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# 9: Consequences of Inequality: Crime and punishment

# Toronto Etiquette Club



# Club Description

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- Expand cultural capital
- International, political, social events
- Future success
- Events: Wine tasting, etiquette seminars, concerts, golf, horseback riding, debating, trips to the AGO, opera, and the museum etc.

# Past Events

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- Wine Tasting
- Etiquette Seminar 101
  - Dine Like a Diplomat
  - Business Etiquette



# Future Events

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- ❑ November Event: Jazz Bar Event

Date: Friday November 30th

Schedule: 6:30pm performance by Chris Gale

Location: The Rex Jazz Blues Bar - 194 Queen St.

- ❑ December Event: Art Gallery of Ontario

- ❑ Email: [etiquetteclub.utoronto@gmail.com](mailto:etiquetteclub.utoronto@gmail.com)

- ❑ Like us on Facebook:  
University of Toronto Etiquette Club

# Results of Test #2

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## Grade Distribution

90 - 100	25
80 - 89	89
70 - 79	151
60 - 69	200
50 - 59	172
40 - 49	81
30 - 39	45
20 - 29	10

## Statistics

Lowest grade

□ 20.00

Highest grade

□ 97.00

Average (Mean)

□ 63.21

Median

□ 64.00

Standard Deviation

□ 14.94

# The stance of sociology: crimes are normal and usual

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Usually, crime is....

- The behavior of normal people **bending** the rules
- The behavior of normal people in ***deviant roles***
- The behavior of normal people in ***abnormal situations***
- The behavior of people who violate ***unreasonable rules***
- The result of ***unequal opportunities*** to conform
- The result of ***deviant learning*** (e.g., imitation)

# Laws are Narratives of Blame

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- Recall that narratives of blame are socially constructed accounts that attach social or moral qualities to different groups
- Criminal law attaches moral responsibility (blame) to people's behaviour



# Justice is about rules and the evaluation of rule-breaking

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- Some laws are about the \$ amount stolen
  - Others are not
- Some laws offer the police and judges discretion
  - Others do not
- Law-enforcement assumes knowledge of the laws



# People need to have confidence in The Law

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- ❑ But people have less confidence in public institutions and in one another under conditions of extreme inequality
- ❑ One purpose of law enforcement is to increase public confidence in government



Most people can be trusted (% agreeing)



Low

11 High

Income Inequality

Inequality = distrust = fear of crime

- ❑ More equality is an important pre-condition for strengthening community life
  - ❑ People trust each other most in the Scandinavian countries and the Netherlands
  - ❑ *High* levels of trust are linked to *low* levels of inequality, internationally and among the 50 US states



# To be avoided: a moral panic

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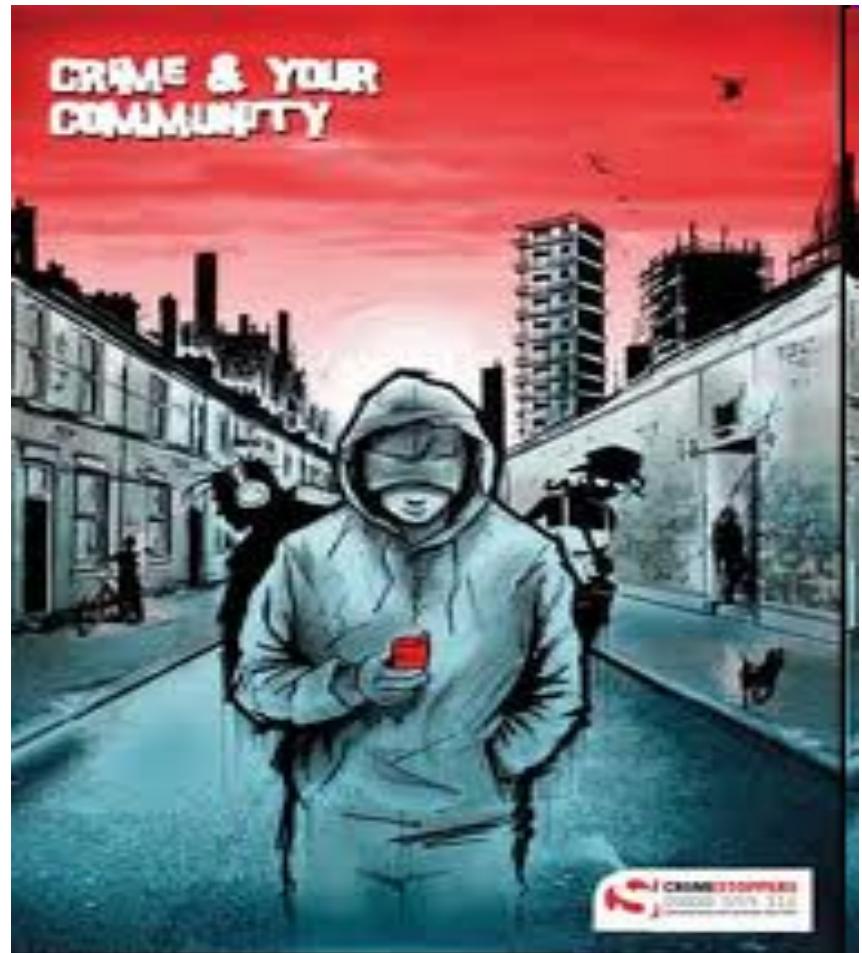


- A “moral panic” occurs when “[a] condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests.”
- Moral panics reveal and aggravate social tensions that are hard to resolve
- During a moral panic, the media act as agents of moral indignation

# Crime narratives vary over time and place

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- What a society defines as crime is socially constructed and culturally relative
- It varies over time and from one place to another
- These social constructions are influenced by:
  - ideas of morality and responsibility
  - religious faith (the sinful nature of crime)
  - competing scientific and professional claims about the origins of crime



# The normality of crime (Durkheim)



- No society is without crime of various types
- However, all crime is understandable only within the given socio-historical context
- When crime rates vary, many different explanations are available

"They dropped the charges, but want to keep you in overnight just to see if the crime rate goes down."

# Too much lawlessness (right) *versus* too much repression (left)?

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Higher rates  
may reflect  
more  
lawlessness  
(i.e., too little  
law and order)

