

SOC 3290 Deviance
Lecture 16: New Directions in Theorizing About Deviance and Crime

Today we will conclude our review of theoretical approaches to deviance by considering some of the newer formulations that have been appearing over the last few decades. Specifically, we will briefly review: (1) routine activities theory; (2) left realism; (3) feminist theory; (4) power-control theory; (5) self-control theory; (6) peacemaking criminology; (7) reintegrative shaming; and (8) postmodernism. Each will be dealt with in turn.

(1) Routine Activities Theory:

Cohen and Felson's (1979) routine activity theory, one of the so-called victim-centered theories, attempts to explain variations in victimization rates independently of changes in the size of the offender population. It argues that in order for a victimization to occur, three elements must come together in time and space: (i) a motivated offender must come into contact with (ii) a suitable target; in the absence of (iii) capable guardianship (that might otherwise prevent the occurrence of victimization).

While most criminologists focus on the factors that motivate offenders, Cohen and Felson wanted to focus in on changes in the latter two factors. Specifically, they argue that since the end of WWII several changes have occurred in North American society to increase the likelihood of criminal victimization. For example, the world beyond the household has increasingly become the focus of routine activities. There has been a growth in the number of single person households, rising divorce rates and a tendency to marry later in life. All of these have shifted more routine activities away from the home. This increases the chance that people will come into contact with strangers, while leaving homes more empty and unguarded than in the past. Moreover, now there are many lightweight durable consumer goods (such as VCR's) more easily stolen than in the past. All these broad social changes have increased the likelihood that motivated offenders and suitable targets will converge in time and space in the absence of capable guardians. Thus, rates of direct contact victimization will be expected to climb. Indeed, it is argued that these changes will increase victimization levels even if the number of motivated offenders does not increase.

Routine activity theory has received a good deal of empirical support. However, it has been criticized as taking offender motivation as given and constant, and offers little insight into what propels some, but not others, under identical circumstances, to commit crimes. As well, the relative weights of the 3 central components remain unclear. Finally, this theory ignores expressive crime. While providing a good account of instrumental illegal conduct, it is of little help in crimes such as murder and assault, in which passion often plays a role.

(2) Left Realism:

Left realism is an approach that attempts to avoid several problems allegedly

characteristic of more traditional Marxist approaches when dealing with crime:

1. Their idealism;
2. Failing to provide for solutions to crime in a realistic way;
3. Near exclusive focus on the crimes of the powerful;
4. No realistic analysis of predatory crimes among the working class.

In the U.K., left realism was first formally articulated in John Lea and Jock Young's What is to be Done About Law and Order? (1984). Soon joining in were a broad series of Canadian, Australian and U.S. scholars. The resulting school of thought espouses the following basic principles:

First left realists argue that traditional critical theorists (a.k.a. 'Left idealists') tend to downplay the extent and brutal nature of various types of inner city crime and male to female variants of domestic violence for fear of 'whipping up' public support for conservative crime control strategies such as longer prison sentences. Left realists instead contend that street crime is a serious problem for disenfranchised people. Indeed, they argue that these devastating symptoms of broader social, political, and economic inequality exemplify individualistic values similar to those adhered to by corporate offenders and other elites who engage in crimes of the powerful (e.g. 'Dog eat dog; the survival of the fittest'). Thus, to take crimes by and against the disenfranchised seriously - as does left realism - doesn't mean that they trivialize the degree of public harm done by affluent offenders (indeed, they have produced studies on it). Rather, left realists view street crime and 'suite crime' as equally important and contend that a 'double thrust' against both problems is needed to effectively cope with the crime problem.

Secondly, left realists use both quantitative and qualitative research methods to elicit rich data about crime, victims, and criminal justice processing. These data are then used in the political arena to challenge right-wing discourses about street crime, violence against women, corporate crime, and the ineffective conservative agenda aimed at curbing such problems. Left realists have conducted various local and national surveys on various types of victimization. Most of these have included measures of fear of crime and perceptions of the police as a way to contextualize the experiential realities of respondents.

