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# METHODOLOGICAL ASSUMPTION IN A SOCIAL-PSYCHOLOGICAL THEORY OF CRIMINALITY

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There are at present many theories which purport to explain criminality in the individual and crime in society. Some of these theories have been developed by criminologists, most of them have not. Those developed by non-criminologists largely account for the nihilistic situation in criminology today. Considered as a whole, these theories are contradictory and even mutually exclusive. It is the purpose of this paper to suggest, very tentatively, an approach to criminological theory which may be helpful in bringing some order into the field, and which will also reveal certain aspects of the relationships between extant theories.

The purpose of the paper is thus constructive. There will be no detailed evaluation of the different viewpoints referred to, although some critical comments will be made. It will be evident also from the discussion that I regard the social-psychological approach to criminality as being the most reasonable. Regardless of what viewpoint one accepts or advocates, however, I believe that the following series of hypotheses will help to bring reason into an otherwise disordered field. A study of works as far removed from each other in time and in orientation as Goring's *The English Convict* (1913)<sup>1</sup> and Sutherland and Cressey's *Principles of Criminology* (1955),<sup>2</sup> shows that it is possible to bring order into the present state of criminological theory. Anyone familiar with these two significant contributions will see that this paper is greatly dependent upon them.

One of the fundamental methodological assumptions of a social-psychological theory of systematic criminality is that the criminal is a normal human being. He may in fact have all the physical characters enumerated by Lombroso, Hooton, and Sheldon, yet the hypothesis to be tested is that he is a normal person. The criminal, in the pattern of his body, mind, and personality; in the recognition of right and wrong; and in his behavior, however outrageous it may be, possesses the same general motivations that affect the conduct, and constitute the quality, of normal and lawful individuals.

The hypothesis that the criminal is a normal individual requires no specification

<sup>1</sup> CHARLES GORING, *THE ENGLISH CONVICT*. London: T. Fisher Unwin, 1913.

<sup>2</sup> EDWIN H. SUTHERLAND AND DONALD R. CRESSEY, *PRINCIPLES OF CRIMINOLOGY*, 5th ed. Philadelphia: J. B. Lippincott, (1955).

at this point as to what a normal human being is, physically and mentally, and in terms of personality. It must be realized, in this connection, that the iniquity of crime is not necessarily different in kind from that of many other forms of so-called "anti-social" acts which are unquestionably lawful. There is no scientific scale of behavior by means of which it may logically be concluded that a gambler in Michigan or Wisconsin is more iniquitous than a gambler in Nevada; or that the former suffers from "a defect of personality" while the latter is simply a respectable businessman. The armed robber may be regarded as subversive of society, and he undoubtedly is. There is no scientific scale, however, by means of which the consequences of his robbery can logically be judged as more antisocial than the consequences of lawful manipulation of financial operations on the stock-market, or of manipulations of futures in commodities such as cotton and coffee. In October, 1954, for example, the Federal Trade Commission charged that in 1953 several American firms trading in coffee futures, and their trade associations, with Brazilian cooperation, were successful in raising the price of coffee in the United States to an exorbitant level. The Federal Trade Commission estimated that this manipulation of the price of coffee cost the American consumer about 39 million dollars in the period under review. *Uniform Crime Reports* for 1953 showed that the average larcency cost its victim 76 dollars, and that the total loss of 584,934 larcenies reported to the police was about 44 and one-quarter million dollars. The thief is not necessarily guided less in his conduct by the sentiment of pity than is the legal manipulator of the price of coffee futures.

The ultimate aim of a scientific study is to arrive at an explicit conception of crime and criminality which will render these phenomena comprehensible. The present concern is with a theory of criminality, or, what is in the present context of discussion the same thing, a theory of criminal behavior. It does not concern itself with a related and perhaps more important problem, namely, a theory of crime. A theory of crime is what Europeans sometimes refer to as the sociology of law. It attempts to explain why certain acts are criminal in a given jurisdiction, and certain other acts are lawful even though behaviorally and in terms of their consequences they are indistinguishable from crimes. Criminologists regard this as one of the basic problems of their field, but it is not directly germane to the purpose of this paper.

