SCLY4

Webb Book Summary

Contents

Functionalist, Strain and Subcultural Theories

Durkheim's Functionalist Theory
Social solidarity is achieved through socialisation and social control

Inevitability of crime
- In any society, some individuals will be inadequately socialised and prone to deviation
- In modern societies there is high specialisation and diversity of subcultures. This blurs rules of behaviour, creating anomie and crime

Boundary maintenance
- Crime produces a reaction from society, uniting members
- Punishment reaffirms shared rules and reinforces solidarity
- E.g. public punishment
- Cohen – The media creates 'folk devils' to fulfil this purpose

Adaptation and change
- All social development and change starts as deviance
- Davis – Prostitution is a safety valve to release men's sexual frustrations without threatening the family
- Cohen – Crime is a warning light for institutions that need attention

Criticisms
- Functionalist theory assumes crime is beneficial for society without acknowledging the effect on individual victims
- Doesn't explain what the right amount of deviance is
- Just because crime creates social solidarity, it doesn't mean that's why it exists in the first place

Merton's Strain Theory
Structural factors – Society's unequal structure
Cultural factors – Strong social emphasis on financial success

Rebellion – Seek to replace both the means and goals with new ones	*Accept means*	*Reject means*
Accept goals	Conformity	Innovation
Reject goals	Ritualism	Retreatism

The American Dream
- Ideology claims American society is meritocratic
- Poverty and discrimination block success goals by legitimate means

- Strain is created between goals and means
- Winning the game is more important than playing by the rules: anomie

Strengths
- Explains statistical patterns
  - Most crime is property crime
  - Working class crime rate is higher

Weaknesses
- Deterministic
- Does not explain state crime
- Feminism: Women are put under more strain and have fewer means to success but commit less crime
- Marxism: Ignores the fact that the rich are not criminalised as much

Subcultural strain theories
These both criticise Merton's theory and build on it. They see deviance as a result of delinquent subcultures which offer the lower-class members a means to their goals

Cohen – Status Frustration
1. Merton ignores group deviance
2. Merton focuses only on utilitarian crime

Working class boys face anomie in the middle-class education system
- They are culturally deprived, lacking skills to achieve. This leaves them at the bottom of the hierarchy
- As a result they suffer from status frustration, which is resolved by rejecting mainstream middle class values

Alternative Status Hierarchy
Subcultures offer an illegitimate opportunity structure
- Alternative status can be one through delinquent actions
- Values spite, malice and hostility to outsiders. It inverts mainstream values (respecting property → vandalising property)

Cloward and Ohlin: Three Subcultures
- Not everyone has the same access to illegitimate opportunity structures

1. *Criminal subculture* – Provides youths with an 'apprenticeship' in utilitarian crime. Exists in neighbourhoods with longstanding and stable criminal culture.
2. *Conflict subculture* – Occurs in areas with high population turnover, with high levels of social disorganisation. Because the criminal network is constantly changing in these areas, the only subcultures that can for are loosely organised gangs. Crime is focused on violence.
3. *Retreatist subculture* – Double failures who fail to both achieve in a mainstream sense and in an illegitimate sense. These cultures are based on illegal drug use

Evaluation
- Ignores crimes of the wealthy
- Actual subcultures can overlap between types
- Reactive theory: subcultures form as a result of mainstream failure. However, this assumes that everyone initially shares the same goals

Labelling Theory

Social Construction of Deviance

Becker – Social groups create deviance by creating rules and labelling those who act outside of them as deviant. A person is only deviant if labelled as such

Differential enforcement
- Social control agencies (e.g. police, courts) label certain groups as deviant
- Piliavin and Briar – Police decisions to arrest were based on stereotypical ideas about manner, dress, gender, class and ethnicity

Typifications
Cicourel – Police use typifications of the 'typical delinquent'. Those who fit it are more likely to be topped, arrested and charged
- Working class and ethnic minority – More likely to be arrested. Those from broken homes are more likely to be charged
- Middle class juveniles – Less likely to be charged, parents more skilled at negotiating on their behalf
- Crime statistics cannot be trusted or taken at face value

- × Marxism – Labelling theory fails to address the fact that these stereotypes originate from the ruling class
- × Assumes that middle class and working class groups commit the same amount of crime

