

AQA  
AS and A-level  
**Sociology**

**EXAM NOTES**

The Complete Study and Revision Book

**Crime and  
Deviance**

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in your  
Sociology exam!*



Nicholas Savva

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Email us for further information:

[info@sociologyzone.co.uk](mailto:info@sociologyzone.co.uk)

## About the Exam Notes

### Written with examination success in mind!

- These exam notes have been written by Sociology examiners and experienced teachers, with only one purpose in mind – **exam success**. Using these exam notes will help students achieve the best possible grade in their Sociology exam.
- We have provided the depth of information needed for your Sociology examinations, both in terms of knowledge and evaluation, which makes these exam notes more concise than general Sociology text books, and more comprehensive than standard revision guides (which often lack the depth of evaluation needed to achieve an A grade).

### We have focused on the 'evaluation' part.

- Contrary to popular belief, learning and memorising lots of facts and theories will not get you a grade A or B in your exam. The exam requires you to 'analyse' and 'evaluate' sociological knowledge, this does not mean jotting down a few brief criticisms at the end of your essay. The analysis and evaluation that you make, needs to be expanded upon and explained in an effective manner. With this in mind, we have written a lot of the evaluation points using the three-step rule: identify, expand and conclude. We have done this for you in this book to demonstrate what a 'developed' evaluation point looks like. Please try to remember this technique and demonstrate it in your exam.

### Practice Exam Questions

- We have given you lots of Practice Exam Questions at the end of each exam note to practise. We have covered most of the different types of questions you may be asked for each topic both at AS and at A Level. If you are taking the A level course, it is a good way of testing and practising both your knowledge and examination skills. You may realise some of the questions require the same answers, but are worded differently, this was deliberate, just so you are familiar with the different way the questions can be worded.
- Please visit [www.sociologyzone.co.uk](http://www.sociologyzone.co.uk) for exam notes, Practice Exam Questions, mark schemes, model answers and much more.

# Section 2

## Crime and Deviance

### AQA Specification

#### Crime and Deviance

AQA

Students are expected to be familiar with sociological explanations of the following content:

- crime, deviance, social order and social control
- the social distribution of crime and deviance by ethnicity, gender and social class, including recent patterns and trends in crime
- globalisation and crime in contemporary society; the media and crime; green crime; human rights and state crimes
- crime control, surveillance, prevention and punishment, victims, and the role of the criminal justice system and other agencies.

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### The AQA specification:

- Different theories of crime

### The exam requires you are able to:

- ▶ Describe the functionalist explanation of crime and deviance.
- ▶ Evaluate the functionalist explanation of crime and deviance.

## Functionalism and crime

### Durkheim's functionalist theory of crime

**Functionalists** see the aim of society as to encourage **value consensus**, which means individuals must agree to conform and comply with the same values, norms and goals of acceptable behaviour, rather than their own. By bringing individuals together to agree on the same core principles, this will help bring about a harmonious and cohesive society.

### Durkheim reasons why crime occurs:

Durkheim (1858-1917), argues not everyone can comply with the rules of society which is why crime will occur. He suggests crime and deviance are not only 'normal' but a **universal** and **inevitable** part of all societies. Some of the reasons why individuals do not conform to the core values are:

- **Socialisation.** Successful socialisation occurs when individuals conform to the values and norms of acceptable social behaviour in society. Socialisation is very important as it helps maintain **social order** and **control** in society. Not everyone is socialised effectively (e.g. poor upbringing) in sharing the same basic values everyone agrees to which may result in a rise in crime and deviance.
- **Social change.** Durkheim was writing at a time of considerable change when Western societies were moving from a pre-industrial state of existence towards industrial expansion. The rapid rise of industrialisation and the demand for division of labour (specialised jobs) led to the rise of an individualistic lifestyle, as well as the decline of religious influence and control. This resulted in society becoming fragmented which made it hard for its members to comply with the same rules as in pre-industrial societies.

The consequence of rapid social change resulted in **anomie** (normlessness, i.e. 'lawlessness'). Individual moral constraints to comply with the agreed values are weakened, as people become different from each other in a modern society, leading to individual desires and expressionism. This, according to Durkheim, could lead to the rise of crime and deviant behaviour. Therefore, he saw the growth of modern industrial societies as one of the causes for the breakdown of social cohesion resulting in anomie.