In order to achieve a theory of criminality it is necessary to start with a tentative hypothesis as to the nature of the criminal. Edwin H. Sutherland has developed "differential association" as such an hypothesis.<sup>3</sup> It offers a positive proposition as to the nature of the criminal and the source of his criminality. It proposes that the criminal is to be explained by reference to the sociocultural circumstances in which he has been placed and which have been effective in determining his conduct. It is thus a social-psychological hypothesis.

This social-psychological hypothesis employs, among others, the same basic postulate upon which other schools of criminological theory apparently depend. The common postulate, in its positive form, is that organically (neurologically, physiologically, and psychologically) all normal individuals are psychically alike in the sense that the significant behavioral differences between them are functional. A social

<sup>3</sup> EDWIN H. SUTHERLAND, *PRINCIPLES OF CRIMINOLOGY*, 4th ed. Philadelphia: J. B. Lippincott, (1947).

psychologist would recast the postulate, as far as the term "functional" is concerned, in a synonymous form, and say that the significant behavioral differences between people are socio-cultural differences. The negative form of the common postulate is that, behaviorally, there are no significant differences between normal human beings which are of constitutional or hereditary origin. Admitting the validity of this postulate, the logical consequence of deductive reasoning from it results in a number of different propositions. These are presented in the following paragraphs in the form of alternative hypotheses concerning the nature of the criminal and the etiology of his criminality. All of the following hypotheses—the list is by no means exhaustive—are at the present time seriously entertained by various qualified students of human conduct, as well as by an apparently large segment of the general population. The following propositions, then, having the above postulate in common, result from the question, "What possible hypotheses can be conceived as to the etiology of criminality in the individual?" I realize, of course, that someone else might well phrase them in a quite different form.

### I. SOCIAL-PSYCHOLOGICAL HYPOTHESIS

The criminal is a normal human being reared in a normal society, whose criminal behavior is learned in a process of symbolic communication with other human beings.

It is this hypothesis which has been formulated by Edwin H. Sutherland and his followers, and elucidated under the heading of "differential association." Many of the studies which are now standard items in criminology are devoted to this hypothesis. Among the best-known are those of Shaw and McKay,<sup>4</sup> which show crime to be an integral part of the social organization and culture of our society. More recently Solomon Kobrin<sup>5</sup> and George B. Vold have again shown that the criminal culture is pervasive and insidious in its effects upon young people who come into contact with it. The concern during the past few years with white-collar crime, beginning with Sutherland's study, has contributed additional evidence as to the validity of the social-psychological hypothesis of criminality. The researches of Aubert,<sup>6</sup> Clinard,<sup>7</sup> Cressey,<sup>8</sup> Hartung,<sup>9</sup> Lindesmith,<sup>10</sup> Schuessler,<sup>11</sup> and Smigel,<sup>12</sup> among others, have

<sup>4</sup> CLIFFORD R. SHAW AND HENRY D. MCKAY, REPORT ON SOCIAL FACTORS IN JUVENILE DELINQUENCY, National Commission on Law Observance and Enforcement, Vol. II. Washington: Government Printing Office, 1932; and JUVENILE DELINQUENCY AND URBAN AREAS. University of Chicago Press, (1942).

<sup>5</sup> SOLOMON KOBRIN, *The Conflict of Values in Delinquency Areas*, AMER. SOCIOLOGICAL REV., 16 (Oct., 1951), and George B. Vold, Discussion, *Ibid.*, pp. 653-662.

<sup>6</sup> VILHELM AUBERT, *White-Collar Crime and Social Structure*, AMER. JOURNAL OF SOCIOLOGY, LVIII (Nov., 1952), pp. 263-271.

<sup>7</sup> MARSHALL B. CLINARD, *THE BLACK MARKET*. New York: Rinehart and Co., Inc., 1952; *Sociologists and American Criminology*, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, XLI (January-February, 1951), pp. 549-560; *Secondary Community Influences and Juvenile Delinquency*, THE ANNALS, 261 (January, 1949), pp. 42-54.

<sup>8</sup> DONALD R. CRESSEY, OTHER PEOPLE'S MONEY. Glencoe: The Free Press, 1953; *The Differential Association Theory and Compulsive Crimes*, JOURNAL OF CRIMINAL LAW, CRIMINOLOGY, AND POLITICAL SCIENCE, 45 (May-June, 1954), pp. 29-40.

