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Eighth Edition

Criminology in Canada

Theories, Patterns, and Typologies

Larry J. Siegel / Chris McCormick



Synopsis of Criminological Theories

CLASSICAL THEORY

ORIGIN About 1764

FOUNDERS Cesare Beccaria, Jeremy Bentham

MOST IMPORTANT WORKS Beccaria, *On Crimes and Punishments* (1764); Bentham, *Moral Calculus* (1789)

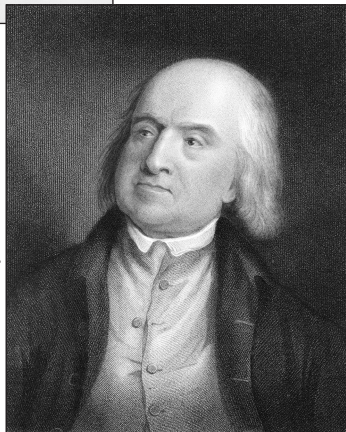
CORE IDEAS People choose to commit crime after weighing the benefits and costs of their actions. Crime can be deterred by certain, severe, and swift punishment.

MODERN OUTGROWTHS Rational Choice Theory, Routine Activities Theory, General Deterrence Theory, Specific Deterrence, Incapacitation



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Cesare Beccaria



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Jeremy Bentham

POSITIVIST THEORY

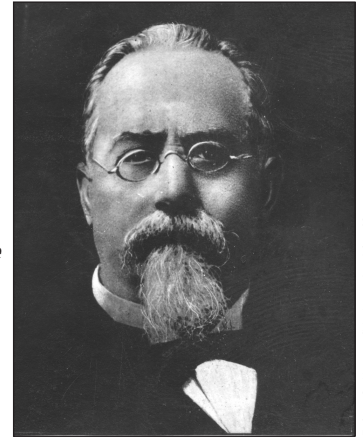
ORIGIN About 1810

FOUNDERS Franz Joseph Gall, Johann Spurzheim, J. K. Lavater, Cesare Lombroso, Enrico Ferri, Raffaele Garofalo, Earnest Hooton, Charles Goring

MOST IMPORTANT WORKS Lombroso, *Criminal Man* (1863); Garofalo, *Criminology* (1885); Ferri, *Criminal Sociology* (1884); Goring, *The English Convict* (1913); William Sheldon, *Varieties of Delinquent Youth* (1949)

CORE IDEAS Some people have biological and mental traits that make them crime prone. These traits are inherited and are present at birth. Mental and physical degeneracies are the cause of crime.

MODERN OUTGROWTHS Biosocial and Psychological Theory, Cognitive Theory, Behavioural Theory, Evolutionary Theory, Arousal Theory



Cesare Lombroso

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MARXIST/CONFLICT THEORY

ORIGIN About 1848

FOUNDERS Karl Marx, Willem Bonger, Ralf Dahrendorf, George Vold

MOST IMPORTANT WORKS Marx and Friedrich Engels, *The Communist Manifesto* (1848); Bonger, *Criminality and Economic Conditions* (1916); George Rusche and Otto Kirchheimer, *Punishment and Social Structure* (1939); Dahrendorf, *Class and Class Conflict in Industrial Society* (1959)

CORE IDEAS Crime is a function of class struggle. The capitalist system's emphasis on competition and wealth produces an economic and social environment in which crime is inevitable.

MODERN OUTGROWTHS Critical Theory, Conflict Theory, Radical Theory, Radical Feminist Theory, Left Realism, Peacemaking, Power-Control Theory, Postmodern Theory, Reintegrative Shaming, Restorative Justice

SOCIOLOGICAL THEORY

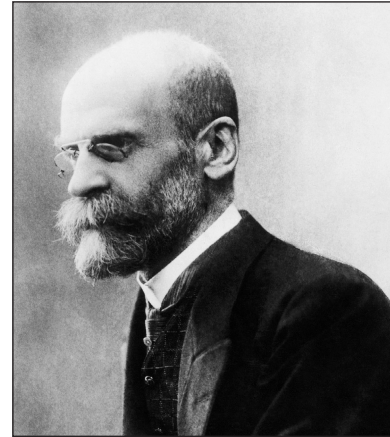
ORIGIN 1897

FOUNDERS Émile Durkheim, Robert Ezra Park, Ernest Burgess, Clifford Shaw, Walter Reckless, Frederic Thrasher

MOST IMPORTANT WORKS Durkheim, *The Division of Labor in Society* (1893), and *Suicide: A Study in Sociology* (1897); Park, Burgess, and John McKenzie, *The City* (1925); Thrasher, *The Gang* (1926); Shaw et al., *Delinquency Areas* (1925); Edwin Sutherland, *Criminology* (1924)

CORE IDEAS A person's place in the social structure determines his or her behaviour. Disorganized urban areas are the breeding ground of crime. A lack of legitimate opportunities produces criminal subcultures. Socialization within the family, the school, and the peer group controls behaviour.

MODERN OUTGROWTHS Strain Theory, Cultural Deviance Theory, Social Learning Theory, Social Control Theory, Social Reaction Theory, Labelling



Émile Durkheim

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MULTIFACTOR/INTEGRATED THEORY

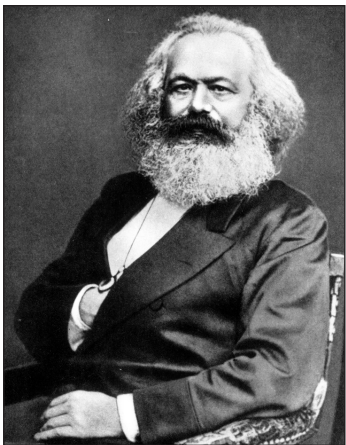
ORIGIN About 1930

FOUNDERS Sheldon and Eleanor Glueck

MOST IMPORTANT WORKS Sheldon and Eleanor Glueck: *Five Hundred Delinquent Women* (1934); *Later Criminal Careers* (1937); *Criminal Careers in Retrospect* (1943); *Juvenile Delinquents Grown Up* (1940); *Unraveling Juvenile Delinquency* (1950)

CORE IDEAS Crime is a function of environmental, socialization, physical, and psychological factors. Each makes an independent contribution to shaping and directing behaviour patterns. Deficits in these areas of human development increase the risk of crime. People at risk for crime can resist antisocial behaviours if these traits and conditions can be strengthened.

MODERN OUTGROWTHS Developmental Theory, Life Course Theory, Latent Trait Theory



Karl Marx

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Sheldon and Eleanor Glueck



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Theories, Patterns, and Typologies

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Criminology in Canada: Theories, Patterns, and Typologies, Eighth Edition
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Library and Archives Canada Cataloguing in Publication:

Title: *Criminology in Canada : theories, patterns, and typologies* /
Larry J. Siegel, Professor Emeritus, University of Massachusetts,
Lowell, Chris McCormick, St. Thomas University.

Names: Siegel, Larry J., 1947– author. | McCormick, Chris, 1956– author.

Descriptor: Eighth edition. | Includes bibliographical references and index.

Identifiers: Canadiana (print) 2023014828X | Canadiana (ebook) 20230148409 |
ISBN 9781774747827 (softcover) | ISBN 9781778412127 (EPUB)

Subjects: LCSH: Criminology—Textbooks. |
LCSH: Crime—Canada—Textbooks. | LCGFT: Textbooks.

Classification: LCC HV6025 .S54 2023 | DDC 364.971—dc23

ISBN: 978-1-77474-782-7

Ebook ISBN: 978-1-77841-212-7

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333 Bay Street, #2400
Toronto, ON M5H 2T6
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This book is dedicated to my children, Eric, Julie, Rachel, and Andrew; my grandchildren, Jack, Brooke, and Kayla Jean; my sons-in-law, Jason Macy and Patrick Stephens; and my wife, partner, and best friend, Therese J. Libby.

—Larry J. Siegel

For my students, to inspire them with a multidisciplinary way of thinking about today's problems of crime, deviance, and control in a way that is critical and progressive.

—Chris McCormick

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Preface

Writing a preface is the last thing, and one of the hardest things, to do in writing a book. It must introduce the book without saying too much. It must be inviting and interesting enough to inspire more reading. It must embody the challenge of difference and the warmth of familiarity. For this reason, using interesting stories is a good way to begin each edition.

This is because stories about criminal acts capture public attention in a way that nothing else does. Think Paul Bernardo, Karla Homolka, Luka Magnotta, Karl Toft, Clifford Olson, Alan Legere, Marc Lepine, Robert Pickton, Russell Williams, Bruce McArthur, Richard Leung, and so on. These names are so familiar they are part of popular culture. Yet our ability to determine the validity of those news stories, television documentaries, and magazine articles is compromised because most of us have little independent knowledge of crime and criminal justice. Unless you hang out with cops (or criminals), what you know about crime is more than likely superficial, gleaned from the media without important nuances. To start with, these are murderers, but they are in different categories: mass murder, serial homicide, femicide, contract killers, and so on. Each has its own motivations and methods.