### The positive functions of crime

Durkheim claims that only when crime is extremely high or low does it become disruptive to society. A moderate amount of crime and deviance can benefit society because it performs positive functions which help maintain social order. Durkheim believes there are four essential functions crime and deviance perform for society:

1. **It reaffirms moral boundaries.** Crime helps us reinforce and maintain our moral behaviour – our shared norms and values. Public outcry and punishment of offenders help reaffirm the moral boundaries of acceptable behaviour in society. It unites individuals together against what is unacceptable behaviour (e.g. 7/7 London terrorist attack and the 9/11 attack on the World Trade Centre) which reinforces the commitment to shared values and therefore strengthens

social cohesion in society.

- 2. Crime encourages social change.** Durkheim suggests that while too much crime may threaten social order, too little crime may also be unhealthy because society's values and norms are too strong which prevents the possibility of social change and progression occurring in society. Deviant behaviour allows the society's values and norms to be challenged. Today's deviance sometimes becomes tomorrow's morality. For example, many people denounced Martin Luther King and Nelson Mandela as criminals at the time of their arrest. But their deviant behaviour helped to bring social change to many civil rights issues.
- 3. Crime acts as safety valve.** Kingsley Davis (1936), claims certain deviant acts can have a positive function. For example, pornography or prostitution provide sexual satisfaction for sexually frustrated men without threatening the family as an institution. This is because prostitution acts a safety valve as it provides a release from the pressures and strains of life without threatening the family.
- 4. Crime acts as a warning device.** According to Cohen (1955), certain crimes act a warning light that there is something dysfunctional in an aspect of society needing to be addressed. This may draw attention to the problem leading to measures to resolve it. For example, riots, protest marches and school truancy all signal there is discontent and changes need to be made within the social system.

### Merton's strain theory

**Robert Merton** (1938), a functionalist, expanded on Durkheim's concept of anomie to explain criminal and deviant behaviour. His theory, named the **strain theory**, was written in the 1930s and based on American capitalist society. Merton explained the causes of crime and deviance were due to **structural inequality** (unequal opportunities mainly due to class position) which can lead to some people deviating from the agreed basic rules of society. He notes the interplay of two factors which can lead to crime and deviance:

- **Structural factors:** structural inequality, i.e. unequal opportunity, notably for the lower-working-class.
- **Cultural factors:** the emphasis on achieving society's cultural goals, i.e. the 'American Dream' (material wealth and lifestyle) but not having the legitimate means of achieving them.

Merton argues economic success can lead to achieving the culturally approved goals – the 'American Dream'. When there is structural inequality in society, most notably within the working class, the opportunity to achieve culturally approved goals places greater 'strain' (pressure and tension) on individuals to achieve them. As a consequence, this can lead to the breakdown of norms of accepted behaviour known as 'anomie' which can result in criminal behaviour and deviancy. Merton identified five types of **modes of adaption** (responses) to the strain of anomie in attempting to achieve society's cultural goals:

- 1. Conformity.** Individuals who accept the goals through legitimate means. This would be the true 'American Dream' success story, where wealth and prestige through talent and hard work can be achieved by the ordinary person. In this sense, they are not criminals but law abiding citizens.
- 2. Innovation.** Individuals who accept the goals of society but do not have the legitimate means of achieving them so they use illegitimate means. Such individuals often tend towards criminal behaviour to seek wealth – mainly the working-class who resort to criminal activity like theft and burglary.
- 3. Ritualism.** Individuals who accept the goals of success and money or the means of achieving them, but have lost sight of the 'end goals' (material wealth) but continue to follow the 'means' of achieving them. Those who are happy with what they have and do not aspire to greater wealth. For example, civil servants, shop workers, secretaries, nurses, and teachers.

4. **Retreatism.** Individuals who reject the goals and the legitimate means of acquiring them, and who often react by dropping out of society (e.g. 'new age travellers', drug addicts, alcoholics and tramps).
5. **Rebellion.** Individuals who reject the goals and means of success and ideally would like to replace them with radical alternatives to bring about social change in society (e.g. political activists or religious fundamentalists).