<sup>9</sup> FRANK E. HARTUNG, *White Collar Offenses in the Wholesale Meat Industry in Detroit*, AMERICAN JOURNAL OF SOCIOLOGY, LVI (July, 1950), pp. 25-35; *Common and Discrete Group Values*, JOURNAL OF SOCIOLOGY, LVI (July, 1950), pp. 25-35.

tended to confirm the hypothesis: the criminal is a normal person in a normal society, whose criminality is to be explained in terms of a general theory of socio-cultural behavior.

Most of those individuals who in the United States are criminologists by virtue of professional training in criminology believe that this approach presents the best promise of developing a theory of criminality which will be logically and empirically tenable. The foundations of this approach, of course, antedate Sutherland. It has its basis in, for example, the anthropological and sociological investigations of E. B. Tylor,<sup>13</sup> Emile Durkheim<sup>14</sup> and Charles Horton Cooley.<sup>15</sup>

## II. SOCIAL DISORGANIZATION HYPOTHESIS

The criminal is a normal human being, but he is today living in a disorganized society which tends to disorganize its individual members.

It is this hypothesis which results in books diagnosing "society as the patient," and other books which prescribe for "the juvenile in delinquent society." This is an old as well as a very popular conception, in that untold numbers of people have been looking backward to some more ideal period ever since The Fall was described in Genesis. In recent decades this conception has been developed in a highly sophisticated form by Oswald Spengler,<sup>16</sup> Pitirim A. Sorokin,<sup>17</sup> and Arnold J. Toynbee.<sup>18</sup> These students are apprehensive of the consequences of what they pejoratively refer to as "the materialistic culture" of the West, and also of its supposed neglect of "the spiritual." Toynbee is especially distrustful of American technology, stating in Volume X of his *A Study of History* that "this ruinous 'new deal'—is the spiritual wilderness which Plato had dismissed as a 'commonwealth of swine'."

The hypothesis that our society is sick has been particularly popular with sociologists since about 1918, the year in which Thomas and Znaniecki<sup>19</sup> published their

38 (May, 1953), pp. 3-22; *White Collar Crime: Its Significance for Theory and Practice*, FEDERAL PROBATION, XVII (June, 1953), pp. 31-36.

<sup>10</sup> ALFRED R. LINDSMITH, *The Drug Addict as a Psychopath*, AMER. SOCIOLOGICAL REV., 5 (December, 1940), pp. 914-920; *Organized Crime, The Annals*, 217 (September, 1951), pp. 76-83; ALFRED R. LINDSMITH AND YALE LEVIN, *The Lombrosian Myth in Criminology*, AMER. JOURNAL OF SOCIOLOGY, XLII (March, 1937), pp. 760-772.

<sup>11</sup> KARL F. SCHUESSLER AND DONALD R. CRESSEY, *Personality Characteristics of Criminals*, AMER. JOURNAL OF SOCIOLOGY, LV (March, 1950), pp. 476-484.

<sup>12</sup> ERWIN O. SMIGEL, *Public Attitudes Toward "Chiseling" with Respect to Unemployment Compensation*, AMER. SOCIOLOGICAL REV., 18 (January, 1953), pp. 59-67.

<sup>13</sup> E. B. TYLOR, *PRIMITIVE CULTURE*, 2d ed., (1873).

<sup>14</sup> EMILE DURKHEIM, *SOCIOLOGY AND PHILOSOPHY*. Glencoe: The Free Press, (1953).

<sup>15</sup> CHARLES HORTON COOLEY, *HUMAN NATURE AND THE SOCIAL ORDER*, 2d ed. New York: Scribners and Sons, 1922; *SOCIAL ORGANIZATION*. New York: Scribners and Sons, (1919).

<sup>16</sup> OSWALD SPENGLER, *THE DECLINE OF THE WEST*. New York: Alfred A. Knopf, (1927).

<sup>17</sup> PITIRIM A. SOROKIN, *SOCIAL AND CULTURE DYNAMICS*, 4 vols. New York: American Book Co., 1937-41.