In the case of the Pickton murders, for example, we can analyze a type of murder and also the role of the media. Dozens of women had gone missing from Vancouver's Downtown Eastside in the 1980s in a series of slayings that had people convinced that a serial killer was operating in their midst, an idea the media popularized. However, the police denied it, and despite geographic profiling evidence that confirmed links between the cases, they failed to make the connection until more than 50 women had been murdered. If this case were used today, it would be updated to include reference to more than 600 missing Indigenous women, some of whom vanished along the infamous Highway of Tears in British Columbia. Pickton has literally become a metaphor for the serial killer, and untangling his motives and methods is the work of criminology. Also, what do we know about those laws and police practices that forced women into the shadows where a serial killer could work? Answering that question is the work of criminal justice studies.

Similarly, in 2018, Bruce McArthur was charged with first-degree murder in connection with disappearances in Toronto's Gay Village. It is possible that he is responsible for even more murders yet unknown. In 2019, McArthur pled guilty to eight counts of first-degree murder, including the deaths of Andrew Kinsman, Selim Esen, Majeed Kayhan, Soroush Mahmudi,

and Dean Lisowick. McArthur was married and had children, but the media reported that by 1999, he was socializing with members of Toronto's gay community, including Skandaraj Navaratnam, a gay man who went missing in 2010. Targeting predominantly men of colour, McArthur dismembered his victims and buried them in planters on a property where he worked as a gardener. He had a criminal record for assault, was prohibited from using amyl nitrate, and was also prohibited from associating with male sex workers. The media portrayed him as Toronto's Pickton. This parallel is a shorthand way to make sense of the killings, but it also masks important differences in the crimes. For example, there is an allegation that police were disinclined to investigate cases of missing gay men of colour, something they of course have denied. But in 1980, police were responsible for raids on gay bathhouses, an event that became a lightning rod for gay rights activism, which some have compared to the Stonewall Riots in New York in 1969. They were also accused of ignoring reports of gay bashing in the 1980s, a complaint that helped introduce community policing to Toronto.

The McArthur case and its comparison to Robert Pickton's is a good introduction to this book because it is sensational but also illustrates the ambiguous role the media play in modern society. The media do a good job of reporting crime, but they also seem to have an inordinate interest in notorious killers, serial murderers, drug lords, and sex criminals. It is not surprising then that many of us are more concerned about violent crime than about almost any other social problem. We worry about becoming victims of violent crime, having our houses broken into, or having our cars stolen, even though the odds are quite low. We alter our behaviour to limit the risk of victimization, and we question whether legal punishment alone can control criminal offenders. We are shocked by graphic news accounts of shootings, police brutality, and prison riots. We are fascinated by books, movies, and TV shows about law firms, clients, fugitives, and hardened killers. Yet the media do little to enlighten us as to the causes of criminal behaviour or its prevention. Furthermore, they encourage us to think of problems as requiring crime-related solutions, rather than better health care, education, and welfare programs.

In a more current example, Alexandre Bissonnette, who murdered six people in a Quebec City mosque in 2017, is back in the news. At issue is whether his eventual eligibility for parole will be weighed consecutively for each first-degree conviction or concurrently. Under a 2011 "getting tough on crime" law, he faced the former. However, in 2022, the Supreme Court ruled that this was unconstitutional, for it

amounted to cruel and unusual punishment. The law represented a conservative attitude to punishment, fuelled by the media and moral outrage.

This book addresses more fundamental questions about crime, such as why offenders behave the way they do. What causes one person to become violent and antisocial, while another channels their energy into work, school, and family? How do we explain the at-risk kid in a high-crime neighbourhood who successfully resists the temptations of the streets? What accounts for the behaviour of the multimillionaire who cheats on their taxes and engages in other fraudulent schemes? The former has nothing, yet is able to resist crime; the latter has everything and falls prey to its allure. Is behaviour a function of personal characteristics or of upbringing and experience? Is it influenced by culture or environment? Or is it a combination of all these? And why are there regional differences—for example, why so many mass shootings in the US compared to Canada?

This text addresses some of these difficult questions through a typology-based approach. This means looking for patterns to better predict behaviour and to learn how to control it. It may mean looking at the role of gender or the influence of social class. It may mean looking at opportunities for deviant behaviour and the influence of peer groups. It may mean looking at the role of government regulation in disasters such as the railcar explosion in Lac-Mégantic, Quebec—regulation that allowed a train carrying highly explosive oil to sit idle on a siding with no one on board, only to slip away during the night and coast downhill into the middle of a town, where it derailed and exploded, killing almost 50 people. Such a disaster could have been predicted, and thus prevented, if only our attention hadn't been so distracted by serial killers, perhaps.

As a professor of criminology, I have taught thousands of students. To me, what is important is communicating my interests in crime, law, and justice to my students and inspiring them to explore their interests, whether their eventual goal is policing or social work. My goal has always been to help students understand a very broad field in a way that is easy to grasp. What could be more important or fascinating than a field of study that deals with such wide-ranging topics as the motivation for mass murder, the association between media violence and interpersonal aggression, the family's influence on drug abuse, the causes of wrongful convictions, and the history of organized crime? Criminology is a dynamic field, changing constantly with the release of major research studies, Supreme Court rulings, and government policy. Its dynamism and diversity make it an important and engrossing area of study, for it incorporates history, psychology, economics, and more. In this edition, I have sought to find examples and cases that make the field come alive.

What makes criminology difficult, but also interesting, is the ongoing debate regarding the nature and extent of crime and the causes and prevention of criminality. Some people view criminals as society's victims, who are forced to violate the law because of poverty and lack of opportunity. Others

view aggressive, antisocial behaviour as a product of mental and physical abnormalities that persist throughout the life course. Genetic, neurological, and physiological factors are also felt to influence criminality. Still another view is that crime is a rational choice of greedy, selfish people who can be deterred only through the threat of harsh punishments. For these people, there can be no treatment—only punishment. As new research uncovers factors that affect crime, the debate over the nature and cause of crime develops.

Debate also continues over how the criminal justice system should best treat known criminals. Should they be punished by being locked up? Or should they be given a second chance and diverted into alternative justice programs? Should the correctional system be retributive or restorative? Should crime control policy focus on punishment or rehabilitation, or even on medical treatment? If the underlying cause is poverty, how can this be remedied? Many of these questions are tied to the current events we learn about through the media. When a group of teenagers was accused of luring Reena Virk to a secluded spot only to assault and then kill her, it fuelled the call for reforms to juvenile justice. When Melanie Carpenter was abducted in broad daylight from her place of work in Surrey, British Columbia, sufficient public alarm ensued that the dangerous offender legislation was amended. Similarly, when Georgina Leimonis was shot in a Toronto café, the public called for the deportation of violent criminals. Other events involving the suicides of Amanda Todd and Rehtaeh Parsons have fuelled debate over cyberbullying, sparked changes to cybercrime laws, and renewed the focus on the victim.

Because interest in crime and justice is so great and so timely, this text reviews these ongoing issues and covers the field of criminology in an organized and comprehensive manner. It is meant as a broad overview of the field, designed to whet the reader's appetite and encourage further and more in-depth exploration. Numerous students have kept this book throughout university, using it as a criminology reference text beyond first year. That has inspired me to keep working to design this book to suit student needs, while meeting my interest in communicating my enthusiasm for a rich, growing field of study.

And to throw a wrench in the works, in a once-in-a-generation-event, we also must consider the effects of the COVID-19 pandemic. These are addressed in various chapters, but to throw out just a few highlights, it is apparent that some crime trends have gone down, while some have increased. For example, firearm-related homicides increased 5 percent from 2019 to 2020. Increases in child sexual exploitation and abuse also increased during the first year of the pandemic. In addition, cybercrime in general increased 31 percent in 2020, child pornography was 35 percent higher, and online sexual offences were up 10 percent. Decreases were noted in many crimes because of pandemic lockdowns, but while interpersonal violence decreased in general, domestic violence increased. It will remain for research to tease out the relationship between pandemic measures and crime rates. The anomalies need to be researched.

In this eighth edition, I have made every effort to make the presentation of material interesting, balanced, objective, and, especially, as distinctly Canadian as possible. There is a strong theme of social justice and protest, but otherwise, no single political or theoretical position dominates the text; instead, this text presents the multitude of views that are contained within criminology and that display the field's diverse nature. This multidisciplinary field ranges from biology to sociology and many disciplines in between. The text analyzes the most important scholarly works and scientific research reports, while also presenting topical information on recent cases and events. The cases should inspire and inform, as well as educate and excite the reader to study criminology.

—Chris McCormick

Organization of the Text and What Is New in This Edition

The text has been carefully structured to cover relevant material in a comprehensive, balanced, and objective fashion. With marginal notes and clearly defined learning objectives, lesson concepts are also easy to understand. The text has three main sections or topic areas.

