

Social Reaction (Labeling) Theories Cont'd

Reintegrative Shaming (Braithwaite)

- two types of shame:

1. Disintegrative or Stigmatic Shaming:

- a reaction that serves to weaken or disintegrate the moral bonds between the offender and the community
- the goal is to set offenders apart from the rest of society, label them as outcasts
- shunning the offender for good
- creates a class of outcasts
- conveys the offender is expected to commit more crime
- e.g. criminal records follow you for your whole life, offender registries, prison, going through the court system

2. Reintegrative Shaming

- strengthens the moral bonds between the offender & the community
- condemn crime, not the criminal
- provide offenders with the opportunity to re-join their community as law-abiding citizens
- societal rituals, ceremonies or gestures of forgiveness
- e.g. aboriginals have healing circles

Criticisms of Labeling Theory

1. Overemphasis on importance of the label - ignores characteristics of the person, not focusing on the actual behaviour, some people get away with crime for years before they are caught
2. Whose reactions matter?
3. What reaction counts? What pushes people from primary to secondary deviance?
4. Difficult to test - hard to conceptualize what a deviant label means
5. Difficult to falsify

Conflict Theories

- pay attention to Donald Black in the textbook

Overview

- key insights from the conflict perspective
- Marx's ideas about crime
- Reiman - the Rich Get Richer & the Poor Get Prison
- Canadian examples: Ontario Safe Streets Act, Aboriginal Canadians and the Justice System

Key Insights

- see law and regulations as weapons used by one group
- see deviance and crime as weapons used by another group
- focus on how law operates as a weapon of social control
- law is used to protect the interests of the ruling class
- not interested in the criminal act itself, more interested in the response

Conflict Theory & Crime

1. Rules are made by the powerful to regulate the conduct of the powerless
2. Rules preserve the preferred way of life for the powerful even when it is harmful to others, or forces them into criminal roles
3. People who break the rules do so either out of need or in protest against a system that oppresses them
4. Power is the most important explanatory variable
5. Crime is neither normal, nor inevitable
6. The source of crime resides in the unequal relationships between people

Karl Marx

- economic base of society shapes all social arrangements
- division of labour: bourgeoisie and proletariat
- leads to alienation of workers & unequal distribution of property and power
- law, as a form of social control, has been used to contain class struggle and maintain class divisions

Why Should We Read Marx?

- Go to criminal court: who are the defendants?, who are the judges, who are the lawyers?
- Go to a civil court, go to a small claims court...
- What are the patterns?

Marx on Crime

- **Instrumental Marxism** - definitions of crime are made by the state in the interests of the propertied class
- **Structural Marxism** - the state preserves itself by protecting the capitalist system but not necessarily by protecting all capitalists

Capital Dictates Law

- William Chambliss: "A sociological analysis of the law of vagrancy"
- in 1274, there was a statute designed to provide religious houses with some financial relief from the burden of providing food and shelter to travelers
- by 1349, the statute made it a crime to give alms to any people who were unemployed while being of sound mind and body
- what caused this drastic change? - scarcity of cheap labour, black death
- what was the intent of these vagrancy laws? - "the vagrancy laws were designed to alleviate a condition defined by the lawmakers as undesirable"

- conclusion: the importance of “vested interest” groups in the emergence/and or alteration of laws

Marx & Imprisonment

- Uggen, Manza, & Behrens. “Felon Voting Rights & the Disenfranchisement of African Americans

Felon Disenfranchisement

- felon disenfranchisement laws bar those convicted of felon-level crime, and in some cases former felons from the right to vote
- more than 4.6 million people were disenfranchised in the US, representing approximately 2.3% of the total voting age population
- but nearly 7.5% of the African American voting age population is disenfranchised, consisting almost 2 million citizens in total
- what are some of the larger implications of this law?

Thursday, March 14, 2013

Conflict Theories Cont'd

Portrait of a “Typical” Criminal

What are the characteristics of a “typical” criminal

1. Male
2. Young
3. Member of a racial minority group
4. Urban
5. Poor

- members of the lowest social and economic groups in society
- this picture comes from the media and statistics

What are the characteristics of a “typical” crime?

- one-on-one harm (i.e. physical injury or loss of something valuable or both)

Are there people in our society who pose a greater danger to you than the “typical” crime/criminal?