<sup>18</sup> ARNOLD J. TOYNBEE, *A STUDY OF HISTORY*, 10 Vols. New York: Oxford University Press, 1937-54.

<sup>19</sup> W. I. THOMAS AND FLORIAN ZNANIECKI, *The Polish Peasant in Europe and America*, 5 vols. Boston: Richard C. Badger, (1918).

great work. Thus the specific technical elucidation within sociology of this hypothesis can be regarded as an invention of the Chicago School of Sociology. In the guise of the concepts "social disorganization" and "personal disorganization," it is an application to contemporary society of the folk-lore of The Fall.

The hypothesis that "society is sick" is based upon two beliefs. The first is the belief that in some unspecified past we have been better able to live in groups, a belief which is demonstrably false; the second is that our collective affairs are impossibly difficult to manage, a belief which has yet to be shown tenable.

The sociological conception that criminality results from a disorganized society is sometimes phrased in psychiatric or in psychoanalytical terms. Thus it may on occasion be difficult to distinguish between these three approaches. Anthropologists, psychiatrists, and psychoanalysts, for example, may compare the diffusion of a psychosis between two individuals to the process of cultural diffusion. They may then proceed to the proposition that cultural diffusion is a psychiatric phenomenon when it involves whole societies (Hitlerism) or parts of societies (McCarthyism). Cultures and societies (usually no distinction is made between them) are characterized as "paranoid," "schizoid," or "schizophrenic." One physiologist, Homer W. Smith,<sup>20</sup> seriously thinks that man is generically mentally ill, is marked by a schizophrenic dissociation from reality, and that the wisdom of a culture is "often enough" mere senile dementia.

One wonders if the proponents of the above approach include themselves in their diagnosis of paranoia, senile dementia, or schizophrenia. They employ the technique of applying individualistic concepts to cultural and social phenomena. It is difficult to see what this contributes to the understanding of criminality or any other behavioral problem, except confusion.

### III. RATIONALISTIC HYPOTHESIS

The criminal is a normal human being, and the presence or absence of criminality results from the deliberate and calculated choice of the individual between law and crime (or, between good and evil).

The rationalistic conception of criminality is exemplified by the Classical School of criminality, of which Beccaria's work<sup>21</sup> is perhaps best known. The hypothesis of the wholly rational man still underlies practically the entire Anglo-American criminal code. It has, however, fallen upon evil days. Assaults have been made upon it within jurisprudence, as seen in the development of probation, parole, the Borstal movement, the juvenile court, and the concept of the "uncontrollable impulse." The development of the behavioral sciences as a whole has raised serious doubts as to its tenability. It is further questioned by the enormous popularity of irrationalism, examples of which are racialism, the biological doctrine of instincts, and psychoanalysis. Under the impact of these three trends, particularly the third, the rationalistic hypothesis appears to have been discarded as wholly untenable by most contemporary theorists

<sup>20</sup> HOMER W. SMITH, book review in the *BOOK FIND NEWS*, No. 161 (July, 1954). New York: *The Book Find Club*. Professor Smith reviewed the work by WESTON LABARRE, *THE HUMAN ANIMAL*. University of Chicago Press, (1954).

<sup>21</sup> CAESAR BECCARIA, *An Essay on Crimes and Punishments* (1764).

of criminality. The social psychologists appear to be the only ones willing to give serious attention to the rationalistic hypothesis, and even they consider it only by implication. This is regrettable for at least two reasons. First, the proposition that man is basically irrational is self-contradictory. Second, it is evident that the individual *is* in some sense rational in his conduct. What is called for, then, in connection with the rationalistic hypothesis is a re-formulation of it that will be in keeping with current knowledge of socio-cultural behavior, and which will at the same time allow for some type of empirical test.

In spite of the present unpopularity of the rationalistic hypothesis among intellectuals, it is probably still the explanation that is accepted by most people as being the correct one, even though at the same time they may believe that one or more alternative hypotheses also are correct.

#### IV. PSYCHIATRIC HYPOTHESIS—FIRST

The criminal is not a normal individual but is rather a psychiatric phenomenon in that he is neurologically abnormal.

