

Deterrence essay



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Bang! Bang! Another victim lies dead on the cold, hard asphalt. Another person dies for no reason at all. If the killer is caught and brought to justice he may be faced with the death penalty, or he may have to go to jail for the remainder of his life. There are many debates in the field of Criminal Justice about this controversial topic of should the death or incarceration of a criminal act as a deterrent or a missed opportunity to put fear into other criminals. Sixty -Five percent of today's criminals feel before they commit a crime that they if caught will serve some jail time and will be released way before their maximum sentence is up (Wheatley p. 1of4). These criminals, when they get out of prison, show their friends that they got away with murder. " Deterrence if used right should cut crime in half " (Weatley p. 3). Criminals should set an example to others who think about committing crimes. If we patched up the loopholes of the parole process and pushed the maximum sentences in harsh crimes, we would be using the criminals as a deterrent to others who might follow their path.

Although crime is inevitable, the field of sociology as well as others have wrote their opinions and perspectives on the subject of deterrence. The sociology of deterrence is used all over the world, to instill fear into those who have thought about committing crimes and to prevent those criminals from continuing to commit crimes. Deterrence should be used in all kinds of cases. Crime as a way of thought is, if you will, a " seesaw" or a scale keeping society in balance or check. Therefore, deterrence as a theory is society's way of controlling the forces of nature that pray on our social world. The leading theorists in sociology do not touch deterrence as a concept in its

self, but do go into depth on crime and its repercussions on society and its members. Hence the name “vital tension.”

Deterrence is defined in *Criminal Justice in America* as the “Punishment of persons intended to serve as an example to the general-public and thus to discourage the commission of offenses”. There is another definition of deterrence but it goes under the category of “special deterrence”. “Special deterrence is also called specific or individual deterrence because it targets the decisions and behavior of offenders who have already been apprehended”. (Cole p. 230)

Robert Merton one of the fields leading sociologists wrote a piece on the “Social Structure and Anomie”. In this work he attempted to bridge the gap between the criminal justice world and the humanities, through the field of sociology. C. P Snow attempted this task in his work “The Two Cultures”. C. P Snow drew methodology from the sciences and subject matter from the humanities and bridged them together through Sociology.

The correlation between sociology and deterrence is a paradox, being something that is seemingly contradictory, but upon further reflection yields a greater truth. This can be shown through sociologists’ statements that they do not attack the concept of deterrence, but rather look for the causes of criminal behavior and possible solutions to avoid this, when actually their efforts lead to the effectiveness of deterrence.

One of the main problems with the field of sociology is that it tends to abuse the ecological fallacies of crime, meaning that an analyst attributes the characteristics of an aggregate to an individual. For example, when the

media or sociologists focus on specific individual cases, such as the Columbine shooting, they tend to apply it to all youth. This has negative affects, like in this case at Columbine, the media focused on specifically the gothic sect of our youth and certain types of music that were attributed to the killers, and as a result all gothic sects of our youth suffered prejudice, discrimination, and fear.

Robert Merton: “ Social Structure and Anomie”

Merton begins his essay with an analysis of how norms and values of a society ideally relate to each other. (Merton bases much of his theory on his study on migrant workers.) First, he argues that human beings receive many of their goals from society, rather than from biological instincts. “ The values of society are the goals that most individual members are supposed to strive for in their lives. Second, the institutions of a society provide means for achieving those goals. The norms of these institutions regulate the ways that individuals are supposed to strive for the goals. Thus, the culture of the society ideally contains values and norms that are well integrated with each other. The norms allow people to achieve the values, and the values give meaning to the norms.”(Bainbridge p. 58) In a society where following the institutional norms fails to bring many people to the “ cultural-defined goals”, many people will be driven to deviate, perhaps through crime or in other ways. The United states exemplifies such a society, because American culture stresses the importance of gaining individual wealth and status, but the realities of life for the poor and disadvantaged prevent many from succeeding. Merton says this situation is the state of normlessness that Emile Durkheim called anomie, although many different social processes

might produce anomie, and sociologists have offered a variety of definitions for this word. Anomie afflicts the individual person, but it is really a condition of the surrounding society. When anomie increases, crime increases.