OR

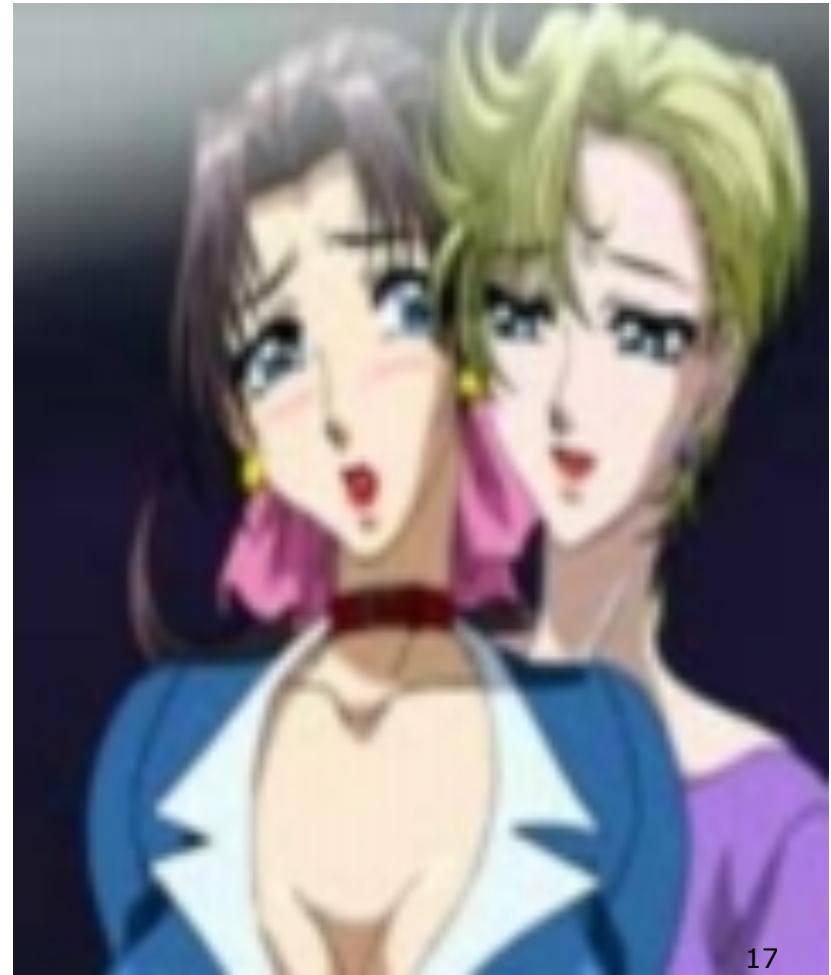


Higher rates  
may reflect  
more  
repression  
(i.e., too  
much law  
and order)

# The ideological backdrop

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- Liberals are likely to view higher crime rates as indicating more repressiveness (e.g., too many police and laws)
- Conservatives are likely to view higher crime rates as indicating more immorality and disorganization



# Exceptions to this rule....

Everyone deplores crimes against persons (e.g., murder, rape, kidnap, robbery)

- Therefore, they permit less ideological variation
- Therefore, the reported rates of crimes of this kind are the most believable
  - Such crimes have been declining in Canada for the last 20+ years



# 3 important sociological questions in theorizing about crime

Question 1 ...

Causation

Why do people

commit crimes, or  
(generally) break  
society's rules?

- Specifically, what is the role of *inequality* in causing crime?



# Question 2....Socio-legal definition

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- 2) Why do people define certain kinds of activities as bad, immoral, criminal, or deviant?

i.e.- why do they outlaw certain kinds of behaviour?

- why do they ignore other activities that are just as bad?

- Specifically, what is the role of *inequality* in defining crime



# Question 3 ... Punishment

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3) Why are some “kinds” of people more or less likely than others to be labeled and punished as “deviant”?

Specifically, what is the role of *inequality* in punishing crime?

# The best-known theory of crime causation: Merton's anomie (or strain) theory

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- *Inequality creates a gap between cultural goals* (material success) and the *means* available to pursue these goals
- This gap creates strain or *anomie*
- Poor people and minorities are most likely to experience this gap
- Therefore they are most likely to undertake “adaptations to anomie”

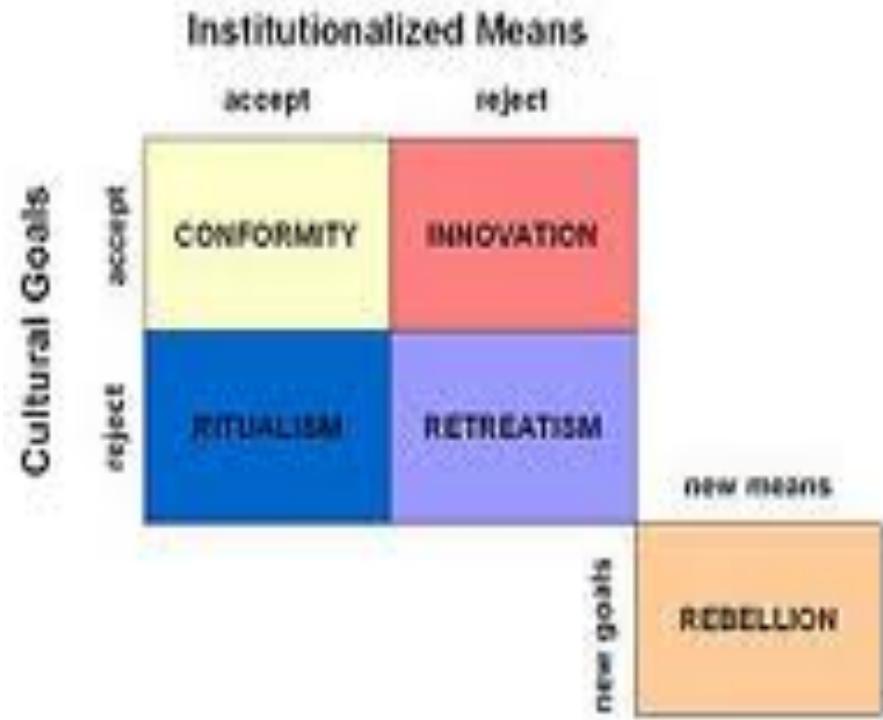


# Crime as “innovative” solution to the inequality problem

According to Merton's *anomie* (or strain) theory,

- Criminals accept society's cultural goals, but reject conventional means of pursuing them
- Yet, in their relations with one another, gang members are as conventional as members of other groups and organizations

Robert K. Merton's Deviance Typology



# Inequality even affects the likelihood of violent behaviour

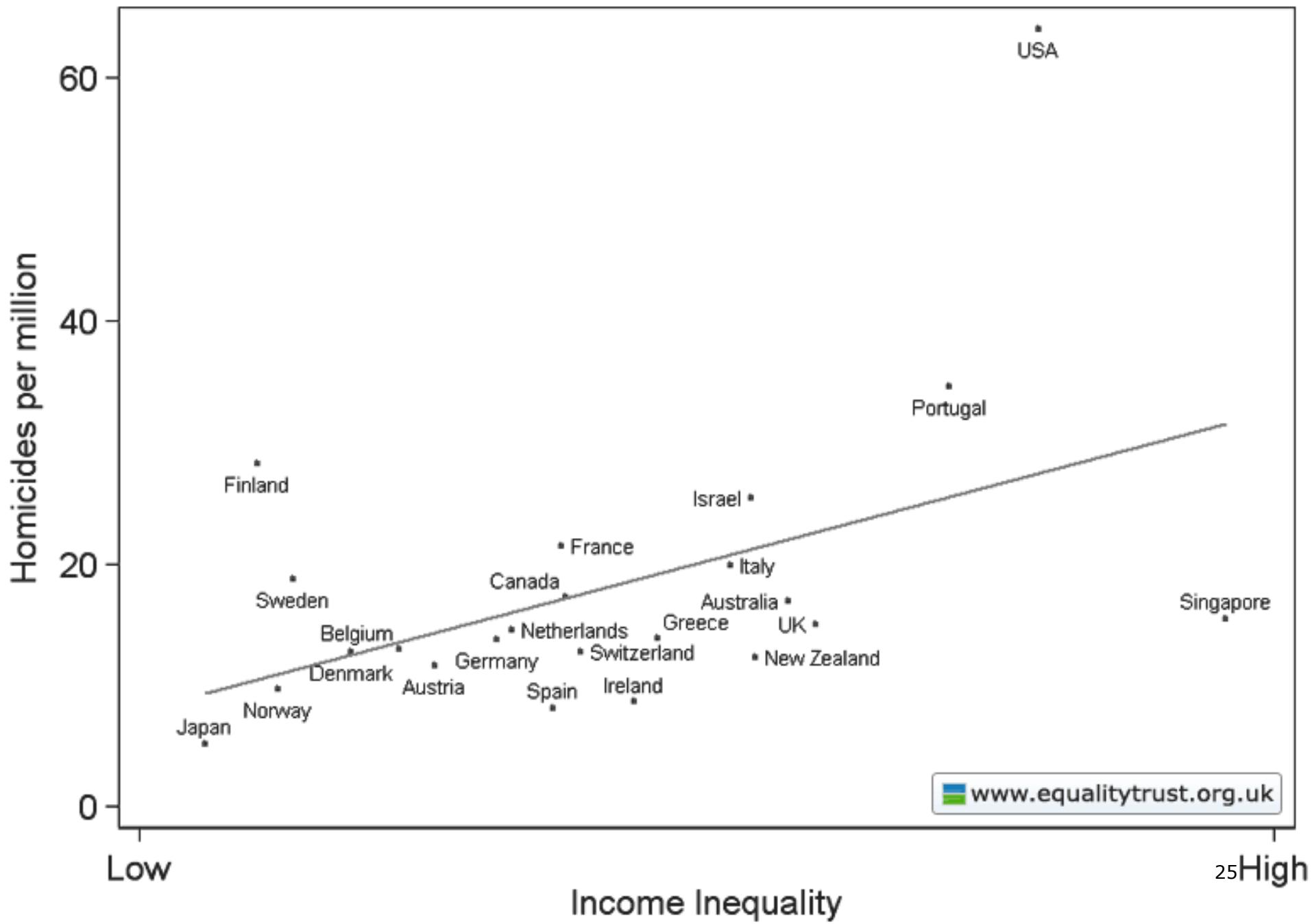
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- ❑ some societies *are* much more violent than others