Data generated by such surveys offer two potential outcomes not necessarily derived from more traditional studies. They provide disenfranchised people with a 'clearer picture' of what they are facing than they are able to get from official police statistics and most state-sponsored surveys. As well, they allow researchers to be educated about the experiential realities of their research subjects, and to tell their stories without appropriating their lived realities or voices. Indeed, some such studies have had a positive political impact (e.g. research on the suffering of Punjabi farm workers and their children prompted the B.C. government to provide affordable child care). Hence, left realist surveys represent a vital synthesis of academic research, grassroots political activism, and the concerns of the helping professions in a way that potentially leads to practical, progressive social change. This is due to methodological innovations that help to

provide access to disenfranchised populations obscured by more traditional forms of inquiry.

Third, left realists propose short-term anti-crime strategies. These both challenge the right-wing law-and-order campaign and take seriously the legitimate fear of street crime, intimate violence and abuse, homophobic attacks on gays and lesbians, and racial harassment that are most prevalent in working class and multi-ethnic communities. Examples of such short-term initiatives include demarginalization (e.g. alternatives to incarceration), pre-emptive deterrence (e.g. altering physical environments to make them less crime prone), democratic control of policing, pro-feminist male individual and collective strategies, and community participation in crime prevention and policy development.

Fourth, British left realists provide a theoretical perspective on crime and its control to which the “square of crime” is a central component. This graphical representation consists of four interacting elements: the victim, offender, state agencies and the public. The social relationships operate as follows: the relationship between the police and the public determines the efficacy of policing; the relationship between the victim and the offender determines the impact of crime; the relationship between the state and the offender is a major factor in recidivism.

Left realists have filled a major gap in critical criminology in their efforts to explain crimes by and against the disenfranchised, to generate data that challenge right-wing notions of crime and its control, and to propose progressive control and prevention policies. While controversial, left realism has infused criminology with energy, a new focus, and an interest in developing workable and supportable strategies in dealing with crime and criminal justice.

Of course, left realists have not been without their critics. Some argue that they have targeted only the most extreme and simplistic Marxists, not most contemporary writers (“demolishing a straw man”). Not only that, their so-called methodological innovations have been pursued by criminologists of many stripes for years. Third, their focus on street crime undercuts one of the major contributions of Marxist theory - analysis of elite crime. Finally, there are questions as to whether left realism is really a theory of crime at all, instead of a mere set of philosophical and political statements about how society and the justice system ought to work.

(3) Feminist Theory:

A new group of theories, promulgated by feminists, has begun to influence criminological thinking about a broad range of issues. These emerged in response to the tendency of mainstream criminology to ignore the study of women as both victims and offenders, as well as the role of gender in organizing social relations. For example, it has been argued that criminological theory has focused, implicitly and explicitly, on the study of men, and that crime and criminal justice issues that uniquely affect women - such as sexual assault or wife assault - have been neglected. Feminist theories attempt to correct this imbalance, and more generally to establish a gendered understanding of crime and social control (i.e. how gender inequality is implicated in the crime

and victimization of both females and males).

Feminist theories, while sharing many assumptions, may be described in three broad categories:

Liberal feminism seeks to explain male-female differences in crime and victimization in terms of variations in sex-role socialization. Its goal is equality of protection and treatment in the criminal justice system.

Radical feminism is organized around the theme of patriarchy - the many and varied ways in which the male domination of women is built into the structure of society. It argues that problems such as male violence against women (or the inability or unwillingness of the justice system to address it) is actually rooted in and underwritten by social institutions such as the family or the police.

Socialist feminism seeks to explore the problem of crime and social control in terms of the intersection of gender relations and class relations (combining feminism with Marxist thought).

