Chapter 3

**I. Theories of Delinquency and Juvenile Offending**

**a. Justice and the Law**

i. Mala in se – Natural law – acts that are wrong by their very nature – murder – acts which disregard the common decency one human owes to another are morally and legally wrong

ii. Mala prohibita – Acts prohibited because they infringe on others’ rights – having more than one wife

**b. Purposes of the Law**

i. Max Weber – to regulate human interactions, to support social order

ii. Consensus Theory – Society agrees on basic values – what is inherently right or wrong, and laws express these values

1. Emile Durkheim – punishment needed to restore and solidify social order

iii. Conflict Theory – Laws are established to keep the dominant class in power

1. Karl Marx – punishment needed to control the lower class and preserve the power of the upper class

**c. Two Competing Views on Crime and Criminality**

**i. The Classical View**

1. Individuals have free will and are responsible for their own actions

2. Laws should bring the greatest amount of happiness to the largest amount of people

3. Law-breakers should be punished according to the law

4. Focus is on the crime

5. Punishment should be swift, certain, and proportionately severe regarding the crime committed

6. Punishment or the threat of punishment can act as a deterrent

1. General deterrence – Learn from punishment received by others

2. Specific deterrence – Learn from punishment received by individual – does not repeat delinquency

**ii. The Positivist View**

1. Actions determined by biological and cultural factors

2. Purpose of law is to avert revolution and convince the masses to accept the social order

3. Focus is on the criminal

4. Advocate for rehabilitation for offenders instead of incarceration

**d. Theories of Crime and Criminality**

**i. Rational Choice Theory** – Crime is a conscious decision committed when the benefits of a crime outweigh the costs.

1. Lifestyle Theory – Criminal behavior is one part of an anti-social lifestyle

2. Routine Activity theory – Crime is a conscious choice when three factors are present

1. Availability of a suitable target

2. Absence of a capable guardian

3. Presence of a motivated offender

**ii. Biosocial Perspective** – Crime committed by different people based on differences in the brain

1. Heritability – the degree to which genetic factors influence traits or behaviors

2. Family studies – biological factors proven to have an impact on criminality through family studies, twin studies, adoption studies, molecular genetic studies, and brain research and imaging

**iii. Psychological Theories** – Individual factors and temperamental traits, such as low impulse control, intelligence, and learned values and morals, differentiate delinquents from non-delinquents

1. Cognitive Theories – Difference in ideas, values and ways of thinking, and how one sees the world cause delinquency

2. Psychodynamic Theories – Freud – id, ego and superego, lack of development through the proper stages as a child result in pyschopathy or sociopathy

3. Learning Theories – Learning of behavior occurs when one is rewarded for certain behaviors and punished for others. Rewards can be as simple as peer acceptance for committing a crime, which encourages youth to continue to commit crimes

**iv. Sociological Theories** – Criminal behavior is influenced by the social environment and is out of the control of the individual

1. Ecological Model – Criminality growth similar to nature – Invasion, Domination, Stabilization/acceptance – Concentric zones in urban areas

2. Social Disorganization Theory – Weakened community controls creates a subcultural cycle of delinquency; Five indicators

1. Residents of low socioeconomic status

2. High racial heterogeneity

3. High mobility

4. Dysfunctional families

5. Urbanization

3. Functionalism – Consensus Theory – crime and deviance serve greater purposes for society

1. Promote social solidarity

2. Clarify and maintain social boundaries

4. Anomie or Strain Theory – Those who are unable to reach culturally relevant goals turn to crime in order to succeed

5. Social Control Theories – Focuses on why people do not commit crime – social bond with family and community discourages criminal behavior

**v. Learning Theories** – Identified as both psychological and sociological theories – Criminal behavior can be learned by observation or participation

1. Differential Association Theory – Criminal behavior learned through communication within intimate groups; Criminal behavior continues because of positive reinforcement

**vi. Critical Theories** – Combine free will and deterministic theories, crime is committed because of both personal choice and societal constraints

**1. Labeling Theory** – When one acts delinquent they are labeled as such, this makes it more difficult to have non-delinquent friends and encourages them to associate with others labeled as delinquent, thus reinforcing their criminal behavior

1. Primary deviance – the initial criminal act

2. Secondary deviance – acceptance of the label and future criminal behavior

**2. Conflict theory** – Crime caused by the powerlessness of one group, and the attempts of the other group to maintain power and control

**3. Radical theory** – Crime caused by intra- and inter- class struggles as well as the encouragement of exploitation

**e. General Theories of Crime**

i. Agnew – combines other theories into a more complete theory of crime

ii. Eight basic proponents – Focuses on life domains and effects on one another