The Effects of Labelling

Lemert – Distinguished between primary and secondary deviance
1. Primary – Initial act that has not been publically labelled. Often trivial and not seen as deviant
2. Secondary – Results from social reaction to primary deviance. If the offender is seen purely in terms of their deviance this is their MASTER STATUS

Self-fulfilling prophecy
- May provoke a crisis for the individual's self-concept and lead to a SFP in which they live up to their label
- Further societal reaction reinforces the individual's outsider status, encouraging them to join a deviant subculture or start a deviant career

Young – Study of "hippy" marijuana users

- Drug use was initially peripheral to hippy lifestyle
- Police persecution of them as junkies led them to retreat into closed groups, developing a deviant subculture where drug use was central
- Social processes intended to produce law abiding behaviour did the opposite

Deviance Amplification Spiral
Attempts to control deviance lead to it increasing

Cohen – Folk devils and moral panics: mods and rockers
- Media exaggeration and distortion created a moral panic
- Moral entrepreneurs called for a 'crackdown', police arrested more youths
- Demonising mods and rockers as folk devils marginalised them further, creating more deviance

Key distinction between labelling theory and functionalist theory:
1. Functionalists see deviance producing social control
2. Labelling theorists see social control producing deviance

Marxist Theories

Traditional Marxism

Criminogenic Capitalism
Crime is inevitable in capitalism, as its very nature produces crime
- Working class crime
  - Poverty may create crime by necessity
  - Only way of obtaining consumer goods encouraged by advertising
  - Alienation may cause frustration and aggression, leading to non-utilitarian crimes
- Ruling class crime
  - Win at all costs
  - Tax evasion, health code violation, etc.
- Too deterministic – not all poor commit crime. Many capitalist societies have low crime rates (e.g. Japan compared to America)

Gordon – Crime is a rational response to capitalism and so is found in all classes

The state and law making
Chambliss – Laws to protect private property are the basis of the capitalist economy. Laws are designed to benefit the ruling class. Few laws challenge the distribution of wealth

Selective enforcement
Reiman – Crimes of the powerful are less likely to be treated as criminal offences
- Carson – In a sample of 200 firms, all had broken health and safety laws but 1.5% were prosecuted

Ideological functions of crime and law
- Pearce – Laws that benefit workers are designed to create a false class consciousness

- Divides the working class. Law abiding workers blame criminal workers for their problems instead of the ruling class
- Slapper and Tombs – Selective enforcement divides crime statistics, taking attention away from ruling class crime

Neo-Marxism: Critical Criminology

Taylor, Walton and Young – Claim that traditional Marxism is deterministic. They also disagree with other claims that crime is caused by external factors (e.g. anomie)

Voluntarism
The voluntaristic viewpoint states that we have free will. Crime is a conscious choice, often with a political motive e.g. to redistribute wealth from the rich to the poor.

A fully social theory of deviance
Includes both Traditional Marxist ideas and Labelling Theory's ideas about the meaning of the deviant act for the actor and societal reactions

Realist Theories

Left Realism

- See financial struggle as the source of crime, like Marxists
- Reformists, not revolutionists, unlike Marxists
- Believe Marxists wrongly ignore crimes of the working class
- Believe Neo-Marxists over-romanticise working class crime
- Believe Labelling Theory ignores the true victims of crime
- Main victims of crime are disadvantaged groups, statistically
- There has been a real increase in crime. This has led to an aetiological crisis: there is no explanation

The causes of crime

Lea and Young – 3 related causes of crime

1. *Relative deprivation*
   How deprived someone perceives themselves. Cultural inclusion = the poor have a broad view of society through media. Economic exclusion = they're poor
2. *Subculture*
   Some subcultures are criminal
3. *Marginalisation*
   Unemployed groups are marginalised, with no groups to represent them and no clear goals, only a sense of powerlessness and frustration

Late modernity and crime

Young – Since late modernity, the problem of working class crime is due to…

- Harsh welfare, job insecurity, poverty
- Destabilisation of family and community life → weakening of informal social controls

Young also notes…

- Crime is now found at all economic levels
- There is resentment against lower groups e.g. unemployed, asylum seekers…

Right Realism

- Conservative political outlook
- Zero tolerance approach
- Influential in UK and US.
- Other theories have failed to solve the problem of crime
- Labelling theory and critical criminology too sympathetic to the criminal and too hostile to the police and courts
- Practical solutions to reduce crime.
- Control and punishment > rehabilitation and tackling underlying causes

Causes of crime

Wilson and Herrnstein – Crime is caused by a mixture of biological and social factors. Some are innately predisposed to committing crimes (aggressiveness, risk taking, low intelligence…)

The underclass

The nuclear family is the best agency of socialisation

Murray – The nuclear family is being undermined by the welfare state. Dependency culture means men no longer need to take responsibility for supporting their family.