Section 1: Concepts of Crime, Law, and Criminology provides a framework for studying criminology and lays out the basic issues in criminology. Chapter 1 defines the field and discusses its most basic concepts: the definition of *crime*, the component areas of criminology, its history, research methods, and the ethical issues that confront the field. Chapter 2 covers criminal law and its functions. Some controversial issues are discussed, such as how wrongful convictions illustrate that mistakes can happen in even the most rationally organized legal system. Chapter 3 deals with the nature, extent, and patterns of crime, covering the various ways we learn about crime in our society: police statistics, victimization surveys, and the media. Criminologists attempt to reconcile these different sources to understand crime patterns. Chapter 4 is devoted to an important and relatively new area of criminology: the nature of victims, theories of victimization, and programs designed to help them. A section on hate crime is especially relevant, as we see a rise in anti-Asian hate crime during the pandemic. New and updated materials in this section include

- **Chapter 1: Crime and Criminology:** Updated material on sociology of law and victimology, and updated discussion and data on Canadian crime trends
- **Chapter 2: The Criminal Law and Its Process:** A new feature, “Crime, Conflict, and Disorder: Lobster Fishery Dispute and the Rule of Law”
- **Chapter 3: The Nature and Extent of Crime:** Extensively updated crime statistics and data, including new figures from Statistics Canada; a new feature,

“Crime, Conflict, and Disorder: The Pandemic and Crime Patterns, 2020”; new discussion on the pandemic and its impact on the economy and crime trends, and new discussion and data on hate crimes

- **Chapter 4: Victims and Victimization:** Updated material on victimization, including new victimization survey data and figures; updated discussion on victim-blaming; new features, “Crime, Conflict, and Disorder: Police Shootings and the Reaction” and “Focus on Research: The Impact of Wrongful Convictions on Crime Victims”

Section 2: Theories of Crime Causation outlines the theoretical issues of criminology. It contains five chapters that cover the main theories: criminal choice (Chapter 5); biological and psychological views (Chapter 6); structural, cultural, and ecological theories (Chapter 7); social process theories that focus on socialization and include learning and control (Chapter 8); and theories of social conflict (Chapter 9). Of particular interest are the materials on closed circuit television (CCTV) in Chapter 5, real cases of sleepwalking used as a defence in Chapter 6, early research done at McGill University on sexuality in the 1920s in Chapter 7, and research on ethnicity and criminality in Chapter 9. All these chapters address ongoing issues such as inequality and life chances—for example, how the risk of crime in a society increasingly oriented toward mandatory minimum sentences connects the individual to wider social structures. New and updated materials in this section include

- **Chapter 5: Choice Theory:** Updated discussion on crime mapping, with a new figure; new features, “Focus on Research: How Auto Thieves Plan Their Crimes”; and “Crime, Conflict, and Disorder: MAID and the Right to Choose”
- **Chapter 6: Trait Theories:** New feature, “Crime, Conflict, and Disorder: Environmental Factors Implicated in Crime”
- **Chapter 7: Social Structure Theories:** New exhibits, “Childhood Poverty” and “Social Class and Living Conditions,” in the discussion on economic structure and crime; new discussion on “storylines” about how people cope with strain; new features, “Crime, Conflict, and Disorder: Muskrat Falls and the Controversy over Hydro Development” and “Experiments with a Guaranteed Income,” related to social structure theory and social policy
- **Chapter 8: Social Process Theories:** New section on family relations relating to social processes and crime; new material on family violence, retrospective reading, and labelling; new features, “Focus on Research: Women, Desistance, and Fearful Futures” and “Crime, Conflict, and Disorder: Systemic Racism and Changing Perceptions”
- **Chapter 9: Social Conflict Theory:** New feature, “Profile of a Crime: The Case of Colten Boushie”; new section on queer criminology; updated discussion and data on restorative justice.

Section 3: Crime Typologies, is devoted to the major forms of criminal behaviour. Chapters 10 to 13 cover violent crime, common theft offences, white-collar and organized crimes, and public order crimes, including sex offences and substance abuse. These chapters on crime patterns and trends lay out current and controversial issues and highlight the most recent information, such as statistics on patterns of violent crime in Chapter 10 (i.e., murder, sexual assault, and family violence). Chapter 11, with its focus on property crime, discusses trends such as those in auto theft, while Chapter 12 highlights crimes of power, such as white-collar crime, green crime, and organized crime. Chapter 13 looks at moral issues and crime, such as medical assistance in dying (MAID). Chapter 14 looks at crimes that are evolving in the 21st century, from cybercrime to terrorism. New and updated materials in this section include

- **Chapter 10: Violent Crime:** New feature, “Crime, Conflict, and Disorder: London, Ontario, Van Attack”; updated discussion using the 2019 General Social Survey; updated discussion on workplace violence
- **Chapter 11: Property Crimes:** New feature, “Crime, Conflict, and Disorder: Fairy Creek and Competing

Definitions of *Commodity*”; new discussion on basic crime patterns during the COVID-19 pandemic; updated discussion and data on auto theft; updated discussion and data on fraud, including computer fraud and credit card fraud

- **Chapter 12: Crimes of Power: White-Collar, Corporate, Green, and Organized Crime:** New feature, “Crime, Conflict, and Disorder: Wet’suwet’en Protest against Pipeline”; new material on deferred prosecution and the case of SNC-Lavalin; updated discussion and data on organized crime groups, including new figure
- **Chapter 13: Public Order Crimes: Legislating Morality:** New discussion on sex work, the internet and sex tourism; updated discussion on the opioid fentanyl; updated discussion and data on drug use among youths, including new figures
- **Chapter 14: Crimes in the 21st Century:** Updated discussion on cyberwarfare; new feature, “Focus on Research: Dark Commerce: Globalization and Crime”; updated discussion and data on ransomware, phishing, and cyberbullying

Key Features

Thematic **Connections** link the material being currently discussed with relevant information located elsewhere in the text. Connections either expand on the subject matter or show how it can be applied to other areas or topics. In such a comprehensive book, these connections help organize and coordinate the material between chapters for quicker learning.

Profile of a Crime

Canada's Deadliest Serial Killers

The Pig Farmer

Robert Pickton began trial in 2006 on 27 cases of first-degree murder. He was charged in connection with the disappearance of more than 60 sex-trade workers. Beginning in 1983, women went missing from Vancouver streets in an area known for drug dealing, addiction, homelessness, and violence. Police wrapped up their \$70 million investigation in late 2003 at Pickton's pig

his father, and he became a bully, killing local dogs and cats. He was later assaulted by guards in a reformatory. His criminal career eventually included sexual assault, break and enter, forgery, and dangerous driving. In 2010, while in custody, he allegedly killed his cellmate in Rocky Mountain Penitentiary.

A Deal with a Devil

Clifford Robert Olson had a criminal history that included break and enter, burglary, fraud, and theft. As a child, he also tormented neighbourhood dogs and cats. In 1978, he was charged with indecent assault in Nova Scotia and then imprisoned for fraud in Saskatchewan. In 1981, he killed 11 children in British Columbia. Two weeks after the first murder, he raped a teen prostitute (Janet Henry), but police declined to press charges. In a widely criticized deal with the RCMP, Olson was paid \$100,000 in exchange for information about the murders and the location of 6 bodies police had been unable to find. In 1996, he applied under section 745, the faint hope clause, to have his 25-year

later charged with obstruction of justice for concealing a set of videotapes Bernardo had made of his assaults. He was denied parole for the second time in 2021.

He Did It for Money

Yves "Apache" Trudeau, 58, a former hit man for Hells Angels, became a police informant after discovering that Hells Angels had put out a contract for his death. In exchange for placement in a witness protection program, Trudeau confessed to 43 murders and helped put 42 former associates behind bars. In 2004, Trudeau faced a number of new charges for sexually assaulting a minor, which revoked his parole. Automatically facing a life sentence, he returned to prison a marked man as a child molester and informant. In 2008, stricken with cancer and using a wheelchair, he was released on parole. Technically, he would not qualify as a serial killer because he did it for money.

Toronto's Pickton

In 2018, media outlets reported that police had investigated over a dozen properties where Bruce McArthur, a self-proclaimed

Connections

Knowing how criminology studies crime means understanding the system within which *crime* is defined and its control enforced. In the next chapter, we look at a history of the Canadian criminal justice system, how it has evolved, and some current developments and controversies.

Another feature, **Profile of a Crime**, highlights cases that illustrate the application of theoretical concepts. For example, in Chapter 3, police are looking at links between alleged serial killer Bruce McArthur and other 40-year-old murders in Toronto's gay community. Within that community, there were rumours of a serial killer, but it took years for McArthur to be caught and brought to justice. In other chapters, features include missing and murdered Indigenous women and environmental protest and activism. Each seeks to highlight important issues in the news relevant to living in the 21st century.

Key Court Case features precedent-setting and important cases to illustrate principles from the text. For example, whether it is the Lost Boy indictment, *Sharpe*, *Keegstra*, or *Gladue*, we see court cases that set the precedent for the future. Similarly, Wiebo Ludwig, Henry Morgentaler, and Sue Rodriguez became key newsmakers and changed the course of criminal justice in Canada. These features develop key issues that are part of our criminal justice history, such as the sleepwalking defence, the wrongfully convicted, women who kill, and serial killers. For example, Angeliqye Lyn Lavallee was a battered woman in a violent common-law relationship who killed her partner late one night. This case eventually resulted in a decision by the Supreme Court of Canada (1990) that set the legal framework for what has become known as the "battered wife syndrome" defence. Justice Minister Allan Rock then agreed to consider extending that principle to some pre-1990 cases. In this example, we see the origin of an important doctrine of Canadian criminal justice and consider the significance of gender in criminal cases.

Key Court Case

R. v. Sharpe (2001)

Parliament took less than six weeks to enact child pornography legislation in 1993, and section 163.1 of the *Criminal Code of Canada* has been a source of relentless debate ever since. Though not the first case of its kind, *Sharpe* is noteworthy because it challenged the federal law against producing, dealing, and possessing child pornography.

