

# CLASS, POWER AND CRIME

## Explaining class differences in crime

Official statistics from a number of countries around the world consistently show social class differences in rates of offending, with the working class more likely to commit offences than higher social classes. The theories we examined in Topics 1 and 2 offer different explanations for this pattern and we re-cap them here before focusing on Marxist views.

### Functionalism

Functionalism sees the law as a reflection of society's shared values, and crime as the product of inadequate or inappropriate socialisation into these values. Not everyone is equally well socialised into society's shared culture. In modern societies with their complex division of labour, different groups and classes may develop their own separate subcultures.

For example, Walter B. Miller argues that the lower class has developed an independent subculture with its own distinctive norms and values that clash with those of the mainstream culture, and this explains why the lower class have a higher crime rate. Conforming to subcultural norms such as toughness and the pursuit of excitement can lead to conflict with the law.

### Strain theory

Strain theory argues that people engage in deviant behaviour when their opportunities to achieve in legitimate ways are blocked. For example, Merton argues that American society's class structure denies working-class people the opportunity to achieve the 'money success' that American culture values so highly.

As the working class are more likely to be denied legitimate opportunities to achieve success (for example, through educational achievement and a good job), so they are more likely to seek illegitimate means of achieving it. Merton calls this 'innovation': the use of 'new', deviant means such as theft, fraud or other property crime to gain wealth. In Merton's view, this explains why the working class has a higher rate of utilitarian crime (crime for material gain) than the middle class.

### Subcultural theories

Subcultural theories start from Merton's idea that the working class suffer from blocked opportunities to achieve success by legitimate means. For example, A.K. Cohen sees working-class youths as culturally deprived – they have not been socialised into the mainstream, middle-class culture. As a result, they lack the means to achieve

in education and find themselves at the bottom of the official status hierarchy. Their failure to achieve gives rise to status frustration.

The delinquent subculture that they form or join is a solution to the problem of status frustration. By inverting mainstream values such as respect for property, working-class youths can gain status from their peers, for example by vandalising property. Cohen's theory thus helps to explain why the working class are more likely to commit non-utilitarian crime.

Cloward and Ohlin build on Merton and Cohen. They use the concept of illegitimate opportunity structures to explain why a range of different crimes are more prevalent within the working class. They identify a criminal subculture in stable working-class neighbourhoods that offers professional criminal career opportunities, a conflict subculture of gang violence and 'turf wars' in poor areas with a high population turnover, and a retreatist, 'dropout' drug subculture made up of those who fail in both legitimate and illegitimate opportunity structures.

### Labelling theory

The functionalist, strain and subcultural theories just described have been called 'problem takers'. That is, they take for granted that the official statistics are broadly accurate and that working-class crime is the problem that needs to be explained. They focus their efforts on discovering the cause of the problem, for example inappropriate socialisation or blocked opportunities.

As we saw in Topic 2, labelling theorists take a very different approach:

- They reject the view that official statistics are a useful resource for sociologists that give a valid picture of which class commits most crime.
- Instead of seeking the supposed causes of working-class criminality, they focus on how and why working-class people come to be *labelled* as criminal. They emphasise the stereotypes held by law enforcement agencies that see the working class as 'typical criminals', and the power of these agencies to successfully label powerless groups such as the working class.

For this reason, labelling theorists have been described as 'problem makers'. They do not see official crime statistics as valid social facts or a useful *resource*. Rather, crime statistics are a *topic* whose construction we must investigate by studying the power of control agents to label working-class people as criminal.

## Marxism, class and crime

Marxists agree with labelling theorists that the law is enforced disproportionately against the working class and that therefore the official crime statistics cannot be taken at face value. However, they criticise labelling theory for failing to examine the wider structure of capitalism within which law making, law enforcement and offending take place. Marxist explanations of crime and deviance flow from their view of the nature of capitalist society.

Marxists see capitalist society as divided into two classes: the ruling capitalist class (or bourgeoisie) who own the means of production, and the working class (or proletariat), whose alienated labour the bourgeoisie exploit to produce profit.