Absent fathers mean boys lack discipline and positive role models, turning to delinquent role models.

Rational Choice Theory

Clarke – Takes the assumption that individuals are rational beings with free will. Deciding to commit crime is a choice based on the weighing of costs and benefits

Felson – Routine activity theory: for crime to occur there must be a motivated offender, a target, and the absence of a 'capable guardian' (policeman, neighbour…)

- How can people be choosing crime if they are biologically predisposed to it?

• Less consensus about what is acceptable • Public demands harsher formal controls • High crime, low crime tolerance **Solutions to crime** • Democratic policing ==Kinsey, Lea and Young== – Police rely on the public for information. Police are also losing support. They are now instead relying on military policing. The police must be more accountable and support communities, and employ a MULTI AGENCT APPROACH to tackle crime • Reducing inequality Remove the underlying cause. Structural changes to tackle discrimination, inequality and housing issues **Criticisms** Ignores harm done by those who are not marginalised, over-predicts working class crime	**Solutions to crime** It is impossible to target the underlying causes, so deterrents such as control and punishment must be used Wilson and Kelling – We must keep neighbourhoods orderly to prevent crime taking hold (broken windows theory) Zero tolerance policing Target hardening **Criticisms** Ignores structural causes, concerned entirely with street crime, ignores what causes neighbourhood decline

Gender, Crime and Justice

Gender Patterns in Crime

- 4/5 convicts are male
- A higher proportion of females are convicted of property offences (excl. burglary)
- A higher proportion of males are convicted of violence and sexual offences

Do women commit less crime?
Official statistics underestimate the amount of female offending, according to some.
- Female crime is less likely to be reported (especially with regards to sexual offences)
- Female crime is less likely to be prosecuted when it is reported

Chivalry thesis
The criminal justice system is more lenient to women because its agents are socialised to act chivalrously towards women.

==Pollack== – Men have a protective attitude towards women, so they are unwilling to arrest, charge, prosecute or convict them. This skews official statistics.

Evidence for the chivalry thesis
- Self-report studies suggest female offenders are treated more leniently
- ==Graham and Bowling== – Young males are 2.33 times more likely than females to admit to having committed an offence in the previous year whereas stats show men are 4x more likely

- Women are more likely to be cautioned than prosecuted for the same offences
- Hood – Studied 3k defendants: women were 1/3 less likely to be jailed in similar cases

Evidence against the chivalry thesis
Farrington and Morris –Studied Magistrates' court, finding that women were not sentenced more leniently for comparable crimes
Box – self report studies: women are sentenced equally in serious crimes
Buckle and Farrington – Determined that twice as many men shoplift but statistics are about equal

Bias against women
Feminists argue that the CJS is biased against women, especially when they deviate from gender norms of monogamous heterosexuality and motherhood
- Heidensohn – Courts punish girls more than boys for sexual promiscuity
- Carlen – Scottish courts were much more likely to jail women whose children were in care
- Walklate – The victim is on trial in rape cases, to prove she wasn't "asking for it"

Explaining female crime
Following theories explain why females do offend

Functionalist Sex Role Theory
Parsons – Focuses on gender socialisation and role models in the nuclear family to explain gender differences
- Women perform the expressive role. Boys reject feminine role models that express tenderness, gentleness and emotion
- Boys distance themselves and engage in 'compensatory compulsory masculinity'
- Men take the instrumental role which is outside the home, giving even less access to a role model
- Cohen – Absence of adult role model means boys turn to all-male street gangs as a source of masculine identity
- Right realists – Absence of a male role model in matrifocal lone parent families leads to delinquency

Feminist theories: Contrast with functionalism…

Heidensohn – Patriarchal Control
Heidensohn – Women commit fewer crimes than men because patriarchal society controls women more, reducing opportunities to offend.