(4) Power-Control Theory:

Some of these feminist variants are reflected in the writings of criminologists Hagan, Gillis and Simpson. They ask why male rather than female adolescents are more frequently involved in delinquent activity. In their power-control theory, they argue that such differences are rooted in historical changes that have assigned men and women to different social realms, and have created differences in the kinds of social control to which each gender group is subjected. Specifically, as modern industrial capitalism developed, there emerged spheres of consumption and production. The sphere of consumption is best seen in the home environment to which women were largely segregated, while that of production is typified by the traditionally male dominated workplace. The growth of the criminal justice system, which coincided with these economic developments, was largely concerned with the regulation of behavior in the public sphere. Thus, criminal justice has had to do with controlling the behavior of men more than that of women (which was more subject to informal control processes). It is argued that these changes stratified social control in such a way that men more than women became both the instruments and objects of formal control, while women were more the instruments and objects of informal control. The family, responsible for early socialization, provides the means by which these differences are maintained from one generation to the next (e.g. women assigned more care of kids/encouraged to be passive; boys encouraged towards productivity and risk taking). Since much delinquency may be seen as risk taking behavior, gender differences in delinquency follow logically from these gendered processes.

Power-control theory posits that the gap separating male and female delinquency is widest in the patriarchal family and narrowest in the egalitarian family. It also suggests that this

gap is shrinking over time because of the greater equality between the sexes which itself stems from the increasing participation of women in the paid labor force.

(5) Self-Control Theory:

Gottfredson and Hirschi (1990) have proposed a general theory of crime that builds on earlier variants of social control theory. Defining crime generally as the use of force or fraud undertaken in the pursuit of self-interest, these authors argue that the key to criminal involvement is the concept of low self-control. Individuals lacking in self-control will be attracted to crime because such behaviors often require little skill or planning, promise immediate gratification, and are risky or thrilling. They are also likely to be involved in other activities that have similar characteristics (drug use, skipping classes). Such low self-control is rooted in childhood reflecting the influence of family contexts where parents don't monitor or punish their children effectively. Hence, official initiatives aimed at deterring crime in adulthood are misplaced and doomed to failure. Instead, preventative policies must be implemented that take effect early in the life course and benefit families.

So far, this theory has accumulated limited, mixed empirical support. It certainly requires more research. Yet, because self-control is a psychological variable, its existence and levels are very difficult to measure. Indeed, self-control cannot be easily separated from propensities for criminal activity, and therefore the theory is tautological - circular in its reasoning.

(6) Peacemaking Criminology:

Peacemaking criminology is a new approach that is tied up in many respects with the growing movement in criminology towards restorative justice. Opposed to the traditional approach to crime, where agents of social control are pitted against offenders in a violent struggle for control, peacemaking criminology, with its roots in Christian and particularly Eastern philosophies, advances the notion that crime control agencies, offenders and the community should negotiate the end to this "war" and work together to solve human suffering, social problems, and thus reduce crime. Peacemaking criminology, which includes the notion of service, has also been called "compassionate criminology" since it suggests that "compassion, wisdom and love are essential for understanding the suffering of which we are all a part, and for practicing a criminology of nonviolence.

This approach is relatively new, popularized by the works of Harold Pepinsky and Richard Quinney beginning in 1986. Both restate the problem of crime control from one of "how to stop crime" to one of "how to make peace" within society and between citizens and the CJS. Peacemaking criminology draws attention to many issues, including: (1) the perpetuation of violence through the continuation of social policies based on dominant forms of criminological theory; (2) the role of education in peacemaking; (3) "commonsense theories of crime" becoming official self-fulfilling prophecies; (4) crime control as human rights enforcement; and (5) conflict resolution within community settings.

Basically, peacemaking criminologists exhort their colleagues to transcend personal dichotomies and end the social, political, economic and ideological divisiveness that separates people. They ask "If we ourselves cannot know peace, how will our acts disarm hatred and violence?" Without peace within us and in our actions, there can be no peace in our results. "Peace is the way."