John Robin Sharpe was arrested at the Canada-US border in 1995 after customs officers found in his possession nude photos of underage boys and sexually explicit written material on several computer disks. Police later executed a search warrant at

his Vancouver home. Among the materials seized were more than 500 photos of 91 different boys engaged in sexual activity and a collection of personal stories entitled "Kiddie Kink Classics." Sharpe was charged with two counts each of possessing and distributing child pornography, but he was acquitted by the British Columbia Supreme Court in 1999.

After the province's Court of Appeal upheld the ruling, Sharpe's case was heard before the Supreme Court of Canada, which had to decide whether child pornography laws violated the freedom of expression guarantee in section 2 of the *Charter of Rights and Freedoms* (described in Chapter 2). In 2001, the Court attempted to strike a balance between the need to protect children from sexual exploitation and the need to protect fundamental rights and freedoms. Although section 163.1 of the *Criminal Code* was declared constitutional, exceptions were outlined in certain cases: for materials that have artistic, educational, or scientific merit and for purely personal materials that do not involve children in their production. Sharpe's case was retried, and he was found not guilty in relation to distribution but convicted on

possession, and received a four-month conditional sentence.

Sharpe was arrested again in 2003 for indecent assault against a man who had come forward after police issued a public appeal to those pictured in the seized photographs. In July 2004, at the age of 71, Sharpe was handed a prison sentence of 2 years less a day. Controversy regarding the Supreme Court ruling prompted the Liberal government to introduce legislation in December 2002 that would lighten the definition of *artistic merit* by introducing a standard of "contribution to the public good." However, the bill died on the ledger when the 2004 election was called.

Critical Thinking

Does artistic merit override the need to protect children from exploitation? And is this case in any way about homosexuality, or would heterosexual images be treated in the same way?

Sources: Various media sources, 2002–2004; Robert Sharpe, Katherine Swinton, and Kent Roach, *The Charter of Rights and Freedoms*, 2nd ed. (Toronto: Irwin Law, 2002).

Each chapter also has a **Focus on Research** feature that shows research related to criminology. Chapter 6, for example, discusses some issues concerning the relationship between teenage behaviour and aggression. Is teen aggression related to brain chemistry and structure? Could policies or opportunities be put in place to address this, such as summer jobs for at-risk youth? Chapter 12 looks at green criminologists, who favour the harms perspective that hurting animals—not just people—should be a crime, and Chapter 9 highlights issues involving wrongful convictions. In addition, there are research pieces on masculinity and sexual violence, the politics of statistics, and transnational terrorism.

Crime, Conflict, and Disorder

Unmarked Burials Found at Former Residential School

responsible for the residential school system. Most notably, the former Ryerson University has recently been renamed Toronto Metropolitan University—Egerton Ryerson, for whom it was named, had been involved in the development of the residential school system. Forensic pathologists today are able to reveal tuberculosis, abuse, and malnutrition on the basis of even skeletal remains. The TRC has estimated that at least 4,000 bodies were buried in more than 400 burial sites across the country. (For more information, see major media sources such as the *Vancouver Sun*, the CBC, and the *National Post*.)

critical thinking

The feature **Applying Criminology**, found at the end of each chapter, asks students to use reasoning from the chapter to understand a criminal justice scenario. The questions accompanying this item are a good self-test of chapter concepts.

Key Terms

- anomie p. 10
- atavistic anomalies (or traits) p. 9
- bourgeoisie p. 11
- Chicago School p. 11
- classical criminology p. 8
- criminal justice system p. 3
- criminological enterprise p. 12
- criminologist p. 4
- criminology p. 4
- cross-sectional research p. 18

criminology The scientific study of the nature, extent, cause, and control of criminal behaviour.

criminologists Academics who bring objectivity and method to the study of crime and its consequences.

As always, an effort has been made to cite new research, retain features that stand the test of time, create new features, highlight Canadian criminology, and showcase Canadian cases.

Focus on Research

Canadian Crime Trends, 2019

There are several reasons for changes in the crime rate: (1) there is a real increase or decrease depending on underlying reasons, such as a change in the economy; (2) there is a change in the definition of crime, such as the decriminalization of cannabis in 2018; (3) there is a change in enforcement, such as roadside sobriety checks; and (4) there is a change in reporting, due perhaps to changes in social awareness. The year 2019

The police-reported crime rate rose 7 percent in 2019 but was 9 percent lower than a decade earlier, continuing an upward curve since falling precipitously in the early 1990s. In terms of severity, fraud was up 8 percent, sexual assault 7 percent, threats 20 percent, and child pornography 46 percent. However, as discussed in Chapter 3, the victimization survey showed that less than one-third of crimes were reported to the police.

One crime in particular that is very report-sensitive is sexual assault. Only about 5 percent of sexual assaults are reported, though that figure has risen in the wake of the #MeToo social media movement. It is also definition-sensitive, in that police practice has changed to treat a report as true unless there is evidence otherwise. This is contrary to past practice, which assumed that a report was not true unless there was corroborating evidence. And a rapid rise in the crime of child pornography has been at least partly due to an increase in police resources designed to increase reporting and awareness and to detect the use of computers for accessing and sharing

Indigenous people. It is six and a half times higher than for the non-Indigenous population. Indigenous people are 5 percent of the total population but account for 27 percent of all homicide victims. The impact of a history of colonization—including residential schools, work camps, forced relocation to reserves, and other discriminatory policies—resulted in marginalization, the result being higher rates of trauma, violence, and gender-based harms. The Homicide Survey was amended in 2019 to include more ethnic data, after which it found that 31 percent of homicide victims were from a visible minority group.

So, changes in reporting practices and in definitions account for some changes in crime rates, as do changes in enforcement. A rise of 19 percent in impaired driving offences was due to legislative changes but also to the increased use of oral fluid screening devices. Opioid-related offences rose 48 percent, mostly due to possession and trafficking, which are mainly discoverable through enforcement. Methamphetamine trafficking increased 17 percent.

Another feature, **Crime, Conflict, and Disorder**, is a new addition that highlights contemporary events that test our understanding of crime and control. For example, in Chapter 12, the Wet'suwet'en protest over a pipeline run through their traditional territory is highlighted. It shows how there is increasing conflict over Indigenous rights and economic development, from Muskrat Falls in Newfoundland to Fairy Creek in British Columbia.

Applying Criminology

A criminologist has come up with a test that they believe can predict future violent behaviour. The procedure involves having subjects sit in front of a computer screen in order to watch images, some peaceful and placid and others extremely violent;

Each chapter includes a chapter outline, a list of key terms contained in the chapter, and concept summaries. A running marginal glossary provides concise definitions of key terms used throughout the text.

Concept Summary 1.2

The Major Perspectives of Criminology

The focus is on *individual* factors (biological, psychological, and choice theories), *social* factors (structural and process theories), *political* and *economic* factors (conflict), and *multiple* (integrated) factors.

Feature Boxes

Here is a list of feature boxes throughout the book.

Key Court Case

- Chapter 1 *R. v. Sharpe* (2001)
- Chapter 2 Legal Rights and the *Charter*
- Chapter 3 The Murder of Reena Virk
- Chapter 4 *R. v. Keegstra*
- Chapter 5 Effects of the *Charter* on Deterrence
- Chapter 6 Women and Insanity in Canadian Society
- Chapter 7 Henry Morgentaler
- Chapter 8 John Martin Crawford
- Chapter 9 *R. v. Gladue*
- Chapter 10 Arthur Lucas and Ronald Turpin
- Chapter 11 Arson and a Wrongful Conviction (**new**)
- Chapter 12 *Deepwater Horizon*
- Chapter 13 Sue Rodriguez
- Chapter 14 The Lost Boy Case

Profile of a Crime

- Chapter 1 Canada's Deadliest Serial Killers
- Chapter 2 Wrongfully Convicted (**updated**)
- Chapter 3 A Serial Killer Stalked Toronto's Gay Village
- Chapter 4 A Woman Who Killed
- Chapter 5 The Curious Career Choice of Edwin Alonzo Boyd
- Chapter 6 Kenneth Parks, Sleepwalker
- Chapter 7 Seeds of Hope at the Missing and Murdered Indigenous Women Inquiry (**new**)
- Chapter 8 Brock Turner (**new**)
- Chapter 9 The Case of Colten Boushie (**new**)
- Chapter 10 Two Killers (**updated**)
- Chapter 11 Protesting for the Environment: Arson, Vandalism, and the Case of Wiebo Ludwig
- Chapter 12 Human Trafficking (**updated**)
- Chapter 13 The Case of Everett Klippert
- Chapter 14 Edward Snowden

Focus on Research

- Chapter 1 Canadian Crime Trends, 2019 (**new**)
- Chapter 2 What Happens When People Go Outside the Law to Uphold the Law
- Chapter 3 The Politics of Statistics (**new**)
- Chapter 4 Victims' Rights; The Impact of Wrongful Convictions on Crime Victims (**new**)

- Chapter 5 How Auto Thieves Plan Their Crimes (**new**)
- Chapter 6 Diet and Crime: An International Perspective; Teenage Behaviour: Is It the Brain?
- Chapter 7 Carl Dawson and the McGill School
- Chapter 8 Women, Desistance, and Fearful Futures (**new**)
- Chapter 9 Wrongful Convictions
- Chapter 10 Masculinity and Sexual Violence among the Urban Poor
- Chapter 11 On the Run
- Chapter 12 Is Chicken Farming Foul?
- Chapter 13 Drug Courts
- Chapter 14 Transnational Terrorism

Crime, Conflict, and Disorder (new feature)

- Chapter 1 Unmarked Burials Found at Former Residential School
- Chapter 2 Lobster Fishery Dispute and the Rule of Law
- Chapter 3 The Pandemic and Crime Patterns, 2020
- Chapter 4 Police Shootings and the Reaction
- Chapter 5 MAID and the Right to Choose
- Chapter 6 Environmental Factors Implicated in Crime
- Chapter 7 Muskrat Falls and the Controversy over Hydro Development
- Chapter 8 Systemic Racism and Changing Perceptions
- Chapter 9 Capitalism Destroys the Planet
- Chapter 10 London, Ontario, Van Attack
- Chapter 11 Fairy Creek and Competing Definitions of *Commodity*
- Chapter 12 Wet'suwet'en Protest against Pipeline
- Chapter 13 The Opioid Epidemic
- Chapter 14 Dark Commerce: Globalization and Crime

Ancillaries

Instructor Resources

MindTap

Cengage MindTap

For the eighth edition of *Criminology in Canada*, a new MindTap has been created, with resources developed by author Chris McCormick, St. Thomas University, as well as Aynsley Pescitelli, Douglas College, and Nadine Cybulski, Conestoga College. MindTap is an outcome-driven application that propels students from memorization to mastery. It's the only platform that

gives you complete ownership of your course. With it, you can challenge every student to build their confidence and empower them to be unstoppable.