Merton's modes of individual adaptation to anomie		
Responses	Goals	Means
<b>Non-deviant</b>		
Conformity	+	+
<b>Deviants</b>		
Innovation	+	-
Ritualism	-	+
Retreatism	-	-
Rebellion	+/-	+/-
Key: + = acceptance; - = rejection; +/- = reject old and substitute with new		

There are differences to how Durkheim and Merton saw anomie. Durkheim saw anomie as the consequence of a rapid social change in the whole of society, whereas Merton applied anomie to the disadvantaged lower classes in society. In this respect, Merton's strain theory has similarities with subcultural theory as it focuses mainly on one social group, i.e. the working class.

## ✓ X Evaluation

### Evaluation of the Durkheim theory

#### ✓ A useful explanation.

A strength of the Durkheim's theory of crime is it offers a social explanation for the causes of crime as opposed to a crime being biologically (genetic) and psychologically (maternal deprivation) determined, which were prevalent at that time. The implication for society is that crime levels can be controlled by social engineering (i.e. social policies).

#### X It ignores social differences

A limitation of Durkheim's theory of crime is it fails to explain the social differences of crime. It does not account for why certain individuals (based on class inequality, ethnicity, or gender) are more prone to commit crime than others. This suggests Durkheim's theory offers only a partial explanation of crime as it cannot account for the social differences that can influence who commits a crime or not.

#### X It ignores the crimes of the powerful

Marxists are critical of Durkheim's theory because it fails to explain the relationship between power and crime. [1] It fails to acknowledge criminal laws are made to benefit powerful social groups; [2] the bias of law enforcement agencies (the police and the courts) is against the lower-working-classes. For example, the police are more likely to focus on working-class crimes, which class are more likely to be arrested and prosecuted than those crimes committed by the powerful (e.g. business activities). This shows Durkheim's theory does not account for the fact that those in power can influence the social distribution of crime in society, which leads to a biased view of the criminal statistics of working-class people.



**X It is not appropriate to modern society**

Durkheim's theory may be outdated or, at best, is more appropriate for more simplistic societies rather than modern multi-cultural societies, such as in the UK. Modern industrialised societies with varied cultures are more fragmented and diverse, and it is hard to see how there can be a shared agreement on morality in society. The suggestion is the theory is no longer applicable to contemporary society as not everyone shares the same values to strengthen social cohesion.

**X Theoretical contradiction.**

Durkheim's theory of crime has been criticised because there seems to be a contradiction in his theory. Does deviance help promote social stability and reaffirm moral boundaries through punishment of offenders (*point 1*); or does it prepare the way for social change through the testing of society's social boundaries (*point 2*)?

## Evaluation of Merton's strain theory

**✓ It explains the high level of working-class crime**

Merton's theory was one of the earliest attempts to provide a sociological explanation for the high level of crime in modern societies. It provides a key explanation for the disproportionately high working class representation in criminal statistics and among the prison population.

**X The unreliability of official statistics**

Merton's strain theory explains why the working class are over-represented in criminal statistics. However, it is generally recognised how unreliable official crime statistics can be. For example, it is now well known that white-collar and middle-class crimes are more widely committed than crime statistics would have us believe. In this respect, Merton has also been criticised for exaggerating working-class crime and ignoring crimes of the powerful.

**X The exaggeration of agreed consensus**

It has been argued Merton exaggerated the degree of consensus in America and other Western capitalist societies that everyone is pursuing the goals of material wealth. This may have been true in the 1930s, but in modern plural 21-century society with a diversity of different cultures, many people do not share the same material objectives.

**X The strain theory does not necessarily lead to crime**

The strain theory cannot account for why some people – especially those from the working class or who are economically at a disadvantage and who may experience strain – do not turn to criminal activity but comply with the values of mainstream society.

**X Purposeless crimes**

The strain theory accounts for crimes and deviance that are economically driven. However, it fails to explain criminal acts that have been committed just for "fun" such as vandalism, violent crime and sexual crime.