Marxism is a structural theory. It sees society as a structure in which the economic base (the capitalist economy) determines the shape of the superstructure, which is made up of all the other social institutions, including the state, the law and the criminal justice system. Their function is to serve ruling-class interests and maintain the capitalist economy.

For Marxists, the structure of capitalist society explains crime. Their view of crime has three main elements:

- Criminogenic capitalism
- The state and law making
- Ideological functions of crime and law

### Criminogenic capitalism

For Marxists, crime is inevitable in capitalism because capitalism is *criminogenic* – by its very nature it causes crime.

Capitalism is based on the exploitation of the working class – that is, on using them as a means to an end (profit), whatever the human cost of doing so. It is therefore particularly damaging to the working class and this may give rise to crime:

- Poverty may mean that crime is the only way the working class can survive.
- Crime may be the only way they can obtain the consumer goods encouraged by capitalist advertising, resulting in utilitarian crimes such as theft.
- Alienation and lack of control over their lives may lead to frustration and aggression, resulting in non-utilitarian crimes such as violence and vandalism.

However, crime is not confined to the working class. Capitalism is a 'dog eat dog' system of ruthless competition among capitalists, while the profit motive encourages a mentality of greed and self-interest. The need to win at all costs or go out of business, along with the desire for self-enrichment, encourages capitalists to commit white collar

and corporate crimes such as tax evasion and breaches of health and safety laws. We deal with these 'crimes of the powerful' later in this Topic.

Thus, as David Gordon (1976) argues, crime is a rational response to the capitalist system and hence it is found in all social classes – even though the official statistics make appear to be a largely working-class phenomenon.

### The state and law making

Unlike functionalists, who see the law as reflecting the value consensus and representing the interests of society as a whole, Marxists see law making and law enforcement as only serving the interests of the capitalist class. For example, William Chambliss (1975) argues that laws to protect private property are the cornerstone of the capitalist economy.

Chambliss illustrates this with the case of the introduction of English law into Britain's East African colonies. Britain's economic interests lay in the colonies' tea, coffee and other plantations, which needed a plentiful supply of local labour.

At the time, the local economy was not a money economy and so, to force the reluctant African population to work for them, the British introduced a tax payable in cash, non-payment of which was a punishable criminal offence. Since cash to pay the tax could only be earned by working on the plantations, the law served the economic interests of the capitalist plantation owners.

The ruling class also have the power to prevent the introduction of laws that would threaten their interests. Thus, for example, there are few laws that seriously challenge the unequal distribution of wealth. Similarly, Lauren Snider (1993) argues that the capitalist state is reluctant to pass laws that regulate the activities of businesses or threaten their profitability.

### Selective enforcement

Marxists agree with labelling theorists that although all classes commit crime, when it comes to the application of the law by the criminal justice system, there is selective enforcement. While powerless groups such as the working class and ethnic minorities are criminalised, the police and courts tend to ignore the crimes of the powerful.

#### Application

Suggest two examples of 'dog eat dog' situations produced by capitalism.

## Ideological functions of crime and law

The law, crime and criminals also perform an ideological function for capitalism. Laws are occasionally passed that appear to be for the benefit of the working class rather than capitalism, such as workplace health and safety laws.

However, Frank Pearce (1976) argues that such laws often benefit the ruling class too – for example, by keeping workers fit for work. By giving capitalism a ‘caring’ face, such laws also create false consciousness among the workers.

In any case, such laws are not rigorously enforced. For example, despite a new law against corporate homicide being passed in 2007, in its first eight years there was only one successful prosecution of a UK company – despite the large numbers of deaths at work estimated to be caused by employers’ negligence (Jenabi, 2014).

Furthermore, because the state enforces the law selectively, crime appears to be largely a working-class phenomenon. This divides the working class by encouraging workers to blame the criminals in their midst for their problems, rather than capitalism.

The media and some criminologists also contribute by portraying criminals as disturbed individuals, thereby concealing the fact that it is the nature of capitalism that makes people criminals.