For example,

- ❑ In the USA, a child is killed by a gun every three hours
- ❑ In the UK over a million violent crimes are recorded each year





# Where violence is more common...

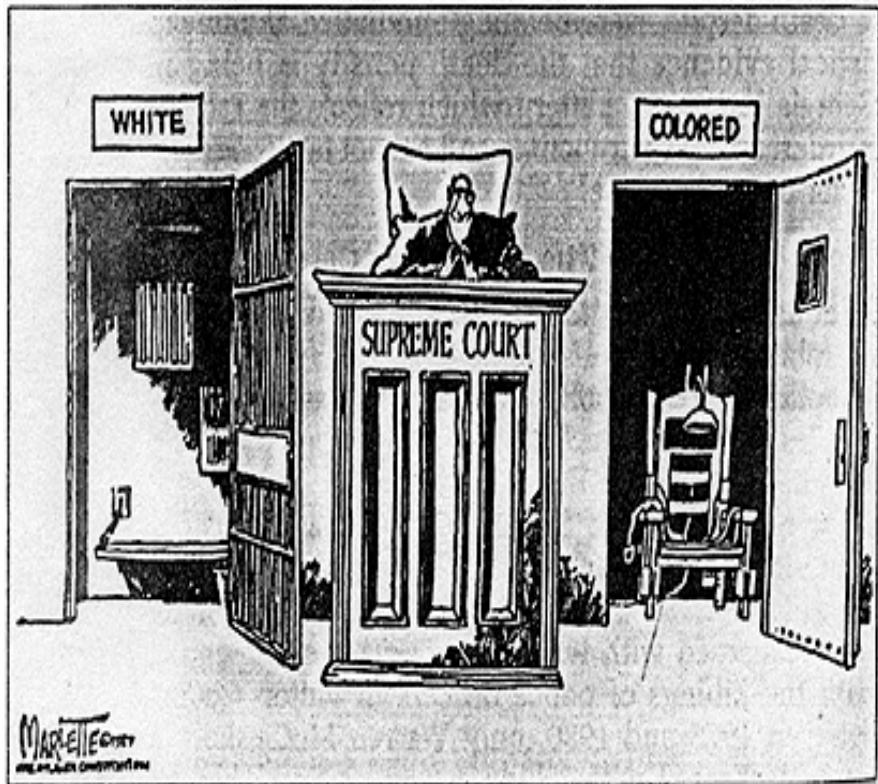
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- Violence is more common in more unequal societies because it is often triggered by people feeling disrespected
  - Issues of honour and shame
- Inequality is also related to warfare and to children's experiences of violence in warfare

# Disadvantaged people are also more likely to be caught and labeled “criminal”

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- Definitions of crime and deviance may reflect racial or **class bias**
- *E.g., many more blacks than whites are on death row in the USA – why?*
- *E.g., proportionally more aboriginal men than white men are in jail in Canada (and Australia)*

# Disadvantaged people are more likely to be punished

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- Some groups and individuals are more likely than others to be identified, arrested, prosecuted, convicted, and punished for their wrongdoing
- People who are poor, socially marginalized, or socially isolated run a higher risk of punishment—and receive more punishment —than other people



# The ways we punish criminals illustrate practices of oppression

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- They feature domination, exclusion, exploitation, and victimization
- Recent report: 40 percent of California prisoners under the harsh 3-strike law are mentally ill or developmentally handicapped (??)

# The purposes of modern punishment

Punishment has five main goals

1. taking retribution for criminal behaviour
2. deterring the criminal and others from committing crimes in the future
3. restoring the victim and the community
4. rehabilitating criminals so that they do not commit further crimes
5. incapacitating the criminal so that he or she cannot commit further crimes



# Capital punishment: Yesterday's way of dealing with crime

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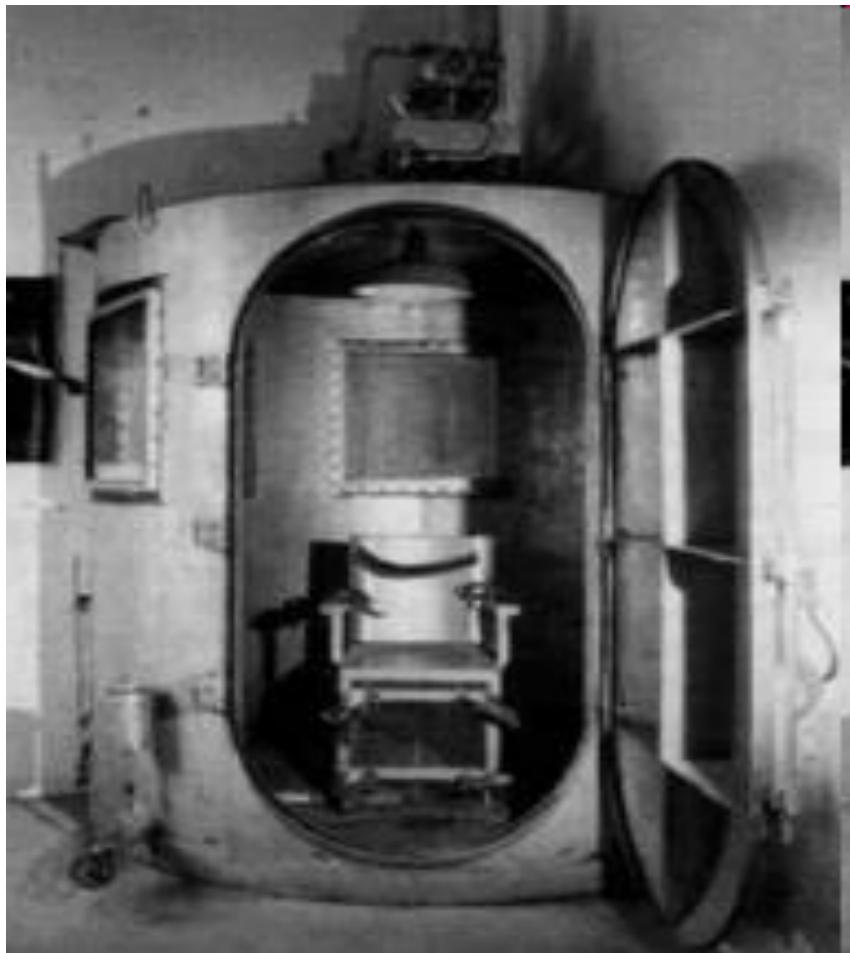
Capital punishment (i.e., death) was, likely, the earliest form of punishment