## Exam Questions

1. Outline **two** reasons why functionalists see crime as inevitable. . . . . [4 marks]
2. Outline **three** criticisms of the functionalist view of crime and deviance. . . . . [6 marks]
3. Applying material from **Item ...**, analyse **two** functions of crime and deviance. . . . . [10 marks]
4. Applying material from Item ..., analyse the strain theories to our understanding of crime and deviance. . . . . [10 marks]
5. Applying material from **Item...** and your knowledge, evaluate the usefulness of functionalist approach in explaining the nature and extent of crime and deviance. . . . . [30 marks]

### The AQA specification:

- Human rights and state crimes

### The exam requires you are able to:

- ▶ Describe the relationship between state crimes and human rights and evaluate explanations of such crimes.

### State crimes

- **The definition of a state crime.** Recently, criminologists have paid more attention to crimes committed by the 'state' (or government). Penny Green and Tony Ward (2005), define a 'state crime' as an illegal or deviant act perpetrated by, or with the complicit involvement of, state agencies, i.e. crimes are committed by or on behalf of the state.

### The issue with state crimes

- **The scale of state crimes committed:** State crimes differ from other types of crimes due to their scale and severity, and the consequences they can have on human life. According to the Human Security Report (2005), state crimes committed during the last 100 years have resulted in far more people being killed by their own governments than by foreign armies. The wealth of resources available makes it possible to commit crimes on a much larger scale than is possible by corporate organisations and individuals. Governments have the ability to carry out mass violence, genocide, torture, and deliberate attacks on innocent civilians — again, not generally possible for an organisation or individual to commit. Moreover, the unintentional consequences of state crimes on an innocent population (death, poverty, homelessness, etc.) some would argue can also be viewed as crimes of the state.
- **States avoid accountability.** Another reason why state crimes have become an important issue is that the 'state' itself is able to shape and influence the judicial system — that is, states can define what constitutes a crime and compile laws and can also influence and determine who faces prosecution. However, state crimes are rarely prosecuted and punished. The state can avoid accountability by concealing its crimes, evade punishment, and define whether its actions are criminal or not. For example, in Nazi Germany, the state created laws permitting it to racially attack Jews and other German citizens.

(A more recent example was the attempt to prosecute Tony Blair, a former British Prime Minister, for 'allegedly' taking the UK to war with Iraq in 2003 under false pretences. The prospective prosecution was blocked by the UK government and Judicial system (i.e. politicians and the Attorney General).

- **International law.** State crimes often contravene the states own criminal laws and/or international laws. Such laws are often ignored by states during times of war because international laws are difficult for the United Nations or International Criminal Court to intervene in and to bring to account those states responsible for violating international law. For example, the Rwandan state government was complicit in the genocide of over 800,000 people; however, the international community was unable to intervene in the national sovereignty of Rwanda. The issue as to whether it is right for the international community to intervene in the sovereignty of a state and its internal affairs have been subject to controversial debate in the United Nations Security Council — even for an intervention on humanitarian grounds.

## Types of state crimes

Eugene McLaughlin (2012), divide state crimes into four categories:

- *Political crimes* e.g. rigging elections, corruption and censorship.
- *Crimes by the police and security forces* e.g. illegal torture, genocide, illegal detention and assassinations.
- *Economic crimes* e.g. breaking official health and safety laws in state-run organisations.
- *Social and cultural crimes* e.g. mistreatment of minorities, such as the suppression of identity. An example is the banning of the Burka in France.