### Activity Webquest

Corporate manslaughter

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## Evaluation of Marxism

Marxism offers a useful explanation of the relationship between crime and capitalist society. It shows the link between law making and enforcement and the interests of the capitalist class. By doing so, it puts into a wider structural context the insights of labelling theory regarding the selective enforcement of the law.

However, the Marxist approach is criticised on several grounds:

- It largely ignores the relationship between crime and non-class inequalities such as ethnicity and gender.
- It is too deterministic and over-predicts the amount of crime in the working class: not all poor people commit crime, despite the pressures of poverty.
- Not all capitalist societies have high crime rates; for example, the homicide rate in Japan and Switzerland is only about a fifth of that in the United States. (However, as Marxists point out, societies with little or no state welfare provision, such as the USA, tend to have higher crime rates.)
- The criminal justice system does sometimes act against the interests of the capitalist class. For example, prosecutions for corporate crime do occur. (However, Marxists argue that such occasional prosecutions perform an ideological function in making the system seem impartial.)
- Left realists argue that Marxism ignores intra-class crimes (where both the criminals and victims are working-class) such as burglary and ‘mugging’, which cause great harm to victims.

## Neo-Marxism: critical criminology

Neo-Marxists are sociologists who have been influenced by many of the ideas put forward by Marxism, but they combine these with ideas from other approaches such as labelling theory.

The most important neo-Marxist contribution to our understanding of crime and deviance has been *The New Criminology*, by Ian Taylor, Paul Walton and Jock Young (1973).

Taylor et al agree with Marxists that:

Capitalist society is based on exploitation and class conflict and characterised by extreme inequalities of wealth and power. Understanding this is the key to understanding crime.

- The state makes and enforces laws in the interests of the capitalist class and criminalises members of the working class.
- Capitalism should be replaced by a classless society. This would greatly reduce the extent of crime or even rid society of crime entirely.

However, the views of Taylor et al also differ significantly from those of Marxists. Much of their book is a critique of existing theories of crime and deviance, including both Marxist and non-Marxist approaches, and they describe their approach as *critical criminology*.

### Anti-determinism

Taylor et al argue that Marxism is *deterministic*. For example, it sees workers as driven to commit crime out of economic necessity. They reject this explanation, along with theories that claim crime is caused by other external factors such as anomie, subcultures or labelling, or by biological and psychological factors.

Instead, Taylor et al take a more *voluntaristic* view (voluntarism is the idea that we have free will – the opposite of determinism). They see crime as meaningful action and a conscious choice by the actor. In particular, they argue that crime often has a political motive, for example to redistribute wealth from the rich to the poor. Criminals are not passive puppets whose behaviour is shaped by capitalism: they are deliberately striving to change society.

### A fully social theory of deviance

Taylor et al aim to create a 'fully social theory of deviance' – a comprehensive understanding of crime and deviance that would help to change society for the better. This theory would have two main sources:

- Marxist ideas about the unequal distribution of wealth and who has the power to make and enforce the law.
- Ideas from interactionism and labelling theory about the meaning of the deviant act for the actor, societal reactions to it, and the effects of the deviant label on the individual.

In their view, a complete theory of deviance needs to unite six aspects:

- 1 **The wider origins of the deviant act** in the unequal distribution of wealth and power in capitalist society.
- 2 **The immediate origins of the deviant act** – the particular context in which the individual decides to commit the act.
- 3 **The act itself and its meaning for the actor** – e.g. was it a form of rebellion against capitalism?
- 4 **The immediate origins of social reaction** – the reactions of those around the deviant, such as police, family and community, to discovering the deviance.
- 5 **The wider origins of social reaction** in the structure of capitalist society – especially the issue of who has the power to define actions as deviant and to label others, and why some acts are treated more harshly than others.

- 6 **The effects of labelling** on the deviant's future actions – e.g. why does labelling lead to deviance amplification in some cases but not in others?