- **Access everything you need in one place.** Cut down on prep with preloaded, organized course materials in MindTap. Teach more efficiently with interactive multimedia, assignments, quizzes and more. And give your students the power to read, listen, and study on their phones, so they can learn on their terms.
- **Your course. Your content.** Only MindTap gives you complete control over your course. You have the flexibility to reorder textbook chapters, add your own notes and embed a variety of content, including OER. Personalize course content to your students' needs. They can even read your notes, add their own, and highlight key text to aid their progress.
- **A dedicated team, whenever you need them.** MindTap isn't just a tool; it's backed by a personalized team eager to support you. Get help setting up your course and tailoring it to your specific objectives. You'll be ready to make an impact from day one. And, we'll be right here to help you and your students throughout the semester—and beyond.

CCTA

The Cengage Canada Teaching Advantage (CCTA) program delivers research-based instructor resources that promote student engagement and higher-order thinking to enable the success of Canadian students and educators. With a focus on quality, all of our resources are copyedited, and questions are reviewed to ensure that the content is accurate and relevant to the new edition.



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This resource was revised by Aynsley A. Pescitelli, Douglas College. It includes more than 1,700 multiple-choice questions written according to CCTA guidelines for effective construction and development of higher-order questions. Also included are 200 true/false questions and 140 essay questions.

PowerPoint

Microsoft® PowerPoint® lecture slides for every chapter have been revised by Nadine Cybulski, Conestoga College. There is an average of 50 slides per chapter, many featuring key figures, tables, and photographs from *Criminology in Canada: Theories, Patterns, and Typologies*. Questions for discussion are also interspersed among the slides, to prompt class discussion on key issues. Principles of clear and accessible design and engaging content have been incorporated throughout, making it simple for instructors to customize the deck for their courses.

Image Library

This resource consists of digital copies of figures, short tables, and photographs used in the book. Instructors may use these JPEGs to customize the PowerPoint or create their own PowerPoint presentations. An Image Library Key describes the images and lists the codes under which the JPEGs are saved. Codes normally reflect the chapter number (e.g., C01 for Chapter 1), the figure or photo number (e.g., F15 for Figure 15), and the page in the textbook. C01-F15-pg26 corresponds to Chapter 1, Figure 1-15, on page 26.

Enhanced Instructor's Manual

This resource was revised by Duncan Philpot, St. Thomas University. It is organized according to the textbook chapters and addresses key educational concerns, such as common misconceptions and typical stumbling blocks students face, and how to address them. Other features include assignments that can be done in class, and activities, multimedia, and projects that instructors can assign or show in class.

Student Resource

MindTap

MindTap is a flexible all-in-one teaching and learning platform that includes the full ebook, a customizable learning path, and various course-specific activities that drive student engagement and critical thinking. Within the ebook, students can organize and personalize their study experience with highlighting and notetaking tools.

About the Authors

Larry J. Siegel was born in the Bronx. While living on Jerome Avenue and attending City College of New York in the 1960s, he was swept up in the social and political currents of the time. He became intrigued with the influence contemporary culture had on individual behaviour: Did people shape society, or did society shape people? He was able to apply his interest in social forces and human behaviour to the study of crime and justice when he was accepted into the first class of the newly opened program in criminal justice at the State University of New York at Albany. Dr. Siegel began his teaching career at Northeastern University, where he was a faculty member for nine years. He also held teaching positions at the University of Nebraska–Omaha and Saint Anselm College in New Hampshire before being appointed a full professor in the School of Criminology and Justice Studies at the University of Massachusetts, Lowell. Dr. Siegel has written 16 books in the area of crime and justice, including books on juvenile law, delinquency, criminology, criminal justice, corrections, the court system, and criminal procedure. He is a court-certified expert on police conduct and has testified in numerous legal cases. The father of four and grandfather of three, Larry Siegel and his wife, Terry, now reside in Naples, Florida, with their dog, Sophie.



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Courtesy of Chris McCormick

Acknowledgments

Many people helped make this book possible. I have attempted to incorporate the suggestions of those who reviewed this edition, including

Marvin Mustin, Conestoga College

Scot Wortley, University of Toronto

Alexander Shvarts, Humber College

Frank T. Lavandier, University of Prince Edward Island

Chantal Faucher, Langara College

The list of those who helped with material or advice includes those at Cengage Canada. Many thanks, in particular, to Leanna MacLean, Senior Portfolio Manager, and the development and production teams, specifically Gail Brown, Content Development Manager; Matthew Kudelka, copy editor; and Imoinda Romain, Senior Content Production Manager. I also thank Larry Siegel (Professor Emeritus, University of Massachusetts at Lowell) for producing such a great text from which to work.

In addition, I thank the various copy editors, research assistants, and editorial assistants whose contributions have enhanced the text over the years.

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2023

Concepts of Crime, Law, and Criminology

How is *crime* defined? How much crime is there, and what are the trends and patterns in the crime rate? How many people are victims of crime, and who is likely to become a crime victim? How did our system of criminal law develop, and what are the basic elements of crimes? How do wrongful convictions challenge our concept of fairness under the law? What is the science of criminology all about? These are some of the core questions that will be addressed in the first four chapters of this text, providing a solid foundation for the chapters to come. Chapter 1 introduces the field of criminology: its nature, area of study, methodologies, and historical development. Concern about crime and justice has been an important part of the human condition for more than 5,000 years, formally since the first criminal codes were set down in the Middle East, but arguably since people defined codes of conduct for living together. And although the scientific study of crime—*criminology*—is considered a contemporary science, it has existed for more than 200 years.

Chapter 2 introduces one of the key components of criminology: the development of criminal law. Included in this discussion is the social history of law and the purpose of law, as well as how that purpose defines crime. The chapter also briefly examines criminal defences and legal reform, using prominent Canadian examples. The final two chapters of this section create a picture of crime by reviewing the various sources of crime data. Chapter 3 focuses on the nature and extent of crime, discussing the main sources of information criminologists use, while Chapter 4 is devoted to victims and victimization, a relatively new area in criminology. Important and stable patterns in the rates of crime and victimization indicate that these are not random events. The way crime and victimization are organized and patterned profoundly influences how criminologists view the causes of crime.

Chapter 1

Crime and Criminology

Chapter 2

The Criminal Law and Its Process

Chapter 3

The Nature and Extent of Crime

Chapter 4

Victims and Victimization

1

Crime and Criminology



Learning Objectives

After reading this chapter, you will be able to:

1. Understand the scope of the field of criminology.
2. Be familiar with different parts of the “criminological enterprise.”
3. Know the elements of what constitutes a crime.
4. Discuss the different views of crime.
5. Explain different criminological research methods and their use.

Chapter Outline

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Customers line up outside a retail cannabis store in Charlottetown, PEI. A hundred years after its criminalization in 1923, attitudes have changed about the use of cannabis. Its decriminalization in 2018 shows how the law changes to reflect social values.

Introduction

What people know about crime and criminal justice generally comes from media coverage of highly publicized cases. For example, in 2018, Bruce McArthur was charged with numerous counts of first-degree murder in connection with disappearances in Toronto's Gay Village. Targeting predominantly men of colour, he apparently dismembered his victims and buried them in planters where he worked as a gardener. The media portrayed him as Toronto's Robert Pickton, in reference to the serial killer who targeted women in Vancouver's Downtown Eastside in the 1980s.

In 2010, David Russell Williams was relieved as base commander at Canadian Forces Base (CFB) Trenton and charged with two counts of first-degree murder, two counts each of forcible confinement, breaking and entering, and sexual assault. He was subsequently sentenced to 2 life sentences for first-degree murder, two 10-year sentences each for sexual assault and forcible confinement, and 82 one-year sentences for burglary. He will serve a minimum of 25 years before parole eligibility and does not qualify for the so-called faint hope clause of the *Criminal Code of Canada*. A successful soldier and military commander, Williams was also a decorated military pilot who had flown Canadian Forces VIP aircraft for such dignitaries as Queen Elizabeth II and Prince Philip, the governor general, and the prime minister. Yet what we saw and heard of him in the news was the endless parade of pictures he took of himself posing in trophy underwear and the recitation of details of his sordid crimes. He became a celebrity criminal in a very superficial way.