American society has high crime rates which have been structured into our society like apple pie. Thus, Merton's theory, the responsibility for crime and other troublesome deviant acts rests with society, not with the individual. So deterrence must be used as a control unit for the individual.

Introduction to Sociological studies:

Another form of deterrence and control is being developed by sociologists. Sociologists are trying to study and research the causes and origins linked to deviance, crime and mental illness. In order to inform, prevent, control and deter crime from happening.

He states, " It was not merely a physically run-down place where many poor people lived, however, but an area that was poorly intergrated into the social life of the rest of the city." Thrasher said that gangland was interstitial, meaning a space that filled the gap between many other things.

The gang is a primitive society that the boys create for themselves because the larger society is unable to meet their needs. The standard institutions of society have broken down. Families disintegrate. Slum schools offer little interest. Local politics is corrupt. Low wages and high unemployment prevent the boys from finding much value at places of work.

Edwin Sutherland: Principles of Criminology

Sutherland developed a theoretical explanation of criminal behavior that rejected the emphasis upon social disorganization that was popular at the time in criminology. He sought to understand how deviant subcultures could influence the behavior of individuals. Adult criminal gangs existed for a long time and survived through the recruitment of young men who were turned into criminals. Sutherland explains this process in his nine-step model, differential association theory:

2. In interaction with other persons in a process of communication
3. Principally within intimate personal groups.
4. The learning includes- a. techniques of committing the crime, and b. the specific direction of motives, drives, rationalizations, and attitudes.
5. The specific direction of motives and drives is learned through definitions of the legal code as favorable or unfavorable.
6. A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of the law. (' definitions' comes from the general theoretical perspective, symbolic interactionism. This approach emphasizes the messages that humans communicate to each other. People come to define a situation in a particular way; they then communicate this definition to others; an individual receives a variety of messages from different sources. If most of the messages favor criminal behavior, then the person will become a criminal.)
7. Differential associations may vary in frequency, duration, priority, and intensity.

8. The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.

9. While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values, since non-criminal behavior is an expression of the same needs and values.

The distinguishing feature of criminal behavior is that it is learned from criminals, and anyone might become a criminal if he or she were more strongly influenced by the criminal subculture than by conventional society.

In a document titled *Understanding and Preventing Violence* by Jeffery Roth he discusses research on how to prevent, and abolish violent crimes. Roth lists some essential issues that we need to face in order to solve crime. He states, “ The extent and nature of violence in this country; promising opportunities for prevention and deterrence; and areas in which further research and better measures are needed, particularly to identify causes and additional opportunities for prevention”(Roth p. 143).

The level of violent crime in this country has reached high, though not unprecedented levels. However, sociologist would look at this data and say that crime is normal, and that in time criminal acts and prison rates would balance out in the end. Between 1975 and 1989, harsher prison sentencing prevented some violent crimes through incapacitation and deterrence, but crimes by persons still in the community offset those preventive effects. “ In addition to an effective criminal justice response, the strategy for violence reduction should include preventive interventions directed at the multiple

factors affecting the risk of violence”(Roth p. 178). Another way to look at the problem of crime is through long-term prevention should include strategies directed toward children and their caregivers parents; interventions undertaken at the social and community levels are positive benchmarks. Also as Roth talks about at a Biomedical level, biomedical strategies in areas as substance abuse by pregnant women. More immediate effects may be obtainable by interviewing in situations where violent events are clustered, such as illegal drug markets, certain places where alcohol and firearms are readily available and physical locations conducive to crime.

