

1 CRIME AND DEVIANCE

Example answers

1 Outline **two** ways in which the criminal justice system may be institutionally racist.

[4 marks]

STUDENT RESPONSE

Firstly, the police force may exhibit a canteen culture of informal racist attitudes. This may translate to higher arrests of people from ethnic minorities. This is highlighted by official statistics showing that people from ethnic minorities are far more likely to be stopped and searched on the street. Secondly, magistrates may impose harsher sentences on people from ethnic minorities because most magistrates are white because they subconsciously believe non-white offenders to be more of a danger to society.

TEACHER COMMENTS

Both of these are valid answers. Although the discussion of canteen culture sounds a little more like individual racism than institutional racism, if canteen culture is not challenged by managers then it can be seen as an institutional issue. The lack of minority ethnic magistrates is a plausible example of institutional racism and there is some evidence that magistrates' courts tend to be slightly harsher on minority ethnic groups than others. The student has clearly distinguished the two 'ways' and has provided sufficient detail for an 'outline' question.

2 Outline **three** reasons why the mass media's portrayal of crime could lead to an increase in offending.

[6 marks]

STUDENT RESPONSE

Firstly, mass media may exaggerate the extent of violent crime and the divisions amongst subcultures. For example the clashes between the mods and rockers in Brighton in the 1960s were portrayed as an outrage and as a UK wide phenomenon. This arguably exacerbated tensions between the groups. Secondly, coverage of mass acts of crime may lead to a spread. For example the London riots in 2011 triggered by the shooting of Mark Duggan led to wider protests and often criminal activities. Finally, labelling theory suggests that crime will become a self-fulfilling prophecy if groups are targeted in society. For example, if the media portrays a group such as 'hoodies' as delinquent, people may adhere to the media stereotype.

TEACHER COMMENTS

The first reason becomes a valid answer in the last sentence which does explain how the exaggeration of divisions amongst subcultures could lead to greater offending through exacerbating tensions between the groups. It would have been better to have added an extra sentence saying that this could lead on to more violence and therefore more law-breaking. The second reason is also valid although perhaps it could have been explained slightly better as a copy-cat effect. The third reason is very clear and links well to theory.

3 Read **Item A** below and answer the question that follows.

ITEM A

Punishment

Punishment is often seen as a useful way of dealing with crime because it deters reoffending and first time offenders who don't want to risk punishment such as imprisonment. Imprisonment is sometimes seen as a particularly effective form of punishment because it incapacitates offenders, stopping them from committing crimes by keeping them behind bars. Both community penalties and imprisonment can provide opportunities to rehabilitate offenders so they become law-abiding, but punishment is not always the most effective way of reducing crime.

Applying material from **Item A**, analyse **two** reasons why punishment might not be effective in reducing crime.

[10 marks]

STUDENT RESPONSE

Firstly, punishment may not be effective as the police are selective of those who are punished. For example, the phenomenological approach suggests that middle class offenders are far less likely to be stopped and charged by the police. Therefore, punishment is not equal across social stratifications such as class. Without punishment even being administered these offenders are more likely to reoffend, making punishment ineffective. Furthermore, punishment may lead to a cycle of reoffending. Once people have been put into the criminal justice system, it is on their permanent record. This greatly decreases their employment opportunities, with certain professions such as teaching being made impossible to enter with a conviction. Therefore, it may create a climate of desperation, leading people back into organised crime as an expression of identity, or informal petty crime to make ends meet. This is highly prevalent amongst drug users, many of whom are convicted for small usage. Other studies suggests that prisons can be like workshops of crime, as contacts are made within a criminal network. Upon release, former convicts may turn to these contacts as a source of income through crime. Therefore, the prison system may be severely limited in preventing re-offending.

TEACHER COMMENTS

The first reason is not well-developed. Although there is a basic point being made here the question is asking why it may not be effective even when somebody has been punished whereas this response is essentially discussing what happens when punishment does not take place. The second reason is much more relevant and is more thoroughly developed. It provides a clear exposition of some features of labelling theory making it much more theoretically informed. The response lacks sociological concepts, though, and is linked weakly to Item A. It is much better to mention the item specifically when answering this sort of question.

4 Read **Item B** below and answer the question that follows.

ITEM B

Capitalism and crime

Some Marxist sociologists argue that crime and deviance are caused by the way in which the capitalist system encourages greed and selfishness amongst all members of society, thereby causing criminality in all social classes. They also argue that the law and criminal justice are biased against those from lower classes, ensuring that the actions of the rich are not defined as criminal, whereas those of the lower classes are often treated as criminal.

Applying material from **Item B** and your knowledge, evaluate the usefulness of Marxist approaches in understanding crime and deviance. [30 marks]

STUDENT RESPONSE

To a large extent, Marxist analysis is useful for understanding crime in capitalist societies. In particular, it is useful for determining an underlying stratification for crime: class. Without Marxism, it would be difficult to establish the nuances of the relationship between class and crime. However, pure Marxism is arguably too deterministic in labelling the overarching structure of capitalism as the sole reason behind crime.

