; the criminals tend to specialize in particular violations; the commission of the offenses requires various degrees of skill and experience; crime is pursued as a way of life; and career criminals continue in crime for a long period of time, possibly for a lifetime. In terms of differences among the career types, ordinary criminals represent the lowest rank of career crime, engaging in conventional crimes such as robbery, larceny, and burglary, that require limited skills. Professional criminals, in contrast, are highly skilled and able to obtain considerable amounts of money, through Ponzi schemes and credit card fraud, for example, without being detected. Whereas Reckless's distinction is important and valid, it is limited to those who make an occupation or career out of crime. Many persons who commit illegal acts are not career criminals.

A more comprehensive typology was developed by Don C. Gibbons that is based on a "role-career model," employing the criteria of "definitional dimensions" and "background dimensions."<sup>20</sup> The definitional dimensions consist of: (1) the nature of the offense behavior, (2) the interactional setting with others in which the offense takes place, (3) self-concept of the offender, (4) attitudes toward society and agencies of social control such as the police, and (5) the steps in role-career of the offender. The background dimensions are (1) social class (by which, presumably, he means socioeconomic status group), (2) family background, (3) peer group associations, and (4) contact with defining agencies such as the police, courts, and corrections. Originally his typology identified 15 adult offender types and 9 juvenile offender types, but he subsequently refined this to 20 types, including both adults and juveniles.

A typology was developed by Ruth Shonle Cavan that gives principal consideration to the public reaction to crime and the criminal's reaction to the public.<sup>21</sup> In an analysis of the interaction

between the public and the offender, several types of criminal behavior were delineated. Because societal reaction is crucial to the criminal's self-concept and subsequent behavior, it is an important variable to be included in a typology of crime.

The typological approach continues to be important in criminology, as indicated by the attention devoted to the subject in virtually all contemporary criminology textbooks. Frank E. Hagan, for example, contends that "the real value of criminal typologies is their educational benefit in providing a useful, illustrative scheme, a practical device that, although subject to abstraction and overgeneralization, enables us to simplify and make sense of complex realities."<sup>22</sup> Dean A. Dabney identifies seven categories of criminal behavior: (1) homicide/assault, (2) sexual assault, (3) robbery, (4) burglary, (5) common property crime, (6) public order crime, and (7) crimes within complex organizations. He uses as his unit of analysis for each of these crime types "the criminal event," which he considers in light of behavioral, cognitive, cultural, and societal factors.<sup>23</sup> Terance D. Miethe, et al. also delineate seven similar crime typologies: (1) homicide and aggravated assault, (2) sexual assault, (3) robbery, (4) burglary, (5) motor vehicle theft, (6) occupational and organizational crime, and (7) public order crimes.<sup>24</sup>

Typology construction is far from perfect (all such systems are based on unstated assumptions about what the world is "really like"); nonetheless, without typologies of crime and criminals, theory itself becomes impossible.

## The Construction of Typologies

There are several methodological problems in the construction of typologies of crime. These problems themselves serve as the basic principles of criminal typological systems.

### *Classification and Typology*

While not always followed in practice, a distinction can be made between a classification (composed of classes) and a typology (composed of types). A strict *classification* consists of a set of variables or attributes that are linked to form several logically possible classes. A *typology*, in contrast, specifies how the attributes of observable phenomena are empirically connected in the formation of particular types. Thus, for example, we make classifications of insects and typologies of behavior patterns. Moreover, in a classification, there is the assumption that all cases within a class share the properties of that class to the same extent. A type, however, "acts as a point of reference that determines the extent to which any empirical case conforms to it, the principle consideration therefore being degree of approximation."<sup>25</sup> It is the construction of types rather than classes that interests the criminologist.

