

Explaining crime

[Law](#), [Crime](#)



Causes of crime are arguably criminology's most important and largest research topic. In this process of research, criminologists and academics have used numerous theories in attempts to explain how and why people resort to crime (Ellis, Beaver, Wright, 2009). The purpose of this paper is to examine a case study first with the use of strain theories (ST), followed by social learning theory (SLT). The first section will involve a summary of the case of R v Mark Andrew HUGHES (2009) NSWDC 404 involving an outline of the offender's personal life, of his crimes, and his punishment handed down by the New South Wales District Court.

It is important to outline these facts in order to refer to them and appropriately analyse them. The following section will use strain theories to analyse factors and causes that lead the offender to commit his crimes. Anomie and strain theory will be used here with respect to Merton's concept of "retreatism" (Merton, in Alder, Laufer, 1995), as well as Agnew's general strain theory (GST) as it accounts for individual and emotional strain derived from negative relationships (Agnew, 1992). These will be the primary theories used for analysis in this paper as they are most relevant.

The final section will involve the application of SLT. Drawing from the case of R v Mark Andrew HUGHES (2009) NSWDC 404, the offender is a forty seven year old man named Mark Andrew Hughes and will be referred to as Mr Hughes for the duration of this paper. Mr Hughes childhood involved a significant degree of negative stimuli. For example, Mr Hughes experienced rejection through the failed relationship of his mother and father at a very young age, resulting in the complete absence of his biological father.

Mr Hughes was then subjected to his mother's new marriage and relationship with a man who was to become his stepfather. This relationship became volatile and involved alcohol abuse and violence, resulting also in separation and divorce. In addition, Mr Hughes was subjected to his mother's battles with some mental health issues, and problems with the abuse of prescription medicine. Mr Hughes' adult relationships somewhat reflect his mother's. He married two times of which both resulted in divorce.

Importantly, the first marriage was in 1991 and created three children, of which one tragically died at seven months of age. He is currently having virtually no contact with the other two who are now teenagers. Mr Hughes notes his second marriage (1996-2005) was extremely important to him, however collapsed due to his relationship with drugs. This marriage created two children whom he has contact with every Sunday, however his current circumstances (in custody) means this is via telephone.

Apart from the minimal contact Mr Hughes has with his two sons, he has been cut off from his family. It is also acknowledged that Mr Hughes had been seeing a counsellor however stopped just prior to his crimes due to the effects of his drug addiction at the time. Drugs have been a big part of Mr Hughes' life from a young age. He began using cannabis at age twelve, and his first experience with heroin was age fifteen, which resulted in addictions and long periods of residential treatment.

It has been reported that in times of personal upheaval, Mr Hughes is incapable of controlling his desire to resort to drugs (substance abuse) in order to escape. In fact, in recent years Mr Hughes' drug addiction has

involved speed and ice to such an extent that he needed to remain high (drug-affected) in order to avoid the pain of “ coming down”, which was a daily habit that cost over \$400 a day. It could be said that as a result of Mr Hughes early life experiences, gaining an education was a struggle, and has been limited.

For instance he finished his schooling half way through secondary education, resulting in several unskilled jobs however, shortly prior to a breakdown in his second marriage, and his criminal conduct, he held a job in a recycling factory for almost fourteen years. It should be noted that the court points out the findings from a well-known clinical forensic psychologist called W John Taylor, who states that based on Mr Hughes history, he felt he had a conduct disorder in his early teenage years, confirms he is clearly battling with drug abused disorders, and is currently suffering with depression.

However he feels that Mr Hughes is genuine in his desire to overcome his addiction with drugs, and with the right support, he has a chance at reforming his behaviour and addictions. This brings us to the second issue to be outlined, that is Mr Hughes crimes. Aside from a charge of break and enter as a child, another charge regarding sexual relations with a juvenile when he himself was a juvenile, and at the age of twenty-two, convictions for false pretences, theft and drug use, Mr Hughes has managed to remain crime free regardless of his drug addictions.

Also, until the most recent crimes, Mr Hughes has never served a prison term. Thus in view of these facts, the court regards this as an insignificant criminal record considering Mr Hughes current age. During the months of

September to the end of November 2008 Mr Hughes resurfaces with six serious criminal offences, mostly involving break enter and steal of which was from a business, a warehouse, a workshop and two homes. Two of these offences involved criminal acts that incurred separate charges, which were stealing a car from one of the homes he entered, and also damaging property.

Importantly one of the six offences was an aggravated break enter and steal from a home as one of the owners (husband) came home and surprised Mr Hughes while he was inside stealing. Mr Hughes responded with aggressive behaviour threatening him with what has been described as wire cutter, eventually forcing the man on a bed and telling him to stay there and he would not harm him. The man warned Mr Hughes that his wife was due home and hoped this would scare Mr Hughes off, however it resulted in Mr Hughes tying up the victim's hands, and gagging his mouth for a short period of time while he continued to steal and ransack the home.