The psychiatric conception of neurological abnormality as explaining criminality was developed by Lombroso and his followers. It was revived in the period 1939–1950 by Ernest A. Hooton,<sup>22</sup> William H. Sheldon,<sup>23</sup> and their followers. All attempts to establish the tenability of this psychiatric hypothesis have failed because of either serious logical or factual inadequacies, or because of both. This particular contribution of psychiatry to the theory of criminality has been confusion rather than enlightenment. The conception of the “born criminal” persists today in an almost unmodified form in the psychoanalytic conception of “infantile criminality.” At the time of this writing no experimental test has been reported in the literature, either of the Lombrosian hypothesis of the “born criminal,” or of the psychoanalytic hypothesis of “infantile criminality.” It nevertheless appears to be accepted as correct by a large proportion of the population.

#### V. PSYCHIATRIC HYPOTHESIS—SECOND

The criminal is not a normal individual but is rather a psychiatric phenomenon in that he is psychopathic.

It is probable that this hypothesis is more preferred today by psychiatrists than the Lombrosian, even though there is much dissatisfaction in the field with the term “psychopath.” It has not been possible to ascertain the degree to which this hypothesis may be tenable. There are at least three reasons for this failure. First, it has not been possible to develop a common and stable definition of psychopathy within the field of psychiatry. Second, psychiatrists are frequently unable to confirm each other’s diagnosis of psychopathy. The extreme difficulty which psychiatrists face in using this concept in their daily work can be seen in any court trial in which the alleged psychopathy of the defendant is an issue. It has always been possible to find psychiatrists who will arrive at diametrically opposite conclusions on the diagnosis. This is a matter of some concern to the profession because it tends to bring psychiatry

<sup>22</sup> ERNEST A. HOOTON, *CRIME AND THE MAN*. Cambridge: Harvard University Press, (1939).

<sup>23</sup> WILLIAM H. SHELDON, *VARIETIES OF DELINQUENT YOUTH*. New York: Harper and Bros., (1949).

into disrepute in public opinion. Third, the evidence cited in support of the hypothesis is clinical and observational rather than experimental.

It has nevertheless been possible for psychiatrists to convince about twenty state legislatures in the United States that any sexual offender is a "sexual psychopath," or a "criminal sexual psychopath," who should be incarcerated in prison for a period of from one day to life. Under several of these laws it is unnecessary to commit an actual sexual offense; a psychiatric diagnosis of "sexual psychopath" may be sufficient. Only men can be sexual psychopaths, according to these laws, which imply that women lead a passive sexual existence, waiting to be raped, to be seen or to see, or to be felt. This is, of course, to many women an assumption of doubtful validity.

## VI. PSYCHOLOGICAL HYPOTHESIS A

The criminal is not a normal human being but is rather a psychological phenomenon in that he is mentally deficient.

The feeble-minded hypothesis was formulated by Charles Goring in his classic work, *The English Convict*.<sup>24</sup> It is also the hypothesis that was advocated for more than a generation of "mental testers," from H. H. Goddard<sup>25</sup> (about 1910), Lewis M. Terman<sup>26</sup> (1917, 1937 and 1940), and their followers, including the well known United States Army Alpha and Beta tests of World War I. These tests were subjected to a severe logical and empirical scrutiny in 1922 by Charles Horton Cooley and A. L. Kroeber. In the second edition of *Human Nature and the Social Order*<sup>27</sup> (1922), Cooley showed that the results of the tests could be explained more plausibly by differences in language, family life, education, and occupation, than by heredity. Cooley had, of course, in the first edition of this work<sup>28</sup> shown that intellectual growth is altogether a socio-cultural process. There was thus no scientific basis for the contention of the "mental testers" in the period 1910-1940, and even later in some cases, that their instruments measured the individual's hereditary capacity to learn. In the first edition of his *Anthropology* (1922), Kroeber<sup>29</sup> showed that it was hardly surprising that an illiterate Negro from the rural south, or a recently-arrived Italian immigrant should perform at a markedly lower level on a paper-and-pencil test written and administered in English, than a native-born young man of the same age who had been educated in a high school in Detroit. Kroeber went even further, and contended that the native-born high school graduate *must* perform at a higher level. The "mental testers" rejected this proposition of Kroeber's, and Terman even went so far

<sup>24</sup> GORING, *op. cit.*

<sup>25</sup> H. H. GODDARD, *A Measuring Scale for Intelligence*, TRAINING SCHOOL, 6 (1910), pp. 146-155; *A Revision of the Binet Scale*, TRAINING SCHOOL, 8 (1911), pp. 56-62.