Firstly, Marxism is clear about the class dynamic of crime. As suggested in the item, the criminal justice system is biased in upholding the interests of the ruling class and elite. Under capitalism, the financial classes hold vast swathes of power. People from this social milieu are far less likely to be prosecuted, as research by Snider suggests. For example, many of the bankers responsible for the 2008 financial crises were never investigated for crime or sent to prison. Similarly, those profiting from offshore bank accounts which illegally avoided tax escaped relatively unscathed after the recent Panama Papers scandal. This highlights a lack of interest in pursuing the crimes of the elite. Furthermore, Snider pointed out that legislation is rarely passed to curtail the influence of big business, maintaining a system based inherently on inequality.

Furthermore, Marxism highlights that capitalist societies are highly centred on consumerism to maintain themselves. Often, these consumer goods are beyond what we need to sustain ourselves, and are arguably false needs. Constant barrages from advertising lead people to view these as essential. Working class areas with high deprivation will lack many of these consumer goods. This may turn people to theft as a crime in an attempt to advance their social status. Marcuse highlighted that consumerism was intrinsic to capitalism, and was a system based on violence. This Marxist analysis may be useful for understanding petty crime such as theft. However, it would be an oversimplification to suggest this is the only reason for high crime rates in working class areas.

Despite these advantages, there are some limitations of Marxism in understanding crime. Firstly, it does not account for crime within communist societies. For example, in the USSR, Gorbachev attempted to make alcohol illegal, which failed drastically as a policy as many people created homebrew. Marxism may suggest that within a socialist society, the need for crime would be removed, as these societies would provide all the necessary material and social requirements for a healthy society. Crime within these societies suggests they were not this socialist utopia. However, this still does not establish a critique of Marxist understandings of crime within capitalism. Many feminists have pointed out that Marxism underestimates the influence of patriarchy as an institution which enables crime against women. Domestic abuse against women was widely accepted in British society as legal until recently. Furthermore, rape was not legally possible within marriage until recently. This highlights two cases of patriarchy being complicit in allowing crime against women. Whilst this is an important contribution, feminism does not totally supersede the Marxist understanding of crime. Socialist feminist Simone de Beauvoir established that capitalism and patriarchy were synonymously responsible for crime in society.

Another alternative perspective on crime is the postmodernist approach. Michel Foucault undertook a study of punishment in society. He argued that modernity and rationalism had led to institutionalised punishments, which aimed to be more humane and better at dealing with crime. However, for Foucault, more ritualistic punishment in medieval times, such as a public execution, whilst being more brutal, provided a better social function of establishing a clear culprit and blame. He argued that the modern prison system was designed to break down the spirit of individualism, and is overall far more oppressive. This perspective suggests that modernity and scientific rationality have led to more oppressive criminal justice systems, rather than capitalism per se. However, whilst offering an alternative perspective on the criminal justice system, this does not explain alternative motives or causes for crime which Marxism accounts for as capitalism. Overall, postmodernism offered a new perspective on crime, but did not totally supersede the Marxist perspective.

Furthermore, neo-Marxist perspectives have aimed to underline deeper nuances of crime within capitalism. Taylor et al offered a revised criminological perspective, taking into account the meanings attached to the crimes of the perpetrators. This was influenced by labelling theory. Once labelled as deviant, people were far more likely to adhere to this label. This perspective offers a more dialectical approach, synthesising social interactionism and Marxism.

Overall, the Marxist perspective on crime is very useful. It explains crime as existing within a clear structure: capitalism. This economic and social structure is inherently a form of crime, as it is based on inequality. This is self-sustained through the state apparatus, including the criminal justice system. Challenges to this theory have highlighted some inadequacies, including the feminist perspective which has established vital contributions. Neo-Marxism offers a fuller perspective and accounts for crime in contemporary society. Overall, Marxism retains its relevance as a social and economic theory that is useful for understanding crime.

TEACHER COMMENTS

The answer starts with a promising introduction establishing the importance of Marxism for understanding the relationship between class and crime but also making it clear that there are critical perspectives on Marxism.

The answer goes on to mention the item in the first paragraph of the main body of the essay, which is very good practice because it ensures that this is not forgotten. This paragraph makes a very useful reference to a Marxist researcher, Snider, and also includes some extremely contemporary material, such as that on the Panama Papers showing very good application skills. The emphasis on consumerism helps to develop the perspective in a way that goes beyond some of the standard textbook material, although this is a little vague and reference to particular studies would have been helpful. The reference to Marcuse helps to back up the point although there was a missed opportunity here to distinguish between conventional Marxist and neo-Marxist approaches (with Marcuse being an example of the latter).

The description of the Marxist position is a little short and it would have been useful to have more detailed discussion of corporate and state crime from a Marxist perspective. However, the answer does go on to demonstrate evaluative and analytical skills and there are some excellent and well-developed points about the limitations of Marxism. These allow the student to bring in a range of perspectives as well as some specific criticisms. The student goes beyond merely stating criticisms and analyses how important they are, showing (for example) that Marxism and feminism can be combined in socialist feminist analysis. The discussion of Foucault is very strong and shows really high-level understanding of theoretical issues as well as outstanding analytical and evaluative skills. It was very helpful to have included a distinction between Marxism and neo-Marxism, although this could have been explored in greater depth and perhaps included earlier.

The balance and well-argued conclusion which follows from the content of the essay further demonstrates the skills of application, analysis and evaluation.

Overall, this is a very high quality response to this question. The answer is sophisticated, theoretically based and highly evaluative with some very good application of the perspective to examples in places. Understanding is strong throughout but it is slightly weaker in terms of demonstrating knowledge, and more reference to specific studies and research would have made this very strong answer even better.