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Julian B. Roebuck

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A CRITICISM OF GIBBONS' AND GARRITY'S CRIMINAL TYPOLOGY

JULIAN B. ROEBUCK*

Professors Gibbons and Garrity from a research of the literature postulate a criminal typology of 14 types, comprising eight property offender types and six personal offender types. They have published material on the eight property offender types: Professional Thief, Professional "Heavy," Non-Professional Property Offender, Auto Thief-Joyrider, Naive Check Forger, White Collar Criminal, Embezzler, and the Professional "Fringe" Violator.¹ Their typology is based on the assumption that the real world of criminal behavior is comprised of a variety of "social roles or stable behavior patterns" and that these role patterns are differentiated along two major dimensions: "self-definition and attitudes, and offense behavior." Offenders who have certain kinds of "attitudes and self-definitions in common also commit offenses of some specific kind." Groups of criminals can be identified who show similar self-definitions and attitudes, and who differ from other groups of criminals in these respects. They claim that their use of offense patterns is not restricted to legal terminology. In the judgment of the writer their offense types are far from being discriminating on the two dimensions utilized.

As described by Gibbons and Garrity, the "self-definition and attitudes" of the Professional Thief and the Professional Heavy are nearly identical. Both define themselves as criminals, take pride in their status as skilled criminals, and view the police as occupational risks. The Non-Professional Property Offender also defines himself as a criminal. The self-definition and attitudes of the Naive Check Forger, the White Collar Criminal, the Embezzler and the Professional Fringe Violator are again quite similar. All four define themselves as non-criminals, do not take pride in their status as criminals, and do not exhibit hostility toward police and correctional authorities. The White Collar Criminal and the Professional Fringe Violator are identical on this dimension.

The "self-definition and attitudes" concepts appear limited as defined by Garrity and Gibbons.

* Associate Professor in the Department of Sociology of Louisiana State University.

¹ Gibbons & Garrity, *Definition and Analysis of Certain Criminal Types*, 53 J. CRIM. L., C. & P.S. 27 (1962).

The writer's research indicates that the robber varies in social and personality type from that of the amateur burglar, the professional burglar (both would fall into Gibbons' and Garrity's Non-Professional-Property-Offender category) the confidence man, and the professional gambler.² Moreover his research³ did not reveal that the amateur burglar viewed himself as a "victim of society" as was reported by Garrity and Gibbons.

In reference to the second dimension, offense patterns, the offense types of the Professional Heavy and the Non-Professional Property Offender are the same. The modus operandi and the amount of profit do vary. The offense patterns of the White Collar Criminal, the Embezzler, and the Professional Fringe Violator are basically the same. All three of these types are engaged in lucrative, non-violent offenses which require skill.

Additionally, the type of crime included under the offense patterns is not always clear; e.g., under the category "Professional Thief" such subtypes as "non-violent offenses," "technically skilled crime," and "large profit" are meaningless. What types of nonviolent and technically skilled crimes are indicated? Certainly the construct "Professional Thief" includes offenders other than just confidence men. "Allied offenses," a sub-category found in both the Professional Heavy category and the Non-Professional-Property-Offender category, are not defined. What types of offenses do they constitute?

Their offense patterns are also too inclusive and thus non-discriminatory; e.g., the lumping together of burglary and robbery as subtypes in both the Professional Heavy and the Non-Professional Property Offender is questionable. The burglar rarely resorts to violence whether he be professional or non-professional. In fact his modus

² Roebuck & Cadwallader, *The Negro Armed Robber as a Criminal Type: The Construction and Application of a Typology*, 4 PAC. SOC. REV. 21 (1961); Roebuck, *The Negro Numbers Man as an Offender Type: The Construction and Application of a Typology*, 54 J. CRIM. L., C. & P.S. 48 (1963); Roebuck, "The Short Con Man" (unpublished manuscript); Roebuck & Johnson, *The Jack-of-All Trades Offender*, 8 CRIME & DELINQUENCY 172 (1962).

