

# Introduction

One of the most interesting issues being debated today concerns the legal status of marijuana. Marijuana had long been used in this country by many musicians, artists, and Bohemians—a word used in the early 1900s to describe people engaged in nonconventional lifestyles. In the 1960s, however, the drug became popular among college students and other young people. Soon, it assumed a central role in the widespread movement against the Vietnam war, which featured many marijuana-fueled protests. The slogan “Flower Power”—a reference to the flowering and powerful part of the female marijuana plant—came to symbolize the antiwar movement and the protestors who participated in it.

Legislative initiatives at the federal government labeled marijuana a Category I substance under the 1970 Controlled Substances Act (CSA). Category I substances include the most “serious” illegal drugs, for which there is no known medicinal use. The CSA led to a nationwide War on Drugs, in which federal and local law enforcement officials sought to combat growing inner-city crime fed by illicit profits from the manufacture and distribution of cocaine, heroin, marijuana, and other drugs.

Public attitudes have changed, and a recent Gallup poll found 58% of Americans favoring the legalization of marijuana for personal recreational use.<sup>922</sup> Political action groups, formed over the past few years, are pushing for pot legalization, and social media campaigns are promoting wider social acceptance of the drug. A Cannabis Manifesto<sup>923</sup> has been adopted by many in the medical marijuana community and is being circulated in a number of Western democracies.

Today, the generation that embraced marijuana use 40 and 50 years ago is largely in control of legislatures throughout the nation, and many lawmakers at both the state and federal level are either members of that generation or their children. Consequently, the country is now in the midst of a widespread cannabis legalization movement with a strong political base. Whether, or to what extent, that movement succeeds depends on the American political process

movement with a strong political base. Whether, or to what extent, that movement succeeds depends on the American political process—a clear demonstration that criminal laws are the result of conflict between groups with varying interests.



**A young woman vaping marijuana.** How do divergent attitudes toward marijuana use capture the essence of conflict theory?  
Diego Cervo/Fotolia

This chapter begins by examining social conflict theories of criminology. Such perspectives are referred to as “radical” or “critical” criminology. It then moves on to look at emergent theories—that is, criminological viewpoints that are relatively new in the field. Emergent theories include left realism, feminist criminology, postmodern criminology, peacemaking criminology, convict criminology, and cultural criminology. The chapter concludes with an overview of the policy implications of conflict and emergent theories.

## Law and Social Order Perspectives

9.1 What three analytical perspectives on law and social order are described in this chapter?

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Conflict theories are shared among the social sciences generally and are not unique to criminology. Before describing conflict theories in more detail, however, it is important to understand the interplay between law and social order.

Three analytical perspectives shed some light on this subject: the consensus perspective, the pluralist perspective, and—of course—the conflict perspective.

## The Consensus Perspective

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The consensus perspective of social organization (described briefly in **Chapter 1**) posits that most members of society agree on what is right and wrong and that the various elements of society—including institutions such as churches, schools, government agencies, and

institutions such as churches, schools, government agencies, and businesses—work together toward a shared vision of the greater good. **Raymond J. Michalowski** notes that the consensus perspective is characterized by four principles:<sup>924</sup>

**1. Most members of a society believe in the existence of core values.** The consensus perspective holds that shared notions of right and wrong characterize the majority of society's members.

**2. Laws are a reflection of shared will.** Law is seen as the result of a consensus, achieved through legislative action, and represents a kind of social conscience.

**3. All persons are equal under the law.** From the consensus point of view, the law not only embodies a shared view of justice but also is perceived to be just in its application.

**4. Law violators represent a unique subgroup with distinguishing features.** The consensus approach holds that law violators must somehow be improperly socialized or psychologically defective or must suffer from some other lapse that leaves them unable to participate in what is otherwise widespread agreement on values and behavior.

The consensus perspective was operative in American politics and characterized social scientific thought in this country throughout much of the early 1900s and found its greatest champion in **Roscoe Pound**, former dean of Harvard School of Law and one of the greatest legal scholars of modern times. Pound developed the notion that the law is a tool for engineering society, meets the needs of men and women living together in society, and can be used to fashion society's characteristics and major features. Pound distilled his ideas into a set of juristic postulates explaining the existence and form of all laws insofar as laws reflect shared needs.<sup>925</sup>

- In civilized society, men and women must be able to assume that others will commit no intentional aggressions upon them.<sup>926</sup>

- In civilized society, men and women must be able to

- In civilized society, men and women must be able to assume that those with whom they deal in the general intercourse of society will act in good faith . . . .
- In civilized society, men and women must be able to assume that those who are engaged in some course of conduct will act with due care not to cause an unreasonable risk of injury upon others.
- In civilized society, men and women must be able to assume that those who maintain things likely to get out of hand or to escape and do damage will restrain them or keep them within their proper bounds.

## The Pluralist Perspective

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Contrary to the assumptions made by consensus thinkers, it has become quite plain to most observers of the contemporary social scene that not everyone agrees on what the law should say and that society is rife with examples of conflicting values and ideals—consensus is hard to find. Modern debates center on issues such as abortion, euthanasia, the death penalty, purposes of criminal justice agencies in a diverse society, social justice, rights and responsibilities of minorities and other underrepresented groups, women's issues, the proper role of education, economic policy, social welfare, functions of the military in a changing world, environmental concerns, and appropriate uses of high technology. There exists within America today a great diversity of social groups, each with its own point of view regarding right and wrong, each with its own agenda. Add to that the plethora of self-proclaimed individual experts busily touting their own points of view, and anything but a consensus of values seems characteristic of society today.