Control at home
Women's domestic role imposes restrictions on when they are available to leave the house. Men impose this through domestic violence and financial control, for example. Daughters are restricted, developing a bedroom culture.

Control in public

Media reporting of rapes scares women to stay indoors. Women are also afraid of not being deemed respectable.

Control at work
Women are subordinate in the workplace, reducing criminal opportunities. The glass ceiling removes opportunities for white collar crime.

Carlen – Class and gender deals

Carlen – Studied 39 working class women, convicted of a range of offences. 23 were in custody. Most serious convicted criminals are working class
- × Small, unrepresentative sample

Hirschi's Control Theory
Humans act rationally and are controlled by being offered a deal. Rewards in return for conforming to norms

People commit crimes if they don't believe they will get the rewards, or if rewards of the crime seem greater than the risks.

Carlen argues working-class women are led to conform through the promise of two deals
- Class deal – Women who work get a decent standard of living
  - o When they fail to find a decent way of living, they deviate
- Gender deal – Women who conform to traditional gender roles gain material and emotional rewards of family life
  - o Some had been abused and over half spent time in care, which caused them to reject this deal
- Women gain nothing from either deal, causing them to commit crime
- × Explains female crime through external factors, disregarding free will

Liberation thesis
Adler – As women become liberated from patriarchy, their offending will become similar to men's

Why Do Men Commit Crime?

Accomplishing Masculinity
Messerschmidt – Masculinity is seen as an "accomplishment" – something men have to constantly work at constructing and presenting to others.
- Hegemonic masculinity – Dominant form of masculinity. Based on paid work, ability to subordinate women, and heterosexuality
- Subordinated masculinities – Many lack resources to accomplish hegemonic masculinity so turn to crime. Some middle class men also do this in the form of white collar or corporate crime

Ethnicity, Crime and Justice

Ethnicity and Criminalisation

There are 3 main sources of stats on ethnicity and crime. Overall, evidence on ethnicity is inconsistent. Official stats and victim surveys report higher levels of black offending than self report studies.

1. *Official Statistics*

These show ethnic differences in likelihood of being involved in the criminal justice system. According to official stats, black people are 7 times more likely to be involved in the CJS.

2. *Victim Surveys*

Ask individuals to say what crimes they have been victims of. Details of the offender such as ethnicity are sometimes asked. Black people are more likely to be identified as muggers than white people

3. *Self-Report Studies*

Ask individuals to disclose crimes they have committed.

==Graham and Bowling== – Blacks and whites had almost identical rates of offending, Asians had much lower rates. Other self-report studies find the same, discrediting the stereotypes that blacks are more likely to offend.

Racism and the Criminal Justice System

Policing

==Phillips and Bowling== – Many allegations of oppressive policing strategies, targeting minority communities
- Mass stop and search operations, surveillance, raids, failure to respond to racist violence
- Minorities are likely to believe they are over-policed and under-protected

Stop and Search
- Black people 7 times more likely to be stopped and searched
- Asians are >3 times more likely to be stopped and searched under the Terrorism Act 2000

Explanations for patterns…
- Ethnic differences in offending – Minority groups may simply be more likely to offend, e.g. as a result of relative deprivation
- Police racism – Bias in who is stopped and searched, discriminating about who they act against
- Demographic factors – Ethnic minorities are over-represented in the groups most likely to be stopped, regardless of their race (e.g. young, unemployed people living in urban settings)

Arrests and cautions

White people are more likely to be let off with a caution when arrested

Prosecution and trial

CPS is more likely to drop cases against minorities. Whites are more likely to be found guilty. When cases do go ahead, black people are more likely to opt for a crown court trial than a magistrates' trial,

possibly because they question the impartiality of magistrates (usually older and white) compared to a jury.