³ Roebuck & Johnson, *supra* note 2.

operandi is entirely different from that of the robber. Again, the separation of the White Collar Criminal from the Professional Fringe Violator makes little operational sense since both, by Sutherland's definition, are white collar criminals. It could also be argued that the construct "White Collar Criminal" is a misnomer.⁴

There is a need for a broader sampling of personality traits in typological studies than that covered by the constructs "attitudes and self-definition" as suggested by Garrity and Gibbons. It seems likely that certain personality and social types are prone to close on certain types of criminal patterns. Recent research points in this direction.⁵ The Gibbons and Garrity typology appears too general for utilization in empirical research. One looks in vain for their offenders with certain kinds of "attitudes and self definitions" in common who commit *specific kinds* of offenses.

In the writer's opinion, Garrity and Gibbons erred in their attempt to avoid the use of legal categories. Some of their labels in fact are legal labels. At the start of any effort in the construction of a criminal typology a decision must be made in regard to the use of legal offense categories. It has been pointed out that many of the categories of crime in the various criminal codes cover a range of differing behaviors. For this reason some sociologists suggest that the researcher must set up his own behavioral categories which cut across the legal categories.⁶ This method makes for a loss of preciseness in the definition of criminal types and leads to several kinds of amorphous groupings. The dimensions of the so-called behavioral categories depend upon the particular sociologist who is constructing them. A criminal typology must be precise and parsimonious. The criminologist must remember that he is dealing with criminals as defined by legal nomenclature. He is not studying anti-social or deviant behavior. Moreover, the accessible

official data concerned with criminal charges exist in terms of the legal nomenclature; i.e., arrests by criminal charges. Furthermore, as Paul Tappan has pointed out, the criminal code contains more specific, hence operational, definitions of criminal behavior than any set of nonlegal categories.⁷

Perhaps the answer lies in the construction of behavioral categories within the confines of the legal categories; e.g., *narcotic drug laws offenders* could be differentiated into those who use drugs and sell drugs (the common variety of small-time street peddlers); the professional wholesaler, non-user; the young addict; the marijuana user; the heroin addict; *gamblers* could be broken down into professional promoters; "numbers men"; race-track bookies; sports pool operators; gambling-house operators; non-professionals who engage in gambling, e.g., the compulsive gambler; *burglars*: housebreakers, safecrackers, professional burglars, amateur burglars, depending upon modus operandi; those who are charged with *prostitution* and commercialized vice: call girls, street walkers and bar hustlers, madams, pimps, etc.

Several criminologists have used this method; e.g., Lottier divided embezzlers into two kinds: "group embezzlement" and "individual embezzlement";⁸ Lemert studied both "naive" and "systematic" check forgers;⁹ Reimer delineated several types of embezzlers;¹⁰ the writer researched armed robbers, addicted drug peddlers, numbers men, assaulters and drinkers, and short con men;¹¹ and Clinnard and Wade have suggested the delineation of vandalism as a sub-type in juvenile delinquency.¹²

Criminal and delinquent typologies are generally of two kinds: (1) those which purport to classify the universe of offenders and (2) those

⁷ Tappan, *supra* note 4.

⁸ Lottier, *A Tension Theory of Criminal Behavior*, 7 AM. SOC. REV. 840 (1942).

⁹ Lemert, *An Isolation and Closure Theory of Naive Check Forgery*, and *The Behavior of the Systematic Check Forger*, *supra* note 5.

¹⁰ Reimer, *Embezzlement: Pathological Basis*, 32 J. CRIM. L. & C. 411 (1941).

¹¹ Roebuck & Cadwallader, *supra* note 2; Roebuck, *The Negro Drug Addict as an Offender Type*, 53 J. CRIM. L., C. & P.S. 36 (1962); Roebuck, *The Negro Numbers Man as an Offender Type*, *supra* note 2; Roebuck & Johnson, *The Negro Drinker and Assaulter as an Offender Type*, 8 CRIME & DELINQUENCY 21 (1962); Roebuck, "The Short Con Man," *supra* note 2.

¹² Clinnard & Wade, *Toward the Delineation of Vandalism as a Sub-Type in Juvenile Delinquency*, 48 J. CRIM. L., C. & P.S. 493 (1958). See also MARTIN, *JUVENILE VANDALISM: A STUDY OF ITS NATURE AND PREVENTION* (1961).

⁴ See Tappan, *Who Is the Criminal?*, 12 AM. SOC. REV. 96 (1947).