The national Academy of Science Panel on the Understanding and Control of Violent Behavior helped criminal justice officials understand the major problems of crime and how they should go about deterring it. While present murder and other violent crime rates per capita are not unprecedented for the United States in this century, they are among the highest in the industrialized world. While sentencing for violence crimes grew substantially harsher between 1975 and 1989, the number of violent crimes failed to decrease. This happened apparently because the violence prevented by longer and more common prison sentences was offset by increases due to other factors. This suggests a need for greater emphasis on preventing violent events before they occur. “ Although, findings of research and program evaluations suggest promising directions for violence deterrence strategies. By developing defective prevention tactics will require long-term collaborations between criminal justice and juvenile justice practitioners, and other social service agencies, as well and evaluations by researchers”(Roth p. 75). As we can see, people are very concerned. Violence is a serious social

problem. In 1990, 23, 438 Americans were murdered, a rate of 9. 4 for every 100, 000 people. In the latest years for which comparative data are available, this rate was nearly double that of Spain, which had the second highest rate in the industrialized world. This is too many this is an alarming statistic. Deterrence of criminals is not just a domestic matter it is needed all over the world. To deter offenders or prevent criminals for repeating crimes is to save innocent lives. It is the only way for our justice system to provide justice and at the same time secure the safety of society.

There have been many recent examples of deterrence being applied in the news.

The New York Times covers many different stories that are related to criminal justice, and the deterrence and prevention of crime, all over the world. This next article shows that crime is not just a U. S. problem, and that Durkheim's and Merton's theory happen all over.

New York Times Article (Johannesburg)

A recent example is found in the February 27, 1998 paper in the international section on page 4. The title of the article is For Rising Crime Rate, High-Rise Jail to Match. The article is referring to the crime in Johannesburg, in South Africa. The crime rate has risen so drastically in the last ten years so much that it has doubled. Johannesburg's government officials are so dumbfounded on the issue of crime prevention that they do not know how to stop it. They proposed to build this maximum-security prison that is a 53 stories high " dorm like penitentiary." Mr. Silver is the person who ordered the design and says, " It will hold the worst of the worst,

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and there is no way for escape”. However, Mr. Silver would not comment on the life style inside the prison. Sources say that there are torture stations within the basement of the skyscraper. There are also rumors that prison officials are allowed to beat the prisoners and handle their own problems within the walls of the prison. Silver states, “ prison needs to change and deter criminals, so that if they are set free they will stop others and not be repeat offenders”. He then states, “ Do think prison should be like a hotel?”

Although this is a cruel method and one not allowed in the states, it is a very good way to show others to think twice before committing a crime that it is not a piece of cake to serve time in this prison. In the U. S, this is a big part of our Criminal Justice problems. We need to have stronger deterrents than the existing punishments that get criminals out of jail 4-5 years before their sentence is up. Johannesburg seems to have the right idea about how to deter their criminals.

There is an article on the second page of the February 9, 1998 edition of the New York Times that is a little alarming to the author Anthony Lewis. The Title of the article is Judge Given Arguments on Sentence for Nichols. The article is about the sentencing of Terry Nichols, who was one of the main persons involved in the Oklahoma City bombing of a Federal Building. In addition, this article states Nichols’ lawyers ask the presiding judge for Nichols to serve a maximum of six years in jail. Meanwhile the prosecutors ask for a life sentence for Nichols. Nichols killed hundreds of people with this act of violence and hatred. Anthony Lewis asks the question, “ If Nichols does not get anything but life in jail or death, it will be very obvious that one can kill and be let out”. It is an outrage to think a person can even imagine

asking for the minimum sentence of 6 years for murdering and injuring so many innocent Americans, this only shows where the mentality of today's criminals are at. This attack is very upsetting, but more importantly it is a wake up call to the American people and justice system. Deterrence and the prevention of crime is so important that we must practice it and enforce it every day for it to work, in order to prevent another horrendous attack like the one at Oklahoma City. We need to make cases like the Nichols case that has had so much media exposure an example, to let the people out their aware that the U. S justice system is not going to tolerate any more instances like this. Once we start to send this message to people that are thinking about commuting a crime, the message will act as a deterrent.