Sentencing and prison
Jail sentences are more likely to be given to blacks than whites or Asians
- Hood – Even when the seriousness of the offence are taken into account, black men are 5% more likely to be jailed
- Blacks 5x more likely to be in prison than whites
- Ethnic minorities are less likely to be granted bail

Explanations for ethnic differences in offending…

Explanation 1: Left Realism

Lea and Young – Ethnic differences in the statistics reflect actual differences
- [General Left Realist perspective]
- If CJS bias was the sole reason for ethnic differences, this doesn't explain why whites are more likely to be convicted than Asians

Explanation 2: Neo-Marxism – Black Crime as a Social Construct

Gilroy or Hall et al – Reject the view that statistics reflect reality

Gilroy – Myth of black criminality
- Stereotype based
- CJS acts on stereotypes
- Crime as a political resistance – has its roots in British imperialism
- × Lea and Young – First generation immigrants were law abiding, unlikely they passed on tradition of anti-colonial struggle; most crime is intra-ethnic, not a struggle against racism; Gilroy romanticizes crime; Asian crime rate is similar to whites'

Hall et al – Policing the crisis
- 1970s moral panic about black muggers
- High unemployment and economic crisis
- There was no actual statistical evidence for a rise in mugging
- Moral panic served to divide the working class and weaken opposition to capitalism
- Black crime was only rising because blacks were being forced out of their jobs
- Hall is inconsistent. Claims moral panic was fabricated, but also claims there was a rise in crime due to unemployment

Bourgois – El Barrio
- El Barrio = black and Hispanic community in New York
- Discrimination excluded this group from legitimate opportunities
- Led to criminal subcultures based on profit through drug dealing
- This also drew in more people to criminality through drug addiction
- Link to Cloward and Ohlin's criminal and retreatist subcultures

Crime and the Media

Media Representations of Crime

<mark>Williams and Dickinson</mark> – 30% of newspaper space is spent on crime. However, they gave a distorted view compared to official statistics

- Over-represented violent and sexual crime
- Portray criminals and victims as older and more middle class
  - <mark>Felson</mark> – "Age fallacy"
- Exaggerate police success
- Exaggerate risk of victimization
- Crime reported as a series of separate events, ignoring undermining causes
- Overplay extraordinary crimes
  - <mark>Felson</mark> – "Dramatic fallacy"

News values and crime coverage
Social construction of news.
<mark>Cohen and Young</mark> – News is manufactured, not discovered. Stories are selected from a pool and written up, influenced by various social factors.

Whether a story is reported is influenced by "news values" which include immediacy, dramatization, personalisation, high status people, risk, violence

Fictional Representations of Crime
<mark>Mendel</mark> – From 1945 to 1985, 10 billion crime thrillers were sold worldwide

25% of prime time and 20% of films are about crime

<mark>Surette</mark> – Law of opposites in media representation of crime

- Poverty crime is underrepresented, violence sex and drug crimes overrepresented
- Fictional sex crimes committed by psychopaths rather than acquaintances
- Fictional cops catch the criminal

There are three significant recent trends

- Reality shows feature young, non-white 'underclass' offenders
- Tendency to show police as corrupt and brutal
- Victims have become more central, with police as avengers

The Media as a Cause for Crime`

- Imitation
- Arousal
- Desensitisation
- Transmitting knowledge
- Stimulating desires
- Glamourising crime

However, studies suggest that media's effect on the individual is minor. However, much of this research is conducted in a laboratory setting.

Fear of Crime

The media exaggerates how much crime occurs as well as how at-risk some groups are.

Schlesinger and Tumber – Tabloid readers and heavy TV viewers expressed greater fear of going out and being victimised

The media, relative deprivation and crime

Lea and Young – The media is accessed by people of all socioeconomic positions. They portray what the ideal "good life" should be, increasing the feeling of relative deprivation

Moral Panics

(See topic 2 and Hall et al)
- × McRobbie and Thornton – Moral panics have less effect now because people are used to them. There is also less consensus on what is deviant so it is harder to produce a moral panic

Perspectives on Moral Panics
- Functionalism and moral panics
  - A way of responding to the sense of anomie created by change. Threats are dramatized in the form of a folk devil. The media raises the collective conscience and reasserts social controls when central values are threatened
- Neo-Marxism and moral panics
  - Distracts from capitalism, divides the working class

Global Cybercrime

Thomas and Loader – Defined as computer-mediated activities that are either illegal or considered illicit, and are conducted through global electronic networks.

Jewkes – The internet creates opportunities for crime e.g. fraud, piracy
Wall – There are 4 categories of cyber-crime…
1. Cyber-traspass (e.g. hacking)
2. Cyber-deception (e.g. identity theft)
3. Cyber-pornography
4. Cyber-violence (e.g. bullying)

Policing cybercrime is difficult partly because of the sheer scale of the internet and because its globalised nature poses problems of jurisdiction

Surveillance – Helps

Globalisation, Green Crime, Human Rights and State Crime

Crime and Globalisation

The global criminal economy

Held et al – There has been a globalisation of crime. Interconnectedness has created transnational organised crime.