- Many punishments listed in the Code of Hammurabi—proclaimed by the Babylonian ruler in 1760 BC as humanity's first known legal code—are capital punishments
- in 1800, England still had 220 offences punishable by death, most of which were aimed at protecting the property of the wealthy



# Today, most economically developed countries don't use it

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- Most industrial societies have banished the death penalty or stopped applying it

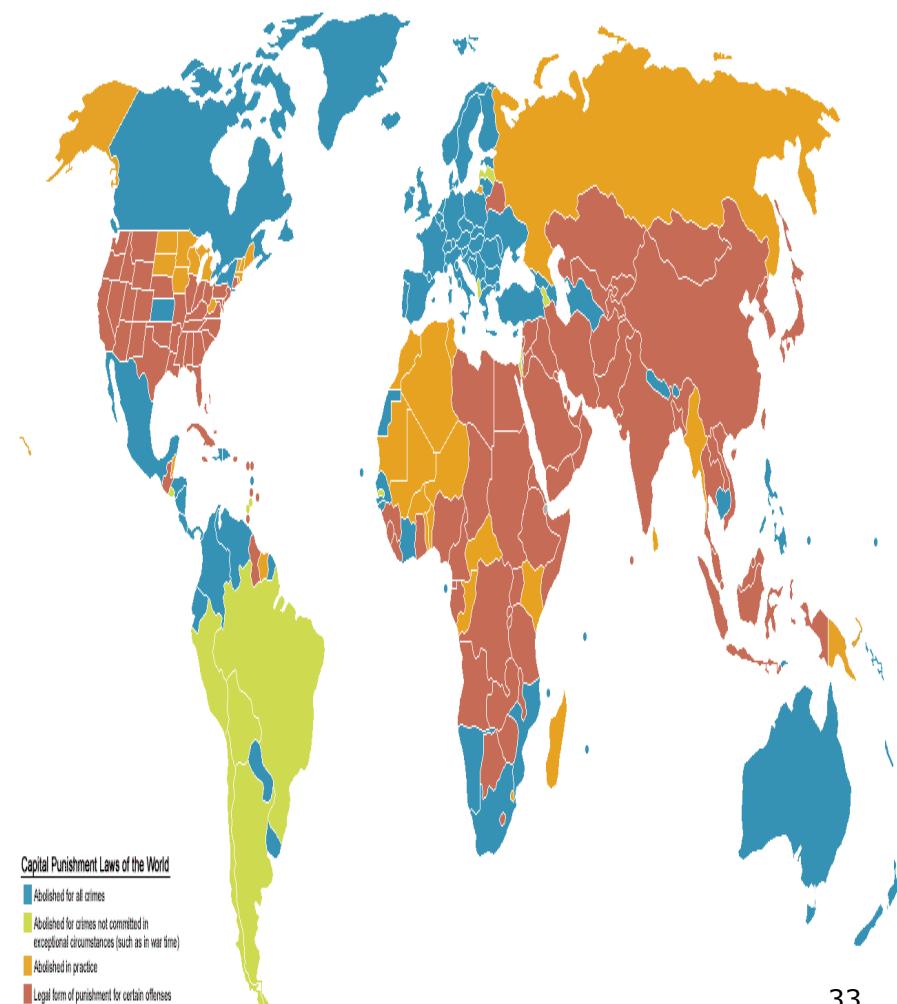
Pros and cons of capital punishment:

- Pro: it is cheap and easy
- Con: it doesn't deter anyone from crime, it is "barbaric," and you may kill innocent people

# Capital punishment (and corporal punishment)

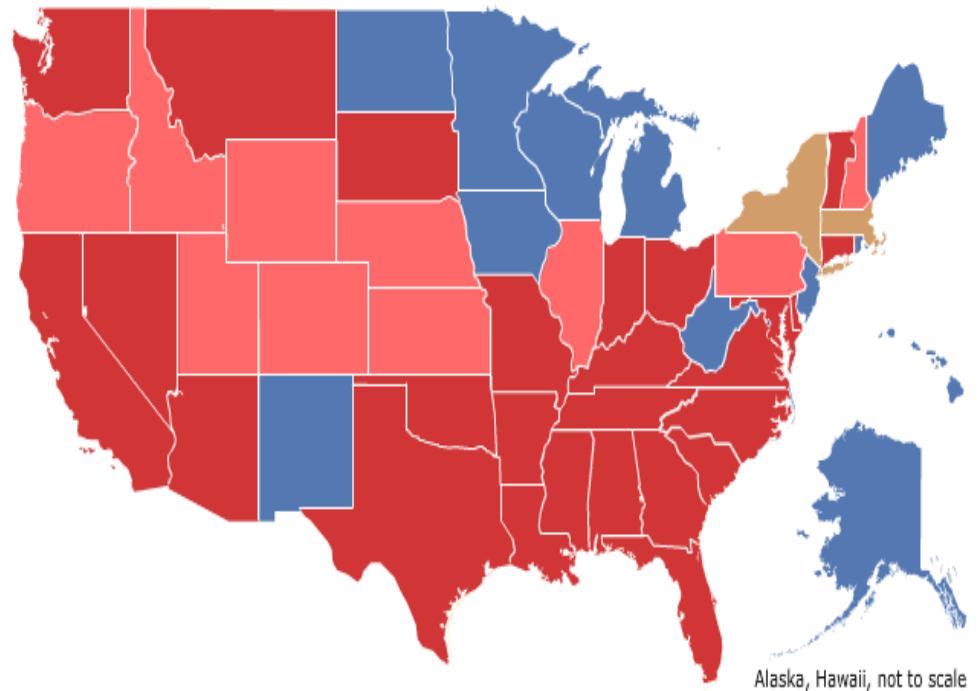
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- Countries today that still practice capital punishment are also countries that commonly practice corporal punishment and torture
- They are often societies without a strong rule of law or protected civil liberties or societies with an authoritarian or dictatorial government
- the US continues to use capital punishment, unlike other modern, industrial states
  - It also tortures prisoners of war



# Which US states use capital punishment?

- The biggest users of capital punishment are in the southern US states, which accounted for 927 of the 1,126 executions carried out in the US since 1976.
  - Texas alone accounted for 416 of these executions.
- Race, religion, and political affiliation all influence support for the death penalty
  - For example, Whites support the death penalty much more strongly than African-Americans, Hispanics, and other minorities



- With death penalty
- With death penalty but not used since 2000
- Death penalty or method declared unconstitutional, but this may be revised
- Without death penalty

# Blacks are disproportionately the victims of this punishment

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- Though they make up only about 12.5 per cent of the American population, African-Americans account for 54 per cent of the US people executed since 1976
  - Mainly in the US south
- Some believe that capital punishment in the US today is merely a continuation of the historic oppression of African-Americans since the end of slavery



# Punishment as Retribution

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- One of the oldest goals of punishment is **retribution**: literally, ‘payback’ for harm done, or ‘an eye for an eye.’
- The idea of retribution continues to have significant public appeal, especially for serious crimes such as kidnapping or murder
  - It has less appeal when applied to punishments<sup>36</sup> for less serious offences

# Punishment as deterrence

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- **deterrence:** showing people that if they commit crimes, they will be caught and (painfully) punished
  
- Punishments based on deterrence may be:
  - ‘specific’ (i.e., aimed at deterring the particular criminal being punished from committing new crimes),
  - ‘general’ (i.e., aimed at deterring others from committing such crimes)



# Does punishment deter?

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"Here's my card. Don't forget to tell  
your friends."