Similarly, in 2003, a high-profile trial brought Maurice "Mom" Boucher, leader of the notorious Nomads chapter of Hells Angels, into the public spotlight. In a police raid called Operation Hurricane, assets worth a total of \$29 million were seized, including houses, bank accounts, narcotics, 28 vehicles, and 70 firearms, including a rocket launcher. Members of Hells Angels faced charges of complicity to commit murder, gangsterism, and drug trafficking; after a lengthy trial involving more than 200 witnesses, they all pleaded guilty. Boucher had encouraged the murder of rival bikers as Hells Angels sought to expand their territory. He had also ordered the murder of two prison guards in an attempt to destabilize the **criminal justice system** and increase fear. For that order, he was convicted of murder and received two life sentences.

Such cases illustrate why criminal behaviour has long both fascinated and repulsed people. In another example, in the mid-1990s, Karla Homolka and Paul Bernardo were convicted of murdering 14-year-old Leslie Mahaffy and 15-year-old Kristen French. In a controversial plea bargain, Homolka cooperated with the prosecution and testified against Bernardo. She was sentenced to 12 years in prison and was released on parole in 2005 amid great controversy. Bernardo received a life sentence for the two murders and

was declared a dangerous offender for a string of rapes. He applied for parole in 2021 for a second time and was again turned down.

Details of Homolka's trial were subject to a publication ban in efforts to ensure a fair trial for Bernardo; however, this ban didn't prevent the public from learning details of the case. *The Washington Post* published a story, which Canadians could get access to and read; *The Buffalo News* printed an article, and Canadians drove across the border to buy the newspaper. Details of the crimes were posted on the internet faster than news lists and discussion groups could be shut down. Were the media sensationalizing the case, or were they simply responding to the public's need to know?

And in a last example, Robert Pickton was found guilty in December 2007 of six counts of second-degree murder for the deaths of women who had disappeared from Vancouver's Downtown Eastside. In stories of the investigation, the public read about body parts discovered in buckets and freezers on Pickton's pig farm. He was charged in 20 other deaths, but in 2010, it was announced that the prosecution of those charges would likely not be pursued. For more examples of serial killers, see Profile of a Crime later in this chapter.

Such cases illustrate how criminal acts can be the work of strangers who prey on people they have never met. They can also involve **intimate violence** against friends and family members. Indeed, the latter is more prevalent, but it is the former we most often hear about in the media and fear the



Robert Pickton was found guilty in December 2007 of six counts of second-degree murder in the deaths of women who disappeared from Vancouver's Downtown Eastside.

criminal justice system The stages through which the offender passes, including police, courts, and corrections.

intimate violence Crime that occurs in the context of familiarity, such as spousal abuse, child abuse, or elder abuse.

most. What compelled a couple like Bernardo and Homolka to kidnap, sexually assault, and murder? They came from a community with tree-shaded parks, nice homes, and sports fields. They were seen as a young couple with a bright future. Would such outrageous behaviour be more understandable if the crimes had been committed by teens who were the product of bad neighbourhoods and dysfunctional homes? Research indicates that habitually aggressive behaviour is often learned in homes where children are victimized and parents serve as aggressive role models—the learned violence then persists into adulthood.¹ Could someone who was considered normal ever commit such horrible crimes? Is it possible to deter the Picktons of our society who prey on vulnerable victims? Do the media have any responsibility in reporting such horrific crimes? Were MacArthur's crimes even reported at first in the mainstream media?

Crime stories like these take their toll on the public. When Paul Bernardo was on trial for his crimes, about one third of Canadians said they did not feel safe walking alone in their own neighbourhood at night. This fear was more likely to be expressed by women than by men and was out of proportion to the actual risk of victimization. Many Canadians thought crime had increased, even though overall rates of victimization had remained the same. Canadians were no more likely to be victims of assault, theft, vandalism, or break and enter than they had been previously.

The public's fear of crime is an important barometer of social health and how people feel about their communities. The public's overestimation of the likelihood of crime in their own neighbourhoods, despite contradictory evidence from their own experience, points to the influence of other factors on people's knowledge of crime. People do not rely on their own experience when assessing the likelihood of being a victim of crime; rather, they draw from the media. For example, even though victimization surveys often show only slight variations in personal victimization from year to year, many people believe that crime has increased in their neighbourhood. And in times when terrorism and aggressive anti-public actions surface, the level of public anxiety increases.

Similarly, the COVID-19 pandemic heightened feelings of social isolation. Besides increasing the risk of cybercrime, the pandemic increased the risk of cyber-fear. Digital crimes increased, as did domestic crimes. And it is important to note that spending more time online means being exposed more to extremism, cyberbullying, and stalking.

Third-hand knowledge of crime has long-term effects, instilling fear, a negative view of the police and the courts, and an attitude favouring harsher punishments for offenders. The fear of crime skews the broader social agenda, resulting in people being more in favour of investing resources into reducing crime than into reducing poverty. In 2005, after the Boxing Day shooting on Toronto's Yonge Street that killed 15-year-old Jane Creba, 87 percent of residents surveyed said they believed that Toronto was becoming more violent, and 64 percent of residents said they would rather see an

increase in policing and stricter penalties for crime rather than increased budgets for social programs. Furthermore, 76 percent of Toronto residents believed that lenient judges were allowing gun crime to flourish in Canada's cities—and it didn't help that one of the suspects charged in the Boxing Day gunfight was out on parole at the time of the incident.²

Concerns about crime and the need to develop effective measures to control criminal behaviour have spurred the development of **criminology**. This academic discipline is devoted to the study of crime patterns and trends and to the development of valid and reliable information regarding the causes of crime. For example, researchers have linked violent behaviour to a number of psychological influences, including observational learning from violent TV shows, traumatic childhood experiences, mental illness, impaired cognitive processes, and a psychopathic personality structure. Chapter 6 reviews the most prominent of these explanations of violence. Criminology combines various disciplines such as history, sociology, psychology, biology, and economics in what is truly a multidisciplinary study. **Criminologists** use scientific methods to study the nature, extent, cause, and control of criminal behaviour. Because of the threat of crime and the social problems it represents, the field of criminology has gained prominence as an academic area of study.

This chapter introduces criminology: its definition, its goals, and its history. It also addresses questions like these: How do criminologists define *crime*? How do they conduct research? What ethical issues face those wanting to conduct criminological research? And do these issues change in times of social upheaval and heightened social anxiety, such as a global pandemic? It is sheer speculation at this point, but do people become more conservative, more punitive at such times? Do the feelings of isolation underscore the need for social control more so than in ordinary times? These are the sorts of questions we will need to ask.

What Is *Criminology*?

Criminology is the scientific approach to the study of criminal behaviour. In their classic definition, criminologists Edwin Sutherland and Donald Cressey state,

Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of

criminology The scientific study of the nature, extent, cause, and control of criminal behaviour.

criminologists Academics who bring objectivity and method to the study of crime and its consequences.

reacting toward the breaking of laws. . . . The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment.³

Sutherland and Cressey's definition includes the most important areas of interest to criminologists: the development of criminal law and its use for defining crime, the causes of law violations, and the methods used to control criminal behaviour. Criminologists also use scientific research methods to pose research questions, gather data, create theories, and test their validity. They use every method of established social science inquiry: analyses of existing records, experimental designs, surveys, narrative and historical accounts, and content analysis.

Criminology is very much a multidisciplinary science. While few universities in Canada grant graduate degrees in criminology, criminologists are drawn from sociology, criminal justice, political science, psychology, history, geography, economics, and the natural sciences. Criminology today reflects an integrated approach to the study of criminal behaviour. It combines elements from many other fields to understand how law, crime, and justice are linked.

Criminology and Criminal Justice

In the late 1960s, academic research projects were developed to better understand criminal justice, that is, how the police, the courts, and correctional agencies operated.⁴ These academic programs are mostly concentrated in five university departments in Canada: Simon Fraser University, the University of Ottawa, the University of Montreal, the University of Toronto, and St. Thomas University. Students can also pursue this field in many community college programs and institutes, for example, at the criminal justice studies program at Ontario Tech University in Oshawa.

The terms *criminology* and *criminal justice* may seem similar, but they are very different. Criminologists explain the origin, extent, and nature of crime in society, whereas criminal justice scholars describe and analyze the work of the police, the courts, and correctional facilities and seek ways to design more effective methods of crime control.

Because both fields are crime-related, they do overlap. Criminologists must be aware of how the agencies of justice operate, and criminal justice experts design crime prevention and rehabilitation programs based on their understanding of the nature of crime. Thus, these two fields not only coexist but also help each other to grow and develop.

Criminology and Deviance

Criminology is sometimes confused with the study of **deviant behaviour**. However, *deviance* is more widely defined as behaviour that departs from social norms and that is not

always subject to formal sanction. Nude sunbathing is a deviant act, and so is joining a nudist colony, but neither is illegal.