Castells – Global criminal economy is worth over £1 trillion per annum. E.g. arms trafficking, human trafficking, sex tourist, cybercrime, green crime, terrorism…

- Drugs trade is estimated at $300-400 billion at street prices
- Money laundering profits is estimated at £1.5 trillion/year

Global Risk Consciousness

Globalisation creates new insecurities, or 'risk consciousness'. Risk is now seen as global. This leads to intensification of social control at the local level, e.g. tighter border control.

Globalisation, Capitalism and Crime

Taylor – Marxist – Globalisation has led to greater inequality
- Transnational corporations switch manufacturing to countries with extremely low or no minimum wage
- Deregulation means governments have little control over their own economies
- Greater insecurities cause people to turn to crime, e.g. drugs trade
- Creates opportunity for corporate crime e.g. tax evasion, insider trading
- × Fails to explain why people in poverty DON'T commit crime

Left Realism: Modern materialist culture promoted by the media undermines social cohesion, making crime seem more socially viable

Patterns of Criminal Organisation

'Glocal' organisation

Hobbs and Dunningham – Globalisation has changed the organisation of criminal networks. Criminal groups are locally based, utilising global connections.

McMafia

Glenny – Organisations that emerged in Europe after the fall of communism
- When communism was dissolved, commodities such as oil, gas and metals remained at old Soviet prices which were way below world market price
- Well-connected citizens sold these commodities on the global market for huge profits
- 'Oligarchs'

Green Crime

'Global risk society'

– Most threats to human wellbeing and the eco-system are now manmade. 'Manufactured risks'. Beck describes late modern society as a 'global risk society' because manmade dangers have serious consequences for humanity

Green Criminology
When pollution is legal, is this a matter for criminologists?
- Traditional Criminology – No – Only studies patterns and causes of law-breaking
- Green Criminology – Yes – Anything relating to the notion of harm is relevant
    - Legal definitions cannot provide a consistent global standard
    - Many of the worst dangers are not illegal
    - A form of TRANSGRESSIVE CRIMINOLOGY – It transgresses (oversteps) the boundaries of traditional criminology to include new issues

2 views on harm
- Nation-states and transnational corporations – Take an ANTHROPOCENTRIC (human-centred) approach to environmental harm. Humans have a right to dominate the world
- Green Criminology – Takes and ECOCENTRIC view. Humans and the environment are interdependent. Environmental harm also hurts humans.

Types of green crime
==South==
1. Primary green crimes – Direct destruction and degradation of the earth's resources. E.g. pollution, deforestation, water pollution
2. Secondary green crimes – Flouting of rules aimed at preventing or regulating environmental disasters

Toxic waste dumping
Eco-mafias may be employed by some companies as a cheaper way of disposing of toxic waste that is difficult to dispose of traditionally. In some cases this isn't even illegal as less developed countries lack the relevant legislation.

State Crimes
==Green and Ward== – 'Illegal or deviant activities perpetuated by, or with the complicity of, state agencies'
- Genocide, war crimes, torture, imprisonment without trial, assassination

==McLaughlin== – Identified 4 categories of state crime… Political, economic, social, crimes by security and police forces

The scale of state crime
- State power enables large scale crimes with many victims
    - Cambodia 1975-1978: Khmer Rogue killed up to a fifth of the population.
- Crimes can be concealed easier or punishment evaded
- State defines laws, so can avoid them
- National sovereignty makes it hard for external powers e.g. UN to intervene

Human rights and state crime

- There is no single list of human rights
- Most countries recognise natural rights e.g. right to life and liberty, and civil rights e.g. right to vote
- The state can therefore be seen as a perpetrator of crimes by violating human rights

Crime as the violation of human rights

Herman and Julia Schwendinger – Crime should be defined as violation of basic human rights. States that practice imperialism, racism, sexism, or economic exploitation of citizens are criminal.