⁵ E.g., HEWITT & JENKINS, *FUNDAMENTAL PATTERNS OF MALADJUSTMENT: THE DYNAMICS OF THEIR ORIGIN* 25-36 (1947); Jenkins & Hewitt, *Types of Personality Structure Encountered in Child Guidance Clinics*, 14 AM. J. ORTHOPSYCHIATRY 84 (1944); Jenkins & Glickman, *Patterns of Personality Organization Among Delinquents*, 8 NERVOUS CHILD 329 (1947); Lemert, *An Isolation and Closure Theory of Naive Check Forgery*, 44 J. CRIM. L., C. & P.S. 296 (1953); Lemert, *The Behavior of the Systematic Check Forger*, 6 SOCIAL PROBLEMS 141 (1958).

⁶ See, e.g., Gibbons & Garrity, *Some Suggestions for the Development of Etiological and Treatment Theory in Criminology*, 38 SOCIAL FORCES 54 (1959).

which identify specific patterns of criminal behavior for analysis. Gibbons' and Garrity's attempts at typology represent the first kind, whereas those of the writer represent the second kind. He had argued elsewhere that an all-inclusive typology is not feasible at the present stage of criminological research; that crime is relative in time and space; and that the researcher might accomplish more if the quest were confined to one particular group of offenders at a time. If the "specific-pattern" approach were used the research criminologist could set up certain criteria and dimensions of behavior by which he would include or exclude cases in his sample, thereby establishing homogeneity of cases or a specific order of crime, e.g., armed robbery, special kinds of assault, special kinds of forgery, etc. Other criminologists with the basis for the specific order of crime at hand would be in a position to replicate the study. Findings could be confirmed or rejected. Currently the samples of delinquent and criminal behavior of one criminologist are quite different from those of others.

It is the further thesis of the writer that a multidisciplinary approach is also necessary to the study and construction of criminal and delinquent types. Specialized perspectives, whether appertaining to psychiatric, psychological, constitutional, or sociological studies are likely to be resolved in their own delimited frames of reference. Such efforts would make it extremely difficult to relate the findings of one specialized area to the results in adjacent fields. Such has been the case too many times in the past. Cooperative research would work not only to lead to the pooling of findings, but also to the development of new frames of references. There is evidence available that the constitutional, psychogenic, and social-cultural approaches to crime have made some contributions to the etiology of crime. However, too frequently in the past the constitutionalists, psychiatrists, psychologists, and sociologists have merely demonstrated the presence or absence of constitutional, psychogenetic, psychogenic, or social-cultural situational factors in the personalities and social backgrounds of criminals under study, whether or not control groups were employed, and left it at that stage.

What is most needed in the construction of criminal types is the linkage of certain types of criminal behavior patterns to certain social and personal background factors, including cultural background, social pressures, personality traits, psychogenic pressures, and constitutional predispositions (should they exist). The dynamics involved in the resulting criminal behavior pattern must be studied in the individual case. However, it must be demonstrated that a sizeable group of people who engage in the same type of crime share common personality and background factors. In short, to establish a criminal typology it must be shown that certain kinds of people in certain situations commit certain kinds of crime. The fundamental question still to be answered is why a given delinquent or criminal engages in a particular act rather than in some other form of delinquency or crime. Conversely, why do some delinquents and criminals participate in various forms of delinquent and criminal behavior?

Currently there is no systematic approach which attempts to link the constitutional, sociological, psychiatric-psychological, and situational variables to specific patterns of criminal behavior. As Bloch and Flynn point out, however, a fruitful and encouraging beginning is already taking place in what is known as the multidisciplinary approach to the problems of human relations and motivations, which includes the beginning of a coordinated and cooperative attack upon the problem of crime and delinquency.¹³ Marshall Clinard's "Report of the Representative to the Fourth International Criminological Congress" reveals that European as well as American criminologists are advocating an interdisciplinary approach to the study of crime.¹⁴ Moreover within the past 20 years there has been a movement, among some scholars, away from general theories to account for all criminal behavior toward separate theories for specific patterns of crime.

¹³ BLOCH & FLYNN, *DELINQUENCY; THE JUVENILE OFFENDER IN AMERICA TODAY* 96-98 (1956).

¹⁴ 26 *AM. SOC. REV.* 999 (1961).