## Examples of state crimes:

- **The killing of innocent civilians.** A common feature of warfare in the 20th Century was the targeting and terrorising of civilians as a legitimate military strategy. For example, the use of air warfare and saturation bombing during the Second World War, such as the destruction of the German city of Dresden by the British government, or the dropping of the atomic bomb on Hiroshima and Nagasaki by the USA, each resulting in thousands of innocent civilians being targeted and killed.
- **Use of torture.** Torture can be defined as the deliberate infliction of violence to cause severe mental distress and/or physical suffering of individuals. Article 5 of the Declaration of Human Rights states “*No-one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment*”. Despite this condemnation of torture, it is still a practice used by many states, especially in the ‘war on terrorism’. For example, US CIA agents have recently been accused of running *rendition programs* as a weapon against terrorism, authorised by America’s National Security Council. Rendition has involved suspected terrorists being ‘black-bagged’ and ‘snatched’ from one country and then transferred to another country, often a third world country (e.g. Egypt, Jordan) where harsh interrogation and torture techniques are employed. Some notorious terrorists, such as Khalid Sheikh Mohammed, the mastermind of 9/11, was subject to rendition in this way.
- Other examples could include Camp Delta in Guantanamo Bay in Cuba, where suspected terrorists have been imprisoned for many years without legal representation and have been subjected to inhumane torture. Or Abu Ghraib prisons near Baghdad where photographic evidence showed sadistic physical and sexual abuse against Iraq prisoners performed by American soldiers.
- **The war on terror.** In the name of the so-called ‘war on terror’, major war conflicts have occurred in Afghanistan and Iraq. The invasion of Iraq by US-led coalition forces (with Britain playing a significant role) was considered illegal, as Iraq did not attack the United States (or Britain) and therefore Article 51 – the right to self-defence – could not be applied as a justification for the war. Furthermore, the alleged possession of weapons of mass destruction by Iraq and the ability to launch attacks against the West were later established as false. Kramer and Michalowski (2005), argue the war in Iraq was illegal, and that George W. Bush and Tony Blair should be tried for state crimes for the violation of international law and the death of more than 10,000 Iraqi civilians in the conflict.
- **Genocide.** This refers to the intentional mass murder of a particular group of people because of their membership of a specific religious, ethnic or racial group, with the aim of totally eliminating that group (often referred to as ‘ethnic cleansing’). The best-known example is the Holocaust in which the Nazi regime in Germany under Adolf Hitler planned the mass extermination of Jews across Europe during the Second World War. A more recent example (in the 1990s) was the ethnic cleansing of approximately 100,000 Bosnian Muslims (a former part of Yugoslavia, which included Croatia, Serbia and Bosnia) by Serbian forces ordered by Slobodan Milosevic, the president of Serbia and Yugoslavia at that time.

## Problems with defining state crimes

There is some controversy in defining what a ‘state crime’ is. Below are some of the definitions offered by criminologists and sociologists:

- **Domestic law.** A state crime can be defined as one that breaks the laws of the society in which the crime takes place. However, a problem with defining a state crime as an action violating 'domestic laws' is that the state has the power to make laws and so it can legalise certain actions that on most occasions or in other countries might be viewed as criminal. For example, in North Korea or Saudi Arabia, it is legal to pass sentence on, imprison, and even execute prisoners who criticise the regime (Human Rights Watch, 2017).
- **International law.** State crimes can be defined as those breaking 'international law' — those laws created and agreed between national states. An advantage of defining a state crime as one that breaks an international law is there is an agreed definition of what constitutes a 'state crime' with those countries signed up to the treaty.

There are criticisms of this definition because international laws are open to interpretation and are very difficult to enforce in practice. Bryan Turner (2006), argues the problem with human rights is that nobody is able to enforce them; states often carry out human rights abuses rather than protect citizens from them. For example, the International Criminal Court (ICC) only deals with the most serious crimes and has had limited success to date as it does not have the power of arrest. The court has issued 30 arrest warrants but won only two convictions (the President of Sudan Omar al-Bashir has been convicted by the ICC for genocide but has eluded arrest).

Another problem is many of the most powerful nations such as the United States, Russia and China, have not even joined the International Criminal Court, officially refusing to submit to its authority. A further problem with the definition of state crime is it is open to abuse and corruption. For example, Strand and Tuman (2012), found Japan has sought to overturn the international ban on whaling set by the International Whaling Commission (IWC) by bribing small Caribbean islands (such as the Dominican Republic) so they can bid to overturn the ban.

- **Violation of human rights.** Another approach to the definition of state crimes is to use the idea of 'human rights' as a way of defining state crimes rather than the violation of criminal laws. Herman Schwendinger and Julia Schwendinger (1975), define a state crime as one in which states or their agents tolerate, perpetuate or fail to eradicate violations of people's rights from sexism, racism and economic exploitation because they are denying people their basic human rights. The Universal Declaration of Human Rights (UDHR) which was passed by the United Nations General Assembly on 10 December 1948 spelt out basic civil rights for humans such as the right to life, liberty, security, free speech, and freedom from torture, that all nations should respect and protect. This approach argues there are certain general standards against which behaviour can be judged, regardless of the legislation in individual countries or in terms of international laws.