- If sociologists accepted a legal definition of crime, they could become subservient to the state that makes the law

State crime and the culture of denial

Cohen – Human rights and state crime are increasingly central to both political debate and criminology as international human rights movements are gaining relevance. States conceal and legitimate their human rights crimes

- Dictatorships – Simply deny abuses
- Democratic states – Legitimate their actions e.g. Guantanamo Bay is for national security
- Neutralisation theory – Cohen examines the way officials neutralise their crimes
  - Denial of victim
  - Denial of injury
  - Denial of responsibility
  - Condemning the condemners
  - Appealing to higher loyalties

Control, Punishment and Victims

Crime Prevention and Control

Situational Crime Prevention

- Pre-emptive approach
- Reducing opportunities for crime by managing or altering the environment
- Increase risks of committing crime and reducing the rewards
- × Displacement?
- × Doesn't tackle underlying reasons for why people commit crime

Environmental Crime Prevention

- Wilson and Kelling – Broken Windows Theory – Spiral of decline
- If there is an absence of formal (police) and informal (community) control, members of the community feel intimidated and powerless
- Environmental improvement strategies
- Zero tolerance policing
- Effective in 1990s New York, however some suggest this was due to unemployment
- × Environmental improvement doesn't make criminals disappear
- × Doesn't explain what initially triggers degradation of a neighbourhood

Social and Community Crime Prevention

- Deals with the social conditions that cause people to turn to crime

- General social policies have a side effect that deals with crime
- × Perry Pre-School Project in Michigan – Gave disadvantaged children a two-year intellectual enrichment programme. Longitudinal study, found lower rates of crime compared to peers
- × These are long term strategies that do not help victims immediately

Punishment

Aims of punishment:
- Deterrence
- Rehabilitation
- Incapacitation
- Retribution

Durkheim – Functionalist perspective

The function of punishment is to uphold social solidarity and value consensus – shared moral outrage. There are two types of justice for two types of society

1. *Retributive Justice* – Traditional society. Strong collective conscience, punishment is retributive
2. *Restitutive Justice* – Modern society. There is a strong interdependence between individuals. Crime damages this, so the aim should be to repair this damage

- Too simplistic, traditional societies often use restitutive justice, e.g. paying off a blood feud

Marxism: Capitalism and Punishment

Punishment is ruling class repressive state apparatus. Defends ruling class property against the underclass. In capitalist society, imprisonment is the dominant punishment because "time is money" and criminals are "paying out" for their crimes.

Foucault: the birth of the prison

Foucault – 2 different forms of punishment that reflect sovereign and disciplinary power

1. *Sovereign Power* – Monarch exercised physical power. Punishment was highly public
2. *Disciplinary Power* – Dominant from the 19th Century. Punishment of the mind and body through surveillance. Used the Panipticon as a demonstration of this

Panopticon = circular prison design where cells are visible to guards but guards are not visible to prisoners. Prisoners do not know if they are being surveyed so must behave.

Foucault argues that this concept has penetrated other institutions such as mental asylums and schools

Trends in Society

- Changing role of prisons

Pre-industrial Europe had a variety of punishments such as flogging and execution. Incarceration was mainly for holding offenders prior to their punishment. It was only later seen as a punishment in itself – in liberal democracies it is the most severe punishment.

Since the 1980s, POPULATIVE PUNITIVENESS has gained traction. Politicians call for tougher sentences, leading to a rising prison population. UK has one of the highest incarceration rates in Western Europe

Garland – USA (and to some extent the UK) is moving into an era of mass incarceration. In America, over 3% of the adult population has had some form of judicial restriction on their liberty

- Transcarceration

People moving between different prison-like institutions. E.g. brought up in care, young offenders, adult prison, mental hospital…

This creates a blurring of boundaries between criminal justice and welfare. Welfare services are given a counter-crime role

- Alternatives to prison

Community-based controls e.g. curfews, community housing, tagging.

Cohen – This has cast a net of control over more people rather than diverting more people away from the criminal justice system

The Victims of Crime

One definition: Those who have suffered harm through acts that violate laws of the state

Christie – Argues that a victim is a socially constructed category. For instance the media holds a stereotype of the ideal victim (blameless, weak individual)

Positivist Victimology
Focuses on interpersonal crimes of violence. Seeks patterns in victimisation and aims to identify characteristics of victims that contribute towards victimisation.

