



▲ **Image 1.2** Prostitution is considered a *mala prohibita* offense because it is not inherently evil, and is even legal in many jurisdictions around the world.

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result of this event, Nevada made withholding such information a criminal act.) Therefore, this act was deviant in the jurisdiction at that time.

Other acts of deviance are not necessarily immoral but are certainly statistically unusual and violate social norms, such as purposely “passing gas” at a formal dinner. Such activities are relevant for our discussion, even if they are not defined as criminal by the law, because they show a disposition toward antisocial behavior, which is often found in individuals who are likely to become criminal offenders. Furthermore, some acts are moving from deviant to illegal all the time, such as using cell phones while driving or smoking cigarettes in public; many jurisdictions are moving to have these behaviors made illegal and have been quite successful to date, especially in New York and California.

Most *mala in se* activities (e.g., murder) are highly deviant, too, meaning they are not typically found in society, but many, if not most, *mala prohibita* acts are not deviant because they are committed by most people at some point. Speeding on a highway is a good example of a *mala prohibita* act that is illegal but not deviant. This book will examine theories for all of these types of activities, even those that do not violate the law in a given jurisdiction at the present time.

How Are Criminological Theories Classified? The Major Theoretical Paradigms

Scientific theories of crime can be categorized based on several important concepts, assumptions, and characteristics. To begin, most criminological theories are classified by the paradigm they emphasize. **Paradigms** are distinctive theoretical models or perspectives; in the case of crime, they vary based largely on opposing assumptions of human behavior. There are four major paradigms.⁴

The first of these, deterrence or rational choice theories, commonly referred to as the **Classical School** perspective, will be discussed at length later in this book. It assumes that individuals have free will and choose to commit

counties of Nevada. The same can be said about gambling and drug possession or use. These are just examples of acts that are criminal only in certain places or at certain times and thus are not agreed upon by most members of a given community.

This book examines both *mala in se* and *mala prohibita* types of offenses, as well as other acts of **deviance**, which are not against the law in many places but are statistically atypical and may be considered more immoral than illegal. For example, in Nevada in the 1990s, a young man watched his friend (who was later criminally prosecuted) kill a young girl in the bathroom at a casino, but he told no one. Although most people would claim that this was highly immoral, at that time, the Nevada state laws did not require people who witnessed a killing to report it to authorities. (Note: As a

⁴Thomas J. Bernard, Jeffrey B. Snipes, and Alexander L. Gerould, *Vold's Theoretical Criminology*, 6th ed. (Oxford: Oxford University Press, 2010).