An advantage of this definition of state crime is it offers certain standards against which behaviour can be judged on a global scale, regardless of the legislation in individual countries or in terms of international laws. Stanley Cohen (2001), is critical of the broad definition by Schwendinger and Schwendinger of state crimes because they make no distinction of the levels of severity between the crimes. Some are more self-evidently devastating such as genocide and torture which result in death and violence, whereas economic exploitation is not always self-evidently criminal. Cohen argues human rights violations should remain in the realms of international law, otherwise, real questions about state crimes and human rights will become lead to confusion and become lost.

Another limitation of defining state crimes as violations of human rights is that 'rights' are a social construction; what is seen as normal and accepted in terms of rights will vary between countries. The state can impose its own definition of what it sees as a human right.

A further problem with this definition is that some Islamic countries argue that 'human rights' identified by the United Nations are a product of European secular liberal values and predominately based on Judeo-Christian traditions. This has led some Islamic countries such as Saudi Arabia and Iran to refuse to sign the Universal Declaration, arguing it violates Islamic Sharia law. For example, Saudi Arabian law is completely at odds with the UDHR as all citizens are required to be Muslim.

## Explaining state crimes

### The culture of denial theory

- Stan Cohen (1996), argues although a state may accept and agree to international conventions and laws against human rights violations, many governments around the world still continue to commit human rights abuses. According to Cohen, state crimes are often kept 'hidden' but if found out, attempts are made to 'normalise' or 'rationalise' such state crimes by the use of the language of denial, which Cohen explains in terms of a process of a **spiral of denial**. This is an attempt to deny state crimes by the use of complicated language which follows a three stages 'spiral of state denial':

**Stage 1 "It doesn't happen here"** e.g. the government uses the language of denial, e.g. a massacre or torture did not occur or they are not aware of it.

**Stage 2 "If it did happen, it is something else"** for example, incriminating evidence by the media provides photographic proof of a mass burial site or evidence from human rights organisations or victims show a crime did occur. The government will again use the language of denial by claiming the event is something else, such as 'self-defence' or due to 'collateral damage'.

**Stage 3 "Even if it is what you say it is, it is justified"** the final stage is the language of justification; the government claims their actions were correct and completely justified. For example, they may claim they were protecting national security as part of the war on terrorism. The state uses 'techniques of neutralisation' (see below) which appear to make abuses more acceptable, and to explain why human rights (Editor's note: should the word 'violations' be inserted here, after 'rights'?) are not morally wrong.

- **Techniques of neutralisation theory.** Cohen applied Sykes and Matza's (1957) classic work on 'neutralisation techniques' to explain why state crimes are 'justified' or seen as more 'acceptable'. He applies their 5 major neutralisation techniques to the subject of human rights violations; in this sense, the immoral actions have been 'neutralised':

**Denial of the victim:** the idea the victims are the real criminals — 'they started it', 'they are terrorists', 'the state is the real victim'.

**Denial of injury:** the view the victim did not suffer — 'they exaggerate', 'they don't feel it', 'they are used to violence'.

**Denial of responsibility:** the view individuals were merely following orders from a higher authority — 'I was only following orders', 'I was only doing my duty'.

**Condemnation of the condemners:** involves accusing those who make judgements as being hypocrites or behaving in a worse manner — 'they are using double standards to judge us', 'it is worse elsewhere', 'they are condemning us only because of their anti-semantic views (Israel version), their hostility towards Islam (the Arab version)'.

**Appeal to a higher cause:** using an ideology of justification for such abuses by appealing to a higher or righteous cause, e.g. the purity of Islam, a defence of Zionism, state security, and so on.

- Cohen (2001), attempts to show the use by states of rationalisation, justification, and neutralisation techniques are not only to deny an event did not happen, but also to negotiate or impose a different construction of the event that occurred in reality.

## Authoritarian personality theory

Theodor Adorno and et al (1950) designed an F-scale questionnaire ('F' stands for fascist) and gave this to over 2000 American adults to complete; from this, he was able to identify an **authoritarian personality type**. Such a personality type has a tendency to be especially obedient to authority without question. Adorno et al argue at the time of the Second World War many Germans had authoritarian personality types and suggested the development of an authoritarian personality might be due to early childhood experiences, and mainly from the harsh punitive and disciplinarian parenting style children experienced. This may explain why Nazi German officers and the German people were more likely to obey orders. Zillmer et al (1995), reported sixteen Nazi war criminals scored highly on the F-scale questionnaire. This would support the view Nazi officers carried out such atrocious crimes.