Critics, of course, point out that the peacemaking perspective is not a true theory of crime that can be empirically tested. Rather, it is a philosophy that has, at its core, a utopian vision of an almost crime free society with a CJS characterized by nonviolence, the peaceful resolution of conflict, and the restoration of offenders to the community. It does not, however, offer an explanation of why offenders commit crime and why the CJS operates the way it does. Not only that, but the policies proposed by peacemaking are not new, but have been tried for years by religious and lay organizations working with offenders. Moreover, critics have pointed out that the identification of conflict theory and feminism as precursors to peacemaking is quite misguided, since neither emphasize peacemaking in the face of power and domination.

(7) Reintegrative Shaming:

John Braithewaite (1989) discusses how society controls us through shaming. This involves expressions of social disapproval designed to invoke remorse in the wrongdoer. According to Braithewaite, there are 2 types of shaming: disintegrative and reintegrative. The former punishes the offender, stigmatizing, rejecting, ostracizing - in effect banishing the person from conventional society. But reintegrative shaming is more positive. It involves making wrongdoers feel guilty while showing them understanding, forgiveness, or even respect. It is the kind of shaming that affectionate parents administer to their misbehaving child - hating the sin but not the sinner. Thus, reintegrative shaming serves to reintegrate - or welcome back - the deviant into conventional society.

Braithewaite feels that such reintegrative shaming is more common in communitarian societies marked by strong social relationships but weak individualism (e.g. Japan). Conversely, he feels that disintegrative shaming is more common in more individualistic societies, such as in North America. Still, his view is that reintegrative shaming is more likely to discourage further deviance, while disintegrative shaming - or stigmatization - encourages it. This may explain why crime rates are much higher in the U.S. than Japan.

Braithewaite thus argues that we, as a society, can significantly reduce our crime rates by adopting policies emphasizing reintegrative shaming rather than stigmatization in dealing with criminals. Since the early 1990's reintegrative shaming has appeared in North America as "shaming penalties" (e.g. "John's" being identified in newspapers, drunk drivers being ordered to display "DUI" bumper stickers, etc.) It is also a major plank in the current push for restorative justice approaches in criminology and criminal justice circles.

While this theory is relatively new and awaits thorough empirical testing, there is some evidence to suggest its usefulness in explaining crime. Braithewaite outlines several instances in

which crime facts fit the theory. Moreover, a study of changes in nursing home operators' compliance with regulations supports the reintegrative shaming perspective. Makkai and Braithewaite (1994) found, for example, that the interaction between inspectors' reintegrative ideology and their disapproval of violations produced the desired impact on the operators' subsequent degree of compliance.

(8) Postmodernism:

Postmodernism, finally, is an "approach" rooted in the writings of French post-structuralists Michel Foucault, Jacques Derrida, Jean-Francois Lyotard, and Jean Baudrillard. Of particular importance is the thought of Foucault, a writer who has focussed explicitly on both the relationship between power and knowledge, as well as on the related social control practices in various linguistic/historical contexts.

Postmodernism is basically a "perspective" that expresses disenchantment with, and questioning of, all claims to truth, knowledge, power, and progress - especially claims based on the assumed superiority of rational logic. In Foucault's terms, the post-modernist project requires the "disruption of smooth regimes of truth," and is seductively critical because of its anarchistic and populist appeal centering the ordinary person as the harbinger of power and change. The radical core of post-modernism lies in its mission of shedding the illusions of the Enlightenment and its profound disenchantment with modernity (which advocates feel has simply increased oppression rather than bringing about liberation). Whereas modernity sees society in terms of an orderly totality of uniform individuals organized toward progress, postmodernism emphasises fragmentation, difference, diversity and plurality of projects. It is especially critical of any theoretical position that claims to guarantee knowledge toward a common end - or use dominant forms of "knowledge" it for "common" purposes such as criminal "justice."