- Cesare Beccaria (1738–94) believed punishment should aim at the prevention of crime through *deterrence*
- He did not believe the death penalty was a just or effective  *deterrent*
- Today, punishment is mainly based on *deterrence*
- Deterrent punishments like long imprisonment are costly and/or ineffective, as well as (potentially) unjust

# Punishment as Restorative Justice

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- The third purpose of punishment is to repair the harm done by the commission of a crime
- **Restorative justice** focuses on ensuring that offenders take responsibility for the harm they have caused
  - Victims and community members have a voice in determining the punishment



# Punishment as Rehabilitation

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- The fourth purpose of punishment is **rehabilitation**: helping convicted criminals become law-abiding members of society
- The new '*penitentiaries*' built in nineteenth-century England (and elsewhere) became *correctional* (*i.e.*, *corrective*) facilities, not merely holding places for convicts
- Many 18<sup>th</sup> and 19<sup>th</sup> century prison reformers strongly believed all people could reform by 'coming to God' through reflection and *repentance*



# Punishment as Incapacitation

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- The final (and related) purpose of punishment is to **incapacitate people** who have inflicted harm and are believed to be dangerous to society
- In practice, this means removing dangerous people from society to increase public safety
- Banishment and execution accomplished this goal in the past
  - today, most modern societies rely on imprisonment

# Imprisonment is one of the world's most common types of punishment

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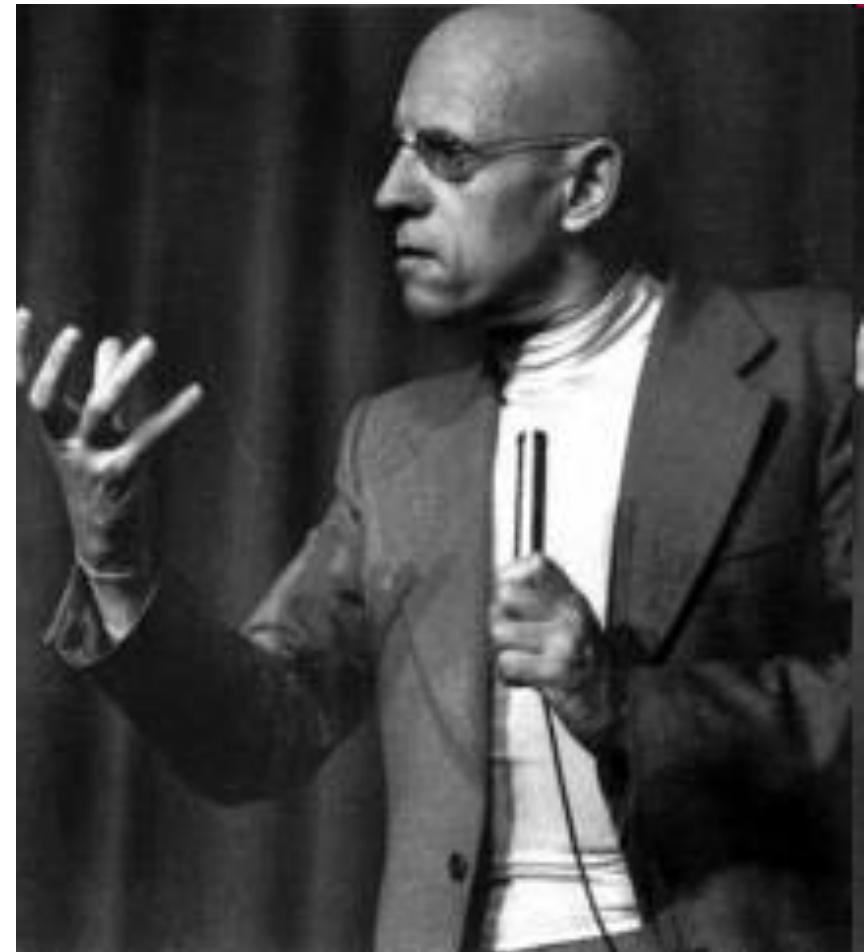
- ❑ It is both universal and ancient in its use
- ❑ In general, prisons are intended to separate wrongdoers from law-abiding citizens and, thus, protect the good from the bad
- ❑ Prisons are also supposed to re-socialize or re-educate the prisoners (i.e., help to correct them)



# Foucault on punishment

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- ❑ Before 1700, punishment was a public spectacle with rules dictating the specifics of torture or execution
- ❑ However, such punishment often provoked pity for the tortured wreck
- ❑ This system came under criticism both because it was inhumane and did not significantly lessen crime (c.f., Beccaria)



# Imprisonment becomes normal

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- In the late 18th century, deterrence and rehabilitation became the stated goals of imprisonment in England and France
- Prison quickly became the standard punishment for almost all crimes
- Prison administrators came to think of their work as correctional, not punitive

# Discipline of mind and body

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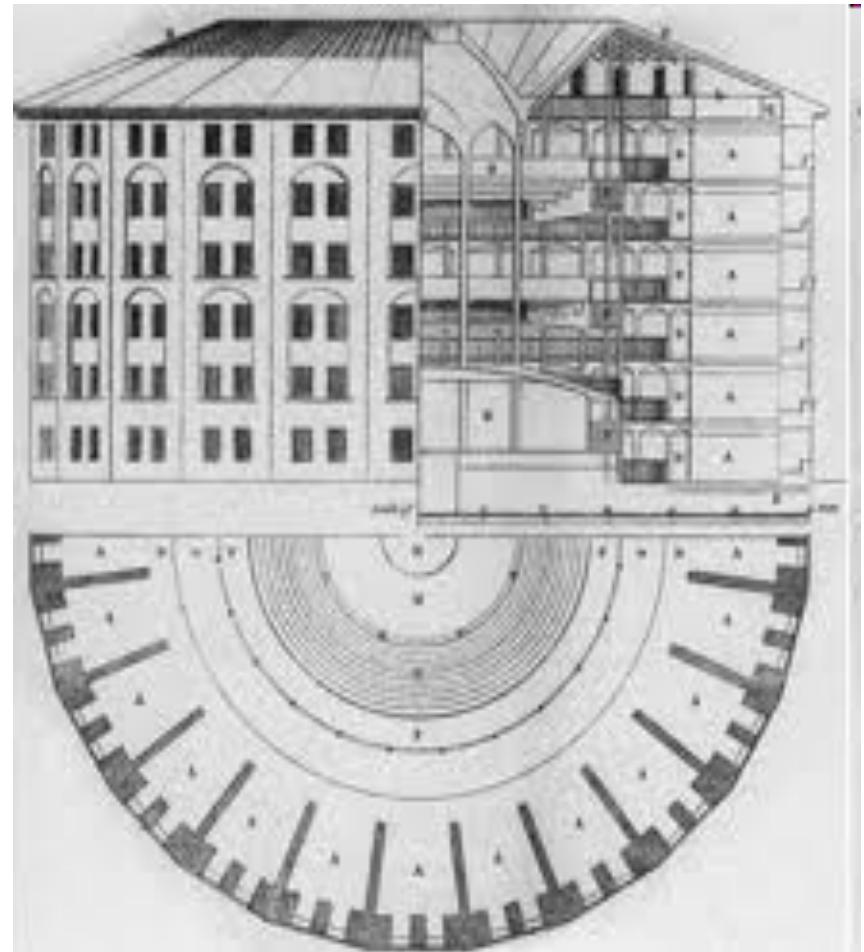
- *Discipline of the body* was an important part of this rehabilitation or correction
  - It was first used in the *military*, where recruits were taught how to stand, walk, hold and fire a weapon, etc.
  - It soon extended to other areas such as *schools*, which taught students how to hold a pen, sit, eat, speak, and even think
- Bodily discipline was enforced through the continual correction of slight slips and through continued testing, recording, and examination