- *Victim Proneness* – The characteristics that make victims different from non-victims
- *Victim Precipitation* – Wolfgang – Studied 588 homicides. In 25%, the victim triggered the events leading to the murder

- × Heavily criticised for being victim blaming

Critical Victimology
Structural factors such as patriarchy or poverty place vulnerable groups at risk.
- Criminal Justice System uses labels to decide who is deemed a victim. E.g. if a man is not convicted for assaulting his wife, she is denied victim status (R v R 1991 is relevant)
- Tombs and Whyte – Employers' violations of the law leading to death or injury are often disregarded as 'accident prone' workers

Patterns of victimisation
- Repeat victimisation
  - o 4% of the population are victim to 44% of all crimes
  - o Less powerful groups are more likely to be victims of crimes
- Class
  - o Poor more likely to be victims

- - Poor more likely to be offenders, committing crime in nearby areas where unemployment is high
  - Age
    - Young are more vulnerable to assault, sexual harassment, theft and abuse
  - Ethnicity
    - Minority groups at greater risk
    - Exposed to different types of risks: racially motivated crime
  - Gender
    - Males more likely to be victims of violence
    - Females more likely to be victims of domestic and sexual violence, stalking, harassment

Impact of victimisation
- Serious emotional or physical impact
- Indirect victims through friends, relatives and witnesses
- Hate crimes against minorities create waves of harm that radiate out to intimidate whole communities
- Secondary victimisation: through being further victimised by the CJS (e.g. rape victims)
- May create broad fear of being victimised. For instance, women are more afraid of going out at night alone even though men are more likely to be victims of violence.

Suicide

Durkheim, Positivism and Suicide

Suicide rates as social facts
Studied official statistics from various European countries. Found that…
- Different societies have different rates
- Within a society, rates varied between social groups (e.g. Catholics lower than Protestants)

- Suicide rates are the result of two key social facts…
  - *Social Integration* – How much individuals feel they belong to the wider group
  - *Moral Regulation* – The extent to which actions are kept in check by norms

Durkheim's Typology of Suicide
1. *Egoistic Suicide* – Too little integration – Catholics have lower rates than Protestants because they are more tightly integrated through shared rituals
2. *Altruistic Suicide* – Too much integration – It is the individual's duty to die or the good of the group, e.g. Japanese kamikaze pilots
3. *Anomic Suicide* – Too little regulation – Society's norms become unclear or outdated by rapid change e.g. economic booms and slumps
4. *Fatalistic suicide* – Too much regulation – When an individual is completely controlled by society, e.g. slaves and prisoners

- Modern societies – Prioritise individualism so egoistic and anomic suicides are more likely
- Traditional societies – Prioritise the group, causing altruistic and fatalistic suicides

- Durkheim was the first to use a multivariate approach which allowed him to correlate suicide rates with other factors such as religion, marital status...

×   Durkheim did not operationalize his concepts very well
×   19th Century statistics were very unreliable. Autopsies were rare, for instance

Interpretivism and Suicide – GET MORE NOTES ON DOUGLAS AND STATS ON TYPICAL VICTIM

Rather than focusing on causes of suicide, interpretivists focus on meanings.

Douglas – Interactionism and Suicide
Douglas rejects suicide statistics as social constructs. Coroners are not objective in their reports, and other actors such as family members have a lot of influence.

Actors' meanings and qualitative data must be gathered, which Durkheim ignores. E.g. notes, diaries, interviews with survivors, relatives…

- Douglas produced a classification of meanings of suicide. However, there is no reason why this should be believed over coroner reports

Atkinson: ethnomethodology and suicide
Atkinson – Social reality is a construct of its members. Agrees that statistics are just a construct of coroners.

Disagrees that we can determine the meanings of the deceased's actions through qualitative methods. We can only observe how coroners come to classify a death as suicide.

Used court documents, conversations with coroners, observations of inquest
Determined that coroners have a COMMONSENSE theory about typical suicide. Mode of death, location and circumstances, life history – Coroners judge based on how similar each case is

Taylor: Realism and suicide
Agrees with interpretivists that coroners' theories influence their verdicts. However, Taylor accepts the positivist view that we can discover the underlying causes of suicide. He uses case studies to determine the meanings and causes. Identified 4 key types, based on the individual's certainty about himself or others:
- *Submissive Suicide* – Certainty about self
- *Sacrifice Suicide* – Certainty about others
- *Thanatation Suicide* – Uncertainty about self
- *Appeal Suicide* – Uncertainty about others