For Taylor et al, these six aspects are interrelated and need to be understood together as part of a single unified theory

#### Application

Taylor et al's sixth point comes from labelling theory. Which of the other five points owe most to labelling theory and which to Marxism?

### Evaluation of critical criminology

Taylor et al's approach is criticised on several grounds:

Feminists criticise it for being 'gender blind', focusing excessively on male criminality and at the expense of female criminality.

Left realists make two related criticisms.

- Critical criminology romanticises working-class criminals as 'Robin Hoods' who are fighting capitalism by redistributing wealth from the rich to the poor. However, in reality these criminals mostly prey on the poor.
- Taylor et al do not take such crime seriously and they ignore its effects on working-class victims.

Roger Hopkins Burke (2005) argues that critical criminology is both too general to *explain* crime and too idealistic to be useful in *tackling* crime. However, Stuart Hall et al (1978) have applied Taylor et al's approach to explain the moral panic over mugging in the 1970s (see Topic 6).

Taylor, Walton and Young have all changed their views since *The New Criminology* was published. However, Walton (1998) and Young (1998) defend some aspects of the book approach. They argue that:

- In calling for greater tolerance of diversity in behaviour, the book combated the 'correctionalist bias' in most existing theories – the assumption that sociology's role is simply to find ways of correcting deviant behaviour.
- The book laid some of the foundations for later radical approaches that seek to establish a more just society, such as left realist and feminist theories.

## Crimes of the powerful

As we saw earlier, Marxists note that although all classes commit crime, the law is selectively enforced so that higher-class and corporate offenders are less likely to be prosecuted than working-class offenders.

For example, Reiman and Leighton's (2012) book, *The Rich Get Richer and the Poor Get Prison*, shows that the more likely a crime is to be committed by higher-class people, the less likely it is to be treated as an offence. There is a much higher rate of prosecutions for the typical 'street' crimes that poor people commit, such as burglary and assault. Yet with the crimes committed by the higher classes, such as serious tax evasion, the criminal justice system takes a more organic view.

In this section we examine evidence of the extent and impact of the crimes of the powerful, as well as the failure of the criminal justice system to respond adequately to their crimes.

### White collar and corporate crime

The term 'white collar crime' was coined by Edwin Sutherland (1949), which he defined as:

*'a crime committed by a person of respectability and high social status in the course of his occupation'.*

Sutherland's aim was to challenge the stereotype that crime was purely a lower-class phenomenon. However, his definition fails to distinguish between two different types of crime:

**Occupational crime** committed by employees simply for their own personal gain, often *against* the organisation for which they work, e.g. stealing from the company or its customers.

**Corporate crime** committed by employees *for* their organisation in pursuit of its goals, e.g. deliberately mis-selling products to increase company profits.

One further problem comes from the fact that many of the crimes caused by the powerful do not break the criminal law. For example, some may be administrative offences such as a company failing to comply with codes of practice laid down by government regulators.

To overcome this problem, Pearce and Tombs (2003) widen the definition. They define corporate crime as

*any illegal act or omission that is the result of deliberate decisions or culpable negligence by a legitimate business organisation and that is intended to benefit the business.*

This includes breaches of civil and administrative law, not just criminal law. Tombs (2013) argues that the difference between these types of offence is more about who has the

power to define an act as a crime than about how harmful the act is: powerful corporations can influence the law so that their actions are not criminalised.

### The scale and types of corporate crime

White collar and corporate crime do far more harm than 'ordinary' or 'street' crime such as theft and burglary. For example, one estimate puts the cost of white collar crimes in the USA at over ten times that of ordinary crimes.

Tombs (2013) notes that corporate crime has enormous costs: physical (deaths, injuries and illnesses), environmental (pollution) and economic (to consumers, workers, taxpayers and governments). He concludes that corporate crime is not just the work of a few 'bad apples', but rather it is 'widespread, routine and pervasive'.

Corporate crime covers a wide range of acts and omissions, including the following:

**Financial crimes** such as tax evasion, bribery, money laundering and illegal accounting. Victims include other companies, shareholders, taxpayers and governments.