### *Ideal and Empirical Typologies*

Another distinction is sometimes drawn between two kinds of typologies: the *ideal* and the *empirical*. Following the lead of Weber, an ideal type is an abstraction that does not necessarily describe concrete cases but represents possible or even extreme cases. An ideal type may be conceived of as a distortion of the concrete. All empirical occurrences can then be viewed in terms of this kind of "pure" type. Theoretically, the ideal type never can be found in reality. For example, Weber's ideal type of social action that is rationally-purposeful (that is carefully planned and carried out only after thorough consideration of the goal in relation to other goals), does not describe any actual person's social behavior. Real-life behaviors are not completely rational; they are also

influenced by a combination of values, emotions, and habits. The empirical typology, in contrast, is composed of types that describe patterns that exist in the real world. The ideal type is the observer's abstraction; the empirical type is intended to represent what actually exists. In Howard P. Becker's analogy, the ideal type is "like a composite photograph printed from a large number of superimposed negatives," whereas the empirical type "is like a Frans Hals portrait."<sup>26</sup>

The distinction between ideal and empirical types is, however, arbitrary. Moreover, the distinction suffers from a faulty epistemology. The problem is related to the age-old controversy between realism and nominalism. Nevertheless, we cannot naively assume that types are "real." But we can dispense with the question of objective reality and the observer's ability to copy it. "There is no reason to believe in the objective reality of anything. Our concern, rather, is with the formulation of constructs that are meaningful for the purposes at hand."<sup>27</sup> Certainly, we construct types based on our perceptions and experiences. Nothing is either totally *a priori* or completely the result of induction. To conceive of types as developing from either source is to ignore the metaphysical problem of the dual nature of reality and our grasp of it. We construct that which gives meaning to our lives and to the real-world problems that we pose.

### ***Theoretical Assumptions and Underlying Dimensions***

No matter how implicit, some assumptions about the nature of crime and society are always present when we construct criminal typologies. In addition, the particular selection of dimensions is guided by the interests of the criminologist. In other words, the purpose at hand determines how the typology is constructed. Also, the level of explanation desired by the criminologist will play a part in the selection of dimensions in the typology. General characteristics for the construction of typologies can be developed in the course of criminological research. With the use of such techniques as factor analysis and regression analysis, and through longitudinal studies, for example, common characteristics of offenders can be found. These dimensions, in turn, can be used in the construction of a typological system. Typologies also can be constructed through the use of findings from other research studies on crime and delinquency. Once such typologies are constructed, and with the addition of interrelated concepts, they can serve as axiomatic theories whereby further statements—in the form of propositions—regarding types of crime can be deduced.

Related to the selection of characteristics underlying typologies is the determination of the phenomena to be included in the typology. The phenomena associated with crime include (1) the formulation and administration of criminal law, (2) the development of persons and behaviors that become defined as criminal, and (3) the social reactions to crime. The distinction between these three subject areas is crucial in the construction of typologies in criminology. For example, if a typology is based on *criminal law*, attention is focused on the process by which criminal definitions are imposed on human behavior by authorized agents of the state. However, if the objective is a typology based solely on *criminals* and their *behavior*, the emphasis is on the process by which persons who are subject to criminal definition acquire their self-conceptions and values, and how they associate with others in social and cultural contexts. Alternatively, a typology could be constructed on the basis of the nature and extent of *social reaction* to crime.

Yet another typology, first proposed by Sutherland, is a *criminal behavior system*, which is characterized by common norms, behaviors, and self-image among participants in the system.<sup>28</sup> A system of criminal behavior could be constructed that would consider all of the three previously mentioned areas of phenomena associated with crime. Such a typology would suggest how persons with certain characteristics and behaviors develop patterns that have a certain probability of

becoming defined as criminal and that elicit particular reactions from various segments of society. The development of a multidimensional and integrative typology that considers all three areas of phenomena associated with crime is this book's primary concern.

### ***Comprehensiveness and Homogeneity of Types***

There is also the question of whether a typology should include the entire range of crime or be limited in scope. A typology that attempts to be comprehensive must formulate types at a high level of abstraction. When this is done, it is unlikely that many cases will remain outside of the typology. Also, the higher the level of abstraction and the more behavioral phenomena included, the less specificity there is.

Should a typology incorporate both adults and juveniles? Many of the offenses of juveniles are the same as those of adults, as far as the behavior itself is concerned. Therefore, in constructing types, there may be little reason to create separate types for minors and adults. Instead, various forms of juvenile delinquency can be included in a single typology (as we have done). When an offense committed by a minor would be a crime if committed by an adult, it is included within our typology. It is possible to construct a typology based on uniquely juvenile offenses, such as underage purchase or possession of alcohol, but this is not our intent here.