## Obedience theory

- Many individuals who commit crimes on behalf of the state, such as those committed by Nazi Germans during World War II, use the excuse they were 'just following orders' as an explanation for the hideous crimes they committed. Social research studies (e.g. Milgram's famous experimental study of obedience) have shown atrocities or inflicting harm on another are not due to certain *dispositional factors* (e.g. personality type) but are strongly influenced by *situational factors* (e.g. social environment). For example, research studies by Kelman and Hamilton (1989), into 'crimes of obedience' suggest any person under certain social conditions would obey an unjust order or command, even when they know it to be morally wrong. There are certain interrelated processes making crimes of obedience more likely:
  - **Authorization:** an immoral action is explained by obedience to authority, i.e. it was authorised by those above. This makes the individual feel free of any responsibility to make personal independent moral choices — 'I was only doing my duty' or 'I was just obeying orders'. Such was the explanation of the soldiers who conducted torture on Iraqi soldiers in Abu Ghraib prison.
  - **Routinization:** once an initial criminal act has been committed it is difficult to accept morally, but the routine of repeated act leads to individuals becoming morally detached from their criminal actions, e.g. "it was no big deal".
  - **Dehumanization:** when the enemy is portrayed as subhuman, e.g. as animals or monsters, then the moral guilt of a criminal act vanishes.

## ✓✗ Evaluation

### ✓ No longer a marginal topic

Critical criminologists, such as Marxists, have welcomed the academic interest in state crime, suggesting the degree of harm caused by state crimes is far greater compared to street crimes for example. State crime is a field of criminology that often remained marginalised, as interest was primarily focused on street crimes before.

### ✓ How we define crime

Criminologists have raised awareness of the problematic nature of how we define state crimes, and whether they should remain in the realms of breaking criminal law alone or go beyond this and include violations of human rights. This is an important issue as it will shape how we view state crimes.

✓ **Support for the spiral of denial theory**

The role of the media and the labelling process play an important role in shaping our understanding of crime. For example, the use of torture and the absence of a fair trial for suspected terrorists in the Guantanamo Bay US military detention camp were generally favoured by the American public. Media interest and reporting, the way suspected terrorists are labelled, and security measures taken when dealing with suspected terrorists assume they are already guilty. This may explain why individuals do not condemn atrocities carried out by states, as suggested in Cohen's spiral of denial theories.

✗ **Cultural differences are ignored**

Attempts to define state crime within the context of human rights is a controversial issue. It has been argued Western countries have imposed their definition of what the standards of human rights should be on non-western countries without taking into consideration cultural differences. For example, Article 16 of the Human Rights Declaration states 'marriage shall be entered into only with the free and full consent of the intending spouses'. This is clearly not the case in some Islamic countries where arranged marriages are customary. Would this be considered a state crime?

✗ **Human rights violations are necessary**

Some would argue state crimes violating human rights may be necessary for the national interest, such as to maintain security. For example, the US administration would argue the existence of Guantanamo Bay – where suspected terrorists are kept captive in inhumane conditions and subjected to torture – is necessary for world peace against Islamic extremists. This suggests detention and torture of some are necessary for the protection of others.

✗ **Personality type**

Some have criticised the theory of obedience and personality type to explain the behaviour of a country's population (and Nazi soldiers). For example, in pre-war Germany, millions of individuals displayed obedient, racist and anti-Semitic behaviour, despite the fact they must have differed in their personalities in all sorts of ways. It seems extremely unlikely they could all have possessed an authoritarian personality type.



## Exam Questions

1. Outline **two** types of state crime. . . . . [4 marks]
2. Applying material from **Item...**, analyse **two** ways in which state crime can be defined. . . . . [10 marks]
3. Applying material from **Item...**, analyse **two** reasons why it may be difficult for sociologists to investigate the extent of state crime. . . . . [10 marks]
4. Applying material from **Item...** and your knowledge, evaluate sociological explanations of the relationship between the state and crimes. . . . . [30 marks]