Such a situation is described by some writers as "pluralist." A **pluralistic perspective** (described briefly in **Chapter 1**) mirrors the thought that a multiplicity of values and beliefs exists in any complex society and that each different social group will have its own set of beliefs, interests, and values. A crucial element of this perspective is the assumption that although different viewpoints exist, most individuals agree on the usefulness of law as a formal means of dispute resolution, so from a pluralist perspective, the law exists as a peacekeeping tool that allows officials and agencies within the government to effectively settle disputes between individuals and among groups. It also assumes that whatever settlement is reached will be acceptable to all parties because of their agreement on the fundamental role of law in dispute settlement. Following are five basic principles of the pluralist perspective.<sup>927</sup>

1. Society consists of many distinct social groups. Differences in age, gender, sexual preference, ethnicity, and the like often provide the basis for much naturally occurring diversity.
2. Each group has its own set of values, beliefs, and interests. Variety in gender, sexual orientation, economic status, and ethnicity, as well as other forms of diversity, produces interests that may unite like-minded individuals but may also place them in natural opposition to other social groups.
3. A general agreement exists on the usefulness of formalized laws as a mechanism for dispute resolution. People and groups accept the role of law in the settlement of disputes and accord decisions reached within the legal framework at least a modicum of respect.
4. The legal system is free of petty disputes and above the level of general contentiousness that may characterize relationships among groups.
5. The best interests of society are represented in legal institutions. Legislators, judges, prosecutors, attorneys, police officers, and correctional officials are assumed to perform idealized functions beyond the reach of the everyday interests of self-serving groups, so official functionaries can be trusted to

idealized functions beyond the reach of the everyday interests of self-serving groups, so official functionaries can be trusted to act in accordance with the greater good, to remain unbiased, and to maintain a value-free system for the enforcement of laws.

According to the pluralist perspective, conflict is essentially resolved through the peacekeeping activities of unbiased government officials exercising objective legal authority.

## The Conflict Perspective

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### Watch

What Is Conflict Criminology?

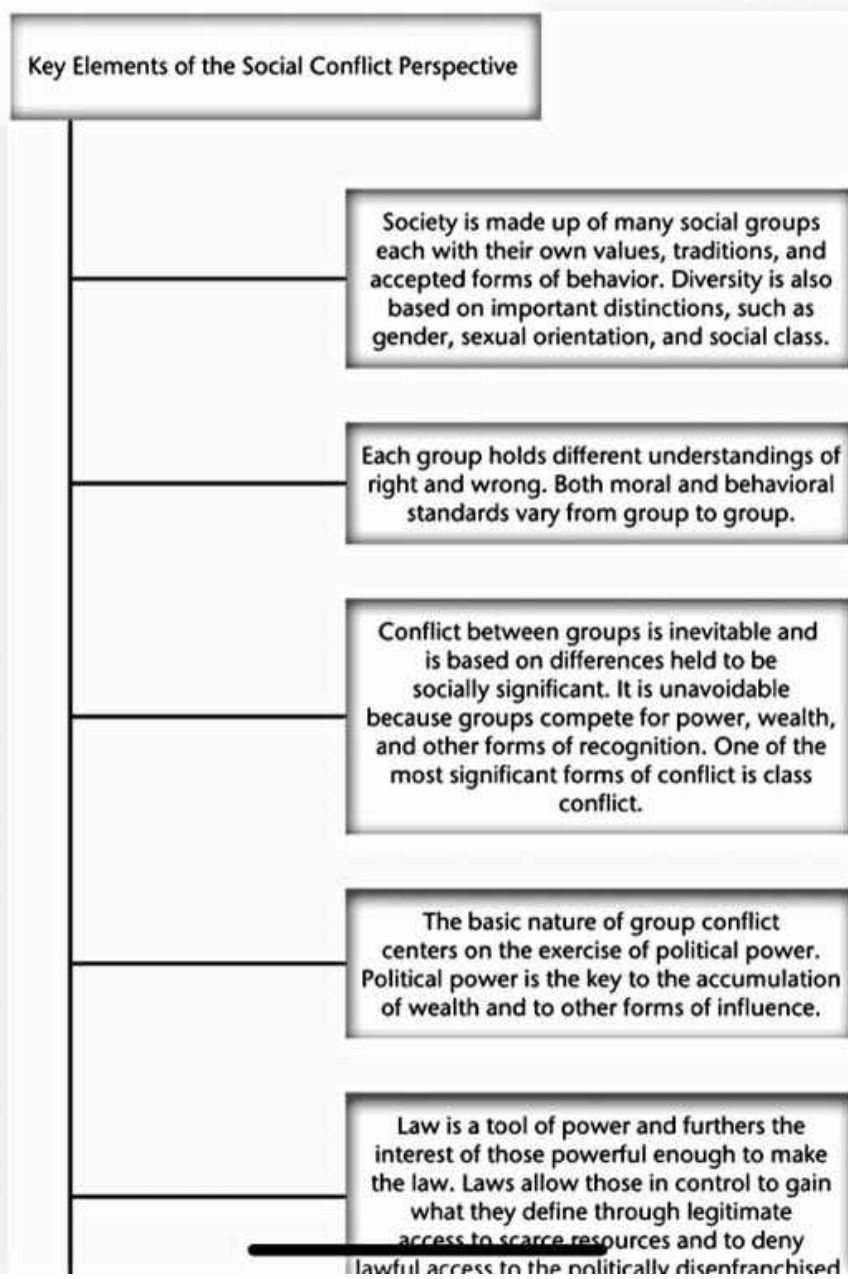


A third point of view, the conflict perspective, maintains that conflict is a fundamental aspect of social life that can never be fully resolved. Formal agencies of social control merely coerce the unempowered and disenfranchised to comply with the rules established by those in power. Laws are a tool of the powerful, useful in keeping others from wresting control over ~~important social institutions~~. Rather than being