# The central role of surveillance

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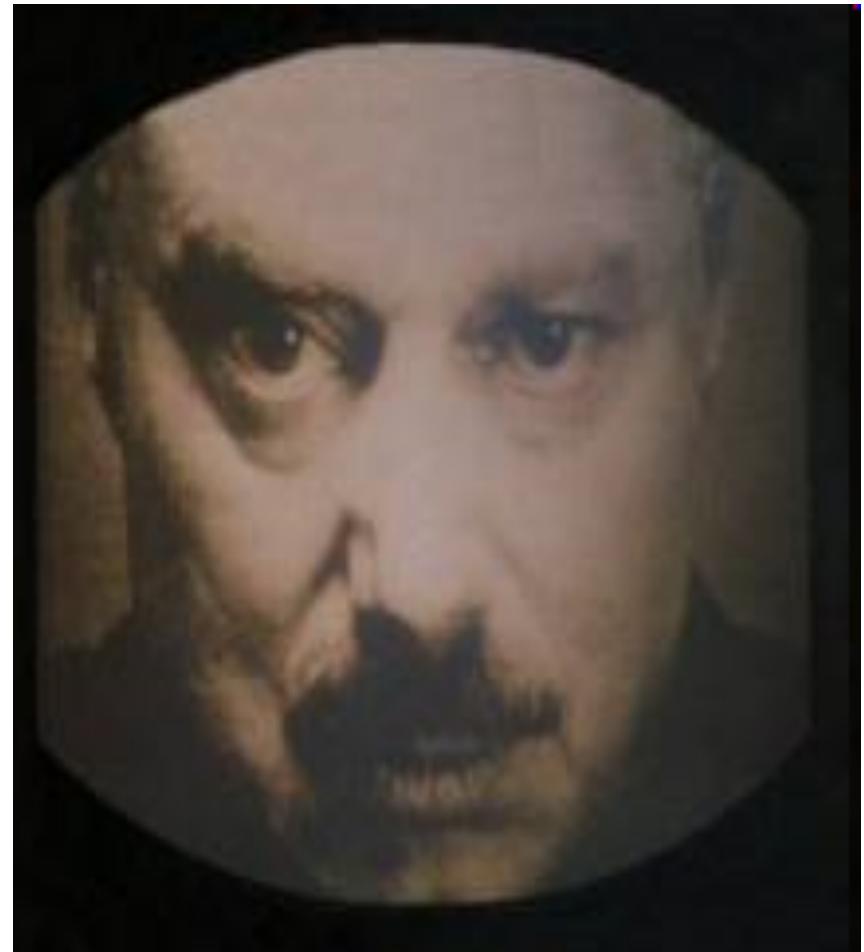
- The other main technique of discipline was increased *surveillance*
  - A means of mental discipline
- Reflected in Jeremy Bentham's idea of the *panopticon*
  - a prison where the guards can always see the prisoners, but prisoners cannot see the guards so they do not know if they are being watched
- This uncertainty leads prisoners to regulate themselves



# Big Brother is always watching you

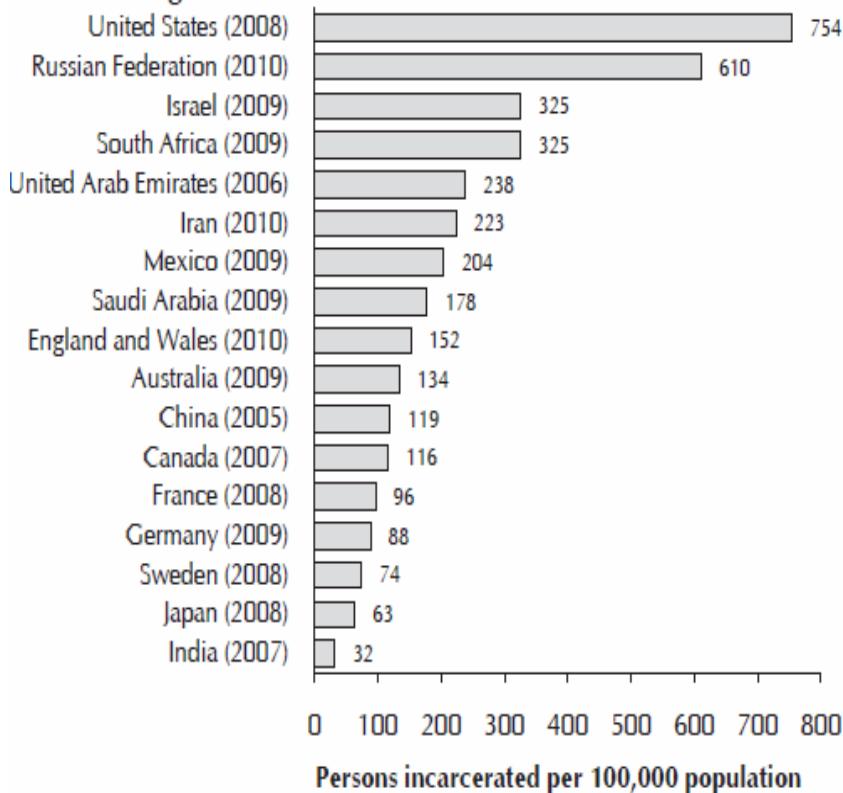
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- Prisons today are just one part of an extended framework of surveillance, recording, and domination
- From the moment we are born, we are disciplined in schools, workplaces, hospitals, and prisons
- Every stage of our lives is shaped by disciplinary institutions that govern us
- We come to internalize the rules imposed from outside = a source of mental discipline



# Imprisonment rates vary today

Figure 2. Rate of Incarceration in Selected Nations



Incarceration data were collected on the varying dates listed and are the most current data available as of February 2010.

Source of data: Bureau of Justice Statistics (for U.S.); World Prison Brief, International Centre for Prison Studies, King's College of London,  
<http://www.kcl.ac.uk/deptsl/law/research/icps/worldbrief/>

Canada's imprisonment rate has varied between 105 and 110 prisoners per 100,000 of the population over the last few years

- Imprisonment rates are far *lower* in Japan, Switzerland, and the Scandinavian countries (Finland, Sweden, Denmark, and Norway)
- Imprisonment rates are far *higher* in the US, Russia (and members of the former Soviet Union), China, Singapore, and some rapidly developing nations such as South Africa and Brazil

# Inequality increases imprisonment rates

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- ▣ The proportion of the population imprisoned in a society is influenced by four things:
  - crime rates
  - conviction rates
  - **The tendency to give prison sentences rather than fines or community service**
  - the lengths of prison sentences
- ▣ Some societies use imprisonment far less and far more briefly
  - When they do imprison people, they put more emphasis on training and rehabilitation so that re-offending rates are also lower