It was mentioned that Mr Hughes did not cause any physical harm, however the crime is regarded as very serious. Finally, the court came to the overall sentence for his crimes of eight years and five months, with a non-parole period of five years and five months. The sentencing process considers a range of factors which will be discussed later. Agnew's (1992) GST proposes that crime is committed as a result of pressure or strain that is derived from negative relationships and subsequent life experiences or events through those relationships.

These relationships include three types of strain that involve situations where a person has taken away something valuable from another, ruined another's opportunities to achieve a valued goal/s, or the infliction of offensive and unwanted stimuli (Bernard, Snipes, Gerould, 2010). The consequences of being subjected to strains of this nature, is the generation of various negative emotions within the person like depression, fear, anger, frustration, disappointment, and anxiety.

Thus, depending on an individual's characteristics and environment, these negative emotions can lead them to commit crime (Agnew, 2006). The way in which a person responds to this strain and subsequent negative emotion, is to either accept their current situation with a positive outlook, which usually involves the individual having a good support network; or turning to delinquent behaviour and the use of drugs to avoid negative emotions (Agnew, 2006; Bernard, Snipes, Gerould, 2010). From this we can already begin to see some of the aspects of GST in the case of Mr Hughes.

For example, referring back to Mr Hughes personal details, Agnew would argue that because this man's troubles started as a child through the loss of a relationship with his biological father, the introduction of a new father who presented negative stimuli and was "imposed/not wanted", and he was unable to remove himself from this situation or relationship due to his age, he was therefore subjected to the effects of emotional strain. In addition to this, the most significant person in his life (mother) was also presenting negative stimuli by self-medicating and engaging in volatile arguments with the stepfather.

According to GST, as a child/adolescent, Mr Hughes would have been suffering with feelings like fear, anger, and disappointment, and so taking drugs was his way to directly cope/manage these emotions and interpersonal problems (Agnew, 2006). The fact that Mr Hughes was very young when he began to take drugs, as well as dropping out of school early, and committing some forms of crime, is evidence of the explained process of Agnew's concepts in GST, and in fact were primarily used to explain delinquency and drug use in adolescents (Bernard, Snipes, Gerould, 2010, p. 64). Additionally, before Mr Hughes committed these most recent crimes, he has in many ways re-experienced these issues in his adult relationships. For example, the tragic loss of his first born son, the loss of his contact with his daughters and wife from the first marriage, are all examples of something valuable being removed from his life. This then occurred again in the next marriage, which Mr Hughes had stated was very important to him, and a very big loss.

Social Learning theory can also help to explain this repeated experience of Mr Hughes and will be discussed later. There are two other explanations through the use of strain theory that can help to explain why Mr Hughes lived most of his life crime free, in spite of his drug habit, before committing his most recent crimes. Firstly Agnew developed another concept within GST in the form of "storylines" which operate at a time-based level and can help to draw connections from past events to explain current issues or 'situation cues' (see Agnew, 2006b).

Using this concept it could be said that Mr Hughes most recent crimes are a result of his desperate need for money to support his severe drug habit that is

primarily a result of coping with his emotions that stem back to childhood. The second concept is derived from Merton's (1968) idea of anomie, where by society's expectations and emphasis is strongly attached to the idea of always striving to achieve monetary success, which is generally proven through the accumulation of things like houses, cars, private schooling and general wealth.

However Merton argues that opportunities to achieve this success are not evenly distributed, and it is usually the lower class citizens that struggle to achieve the final goal (Merton, 1968). Never the less, each individual is expected to continue to try for their own self-respect and value (Merton, in Alder, Laufer, 1995). Merton offers four ways in which people may respond to their ability to achieve wealth, or not, through institutionalized means (see Bernard, Snipes, Gerould, 2010, p157).

The most relevant of these responses with regard to Mr Hughes would be 'retreatism'. Rendering this concept, aside from long term drug use, the fact that Mr Hughes lead most of his adult life up until this point, as a law abiding citizen, and held his job for fourteen years, attempted to have a family on two occasions, and attended counselling in an attempt to rectify his personal issues and better himself, are all signs that he strived to achieve the expected societal goals and aspirations to the best of his ability within his available means.

That is with limited education, no acquired skills, and limited social skills. From this, it would be argued that Mr Hughes has come to the realisation that he has once again lost his battle with drugs, and as a result failed

another marriage, losing contact with his children a second time, then losing his long term job, finding himself without any family support of any kind, and thus believing, then accepting that he will never actually achieve anything.