the result of any consensus or process of dispute resolution, social order rests on the exercise of power through law. Those in power must work ceaselessly to remain there, although the structures they impose on society—including the patterns of wealth building that they define as acceptable and the circumstances under which they authorize the exercise of legal power and military might—give them all the advantages they are likely to need. **Figure 9-1** lists the key elements of the conflict perspective, which is also known as the *social conflict perspective*. See the **Criminal Profiles** box on the Unabomber, someone who fits the conflict perspective. <https://www.washingtonpost.com/wp-srv/national/longterm/unabomber/manifesto.text.htm> provides related information.

**Figure 9-1**

**Key Elements of the Social Conflict Perspective**



socially significant. It is unavoidable because groups compete for power, wealth, and other forms of recognition. One of the most significant forms of conflict is class conflict.

The basic nature of group conflict centers on the exercise of political power. Political power is the key to the accumulation of wealth and to other forms of influence.

Law is a tool of power and furthers the interest of those powerful enough to make the law. Laws allow those in control to gain what they define through legitimate access to scarce resources and to deny lawful access to the politically disenfranchised.

Those in power are always interested in maintaining their power against those who would usurp it.

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## Criminal Profiles

### Theodore John “Ted” Kaczynski—the Unabomber

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In 2018, explosive devices were sent to former Secretary of State Hillary Clinton, former President Barack Obama, liberal philanthropist George Soros, and the New York offices of CNN. The bombs, which injured no one, were allegedly sent by Florida resident Cesar Sayoc. Sayoc’s former lawyer described him as suffering from “a lack of comprehension of reality.”<sup>i</sup> Some compared Sayoc’s actions with that of Theodore Kaczynski, the famous “Unibomber” of decades earlier, although Kaczynski’s campaign of terror lasted far longer, and he was able to elude capture for almost two decades.

Born in Chicago on May 22, 1942, Kaczynski recalled his childhood as "uneventful." (Interestingly, he claimed to have been the victim of verbal and emotional abuse—but those claims never surfaced until he was in his 20s.) An introspective child and youth, Ted Kaczynski did not socialize easily or well and periodically underwent episodes of intense brooding and withdrawal. As he grew older, the episodes were increasingly accompanied by a seething rage.<sup>ii</sup> Consumed with obsessions and emotionally crippled, the reclusive Kaczynski would eventually resolve his contempt for society's technological advances by mounting a bombing campaign that killed three people and injured 29 others.

His academic abilities enabled him to skip both the 6th and 11th grades, start undergraduate studies at Harvard at age 16, and earn his doctoral degree at the age of 25, but the promise of his remarkable early academic achievements foundered quickly.<sup>iii</sup> Upon completing his PhD, Kaczynski accepted an assistant professorship in mathematics at the University of California—Berkeley in 1967, but in June 1969, declaring there was "no relevance" to what he was doing, he quit his teaching post and then worked only sporadically out of financial necessity, living off the land in a hermit's existence of self-exile in a ramshackle cabin in the remote Montana wilderness for almost 25 years.<sup>iv</sup>

Kaczynski also experienced lifelong difficulties with sexual relationships. He struggled with his own sexuality, came to believe he should undergo a sex-change operation, and initiated the process, but when finally seen by a doctor, he claimed to be there for an entirely different reason and then left in a rage; subsequently, he described the experience as shameful and humiliating.<sup>v</sup> In the ensuing years, he attempted to establish meaningful relationships with women but was never able to do so.

As he retreated deeper into his isolationist lifestyle, Kaczynski handwrote a lengthy manifesto railing against contemporary life, stating "The Industrial Revolution and its consequences have been a disaster for the human race."<sup>vi</sup>

Between May 25, 1978, and April 24, 1995, Kaczynski left or sent a total of 16 homemade pipe bombs to various targets, primarily associated with universities and airlines. (The Federal Bureau of Investigation's designation of the investigation as the "Unabomb" case derives from these early university targets.) The first 10 bombs caused serious injuries to numerous people; the 11th resulted in the first death.<sup>vii</sup>

Kaczynski's intermittent attacks were anonymous, a trait inexplicably broken when he began sending letters to a newspaper threatening to bomb an airplane. He also stated that he would stop the bombings if his 35,000-word manifesto was published in the *Washington Post*,<sup>viii</sup> and its subsequent publication eventually led to his capture.