<sup>26</sup> LEWIS M. TERMAN AND OTHERS, *THE STANFORD REVISION AND EXTENSION OF THE BINET-SIMON SCALE FOR MEASURING INTELLIGENCE*. Baltimore: Warwick and York, Inc., (1917); LEWIS M. TERMAN AND MAUD A. MERRILL, *MEASURING INTELLIGENCE*. Boston: Houghton-Mifflin Co., (1937); LEWIS M. TERMAN, Chapter V of *Intelligence: Its Nature and Nurture*, THIRTY-NINTH YEARBOOK OF THE NATIONAL SOCIETY FOR THE STUDY OF EDUCATION. Bloomington, Ill.: Public School Publishing Co., (1940).

<sup>27</sup> CHARLES HORTON COOLEY, *HUMAN NATURE AND THE SOCIAL ORDER*, 2d ed. New York: Scribners and Sons, (1922).

<sup>28</sup> COOLEY, *Ibid.*, 1st ed., (1902).

<sup>29</sup> ALFRED L. KROEBER, *ANTHROPOLOGY*. New York: Harcourt, Brace and Co., (1922).

as to claim that a language difficulty (in reading English) was irrelevant to the level of performance on the Stanford-Binet test, which is, of course, printed in English, the directions for taking it being spoken in English, and which require the subject to answer in English!

In the early 1930's Sutherland<sup>30</sup> and Leslie D. Zeleny,<sup>31</sup> in two important analyses of the feeble-minded studies, showed that there was no significant difference between prisoners and the general population in respect to mental deficiency. Zeleny's work was particularly important because it analyzed the results of what were considered until 1933 to be the most important studies rating the intelligence of criminals. The feeble-minded hypothesis gradually came into disrepute after Zeleny's study was published, and has not been seriously regarded since about 1940 by any significant proportion of the people in the field of psychometric testing, at least in the United States.

#### VII. PSYCHOLOGICAL HYPOTHESIS B

The criminal is a normal individual but is nevertheless a psychological phenomenon in that he presents a certain syndrome of traits of personality.

As the psychiatric hypothesis of neurological abnormality and the psychological hypothesis of subnormal intelligence progressively failed of confirmation, the psychological hypothesis of an abnormal (criminal) personality came into favor. Criminologists for a variety of reasons, have tended to be skeptical of this hypothesis. The reasons for their suspension of judgment were made explicit in the survey of studies undertaken by Schuessler and Cressey in 1950.<sup>32</sup> They evaluated all the material published in the United States in the period 1925-1949, on the subject of differences in personality between criminal and noncriminals, as revealed by objective and projective tests of personality. Their general conclusion was that the 113 studies published in this 25-year period revealed no characteristic differences in personality between criminals and noncriminals, and that, consequently, no "criminal personality" had been shown to exist. Many people, however, still appear to believe that this hypothesis is tenable, even though it seems to have no more factual foundation than the hypothesis of the "born-criminal."

It is sometimes difficult to distinguish between the present psychological hypothesis, and the psychoanalytic hypothesis which is considered in the following paragraph, particularly when projective techniques, such as the Rorschach test and the Thematic Apperception Test, are used.

#### VIII. PSYCHOANALYTIC HYPOTHESIS

The criminal is a normal individual organically, but is nevertheless a psychoanalytic phenomenon in that he suffers from repressed sexual conflicts which have become part of his unconscious.

According to this hypothesis the offense perpetrated by the criminal is motivated

<sup>30</sup> EDWIN H. SUTHERLAND, *Mental Deficiency and Crime*, Chapter XV in KIMBALL YOUNG, ED., *SOCIAL ATTITUDES*. New York: Henry Holt and Co., pp. 357-375 (1931).