# More imprisonment reflects more punitive sentencing habits

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- In the USA, only about 12% of the recent growth in prison populations is due to an increase in crime
- primarily the result of more punitive (i.e., lengthier) sentencing
- The USA imprisons people at 14 times the rate of Japan
- Even within the USA there are big differences, Louisiana imprisons people at a rate six times higher than Minnesota

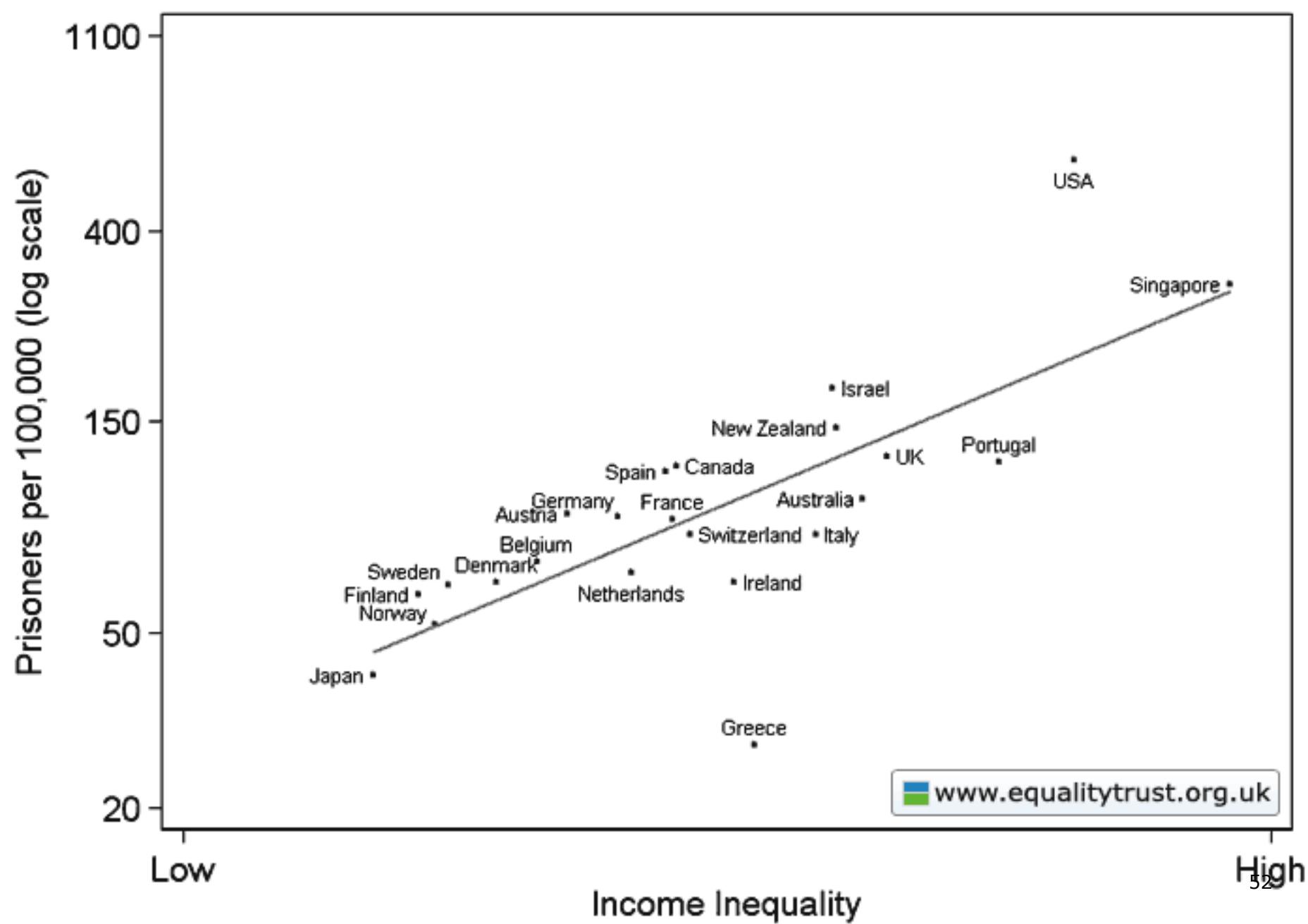


# Income inequality increases distrust = more punitiveness

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- income inequality predicts a high rate of imprisonment - both internationally and among the 50 US states.
- More-equal US states have lower homicide rates AND are less likely to retain the death penalty



# Clemmer on *Prisonization*: prisons do not rehabilitate

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- Sociologist Donald Clemmer noted that all prisons degrade people, oppress them, and take away their rights
- Over the long term, this makes inmates less competent to survive on the outside
- Degrading treatment is unavoidable,
  - helps prison officials to control a large community of (usually) young men
- Yet this treatment also alienates prisoners and unites them against the prison administration



# Prisons and total institutions

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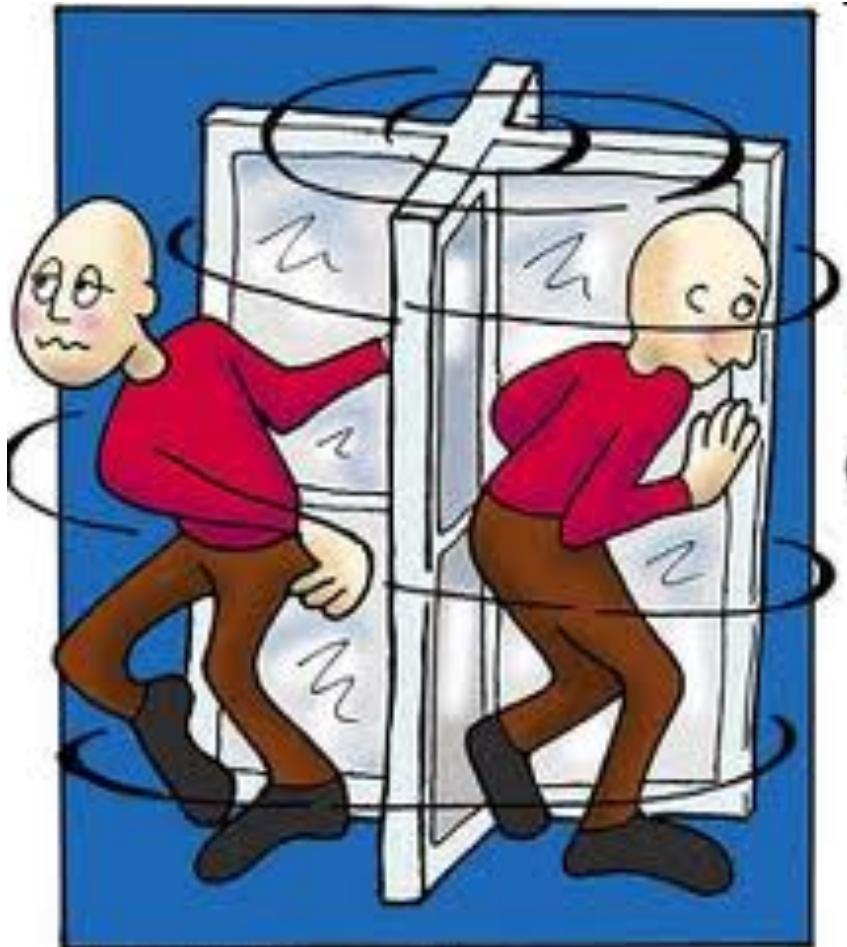


- Prisoners learn the prison subculture, especially its anti-administration values and codes of conduct
- They also gain new criminal skills, often learning to behave in even more undesirable and violent ways
- They often end up with an identity that is more deviant and hostile than what they had brought into the prison