Former University of California–Berkeley math professor Theodore John Kaczynski—aka the Unabomber—being led to an interview at the Federal Administrative Maximum Prison in Florence, Colorado. What motivated Kaczynski?  
Ralf-Finn Hestoft/Corbis/Getty Images

Upon reading the manifesto, David Kaczynski (Ted's younger brother) immediately realized that "the tone of the language ... almost had the feeling for me of one of Ted's angry letters over the years."<sup>ix</sup> The content and wording of the manifesto led David Kaczynski to contact the Federal Bureau of Investigation (FBI). The FBI went to Kaczynski's cabin in the isolated Montana wilderness and found overwhelming evidence that he was the Unabomber: a live bomb, meticulous notes of past bombings, bomb-making materials, and the original copy of his infamous manifesto.

On January 22, 1998, after reaching a plea agreement, Kaczynski pleaded guilty to four bombings that occurred in 1985, 1993, and 1995. Kaczynski also admitted to the three deaths his bombings had caused, and all other charges against him were resolved; he was sentenced to a life term without parole.<sup>x</sup> Kaczynski remains imprisoned at the maximum-security federal prison in Florence, Colorado. Nine years after he entered prison, Kaczynski, filed suit against the federal government and a group of his victims, seeking to prevent the sale of more than 40,000 pages of his original writings and correspondence.<sup>xi</sup>

In 2012, Kaczynski responded to a standard Harvard University request for updated alumni information. In his reply, he listed his eight life sentences as "awards," and noted that his occupation is "prisoner."<sup>xii</sup>

The case of Ted Kaczynski raises a number of interesting questions. Among them are the following:

1. Although Kaczynski is not a criminologist, it is likely that he would agree with some of the principles of the social conflict perspective. With which of those principles do you think he would be most comfortable? Why?
2. How does Kaczynski being a loner fit with the crimes he committed? Might it indicate that he was in conflict with the wider society? Explain.
3. How might Kaczynski's difficulties with gender relationships provide further evidence of his difficulties with social life in general?
4. What similarities do you see between Kaczynski's writings and those of Karl Marx? (Learn more about Marx at <http://www.philosophypages.com/ph/marx.htm>.)

#### Notes:

i. Scott Glover, "Suspect's Former Lawyer: He Struggled with a 'Lack of Comprehension of Reality,'" CNN, October 26, 2018, <https://www.cnn.com/politics/livenews/clintons-obama-suspicious-packages/index.html> (accessed May 20, 2019).

ii. Paul Ferguson, "A Loner from Youth," CNN interactive, <http://>

- ii. Paul Ferguson, "A Loner from Youth," CNN Interactive, <http://www.cnn.com/SPECIALS/1997/unabomb/accused/early> (accessed May 28, 2007).
- iii. Ted Ottley, "Ted Kaczynski: The Unabomber," CourtTV Crime Library, [http://www.crimelibrary.com/terrorists\\_spies/terrorists/kaczynski/1.html](http://www.crimelibrary.com/terrorists_spies/terrorists/kaczynski/1.html) (accessed May 28, 2007).
- iv. CNN and Time Interactive, "The Unabomb Case," Cable News Network, <http://www.cnn.com/SPECIALS/1997/unabomb/index.html> (accessed May 28, 2007).
- v. Ottley, "Ted Kaczynski."
- vi. "The Unabomber's Manifesto: Industrial Society and Its Future," *Sacramento Bee*, <http://www.unabombertrial.com/manifesto/index.html> (accessed May 28, 2007).
- vii. CNN and Time Interactive, "The Unabomb Case."
- viii. Paul Ferguson, "Tracking the Unabomber: More Luck Than Computer Analysis," CNN Interactive, <http://www.cnn.com/SPECIALS/1997/unabomb/investigation/puzzle/index.html> (accessed May 28, 2007).
- ix. "When Your Brother Is the Unabomber," MSNBC, December 29, 2006, <http://www.msnbc.msn.com/id/16304477> (accessed May 28, 2007).
- x. "Kaczynski Admits He Is Unabomber, Sentenced to Life without Parole," CNN Interactive, January 22, 1998, <http://www.cnn.com/US/9801/22/unabomb.plea> (accessed June 16, 2007).
- xi. Serge F. Kovaleski, "Unabomber Wages Legal Battle to Halt Sale of Papers," *New York Times*, January 22, 2007, <http://www.nytimes.com/2007/01/22/us/22unabomber.html?ex=1327122000&en=3fda08d949905a96&ei=5088&partner=rssnyt&emc=rss> (accessed May 28, 2007).
- xii. Michael Zennie, "Harvard Apologizes for Publishing 50-year Reunion Update from Unabomber Ted Kaczynski that Bragged about His 'Eight Life Sentences,'" *Daily Mail*, May 2012.
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According to Marx, members of the proletariat, possessing neither capital nor means of production, must earn their living by selling their labor, and the powerful bourgeoisie oppose the proletariat in an ongoing class struggle. Marx saw such a struggle between classes as inevitable in the evolution of any capitalist society and believed that the natural outcome of such a struggle would be the overthrow of the capitalist social order and the birth of a truly classless, or communist, society. Learn more about the life and writings of Karl Marx at <https://www.biography.com/people/karl-marx-9401219>.