Crime and deviance are often confused, yet not all crimes are deviant or unusual acts, and not all deviant acts are illegal or criminal. For example, using recreational drugs, such as cannabis, used to be illegal, but was it deviant? Most Canadians surveyed thought that soft drugs should be allowed for individual use and supported decriminalization. In 2010, 40,000 demonstrators rallied at the Ontario Legislative Assembly as part of the Million Marijuana March, a worldwide event held annually in more than 200 cities to demand the full legalization of cannabis. In 2012, 4 British Columbia attorneys general called for the legalization of cannabis, arguing that the (then) 89-year-old law had failed. In 2018, cannabis was legalized in Canada, with various restrictions.⁵

Conversely, as with the earlier example of nudity, many deviant acts are not criminal even though they may be shocking. Suppose that a passerby observes a person drowning and makes no effort to save that victim. Although the general public would probably condemn such lack of action as callous and immoral, citizens are not required by law to be good Samaritans. In sum, many criminal acts, but not all, fall within the concept of deviance. Similarly, some deviant acts, but not all, are considered crimes.

The relationship between crime and deviance is illustrated in Figure 1.1, “Hagan’s Varieties of Deviance.” This model depicts the relationship between crime and deviance along three dimensions: the evaluation of social harm, the level of agreement about the norm, and the severity of societal response. As it shows, the most serious acts of deviance are also the least likely to occur; however, strong agreement exists over the harmfulness of those acts and the need for a serious societal response.⁶

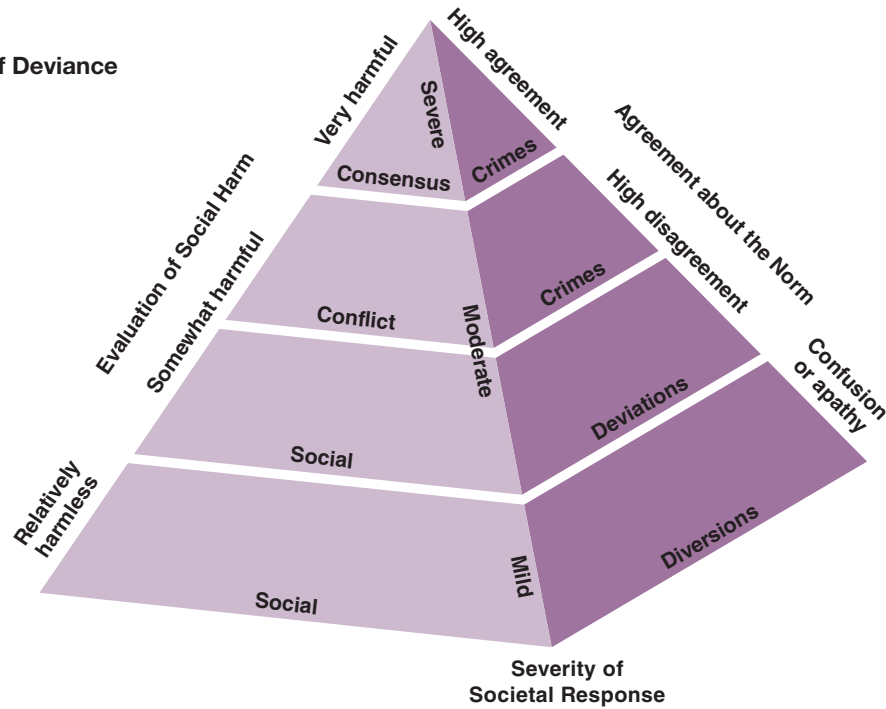
Two issues are of particular interest to criminologists: (1) How do deviant behaviours become crimes? (2) When should acts considered crimes be legalized? The first issue involves the historical development of law. Many acts that are legally forbidden today were once considered merely unusual or deviant behaviour. For example, the sale and possession of cannabis was legal in Canada until 1923, when it was prohibited under federal law.⁷ Despite being criminalized, however, cannabis still enjoyed widespread popularity: Health Canada in 2004 estimated that 60 percent of Canadians between 20 and 44 had used cannabis, and the Canadian Addiction Survey reported in 2006 that 70 percent of those aged 18 to 24 reported having used that substance.⁸

If cannabis use is widespread, criminologists will consider whether behaviours that were outlawed in the past have

deviant behaviour Behaviour that departs from or does not conform to social norms, but is not defined as a crime by the law.

Figure 1.1

Hagan's Varieties of Deviance



Source: The Varieties of Deviance, from John Hagan, *The Disreputable Pleasures: Crime and Deviance in Canada*, 3rd ed. © 1991. Toronto: McGraw-Hill Ryerson Ltd., 13. Reproduced with permission of John Hagan.

evolved into social norms and, if so, whether those behaviours should either be legalized or have their penalties reduced. This is referred to as **decriminalization**. On the other hand, some of the drugs considered highly dangerous today were once sold openly and considered medically beneficial. For example, the narcotic drug heroin, which is extremely addictive, was originally named as such in the mistaken belief that its painkilling properties would prove *heroic* for medical patients. The history of drug and alcohol use is discussed further in Chapter 13.

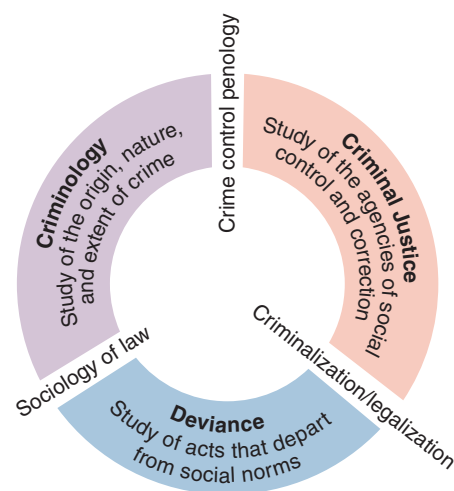
So we can see that the line between behaviour that is considered deviant and behaviour that is outlawed can be vague and controversial. For example, when does sexually expressive material cross the line from being merely suggestive to being pornographic? Can a line be drawn that separates sexually oriented materials into two groups, one that is legally acceptable and a second that is considered depraved or obscene? And, if such a line can be drawn, who gets to draw it? In a very controversial case, a British Columbia man was charged with the possession of violent, pornographic stories involving children. He argued that the law violated his freedom of expression, and he was acquitted. On appeal, the case eventually went to the Supreme Court of Canada, which ruled that John Robin Sharpe had been deprived of his right to freedom of expression when police seized his pornography because the stories were for his own personal use. This case is described in more detail in the following Key Court Case box, “*R. v. Sharpe* (2001).”

In sum, criminologists are concerned with the concept of deviance and its relationship to criminality. The shifting

definition of deviant behaviour is closely associated with our concepts of crime. The links between criminology, criminal justice, and deviance are illustrated in Figure 1.2. These are also summarized in Concept Summary 1.1.

Figure 1.2

The Relationships among Criminology, Criminal Justice, and Deviance



decriminalization Reducing the penalty for a criminal act and its illegality.

Key Court Case

R. v. Sharpe (2001)

Parliament took less than six weeks to enact child pornography legislation in 1993, and section 163.1 of the *Criminal Code of Canada* has been a source of relentless debate ever since. Though not the first case of its kind, *Sharpe* is noteworthy because it challenged the federal law against producing, dealing, and possessing child pornography.

John Robin Sharpe was arrested at the Canada–US border in 1995 after customs officers found in his possession nude photos of underage boys and sexually explicit written material on several computer disks. Police later executed a search warrant at

his Vancouver home. Among the materials seized were more than 500 photos of 91 different boys engaged in sexual activity and a collection of personal stories entitled “Kiddie Kink Classics.” Sharpe was charged with two counts each of possessing and distributing child pornography, but he was acquitted by the British Columbia Supreme Court in 1999.

After the province’s Court of Appeal upheld the ruling, Sharpe’s case was heard before the Supreme Court of Canada, which had to decide whether child pornography laws violated the freedom of expression guarantee in section 2 of the *Charter of Rights and Freedoms* (described in Chapter 2). In 2001, the Court attempted to strike a balance between the need to protect children from sexual exploitation and the need to protect fundamental rights and freedoms. Although section 163.1 of the *Criminal Code* was declared constitutional, exceptions were outlined in certain cases: for materials that have artistic, educational, or scientific merit and for purely personal materials that do not involve children in their production. Sharpe’s case was retried, and he was found not guilty in relation to distribution but convicted on

possession, and received a four-month conditional sentence.

Sharpe was arrested again in 2003 for indecent assault against a man who had come forward after police issued a public appeal to those pictured in the seized photographs. In July 2004, at the age of 71, Sharpe was handed a prison sentence of 2 years less a day. Controversy regarding the Supreme Court ruling prompted the Liberal government to introduce legislation in December 2002 that would tighten the definition of *artistic merit* by introducing a standard of “contribution to the public good.” However, the bill died on the ledger when the 2004 election was called.

Critical Thinking

Does artistic merit override the need to protect children from exploitation? And is this case in any way about homosexuality, or would heterosexual images be treated in the same way?

Sources: Various media sources, 2002–2004; Robert Sharpe, Katherine Swinton, and Kent Roach, *The Charter of Rights and Freedoms*, 2nd ed. (Toronto: Irwin Law, 2002).

Concept Summary 1.1

Criminology, Criminal Justice, and Deviance

Criminology explains the origin, extent, and nature of crime in society.

Criminal justice is the study of agencies of social control that handle criminal offenders, specifically police departments, the courts, and correctional facilities. Scholars seek more effective methods of crime control and offender rehabilitation.