# Prisons and recidivism

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- **Prisonization**, as Clemmer calls it, produces people who fit perfectly into the inmate society but poorly outside of it
- As their release from prison approaches, inmates often feel great stress
- After release, they often commit even more crimes, including violent crimes—and many end up back in prison
  - This is called *recidivism* or the *revolving door*



# US prisons also fail to deter crime

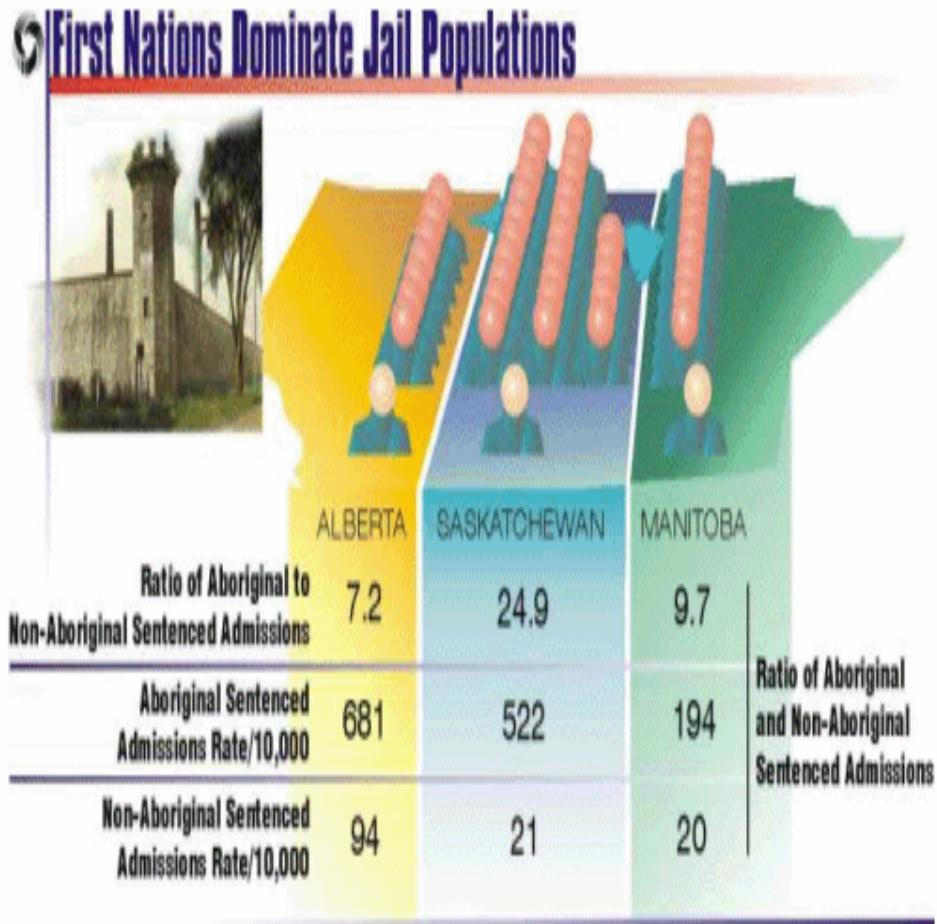
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- As in Canada, US crime rates have been *declining* since the mid-1990s
- However, the growth in US imprisonment continues nonetheless
- Unlike Canada, the US imprisonment rate has exploded over the last 35 years
  - it is now more than five times higher than it was in 1970
- Americans now imprison more of their citizens (per capita) than any other nation on earth

# Inequalities in Canadian punishment

- Canadian jurisdictions do not publish statistics about variety of ethno-cultural groups in Canadian jails and prisons
- However, available research data show that some groups are more likely to be imprisoned than others
- Aboriginals and Canadian blacks are overrepresented in Ontario jails, for example
  - in 2007/8, blacks made up 7.3 per cent of prisoners in federal prisons but only 2.5 per cent of the Canadian population as a whole



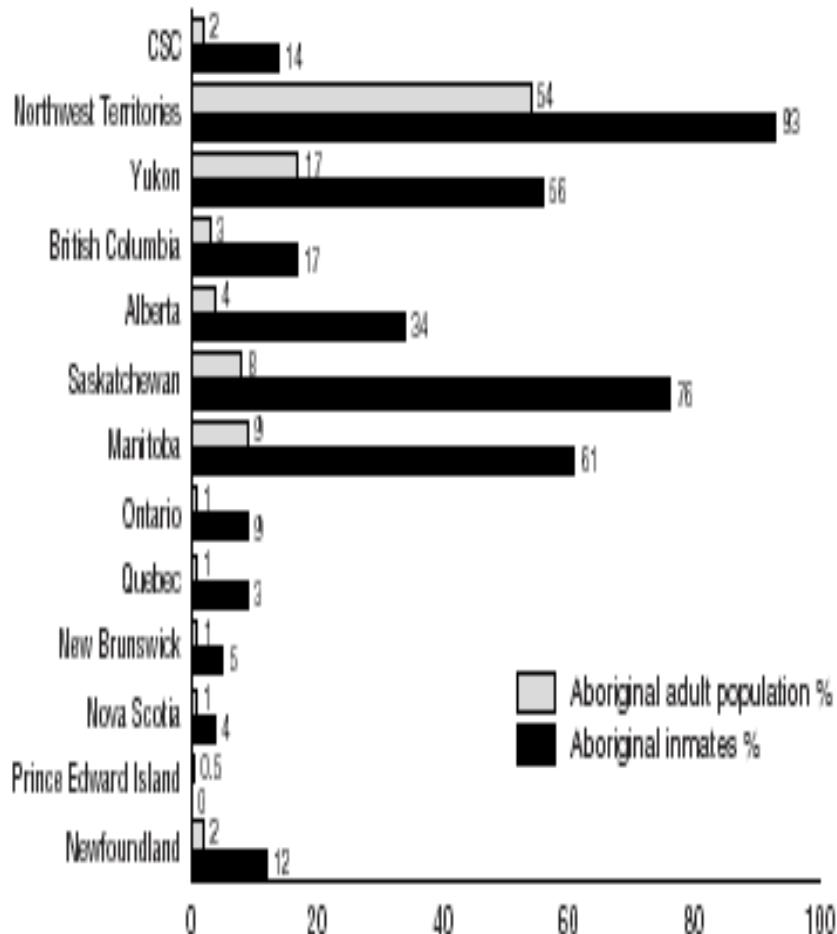
# The over-representation of Aboriginals

CANADA'S PRISON HAS MORE NON WHITE NATIVES



- In 2003/4, Aboriginal people represented about 2.6 per cent of the adult Canadian population but accounted for 22 per cent of all admissions to jails and prisons
- This overrepresentation is particularly marked in the western provinces.
- The contrast is even more striking among female inmates than among men
  - Aboriginal women account for 87 per cent of all women imprisoned in Saskatchewan

# The problems of Aboriginals



- These Aboriginal offenders are younger, less educated, less likely to be employed at the time of their admission to prison, and more likely to reoffend than non-Aboriginal offenders.
  - Over 90 per cent of all Aboriginal offenders in Saskatchewan were also found to have a substance abuse problem.
- On-reserve crime rates are three times higher than crime rates in the rest of Canada, and on-reserve violent crime rates are eight times higher

# Similar patterns are seen elsewhere

- These same trends can be seen in Aboriginal populations in Australia and New Zealand
- Some criminal justice problems may result from long-term historical factors such as colonialism and historic inequality
- Efforts have been made in Australia and NZ to develop innovative correctional strategies that are more appropriate and effective for Aboriginal populations