Conflict theory in the social sciences has a long history. In 1905, the writings of **Willem Bonger** echoed Marxist principles by describing the ongoing struggle between the haves and the have-nots as a natural consequence of capitalist society;<sup>928</sup> he advanced the notion that in such societies only those who lack power are routinely subject to the criminal law. Georg Simmel's 1908 text *Conflict and the Web of Group Affiliations* highlighted the role of social conflict in two- and three-person groups, which Simmel called diads and triads.<sup>929</sup> Thorsten Sellin's notion of culture conflict (discussed in **Chapter 6**) also incorporated the notion of social conflict. Since Sellin's day, many other thinkers have contributed to the development of conflict theory, and we will discuss their approaches throughout this chapter.<sup>930</sup>

Central to the conflict perspective is the notion of social class (distinctions made between individuals based on characteristics such as race, religion, education, profession, income, wealth, family background, housing, artistic tastes, aspirations, cultural pursuits, child-rearing habits, speech, and accent). Some authors maintain that "class is nothing but an abbreviation to describe a way of living, thinking, and feeling."<sup>931</sup> Individuals are assigned to classes by others and by themselves on the basis of characteristics that are both ascribed and achieved: Ascribed characteristics are those a person is born with, such as race or gender; achieved characteristics are acquired through personal effort or chance over the course of a person's life and include level of education, income, place of residence, and profession.

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Although Marx concerned himself with only two social classes, most social scientists today talk in terms of at least three groups—the upper, middle, and lower classes. Some, such as Vance Packard, have distinguished among five hierarchically arranged classes (the real-upper, semiupper, limited-success, working, and real-lower classes) and further subdivided classes horizontally according to ascribed characteristics such as race and religion.<sup>932</sup>

In his 1958 book *Theoretical Criminology*, **George B. Vold** described crime as the product of political conflict between groups, an ongoing struggle for power, control, and material well-being.<sup>933</sup> Conflict is "a universal form of interaction," and groups are naturally in conflict because their interests and purposes "overlap, encroach on one another and [tend to] be competitive."<sup>934</sup> Vold's most succinct observation of the role conflict plays in contributing to crime stated: "The whole political process of law making, law breaking, and law enforcement becomes a direct reflection of deep-seated and fundamental conflicts between interest groups. Those who produce legislative majorities win control over the power and dominate the policies that decide who is likely to be involved in violation of the law."<sup>935</sup>

From Vold's point of view, the body of laws that characterizes any society is a political statement, and crime is a political definition imposed on those whose interests lie outside those that the powerful, through the law, define as acceptable.

Conflict theorists of the early and mid-1900s saw in the concept of social class the rudimentary ingredients of other important concepts like authority, power, and conflict. **Ralf Dahrendorf** wrote that "classes are social conflict groups the determinant of which can be found in the participation in or exclusion from the exercise of authority."<sup>936</sup> For Dahrendorf, conflict was ubiquitous, fundamental, and coextensive: "Not the presence but the absence of conflict is surprising and abnormal, and we have good reason to be suspicious if we find a society or social organization that displays no evidence of conflict."<sup>937</sup>

From Dahrendorf's perspective, power and authority were most at issue between groups and the cause of class conflicts. It is out of conflict that change—either destructive or constructive—arises. Destructive change brings a lessening of social order, whereas constructive change increases cohesiveness within society.

Another mid-twentieth-century conflict theorist, **Austin Turk**, said that in the search for an explanation of criminality, "one is led to investigate the tendency of laws to penalize persons whose behavior is more characteristic of the less powerful than of the more powerful and the extent to which some persons and groups can and do use legal processes and agencies to maintain and enhance their power position vis-à-vis other persons and groups."<sup>938</sup> In his 1969 seminal work, *Criminality and Legal Order*, Turk wrote that in any attempt to explain criminality, "it is more useful to view the social order as mainly a pattern of conflict" rather than to offer explanations for crime based on behavioral or psychological approaches.<sup>939</sup> Turk, like most other conflict criminologists, saw the law as a powerful tool of prominent social groups seeking continued control over others and crime as the natural consequence of such intergroup struggles, resulting from definitions imposed by the laws of the powerful on the disapproved strivings of the unempowered.

## Survey

### Law and Social Order Perspectives



# Radical Criminology

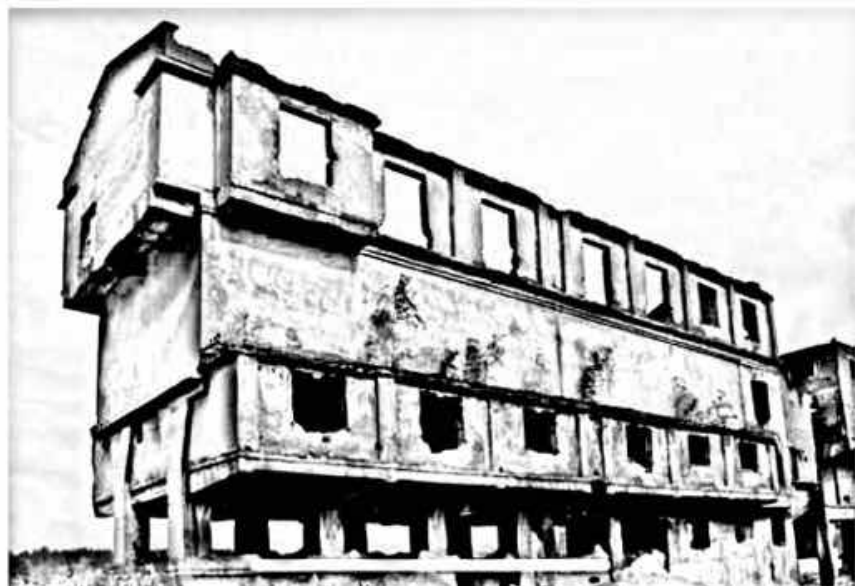
## 9.2 What are the central tenets of radical criminology?