Overlapping areas of concern: Criminal justice experts cannot begin to design effective programs of crime prevention or rehabilitation without understanding the nature and causes of crime. To that end, they test the effectiveness of crime control and prevention programs.

Deviance refers to the study of behaviour that departs from social norms, such as joining a nudist colony. Not all crimes are deviant or unusual acts, and not all deviant acts are illegal.

Overlapping areas of concern: Under what circumstances do deviant behaviours become crimes? For example, when does sexual material cross the line from merely suggestive to obscene and therefore illegal? Or, if an illegal act becomes a norm, should society re-evaluate its criminal status? For example, debate continues regarding the legalization and/or decriminalization of abortion, recreational drug use, possession of handguns, and assisted suicide.

A Brief History of Criminology

The scientific study of crime and criminality is a relatively recent development. Although written criminal codes have existed for thousands of years, and oral systems even longer,

they were restricted to defining crime and setting punishments. What motivated people to violate the law remained a matter of conjecture.

During the Middle Ages, people who violated social norms or religious practices were believed to be witches or possessed by demons. The prescribed method for dealing with



Bettmann/Getty Images

An accused witch is put through a judgement trial, where she is dunked in water to prove whether she is guilty of practising witchcraft.

the possessed was to burn them at the stake, a practice that survived into the 17th century. For example, between 1575 and 1590, the French Inquisition ordered 900 sorcerers and witches burned to death, and the Bishop of the German city of Trier ordered the deaths of 6,500 people. An estimated 100,000 people were prosecuted throughout Europe for witchcraft during the 16th and 17th centuries. Witchcraft is no longer a crime in Canada, although pretending to be a witch is considered fraud. The system of laws we have in Canada is derived from English common law, except in Quebec, which inherited the Napoleonic Code from France. Chapter 2 traces the history of the law in some detail.

Classical Criminology

By the mid-18th century, social philosophers had begun to call for lawmakers to rethink the prevailing concepts of law and justice. They argued for a more rational approach to punishment, stressing that the relationship between crimes and their punishment should be balanced and fair. This view was based on the philosophy called **utilitarianism**, which emphasized that behaviour is purposeful and not motivated by supernatural forces. Rather than cruel public executions designed to frighten people into obedience or to punish those whom the law failed to deter, reformers called for a more moderate and just approach to penal sanctions. The most famous of these reformers was Cesare Beccaria (1738–1794), an Italian aristocrat whose writings described both a motive for committing crime and methods for its control.

Beccaria believed that people want to achieve pleasure and avoid pain. If crime provides pleasure to the criminal, pain must be used to prevent crime. Beccaria said that “in order for punishment not to be, in every instance, an act of violence of one or many against a private citizen, it must be essentially public, prompt, necessary, the least possible in the

given circumstances, proportionate to the crimes, and dictated by the laws.”⁹

This is referred to as **classical criminology** and is characterized by several basic ideas:

1. People will freely choose criminal or lawful solutions to meet needs or settle problems.
2. Criminal choices may be more attractive because they use less work for greater payoff.
3. People’s choice of criminal solutions may be controlled by their fear of punishment.
4. If punishments are severe, certain, and swift, they will control criminal behaviour.

The classical perspective influenced judicial philosophy for much of the late 18th, 19th, and well into the 20th centuries. Prisons began to be used as a private form of punishment, and sentences were geared proportionately to the seriousness of the crime. Capital punishment was still widely used but began to be employed for only the most serious crimes. The byword was “Let the punishment fit the crime.”

Then, during the 19th century, a new vision of the world challenged the exclusive validity of classical theory with an innovative way of looking at the causes of crime.

19th-Century Positivism

The classical position had held sway as a guide to crime, law, and justice for almost 100 years. Then, during the late 19th century, a new movement began that would challenge its dominance. A scientific method known as **positivism** began to take hold in Europe, inspired by new discoveries in biology, astronomy, and chemistry. If the scientific method could be applied to the study of nature, why not use it to study human behaviour? Auguste Comte (1798–1857) believed that societies pass through stages that can be grouped on the basis of how people understand the world. People in primitive societies perceive inanimate objects as having life (for example, the Sun is a god); in later social stages, people embrace a rational, scientific view of the world.

Positivism has two main elements. The first is the belief that human behaviour is a function of external forces that are beyond individual control. Some of these forces are social, such as the effects of wealth and class, while others are

utilitarianism A view that punishment should be balanced and fair, and that crime is a rational choice.

classical criminology The perspective that people freely choose crime and that it can be reduced through the threat of criminal sanctions.

positivism A branch of social science that sees behaviour as a product of social, biological, psychological, and economic forces.

political and historical, such as war and famine. Other forces are more personal and psychological, such as an individual's brain structure and his or her biological make-up or mental ability. All of these forces operate to influence human behaviour (and will be discussed in later chapters).

The second aspect of positivism is its use of the scientific method to solve problems. Positivists contend that an abstract concept, such as *intelligence*, exists because it can be measured by an IQ test. However, they challenge concepts, such as *ghosts*, that cannot be verified by the scientific method. Through his work, Charles Darwin (1809–1882) encouraged the view that all human activity should be verified by scientific principles.

Positivist Criminology

By the mid-19th century, scientific methods were being applied to understanding criminality, the earliest being biological. For example, physiognomists like J.K. Lavater (1741–1801) studied the facial features of criminals to determine whether the shape of ears, noses, and eyes, and the distances between them, were associated with antisocial behaviour. Phrenologists like Franz Joseph Gall (1758–1828) and Johann Kaspar Spurzheim (1776–1832) studied the shape of the skull and bumps on the head to determine whether these physical attributes were linked to criminal behaviour. Phrenologists believed that external cranial characteristics dictate which areas of the brain control physical activity. Their primitive techniques and quasi-scientific methods have since been discredited; even so, these efforts were an early attempt to apply a scientific approach to the study of crime (see Figure 1.3).

By the early 19th century, abnormality in the human mind was being linked to criminal behaviour patterns. Philippe Pinel (1745–1826), a founder of French psychiatry, claimed that some people behave abnormally even without being mentally ill. He coined the phrase *manie sans délire* (mania without delusion) to denote what eventually was referred to as a *psychopathic personality*. In 1812, an American, Benjamin Rush (1745–1813), described patients with an “innate preternatural moral depravity.”¹⁰ Another early criminological pioneer, English physician Henry Maudsley (1835–1918), believed that insanity and criminal behaviour were strongly linked: “Crime is a sort of outlet in which their unsound tendencies are discharged; they would go mad if they were not criminals, and they do not go mad because they are criminals.”¹¹ These early research efforts shifted attention to brain functioning and personality as the keys to criminal behaviour, an approach loosely called trait theory (see Chapter 6).

Cesare Lombroso and the Criminal Man

In Italy, Cesare Lombroso studied the cadavers of executed criminals to scientifically determine whether law violators were physically different from people of conventional values

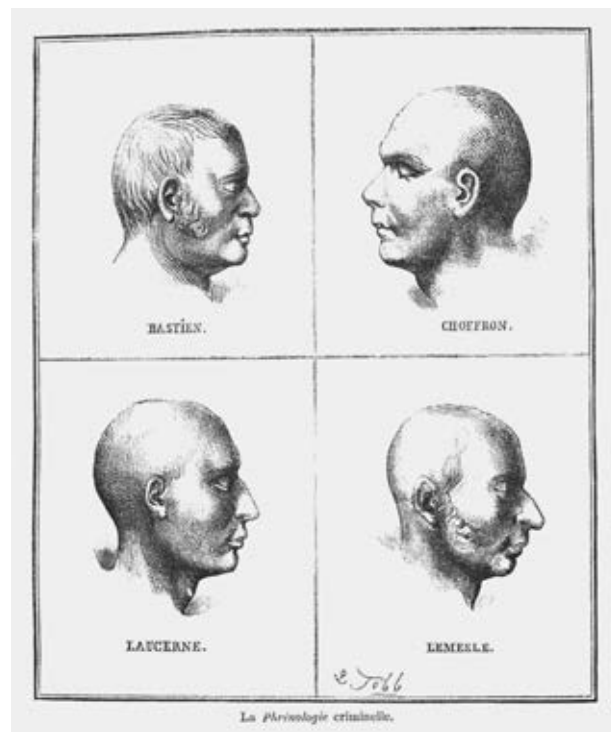


Figure 1.3

Early Positivists Believed That the Shape of the Skull Was a Key Determinant of Behaviour

These drawings from the 19th century illustrate what were considered to be typical criminally shaped heads.

and behaviour. Lombroso (1835–1909) was a physician who served much of his career in the Italian army. That experience gave him ample opportunity to study the physical characteristics of soldiers executed for criminal offences. Later, he studied inmates at institutes for the criminally insane.

Lombrosian theory can be outlined in a few simple statements. First, Lombroso believed that offenders are born criminals who engage in repeated assault- or theft-related activities because they have inherited criminal traits that impel them into a life of crime. This view helped spur interest in a **criminal anthropology**.¹² Second, Lombroso held that born criminals suffer from **atavistic anomalies (or traits)**—physically: that is, they are throwbacks to more primitive times when people were savages. Thus, criminals supposedly have the enormous jaws and strong canine teeth common to

criminal anthropology Early efforts to discover a biological basis to crime through physical measurements, usually associated with Cesare Lombroso.

atavistic anomalies (or traits) The physical characteristics of “born criminals” that indicate they are throwbacks to primitive people.