Another article that has to do with deterrence was also in the February 9, 1998 edition of the Times.(p. A3). It was written by Mireya Navarro, its title was Execution Without All the Attention. The article is about the execution of a woman by the name of Karla Faye Tucker, who killed her husband with a pickax, in 1983. She was sentenced to death in February of this year in Texas. Navarro states, “ Death penalty opponents had hoped that this case of Mrs. Tucker would bring a new out look on the deterrence of crime”. The article also states that television and the media played a large role in convincing the country that Tucker had committed such a heinous and disgusting crime and that she disserved the death penalty. This case proved that the State of Texas would not tolerate criminals that commit murder. “ This case is one for the good guys”, said Navarro. “ Everybody wants to be safe and everybody wants criminals to be put away, but sometimes out systems fails us, and thats when we need to act. We need to prove to the

rest of the country that crime is not accepted here in Texas”, Kate Thornton, mother of a murder victim. In order to provide a safe place to live we must prevent and deter criminals from committing crimes. The Tucker trial is a good example because of effective deterrence because it was so public, but justice should not only work when there is a T. V camera in the courtroom.

Travis Hirschi: Causes of Delinquency

Hirschi evaluated the relative validity of the three theories by administering a large questionnaire to junior and senior high school students, Hirschi also obtained school records and information from the police about which of the students had gotten into trouble. Hirschi preferred control theory, which he defined as the view “ that delinquent acts result when an individual’s bond to society is weak or broken”, that bond has four parts: 1) attachment to people (close relationship with parents) which makes a person sensitive to the wishes of others. 2) commitment, which means investing time and energy in a conventional line of activity(such as getting a good education) where the investment would be endangered by delinquent behavior. 3) involvement, having no opportunity to deviate because all one’s time and energy is monopolized by conventional activities(extracurricular activities). 4) belief, the conviction that the norms of society are just and should be obeyed.

Hirschi helps provide a solution for deterrence applied in his research towards the youth. His research evaluates, not just one but all the three theories discussed by previous sociologists. Hirschi’s work showed that teenagers who shared much time with their parents and were more involved in school were less likely than other youngsters to commit delinquent acts.

More students would react positively to this model, and thus it could be used as a deterrence to criminal behavior of the youth of America.

New York Times Article (Policing Students)

Deterrence is not only found in death penalty cases, it is also found and used in less severe cases such as young adults. An example of this is found in a New York Times article entitled, Schools Are Moving To Police Students' Off-Campus Lives written by Tamar Lewin. This article is about school's who wanted to police their students' off-campus lives. Lewin goes into the problems of today's young people, such as drugs, gangs and today's families. He states that " Schools are, by default, what people look to. And when the Supreme Court O. K.'d drug testing of student athletes in 1995, which is really testing for drugs that were taken outside of school, that was seen in some places as a green light for getting involved in behavior that takes place out of school".(Lewin p. A4) The ruling of the Supreme Court was a law that was based on deterrence. The Court wants to deter kids from doing drugs, by giving permission to the schools to tests its students. Some schools are wondering, if the drug rates in the schools that were being testing went down because of a fear of a drug test, why not try to deter kids from joining gangs and monitor their family life. Policing students off campus would make students act in accordance to the police and other authoritative figures. The schools would be using the police as a deterrent, so the kids would act in accordance with the law and the not fear the police. It would also deter students that have already committed crimes and prevent future ones from happening. The rates of drug activity and crime in the schools that

have chosen this method have gone down dramatically, and so has the amount of detention and suspension.

The philosophy of deterrence is used all over the world, to instill fear into those who have thought about committing crimes and to prevent those criminals from continuing to commit crimes. Deterrence should be used in all kinds of cases but it only works when it is applied. If the Criminal Justice System refuses to apply deterrence to criminals in their cases, society will suffer. Society will suffer in the light that it will give a green light to pre-offenders who might be thinking about committing a crime. If the justice system is being light on offenders, people will get the mindset that you can pretty much get away scot-free with a crime. Our justice system is letting us down, by giving those who kill and slay our loved ones, the opportunity to get out of jail. However, this all can be prevented if we will apply deterrence to all of our problems. Therefore, the philosophy of Deterrence is the answer to many of societies problems.

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