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The conflict perspective is today thoroughly entrenched in radical criminology, which holds that the causes of crime are rooted in social conditions empowering the wealthy and the politically well organized but disenfranchising those less fortunate; it is also called *new criminology* and *critical criminology* as well as Marxist criminology (when based on Marx's writings). Radical criminology is the intellectual child of three important historical circumstances: (1) the ruminations of nineteenth-century social utopian thinkers, including Karl Marx, Friedrich Engels, Georg Wilhelm Friedrich Hegel, Georg Simmel, Willem Bonger, and Max Weber; (2) the rise of conflict theory in the social sciences; and (3) the dramatic radicalization of American academia in the 1960s and 1970s. **William J. Chambliss**, a well-known spokesperson for radical thinkers, succinctly summarized the modern perspective: "What makes the behavior of some criminal is the coercive power of the state to enforce the will of the ruling class."<sup>940</sup>



# Radical Criminology Today

## Audio

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Today's radical criminologies can be divided into two schools: structuralist and instrumentalist. Structural Marxism sees capitalism as a self-maintaining system in which the law and the justice system work to perpetuate the existing system of power relationships. Even the rich are subject to certain laws designed to prevent them from engaging in forms of behavior that might undermine the system of which they are a part, and laws regulating trade practices and monopolies regulate the behavior of the powerful and ensure survival of the capitalist system. instrumental Marxism sees the criminal law and the justice system as tools that the powerful use to control the poor and to keep them disenfranchised. The legal system serves not only to perpetuate the power relationships that exist within society but also to keep control in the hands of those who are already powerful. A popular book by **Jeffrey H. Reiman** titled *The Rich Get Richer and the Poor Get Prison* is built on this premise, contending that the criminal justice system is biased against the poor from start to finish and that well-to-do members of society control the criminal justice system from the definition of crime through the process of arrest, trial, and sentencing.<sup>952</sup>

Reiman also claimed that many actions undertaken by well-off people, such as refusal to make workplaces safe, refusal to curtail deadly industrial pollution, promotion of unnecessary surgery, and prescription of unnecessary drugs, should be defined as criminal but aren't. This kind of self-serving behavior creates occupational and environmental hazards for the poor and those less well-off and produces as much death, destruction, and financial loss as the so-called crimes of the poor. Learn more about radical criminology at <https://tinyurl.com/y9fj4udp>.

# Critical Criminology

## Audio

Listen to the Audio



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Many writers use the phrase *radical-critical criminology* to refer to all theoretical perspectives on crime that build on significant differences in economic, social, and political power between distinct social groups. This chapter follows that convention. Some theorists, however, distinguish between *critical criminology* and *radical criminology*. Those who do say that the former is simply a way of critiquing social relationships that lead to crime, whereas the latter constitutes a proactive call for radical change in the social conditions that lead to crime. That is, critical criminology provides a focused critique of current social and economic arrangements as they are related to crime, whereas radical criminology issues a call to action and asks for changes in political and economic systems that are responsible for fostering criminality.

Gresham M. Sykes further explained critical criminology this way: "It forces an inquiry into precisely how the normative content of the criminal law is internalized in different segments of society, and how norm-holding is actually related to behavior."<sup>953</sup> Sykes's use of the word *inquiry* reveals the central role of critical inquiry in critical criminology. See the **Who's to Blame** box for a present-day issue regarding whether something should be "criminal."

A cogent example of the critical perspective in contemporary criminology can be seen in the work of Elliott Currie, who claimed that "'market societies'—those in which the pursuit of private gain becomes the dominant organizing principle of social and economic life—are especially likely to breed high levels of violent crime."<sup>954</sup> Market societies are characterized by more than free enterprise and a free market economy; they are societies in which striving after personal economic gain runs rampant and becomes the hallmark of social life, and this striving leads to high crime rates because it undercuts and overwhelms more traditional principles that "have

provides "a particularly fertile breeding ground for serious violent crime." According to Currie, seven "profoundly criminogenic and closely intertwined mechanisms" operate in a market society to produce crime:

1. "The progressive destruction of livelihood," which results from the long-term absence of opportunities for stable and rewarding work and is a consequence of the fact that market societies view labor "simply as a cost to be reduced" rather than as an asset with intrinsic value
2. "The growth of extremes of economic inequality and material deprivation," which causes many children to spend their developmental years in poverty
3. "The withdrawal of public services and supports, especially for families and children," which results from the fact that "it is a basic operating principle of market society to keep the public sector small"
4. "The erosion of informal and communal networks of mutual support, supervision, and care," which is brought about by the high mobility of the workforce characteristic of market societies
5. "The spread of a materialistic, neglectful, and 'hard' culture," which exalts brutal forms of individualized competition
6. "The unregulated marketing of the technology of violence," which includes ready availability of guns, emphasis on advancing technologies of destruction (such as the military), and mass-marketed violence on television and in other media
7. "The weakening of social and political alternatives," which leaves people unable to cope effectively with the forces of the market society, undermines their communities, and destroys valuable interpersonal relationships

Currie suggested that as more nations emulate the "market society" culture of the United States, crime rates throughout the world will rise and that an increasing emphasis on punishment and the growth of huge prison systems will consequently characterize most of the world's nations in the twenty-first century.