A pivotal concern of postmodernism is with language and its use, for it is through language that knowledge is claimed and power usurped. This concern is reflected in many influences and varieties, but, to keep it simple, let's just say that language is both selective and selectively delimiting, and so intertwined with power as to be inseparable. This is crucial, because language structures thought. As a result, whether people know it or not, the languages used to convey meaning are not neutral, but rather support dominant world views. Such a perspective enables us to question notions of causality, free will, and responsibility, to point up the inherent vulnerability and instability of apparently stable structures. In contrast to the "privileged," dominating scientific discourse of objectivity, validity, and the like, it enables us to envision a relatively random, diverse world wherein subjectivity is open to reconstruction beyond the 'reasonable economic man,' where language use and modes of discourse become both the prison bars and the keys to liberation through the celebration of action, and structures can be deconstructed by nothing more than the withdrawal of energy from their discursive production and the affirmation of what is different. Moreover, postmodernists attempt to identify disparaged points of view and show how they can be appreciated, along with other, more diverse points of view. Rather than attaining predominance over other emerging radical perspectives in criminology, postmodernism may thus be seen as a contributing insight to their growth as critical

tools of change.

A good example is provided by Vold, Bernard and Snipes (1998), who illustrate how victims and defendants must tell their stories to prosecutors and defence counsel, who subsequently reconstruct and reformulate their narratives into the language of the courts. Their testimony cannot deviate from this accepted language without jeopardizing the outcome of the case. Even if the case goes their way, victims or offenders may believe that their testimony bore so little resemblance to what actually happened that they too are dissatisfied. Regardless of who prevails, the process involves a ritualistic ceremony in which the dominant legal discourse (“reality”) of the courts has dominated the oppositional discourse (“reality”) of both the offender and the accused. As such, the legalistic language of the court expresses and instrumentalizes the domination of the individual by social institutions. Postmodernists object to this, and wish to transform this into a situation where many different discourses are recognized as legitimate (i.e. “replacement discourses” that enable people to speak with a more authentic voice while remaining aware of the voices of others). It is felt that achieving this state will ultimately result in less victimization of people by criminals and less official punishment by agents of the state.

As a new development in criminological theory, postmodernism has much to offer, if only in integrating key themes from earlier approaches such as cultural/sub-cultural theory, ethnomethodology and phenomenology, conflict and Marxist criticism. It shows how we make order and crime while in the process order and crime-making make us. In this sense, it is a constitutive theory of crime whose greatest asset is its debunking of ideology and culture, but whose greatest danger is to be consumed by its own mode of discourse.

Needless to say, postmodernism has its critics. The “appreciative relativism” that essentially presents all points of view as equal and treats scientific discourse as having no more validity than any other language goes too far for many criminologists who believe that, while science has problems, it does have real, practical uses. Critics also attack postmodernists for using complex jargon and playing with words - itself a form of using a “privileged” language. Third, postmodernism offers little practical guidance on public policy, which, depending on the variant in question, may either be characterized as being idealistic, insensitive to the real experiences of individuals, or romanticizing insurrection.

Nevertheless, postmodernism, with its emphasis on language, power and knowledge, has opened another front for exposing the pretences and illusions that emerge in the pursuit of justice and social policy. Its political stance is for the underdog, for the empowerment of victims, and exhibits an openness to consider alternative political structures. It also may be very useful in the future in developing insights into newly emerging forms of crime (e.g. there is a clear link between Baudrillard’s idea of “hyperreality” and cyber-crime). This shows some potential for enhancing criminological theory.

Conclusion:

Today we have concluded our discussion of theories of deviance and crime, a review that

began in ideas from the distant past, moved through the 18th, 19th, and 20th centuries and concluding in the “information age” of the 21st century. As we have seen, there is a lot of diversity and disagreement in theoretical explanations of deviance, and some theories have stood up better to the tests of time and empirical evaluation than others. Moreover, there is a rich and dynamic diversity to current thought in this area. Perhaps the only prediction that is safe to make is that this diversity - and attempts to understand, explain and predict crime - will continue on with this rich, intellectual ferment.