Kendall Mire

Conflict Criminology

A consensus theorist would define law as a guideline agreed upon by society, and use society’s beliefs of what is right, wrong or just to make a statement of fundamental values for each law. They would form a hypothesis on weather a law would be deemed legal or illegal by the affects on society and how it fits into their established values. For example, there could be a drug that may have certain health issues but helps people communicate with society more efficiently. A consensus theorist would weigh social values on weather the health or social aspect of the drug is more important in society. They could value health more and this would make the drug illegal, or they could value the social aspect more and therefor make the drug legal. On the other hand, consensus theorist believe that conflict is always going to be around, and that those who uphold the law must mandate these opposing values in the same society. This is why its critical for upholders of the law to recognize both sets of values in society so that they can keep peace.

Conflict theory has a different perspective of how laws determined. They view them as more “survival of the fittest.” They see the people in power as taking the values of society into their own hands and manipulating them to sound like what’s best for society. Conflict theorist claim that law enforcing institutions are defending the interest of the most powerful groups who are in control over the institution. These in power and control law can then use it to make their own agenda with there own interest. The previous example about a drug can be used to show conflict theorist perspective as well. They would still look at how the drug affects society, but then compare it to how it affects those in powers values. Those in power would suppress the opposing less influential groups ideas and make way to pass the drug that helps them the most and begin advertising to get people on their side. Conflict theorist see law making as a way for the powerful to take advantage of their interest and push the others to the side. This is not a new theory; it has been going on for over a century.

The Supreme Court case *Whitney v. California* was a controversial were Anita Whitney was convicted under California’s Criminal Act, because she helped establish a branch in the Communist Labor party. She was victimized under *the clear and present danger clause*, because *The Communist Manifesto* writes about a violent overthrow of the most powerful group in society. She tried to appeal this by claiming that they where not trying to overthrow the government, but establish a group dedicated to the ideal of sovereign equality. Her defense was based on the rights of the first amendment. The conflict theory would show that the government is afraid of the idea of communist overthrow and that does not work best for the ideas of the government. They undermined the fact that this was value that some held and the court denied her appel with a 9-0 vote. They did not defend the moral value of the first amendment and defended their fear of communist power, which is feared by the higher up or powerful.

Donald Black’s theory went alongside conflict theory in many ways. He had five dimensions of social life that affect the behavior of law. He stresses that satisfaction is the most important, because it measures the difference in wealth most affectively between social groups. Black states in his hypothesis, the higher a person is in the realm of stratification, the more likely the law will protect their actions. This feeds into the conflict theory where the powerful create laws that best satisfy their own needs. The next dimension, culture, talks about horizontal distance as the growth of separate cultures. In this he says that conflict is only created when groups create distance between one another. This is similar to conflict theory, but it is saying one group is trying to create distance while the other is trying to bring them closer. In two of the other dimensions, organization and social control, conflict theorist agree that they can be used by both upper and lower classes. It is also apparent that upper class have the advantage to organize and gain social control due to our capitalist values.

In America personal interest is becoming more important to people than morals and this makes conflict theory easy to see especially in white collar crimes. Money is a huge motivator in this country because to get power you essentially need money. In businesses today executives are in it to make more money than they know what to do with. This creates an atmosphere for their employees to do the same to keep their bosses happy. When it comes to pulling a few strings to “cheat” and make more money they have know problem doing so. The reality behind it is they know if they can make enough money that they will be able to buy their way out of trouble. When you have enough money you can pay politicians that support your ideas and are willing to make the laws to help you succeed or just get you out of trouble once your caught. This gives you the social control that you were looking for with all that money and allows you to pay your way through problems and get away with almost anything. In the long run once you are caught you have the advantage over those you may have victimized because you can manipulate the courts to see your view more important like in conflict theory.

Conflict theorist relate impulsive and irrational behavior as people trying to make their interest group more powerful. This is not always true though, because some people actions are not always with their groups best interest in mind. Some of these groups are tired of being oppressed and don’t think of their actions clearly. This leads to them lashing out and can cause them to lose what social control they had. One of the biggest problems of lashing out is that its more often not thought out, therefor loses the message of there group. If this group lashes out and can’t gain back control and organization, then they will fail to carry out their original message. This shows why organization is a very important fundamental aspect to achieve social control.

Statistics would show that lower level people commit more crimes. Which makes since that people with lower social control score higher in crime rates, because this only shows individuals that get caught. This meaning that more powerful groups have social control over law enforcement and decide to label less powerful groups behaviors as criminal acts or deviant. They assert this control in ways that make smaller crimes done by less powerful people much larger penalty’s. While on the other hand, the more powerful groups are getting slaps on the wrist for larger crimes. This is why the crime statistics are not accurate in there finding.

People are motivated to get social control so that they are able to do what they want without the fear of punishment. That is done by manipulating the image, even though they are the actual problem. The ones who are able to do this are the power holders and because they gain social control, all they have to do is point their finger at opposing groups and it turns the attention off of their immoral acts. They use social control to convince the people they are the good guys. This takes away any risk of social organization against them, which is the only action able to trump social control. Richard Quinney describes this when he said powerful individuals and groups “promote particular conceptions of crime in order to legitimize their authority.”

Morals in todays society have gone way down and this makes the consensus theory less relevant in todays society. The government has lost a lot of trust from the lower level people. This is due to the rich get richer and the hard working lower class just trying to get by. The capitalist system they are running seems to be manipulated to benefit only one group. To get away from a conflict theory and back to a consensus theory we are going to have to make changes up top so we can get back to growing positively as a national society.