- people who don’t look like a typical criminal
- white-collar crime
- people who have more power

The Rich Get Richer and the Poor Get Prison - Jeffrey Reiman

- main observations and issues: when you do these self-report studies, we know that crime tends to be fairly evenly distributed in society, argument is that crime is fairly evenly distributed but punishment is not
- which of these 2 individuals is more blameworthy - somebody who kills in the heat of the moment, or a killer who didn’t intend to hurt anybody but knew their actions could potentially lead to harm
- the first person because there is an intention even if it is only for a minute
- when we hear about a mine or mall collapse, we used the words tragedy or accidents to describe it

- Reiman would argue that the difference in thinking between types of deaths vs the mass murderer is intent
- conflict perspective would argue because we accept the belief about what crime looks like we accept a legal system that leaves us unprotected from other harm
- source: arrest records, probation reports, prison statistics
- these are a function of human decisions at all stages of the process
- but the acts of these criminals are not the acts that endanger us the most
- offenders committing the worst offenses do not show up in our criminal justice system statistics
- the reality of crime is not a simple objective threat that the criminal justice system reacts to
- any action the criminal justice system is taken is a series of human decisions
- this reality isn't created out of nothing, muggers and rapists etc all pose a threat to our well-being and should be dealt with
- his key point is the threat that is posed by the typical criminal is not the greatest threats to which we are exposed
- we are all at much greater risk from facing serious harm as a result of occupational accidents, an mistake in a surgery etc
- the carnival mirror: distorted reflection - the criminal justice system doesn't reflect the reality of crime because it has this hand in creating what we see
- creates the reality of what we think of as crime
- the system deals with some evils and not others

How Americans Are Murdered

Total	Firearms	Knife or Other Cutting Instrument	Other Weapon: Club, Arson, Poison, Strangulation, etc.	Personal Weapon: Hands, Feet, etc.
21,505	14,265	3,405	2,642	1,193

Source: FBI Uniform Crime Reports, 1991: "Murder Victims: Weapons Used, 1987-1991"

How Americans Are (Really) Murdered

Total	Occupational Hazard & Disease	Inadequate Emergency Medical Care	Firearms	Knife or Other Cutting Instrument including Scalpel	Other Weapon: Club, Poison, Hypodermic Prescription Drug	Personal Weapon: Hands, Fists, etc.
90,105	34,600	20,000	14,265	15,405	4,642	1,193

Source: FBI UCR for murders between 1987 & 1991, plus "conservative" estimates described in Reiman (1995)

- FBI uniform crime reports
- we fixate on a particular type of crime because people in power are able to write the criminal code in a way to focus on the lower-class crime

Squeegeeing in Toronto

- local example
- this is illegal though according to the Ontario Safe Streets Act
- say they are doing this as work, not to bother people
- they were trying to do honest work
- *conflict theories always ask the questions who gains
- this law benefits people with more money because its designed to eradicate the inconvenience
- they are annoying

Ontario's Safe Streets Act

(2) No person shall,

- a. solicit a person who is using, waiting to use, or departing from an automated teller machine
- b. solicit a person who is using or waiting to use a pay telephone or a public toilet facility
- c. solicit a person who is waiting at a taxi stand or a public transit stop
- d. solicit and person who is in or on a public transit vehicle
- e. solicit a person who is in the process of selling in, out of, or on off a vehicle or who is in a parking lot; or
- f. while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle

Aboriginals and the Canadian Criminal Justice System

How can we explain the overrepresentation of Aboriginal peoples in prison, instances of police abuse, & wrongful convictions?

- they are the poorest of the poorest
- of all of our laws they are most likely to be victim of them

How can we explain the 1996 amendment of the Criminal Code, efforts to develop aboriginal police forces, & the women's healing lodge in Maple Creek, SK?

- it makes the capitalist system look fair but doesn't change it at it's core
- still getting the rough end of the deal

Changes in law around 2-for-1 credit for time served - if you spent time in custody before you were sentenced, 1 day in that counted for 2 days before your sentence

- "New Tory sentencing law hits Aboriginals harder"
- this applied to all of us, this was removed so none of us are getting this but Aboriginals are hit the hardest
- they are already overrepresented
- have less money to start with - less likely to have money to get out on jail
- typically need an a surety to get out on bail (watch you and vouch for you), and it is harder to find a surety that the judge will agree to

The Card Game

- PBS Frontline (2009) documentary
- shows how the credit card industry preys on lower classes
- not showing it but it is a good documentary

Next Week

- Gender-based Theories
- Guest Lecture: Ms. Julie Shepherd
- QUIZ 5: Due on Thursday March 21 at noon - based on chapter 14 in the Vold text
- remember she will drop the worst mark

Paper Part 2

- supposed to build off of part 1
- briefly outline the theory you wrote about in paper 1 and then describe new theory
- look at crime control efforts - should be looking at the research - efficacy of programs
- imagine you are a politician - which of the 2 theories are you going to choose
- due Tuesday March 26th

Paper 1 Feedback

- number pages
- do not use "ref works"
- 1 paragraph = 1 idea
- avoid stringing quotes together
- include a thesis statement
- find appropriate outside sources that support your arguments - weakest part
- link discussion of limitations of theory and policy to the selected criminal case