**Crimes against consumers**, such as false labelling and selling unfit goods (including 'food crime'). In 2011, the French government recommended that women with breast implants from the manufacturer, Poly Implant Prothèse, have these removed because they were filled with dangerous industrial silicone rather than more expensive medical silicone. Some 300,000 implants had been sold in 65 countries.

**Crimes against employees**, such as sexual and racial discrimination, violations of wage laws, of rights to join a union or take industrial action, and of health and safety laws. Tombs (2013) calculates that up to 1,100 work-related deaths a year involve employers breaking the law. This is more than the annual total of homicides. Palmer (2008) estimates that occupational diseases cause 50,000 deaths a year in the UK.

**Crimes against the environment** include illegal pollution of air, water and land, such as toxic waste dumping. Following an investigation by US authorities in 2015, Volkswagen admitted installing software in 11 million of its diesel vehicles globally. The software could detect when the engines were being tested and disguised emissions levels that were 40 times above the US legal limit. (For more on such 'green crimes', see Topic 8.)

**State-corporate crime** refers to the harms committed when government institutions and businesses cooperate to pursue their goals (Kramer and Michalowski, 2006).

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This is an increasingly important area, because private companies now work alongside government in many areas, for example in marketised or privatised public services such as education, winning armaments contracts with foreign governments, and the 'war on terror'.

For example, private companies contracted to the US military have been accused of involvement in the torture of detainees during the American occupation of Iraq. (For more on state-corporate crime, see Topic 8.)

### The abuse of trust

High-status professionals occupy positions of trust and respectability. As Carrabine et al (2014) note, we entrust them with our finances, our health, our security and our personal information. However, their position and status give them the opportunity to abuse this trust.

For example, the multinational accountancy firm KPMG admitted in the USA to criminal wrongdoing and paid a \$456m fine for its role in a tax fraud, while a UK tribunal found a tax avoidance scheme devised by accountants Ernst and Young for wealthy clients unacceptable. Described by a Treasury spokesperson as 'one of the most blatantly abusive scams of recent years', the scheme could have cost the taxpayer over £300m per year (Sikka 2008).

Similarly, accountants and lawyers can be employed by criminal organisations, for example to launder criminal funds into legitimate businesses. They can also act corruptly by inflating fees, committing forgery, illegally diverting clients' money etc.

The respected status, expertise and autonomy of health professionals also afford scope for criminal activity. The USA has seen huge numbers of fraudulent claims to insurance companies for treatments that have not actually been performed, while in the UK dentists have claimed payments from the NHS for treatments they have not carried out.

However, perhaps the most notorious case of abuse of trust is that of the GP Harold Shipman. In 2000, Shipman was convicted of the murder of 15 of his patients, but over the course of the previous 23 years, he is believed to have murdered at least another 200.

In 1976, Shipman had been convicted of obtaining the powerful opiate pethidine by forgery and deception, and in the same year obtained (in the name of a dying patient) enough morphine to kill 360 people. Yet for this he received only a warning from the General Medical Council and was allowed to continue practising as a GP.

Crime of this kind violates the trust that society places in professionals. In Sutherland's view, this makes white collar crime a greater threat to society than working-class 'street' crime because it promotes cynicism and distrust of basic social institutions and undermines the fabric of society.

### The invisibility of corporate crime

Despite all this, when compared with street crime, the crimes of the powerful are relatively invisible; and even when visible, they are often not seen as 'real' crime at all. There are several reasons for this.

The media give very limited coverage to corporate crime, thus reinforcing the stereotype that crime is a working-class phenomenon. They describe corporate crime in sanitised language, as technical infringements rather than as real crime. For example, embezzlement becomes 'accounting irregularities'; defrauding customers is 'mis-selling'; deaths at work are 'accidents' rather than employers' negligence or cost-cutting.

Lack of political will to tackle corporate crime: politicians' rhetoric of being 'tough on crime' is focused instead on street crime. For example, while the Home Office uses crime surveys to discover the true extent of 'ordinary' crime, does not do so for corporate crime.