## **Who's to Blame—The Individual or Society?** **Human Trafficking, Illegal Aliens, and the American Dream**



A border crossing between the USA and Mexico. Are illegal immigrants criminal?  
Alexandre Meneghini/AP Images

Jose Gonzales, a naturalized U.S. citizen who worked for a Houston-based trucking company, was driving a tractor trailer through a U.S. Customs checkpoint on the Mexican border near San Diego when his truck was searched and found to contain 45 illegal immigrants concealed in Brazilian-made caskets that were being shipped to Los Angeles. Each of the immigrants had been supplied with plastic bottles containing water, and a few even had portable radios to keep them entertained on what had been planned as an hours-long trip. The illegal immigrants were interrogated and fingerprinted and then taken back across the border to the Mexican border town of Tijuana in a U.S. Customs and Border Protection van. They were released into the custody of a Mexican Federal Investigative Agency official at a local police station, with instructions not to attempt an illegal return into the United States.

Gonzales's fate was quite different. Arrested and charged under the federal Immigration and Nationality Act with attempting to bring unauthorized aliens into the United States, he was held in a federal jail in southern California, where he met with his court-appointed lawyer. The lawyer, Felix Alvarez, told Gonzales that agents had him cold and that he might as well confess in return for a plea bargain that might get him only a brief stint in a federal correctional facility. "Why confess?" Gonzales replied. "I was only trying to help those people have better lives. Many of them were my friends. I didn't even take money for what I was doing."

"Why you were doing what you were doing doesn't matter," Alvarez said. "You broke the law, and they are going to punish you."

"No," Gonzales replied. "I am a citizen. I want a trial. You can show them that I was only trying to help unfortunate people live the American Dream. Most of the people who live here and are going to be on a jury have immigrant ancestors. A lot of them were illegal. They won't dare find me guilty." <https://ssrn.com/abstract=1273726> and <https://ssrn.com/abstract=984927> relate to this box.

### **Think about it**

1. Why did Gonzales attempt to smuggle illegal immigrants into the United States? Do you think it was primarily for money or for altruistic motives?
2. How likely would Gonzales have been to commit this offense if he had a different ancestry—say, African American or European?
3. What do you think of Gonzales's claim that a jury won't find him guilty? Should he be held responsible for violating the law? Why or why not?

**Note:** Who's to Blame boxes provide fictionalized critical thinking opportunities based on actual cases.

# Radical-Critical Criminology and Policy Issues

## Audio

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According to more contemporary writers on radical criminology, "Marxist criminology was once dismissed as a utopian perspective with no relevant policy implication except revolution. At best, revolution was considered an impractical approach to the problems at hand. Recently, however, many radicals have attempted to address the issues of what can be done under our current system."

<sup>955</sup> Most radical-critical criminologists today have come to terms with the collapse of the Soviet Union, a society representing utopian Marxism in practice, and have recognized that a sudden and total reversal of existing political arrangements within the United States is highly unlikely. Such theorists have begun to focus instead on promoting a gradual transition to socialism and to socialized forms of government activity, including "equal justice in the bail system, the abolition of mandatory sentences, prosecution of corporate crimes, increased employment opportunities, and promoting community alternatives to imprisonment."<sup>956</sup> Programs to reduce prison overcrowding, efforts to highlight injustices in the current system, elimination of racism and other forms of inequality in handling both victims and offenders, and increased equality in criminal justice system employment are all frequently mentioned as midrange strategies for bringing about a justice system that is more fair and closer to the radical ideal (**Figure 9-2**).

**Figure 9-2**

**Conflict Criminology's Midrange Approaches to Crime Reduction**

- Equal justice in the bail system
- Abolition of mandatory sentences
- Prosecution of corporate crimes
- Increased employment opportunities
- Promotion of community alternatives to imprisonment
- Programs to reduce prison overcrowding



- Prosecution of corporate crimes
- Increased employment opportunities
- Promotion of community alternatives to imprisonment
- Programs to reduce prison overcrowding
- Efforts to highlight current injustices
- Elimination of racism and other forms of inequality
- Increased equality in criminal justice system employment
- Raising the minimum wage
- Ensuring full and quality employment
- Enhanced social services and programs
- Use of social networking Web sites to achieve social justice



Minimum wage



Source: Schmalleger, Frank, *Criminology*. Printed and Electronically reproduced by permission of Pearson Education, Inc., Upper Saddle River, New Jersey.

Michalowski summarized well the policy directions envisioned by today's radical-critical criminologists: "We cannot be free from the crimes of the poor until there are no more poor; we cannot be free from domination of the powerful until we reduce the inequalities that make domination possible; and we cannot live in harmony with others until we begin to limit the competition for material advantage over others that alienates us from one another."<sup>957</sup> Even so, few radical-critical criminologists seem to expect to see dramatic changes in the near future. Michael J. Lynch and W. Byron Groves explained, "In the end, the criminal justice system has failed as an agent of social change because its efforts are directed at an individual as opposed to social remedies. For these reasons, radicals suggest that we put our efforts into the creation of economic equality or employment opportunities to combat crime."<sup>958</sup>

## Critique of Radical-Critical Criminology

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Radical-critical criminology has been criticized for its nearly exclusive emphasis on methods of social change at the expense of well-