No typology, unless it is on a very low level of abstraction, can contain purely homogeneous types. For every type, several subtypes could be delineated. The level of abstraction of the typology in general and each type, in particular, determines the extent to which subtyping may be appropriate. It is always the *purpose* of the analysis, combined with the desired level of abstraction, that influences the construction of types. Understandably, many of our types could eventually be broken down into subtypes, but this will have to await further work.

### ***The Future of Criminal Typology***

Whatever the nature of typology construction, criminology will continue to be concerned with the study of types of crime. In the development of typologies, we cannot expect to achieve a system that all criminologists will agree is the most desirable. Although some classifications will at various times be more popular than others, there are several reasons why we cannot look forward to one unifying typology in criminology.

First, as already mentioned, typologies differ according to the purposes they serve. Since there will continue to be a multitude of purposes and goals, including levels of analysis and degrees of generality, there will always be many, sometimes competing, typologies. Second, there is the fact that crime is relative. The definitions of crime change from time to time and from place to place, depending on the political structure and culture of a community. Therefore, the behaviors and persons to be included in a typology will vary according to historical period and jurisdiction. Third, as criminological theory continues to develop typologies will need to be modified. Finally, theories, theoretical frameworks, and the related typologies will change as the orientations of criminologists change. Inevitably, as with all intellectual and political developments, the interests of criminologists will be attuned to the developments in the larger society.

### **Theoretical Dimensions of a Typology of Crime and Criminal Behavior**

In the typology presented in this book, types of crime are viewed as *systems* of behavior. As heuristic devices, types are necessarily constructed as *systems*. As McKinney noted,

## 10 A Typology of Criminal Behavior Systems

The constructed type is a special kind of concept in that it consists of a set of characteristics wherein the relations between the characteristics are held constant for the purposes at hand. Hence, the type is a pragmatically constructed “system.”<sup>29</sup>

Our *criminal behavior systems* are constructed types that serve as a means by which concrete occurrences can be described and compared within a system of theoretical dimensions that underlie the types.<sup>30</sup>

The theoretical assumptions of our typology are contained in three dimensions:

1. Definition of Behavior as Criminal.
2. Sociology of Criminal Behavior.
3. Social Reaction to Criminal Behavior.

Included in these three dimensions are diverse phenomena associated with crime, that is, the formulation and administration of criminal law, the development of persons and behaviors that may be defined as criminal, and the social reactions to the behaviors. Together these three dimensions with their specific assumptions form the theoretical basis for our typology of criminal behavior systems.

**Definition of Behavior as Criminal.** Crime, according to most criminologists, is a definition of human conduct that is created by authorized agents in a politically organized society.<sup>31</sup> Criminal laws are formulated by those segments of society that have the power to translate their values, ideologies, and interests into public policy. Criminal laws thus consist of definitions of behaviors that are regarded as threatening to the dominant interest groups. The social history of particular criminal laws reflects changes in the power structure of society.<sup>32</sup>

**Sociology of Criminal Behavior.** The behavior of the offender is shaped by the extent to which criminally defined norms have become part of the individual’s career.<sup>33</sup> The criminal career of the offender includes the social roles they play, as well as their conception of self, progression in criminal activity, and identification with crime. Offenders vary in the degree to which criminally defined behavior has become a part of the organization of their life, usually in the absence of legitimate opportunities. The behavior of the offender is shaped by the extent to which criminally defined norms and activities have become a part of their career.

The behavior of offenders is also supported to varying degrees by the norms of the groups, communities, or subcultures to which they belong.<sup>34</sup> Persons defined as criminals act according to the normative patterns learned in relative social and cultural settings. Group support of criminal behavior varies according to the offender’s associations with differential norms and the offender’s integration into social groups.

**Social Reaction to Criminal Behavior.** Criminal behavior patterns are structured in society in relation to legitimate and legal behavior patterns. Within this context, persons develop and engage in actions that have relative probabilities of being defined as criminal. Criminally defined behaviors thus vary in terms of the extent to which they correspond to legitimate patterns of behavior in society. The behavior of the offender is viewed in relation to the norms of the segments of society that have the power to formulate and administer criminal law.

In addition, criminally defined behaviors vary in the intensity and amount of reactions they provoke from different sectors of society. Social reactions range from informal disapproval and censure to the official sanctioning procedures of the criminal justice system. Different policies of punishment and treatment are established and administered for each type of crime. Social reactions are also affected by the visibility of the offense and the degree to which the criminal