The crimes are often complex and law enforcers are often understaffed, under-resourced and lacking technical expertise to investigate effectively.

De-labelling At the level of laws and legal regulation, corporate crime is consistently filtered out from the process of criminalisation. For example, offences are often defined as civil not criminal, and even in criminal cases, penalties are often fines rather than jail. Investigation and prosecution are also limited.

For example, in 2010, French authorities provided their British counterparts with a list of 3,600 UK citizens holding secret bank accounts with the Swiss subsidiary of the UK-based bank HSBC. The accounts were believed to be a means of evading tax. However, UK tax authorities secured only one prosecution, and no action was taken against HSBC.

Under-reporting Often the victim is society at large, or the environment, rather than an identifiable individual. Individuals may be unaware that they have been victimised (for example, you may not realise you have been illegally duped into buying the wrong mortgage). Even when victims are aware, they may not regard it as 'real crime'. Equally, they may feel powerless against a big organisation and so may never report the offence to the authorities.

### Partial visibility?

All the above factors help to remove corporate crime from the dominant definitions of crime and the 'law and order' agenda, rendering it largely invisible.

However, since the financial crisis of 2008, the activities of a range of different people may have made corporate crime more visible. These include campaigns against corporate tax avoidance such as Occupy and UK Uncut, investigative

Journalists, whistle-blowers inside companies and the media (for example, through adverts for compensation claims over pensions mis-selling).

Similarly, neoliberal policies such as the marketisation and privatisation of public services mean that large corporations are much more involved in people's lives and thus more exposed to public scrutiny than in the past.

## Explanations of corporate crime

Sociologists have put forward a variety of explanations of white collar and corporate crime. Often, these are general theories of crime that sociologists have applied to this particular type of crime. In some cases, sociologists have combined different theories in their explanations.

### Strain theory

As we saw in Topic 1, Merton's anomie or 'strain' theory argues that deviance results from the inability of some people to achieve the goals that society's culture prescribes by using legitimate means. For example, where opportunities to achieve the goal of material wealth by legal means are blocked, individuals may 'innovate' – that is, use illegal methods such as theft to acquire it.

Merton applied his concept of innovation to explain working-class crime, but others have used it to explain corporate crime. For example, Box (1983) argues that if a company cannot achieve its goal of maximising profit by legal means, it may employ illegal ones instead. Thus, when business conditions become more difficult and profitability is squeezed, companies may be tempted to break the law.

For example, in the most wide-ranging documentary study of corporate crime to date, Clinard and Yeager (1980) found that violations by large companies increased as their financial performance deteriorated, suggesting a willingness to 'innovate' to achieve profit goals.

### Differential association

Sutherland (1949) sees crime as behaviour learned from others in a social context. The less we associate with people who hold attitudes favourable to the law and the more we associate with people with criminal attitudes, the more likely we are to become deviant ourselves.

Thus, if a company's culture justifies committing crimes to achieve corporate goals, employees will be socialised into this criminality. For example, Geis (1967) found that individuals joining companies where illegal price-fixing was practised became involved in it as part of their socialisation.

We can link the idea of differential association to two other concepts:

**Deviant subcultures** are groups who share a set of norms and values at odds with those of wider society. They offer

deviant solutions to their members' shared problems. Company employees face problems of achieving corporate goals and may adopt deviant means to do so, socialising new members into these.

The culture of business may also favour and promote competitive, aggressive personality types who are willing to commit crime to achieve success.

**Techniques of neutralisation** Sykes and Matza (1957) argue that individuals can deviate more easily if they can produce justifications to neutralise moral objections to their misbehaviour.

For example, white collar criminals may say they were carrying out orders from above, blame the victim ('they should have read the small print') or normalise their deviance by claiming that 'everyone's doing it'. Learning these techniques is an important part of socialisation into a deviant corporate culture.