In his response to his battle to achieve, he has become a classic “retreatist”, as the strain became too much to bear, thus becoming deeply engrossed in his addiction with ice to such an extent that he had to steal to fund his addiction (Merton, 1968). The underlying societal values and importance of accumulating wealth are heard in the various comments of Judge Cogswell in response to Mr Hughes crimes, and in determining sentencing (see R v Mark Andrew HUGHES [2009] NSWDC 404).

One example can be seen in this comment: “Once again, one can imagine the inconvenience and distress which the theft of computer and mobile phones must have had on the managers of that business”. These comments are not just due to the loss of the physicality of the objects themselves, but also their use in the business, as they would be an important aspect in facilitating the institutional means of achieving further success.

Also in Mr Hughes most serious crime, the comments again refer to the victim’s home being used to commit crime. For instance it was stated “This must have been an extraordinarily terrifying experience for the clergyman, whose home was used to commit this crime by Mr Hughes”. This again clearly shows the importance, respect and value placed on achieved goods. These concepts of anomie and strain theory with regard to good societal goals and values are also considered and noted by the court with regard to Mr Hughes himself.

For example a considerable amount of time was taken from Mr Hughes time to be served in prison to acknowledge the good in his values that was observed in the way of his remorse for his crimes, and quick pleas of guilt to all of his charges. It was stated “ this has a significant impact on the administration of justice in this State”. And because he had never served time in prison before this could be regarded as special circumstances that enabled the adjustment of the ratio between the non-parole and parole period.

However it was surprising that considering how in line a lot of the court responses were with the concepts found in strain theories, that one method in which could be used to help people like Mr Hughes, and that was recommended by the court appointed psychologist mentioned earlier, was later considered as un-important by Judge Cogswell. Mr Taylor had stated that in order for Mr Hughes to have a chance at rebuilding his life, his lack of social and emotional support must be considered, and believed that his program called “ Ex-Inmate Program” could help with many of his issues.

Mr Taylor’s ideas and concerns are in line with methods found in strain theories that would help to reduce the burden of strain (Bournaud, Snipes, Gerould, 2010, p169) in the lives of people like Mr Hughes. Social learning Theory (SLT) compliments strain theory but most importantly can help to explain some aspects in this case that strain theory cannot. Firstly it can be argued through SLT that much of Mr Hughes negative behaviour has been learned through observing his mother and stepfather’s abusive relationship, and his mother’s negative coping strategies as a result of them (Bandura,

1977). Refer back to the life history and crimes of Mr Hughes, the concept of learned behaviour may explain some of the vandalism and aggressive behaviour to the victim in Mr Hughes crimes that strain theories has not. Specifically, the concept of ' differential associations' in SLT would suggest that Mr Hughes has gone through an observational process over the course of his young life that has equipped him with the skills to behave in the way he has (Akers, 1994).

That he has been isolated from more pro-social behaviour, and therefore acquired various negative attitudes motives and rationalisations for his actions (Bernard, Snipes, Gerould, 2010). This can also help to explain the similar relationship behaviour and coping strategies that Mr Hughes had to his mother. Furthermore, Burgess and Akers (1966) developed the concept of differential reinforcement, which argue that individuals engage in behaviour in ways that will positively reward them and that they can identify with from observing others.

Thus it can also be argued that Mr Hughes engaged in the type of criminal behaviour that he did to reward himself with goods and money that will fund/ reward him again with drugs, which then rewards him by removing not just his emotional pain, but the painful withdrawal symptoms he acknowledged he suffered at the time of these crimes. To combine both SLT and strain theories, Mr Hughes has in a sense experienced twofold the conditions to lead him to crime and negative coping strategies.

For example SLT would argues Mr Hughes observed how to manage negative emotions long before he could fully experience or understand his own,

through the observation of his mother's benefits from self-medicating. Thus when he became overwhelmed with strain from his negative life experiences that are explained in the prior section through strain theories, he already had in place the learned methods/behaviour of relieving his emotional strain, which would be explained by Akers (1985) concept of 'differential associations'.

Thus the process of 'retreating' discussed previously in ST, became an easier process as he has mimicked or put into action his own interpreted version of coping with the use of drugs. However, unfortunately neither of these theories account for mental health or conduct disorder, both of which Mr Hughes was diagnosed with, and are significantly related to negative home environments, delinquency and substance abuse in adolescent (Linskey, Fergusson, 1995; Hinshaw, Lee, 2003). In conclusion, SLT and ST can help to understand most of the complex issues that lead to the criminal actions of MR Hughes.

It is clear that both observing and experiencing negative stimuli has consumed Mr Hughes with various negative emotions that resulted in strain. It is not hard to understand from these theories how and why Mr Hughes became so addicted to drugs and struggled to manage his relationships effectively as a result of these factors. However what is not accounted for in these theories with regard to his behaviour and crimes, are the influences of his diagnosed conduct disorder he had as an adolescent or his current state of depression.