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Radical-critical criminology has been criticized for its nearly exclusive emphasis on methods of social change at the expense of well-developed theory. William V. Pelfrey stated, "It is in the Radical School of Criminology that theory is almost totally disregarded, except as something to criticize, and radical methods are seen as optimum."<sup>959</sup> Radical-critical criminology can also be criticized for failing to recognize what appears to be a fair degree of public consensus about the nature of crime—that crime is undesirable and that criminal activity should be controlled. If criminal activity was a true expression of the sentiments of the politically and economically disenfranchised, as some radical criminologists claim, then public opinion might be expected to offer support for at least certain forms of crime, but even the sale of illicit drugs (a type of crime that may provide an alternative path to riches for the otherwise disenfranchised) is frequently condemned by residents of working-class communities.<sup>960</sup>

An effective criticism of Marxist criminology centers on the fact that Marxist thinkers appear to confuse issues of personal politics with social reality, allowing personal values and political leanings to enter the criminological arena and sacrificing their objectivity. Jackson Toby claimed that Marxist and radical thinkers are simply building on an "old tradition of sentimentality toward those who break social rules."<sup>961</sup> Such sentimentality can be easily discounted when we realize that "color television sets and automobiles are stolen more often than food and blankets."<sup>962</sup> The Marxist perspective also fails to recognize that personal success in any society often comes as the result of hard work and preparation and is not merely the result of luck, so wording characterizing social failures as less "fortunate" than others does not take into account the efforts made by those who have succeeded and seems to blame them for the failures of others who have not expended equal effort.

Marxist criminology has also been refuted by contemporary thinkers who find that it falls short in appreciating the multiplicity of problems that contribute to the problem of crime. Astute criminologist Hermann Mannheim critiqued Marxian assumptions by showing how "subsequent developments" have shown that "Marx was wrong in [his] thinking" in several areas: (1) "that there could be only two classes in a capitalist society," (2) that "class struggle was entirely concerned with the question of private property in the means of production," (3) "that the only way in which fundamental social changes could be effected was by violent social revolution," and (4) "that all conflicts were class conflicts and all social change could be explained in terms of class conflicts."<sup>963</sup> Mannheim also pointed out that the development of a semiskilled workforce along with the advent of highly skilled and well-educated workers has led to the creation of a multiplicity of classes within contemporary capitalist societies and that their growth effectively spreads the available wealth in those societies where such workers are employed and reduces the likelihood of revolution.

A now-classic critique of radical criminology was offered in 1979 by Carl Klockars.<sup>964</sup> Klockars charged that Marxists are unable to explain low crime rates in some capitalist countries, such as Japan, and seem equally unwilling to acknowledge or address the problems of communist countries, which often have terrible human rights records. Writing more than 20 years ago, Klockars claimed that Marxist criminologists behaved more like "true believers" in a "new religion" who were unwilling to objectively evaluate their beliefs.<sup>965</sup>

Marxist criminology has suffered a considerable loss of prestige among many would-be followers in the wake of the collapse of the former Soviet Union and its client states in Eastern Europe and other parts of the world. Many would argue that the work of writers like Quinney and Chambliss presaged the decline of Soviet influence and had already moved Marxist and radical criminology into new areas. The work of Currie and others has since led in a post-Marxist direction while retaining a critical emphasis on the principles out of which radical criminology was fashioned. Today's radical criminologists have largely rescinded calls for revolutionary change and escalated their demands for the eradication of gender, racial,

# Policy Implications of Conflict Criminology

## 9.4 What are the crime-control implications of social conflict and emergent theories?

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Three different levels of policy implications emanate from conflict theory in criminology. The first relates to the macro, or wider, societal level, advocating widespread social change intended to redistribute wealth on the premise that crime rates will fall as poverty and social inequalities are eliminated. Raymond J. Michalowski summarizes well the idealistic policy directions envisioned by some radical-critical criminologists when he says, "We cannot be free from the crimes of the poor until there are no more poor; we cannot be free from domination of the powerful until we reduce the inequalities that make domination possible; and we cannot live in harmony with others until we begin to limit the competition for material advantage over others that alienates us from one another."<sup>1047</sup>

Radical-critical criminologists have had to come to terms with the collapse of the Soviet Union, a society that represented utopian Marxism in practice. They have also had to recognize that a sudden and total political reversal within the United States is highly unlikely. As a consequence, many have begun to focus on the second policy level, promoting a gradual transition to a more equitable society and to socialized forms of government activity as a means for crime reduction. These mid-range approaches involve "equal justice in the bail system, the abolition of mandatory sentences, prosecution of corporate crimes, increased employment opportunities, and promoting community alternatives to imprisonment"<sup>1048</sup> and include programs to reduce prison overcrowding, efforts to highlight current injustices, the elimination of racism and other forms of inequality in the handling of both victims and offenders, and increased equality in criminal justice system employment.

the handling of both victims and offenders, and increased equality in criminal justice system employment.

Other critical criminologists promote a raise in the minimum wage, full and quality employment for those who want to work, increased educational opportunities, enhanced social services, programs to help the economically disadvantaged, and the use of social networking Web sites to achieve social justice.<sup>1049</sup> The U.S. Department of Education's *National Assessment of Educational Progress* found, for example, that in 2011, fourth- and eighth-grade students in public schools in our nation's capital were ranked lowest in the country in math and reading proficiency.<sup>1050</sup> In 2012, the Alliance for Excellent Education, using numbers from that report, published an estimate showing that a 5% increase in graduation rates for young men in Washington, DC, could be expected to produce an annual savings of \$66.5 million in crime-related expenses for the District of Columbia.<sup>1051</sup>