### Labelling theory

As we saw in Topic 2, whether an act counts as a crime depends on whether it has been successfully labelled as such. Typically, it is the working class who are more likely to have their actions defined as crimes. As Cicourel (1968) shows, the middle class are more able to negotiate non-criminal labels for their misbehaviour (e.g. as 'youthful high spirits' rather than 'vandalism').

**De-labelling** Sociologists have applied this to white collar and corporate crime, in an approach that Nelken (2012) calls 'de-labelling' or 'non-labelling'. Unlike the poor, businesses and professionals often have the power to avoid labelling. For example, they can afford expensive experts such as lawyers and accountants to help them avoid activities they are involved in, such as tax avoidance schemes, being labelled criminal, or to get the seriousness of any charges reduced.

Likewise, the reluctance or inability of law enforcement agencies to investigate and prosecute (for example, due to lack of resources) also reduces the number of offences officially recorded as such.

This means that sociologists who rely on official records and statistics will inevitably under-estimate the extent of these offences. For example, Clinard and Yeager (1980) are criticised for taking law enforcement agency records for granted as true measures of the extent of corporate crime.

### Marxism

For Marxists, corporate crime is a result of the normal functioning of capitalism. In this view, because capitalism's goal is to maximise profits, it inevitably causes harm, such as deaths and injuries among employees and consumers.

At the same time, capitalism has successfully created what Box (1983) calls a 'mystification'. That is, it has spread the

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ideology that corporate crime is less widespread or harmful than working-class crime. Capitalism's control of the state means that it is able to avoid making or enforcing laws that conflict with its interests. While some corporate crime is prosecuted, this is only ever the tip of the iceberg. As Pearce (1976) argues, this sustains the illusion that it is the exception rather than the norm, and thus avoids causing a crisis of legitimacy for capitalism.

Some sociologists have combined Marxism with other approaches such as strain theory. For example, Box (1983) sees corporations as criminogenic because, if they find legitimate opportunities for profit are blocked, they will resort to illegal techniques aimed at competitors, consumers or the public.

Companies comply with the law only if they see it enforced strictly; where effective controls are lacking, for example in developing countries, capitalism shows its true face, selling unsafe products, paying low wages for work in dangerous conditions, polluting the environment and bribing officials.

### Evaluation

Both strain theory and Marxism seem to over-predict the amount of business crime. As Nelken (2012) argues, it is unrealistic to assume that all businesses would offend were it not for the risk of punishment: for example, maintaining the goodwill of other companies that they must do business with may also prevent them resorting to crime.

Furthermore, even if capitalist pursuit of profit is a cause of corporate crime, this doesn't explain crime in non-profit making state agencies such as the police, army or civil service. For example, state agencies in the former communist regimes committed crimes against health and safety, the environment, and consumers. (For more on state crime, see Topic 8.)

Law abiding may also be more profitable than law breaking. Braithwaite (1984) found that US pharmaceutical companies that complied with Federal Drug Administration regulations to obtain licences for their products in America were then

able to access lucrative markets in poorer countries. These countries couldn't afford their own drug-testing facilities and therefore relied on the FDA's licensing procedures as a guarantee of quality.

### Activity Webquest

Corporate crime

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## Topic summary

**Marxists** see crime as **inevitable** in capitalist society because it breeds poverty, competition and greed. All classes commit crime, but because the **ruling class** control the state, they **make and enforce laws** in their own interests, criminalising the working class while escaping punishment for their own corporate crimes.

The law also performs an **ideological function** by giving capitalism a caring face. Marxism is criticised for ignoring **non-class inequalities** that affect crime and for **determinism** (over-predicting working-class crime).

Neo-Marxism or critical criminology sees crime as a conscious meaningful **choice** often with a political motive – a **rebellion** against capitalism. Critical criminology combines elements of Marxism and **labelling theory** in a 'fully social theory' of deviance. It has been **criticised** by left realists for ignoring the real harm crime does to working-class people.

**White collar and corporate crimes** are committed by high-status individuals and businesses. They are widespread and cause great **harm** yet remain largely **invisible** and often not considered 'real' crime. **Differential association**, **strain theory**, **labelling theory** and **Marxism** have offered explanations of these crimes.