<sup>31</sup> LESLIE D. ZELENY, *Feeble-mindedness and Criminal Conduct*, *AMER. JOUR. SOCIOLOG.*, XXXVIII (January, 1933), pp. 564-578.

<sup>32</sup> SCHUESSLER AND CRESSEY, *op. cit.*

“from the unconscious,” and is therefore, by definition, behavior over which the individual has no control. The offense is, in this hypothesis, a ritualistic enactment of the repressed sexual instinct. The burglar, for example, is supposed to be engaging in a ritualistic enactment of his repressed incestuous impulses. The armed robber is supposed to be ritualistically enacting his unconscious and repressed desire to castrate or to murder his father, or, alternatively (because of the alleged homology of flatulence and the explosion of a shell) to be arrested in his psychosexual development at the anal-propulsive level.

The evidence in support of this hypothesis consists of the interpretations which psychoanalysts have made of incompletely-reported recitations of the free-association in which their analysands have engaged while on the couch. A search of psychoanalytic literature (journals, monographs, and books) dealing with criminological topics has disclosed no experimental attempts to test this hypothesis. The psychoanalytic hypothesis is currently enjoying great popularity, especially among intellectuals.

#### IX. RACIALIST HYPOTHESIS

The criminal is not a normal human being, but is rather a member of some inferior race or nationality.

It appears that this is one of the most ancient explanations of criminality. It is at least as old as Aristotle. Even though this hypothesis is by no means the exclusive property of Christians, it enjoyed a revival—and was more than ever firmly institutionalized—in western Europe shortly after slavery became a profitable venture several centuries ago. It was revitalized again, and clothed with all the scientific respectability of biology, when Darwin's *Descent of Man* was published in 1871. Darwin was convinced, as apparently untold numbers of people are today, that this explanation of criminality was correct, and gave to it his immense prestige. The basic immigration law of the United States which was enacted in 1922, is in part founded on this hypothesis.

The criminal statistics of the United States have for some years shown that the incidence of criminality among Negroes is several times that of whites, and that certain nationalities have a significantly greater incidence of criminality than others. There is, however, neither observational nor experimental evidence that any race or nationality is criminal (or lawful) because of and on account of its race or nationality. E. B. Tylor<sup>33</sup> published the second edition of *Primitive Culture* in 1873, and in the “Preface” called specific attention to the fact that he had no need to resort to Darwin's concepts to explain socio-cultural behavior. Tylor showed that instinct and race were irrelevant to an explanation of human conduct; he, of course, used such concepts as culture, invention and diffusion.

A classification of the nine hypotheses will help to sharpen some of the differences between their several classes. It will also be of assistance in revealing some of the similarities between those of a given type. This will indicate, to some extent, why it is not always possible to distinguish sharply, for example, between the hypothesis of racial inferiority and the psychiatric hypothesis of neurological abnormality. In the

<sup>33</sup> TYLOR, op. cit.

following classification, "normal" implies both an organically normal individual and an organizationally normal society; "pathological: social" implies an organically normal individual and an organizationally abnormal society, and "pathological:biological" implies an organically abnormal (or subnormal) individual and a society organizationally either normal or abnormal. The classification "doubtful" has been reserved for only one hypothesis. A study of the literature dealing with the supposed criminal personality shows that some of the proponents of this concept avoid the problem of "constitution *versus* learning," that some others apparently accept one or the other, that some others accept "constitution *and* learning," and that still others are ambivalent toward this issue.

## Normal

- I. Social-psychological
- III. Rationalistic

## Pathological:social

- II. Social disorganization

## Doubtful

- VII. Psychological:personality

## Pathological:biological

- IV. Psychiatric:neurology
- V. Psychiatric:psychopathy
- VI. Psychological:mental deficiency
- VIII. Psychoanalytic
- IX. Racialist

These hypotheses represent the major explanations which serious students have in recent years found to be reasonable in accounting for criminality, regardless of how they may be classified. It was previously suggested that they have been developed in the search for conceivable explanations of criminality. In evaluating their scientific worth, however, it is necessary to ask two quite different questions, namely, "Upon what grounds are these hypotheses to be admitted as hypotheses," and, "What clinical, observational, and experimental tests of them can be devised?"