EXAMINING CLASS, POWER AND CRIME

QuickCheck Questions

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- 1 Why are functionalist, strain and subcultural theories called 'problem takers'?
- 2 Identify three ways in which capitalism can be said to be criminogenic.
- 3 How does the study of East Africa by Chambliss support the Marxist view of crime?
- 4 Identify two ways in which crime and the law perform an ideological function for capitalism.
- 5 Explain the difference between deterministic and voluntaristic views of behaviour.
- 6 Explain why critical criminology has been accused of being too idealistic to be useful in tackling crime.
- 7 What is meant by the 'correctionalist bias' in some theories of crime?
- 8 What is Sutherland's definition of white collar crime?
- 9 Explain the difference between occupational crime and corporate crime.
- 10 Name three types of corporate crime.
- 11 Identify three reasons for the invisibility of corporate crime.

Questions to try

Item A Marxism sees capitalist society as divided along social class lines. The ruling class own the means of production and use their power to exploit the working class in the pursuit of profits, often resulting in workers living in poverty. This relationship then determines the shape of the superstructure – that is, all the other institutions that make up society, including the state, the law and the criminal justice system. Capitalism is also intensely competitive, with companies and individuals motivated to seek profits.

Item B Some sociologists focus on the 'crimes of the powerful'. Crimes committed in the interests of businesses and other large institutions can be far more harmful and costly than the street crimes that we tend to think of as 'real crime'. Corporate crime can involve breaking criminal laws but may also include breaking other kinds of law. Some sociologists argue that corporate crime results from pressures to succeed, leading to employees pursuing business aims by illegitimate means. However, others claim that it is the product of capitalism.

- 1 Outline three reasons why white collar and corporate crime may have low rates of prosecution. (6 marks)
- 2 Applying material from Item A, analyse two ways in which Marxists see class and crime as related. (10 marks)
- 3 Applying material from Item B and your knowledge, evaluate sociological explanations of corporate crime. (30 marks)

The Examiner's Advice

Q1 Spend about 15 minutes on this. Divide your time fairly equally between the two ways. You don't need a separate introduction; just start on your first way. To answer this question, it's essential that you take two points from the Item and show through a chain of reasoning how each is a way in which Marxists see crime and class as related. (It is a very good idea to quote from the Item when doing so.)

You could use the idea that capitalism shapes the law or justice system, that capitalism breeds a competitive, 'dog eat dog' mentality, or that exploitation causes poverty. For example, exploitation creates a situation in which the only way that some workers can survive is through turning to utilitarian crime. Capitalism is inherently criminogenic – its very nature creates criminal activity. You could briefly evaluate by noting that this is a very deterministic view.

Use concepts such as the above, plus the state, alienation, white collar and corporate crime, colonialism, ideology, and selective enforcement and law making. Use studies such as Gordon, Chambliss, Reiman, Pearce and Tombs, and examples of different types of crime.

Q3 Spend about 45 minutes on this. You need to examine a range of explanations. Begin by examining problems of defining corporate (including white collar) crime, including civil and administrative law-breaking. Examine its scale in terms of harms caused (e.g. compared with 'ordinary' crime) and the different types of corporate crime. Consider reasons for its relative invisibility and lack of criminalisation, such as complexity, role of the media and under-reporting.

Examine strain theory, differential association, labelling theory and Marxism as explanations of corporate crime, including ways in which some of these explanations have been combined. You can evaluate by questioning how far these theories over-predict the amount of corporate crime (e.g. why not all businesses commit crime), why it occurs in non-capitalist societies, or problems of relying on official statistics of corporate crime.

Use concepts and issues such as the above, plus criminogenic capitalism, innovation, crimes of the powerful, media representations, de-labelling, techniques of neutralisation, mystification and the state. Use studies such as Kramer and Michajowski, Carrabine, Box, Clinard and Yeager, Sykes and Matza, Nelken and Braithwaite. Use examples of corporate crime.

