

Dr. Wendi Goodlin
AJ 325 (2:00-3:15 M/W/F)
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The issue of whether crime benefits society is subject to debate among citizens and scholars alike. After reading passages from authors Emile Durkheim and Daniel Moynihan, I have concluded that crime is necessary for a society to function, but only in moderation. These authors agree that crime happens and society anticipates its occurrence, but they disagree on whether or not crime is beneficial to society. Crime is beneficial for society because it tests morals and creates social laws that all must abide by, and whoever does not abide by these laws or rules are deviant (Durkheim, 1938). Moynihan states that society needs to control crime, or the crimes that society considers horrible will become a frequent occurrence (~~Moynihan, 1993~~). Crime is a beneficial element to society. While many people think it harms society, crime can actually test society's morals and help establish them (Durkheim, 1938).

Emile Durkheim's theory on how crime benefits society comes as a shock to many people. Few people would consider crime beneficial to society. After reading both sides and understanding the opinion expressed by the author, it became clear to me that crime is good for society in moderation. Durkheim did an excellent job of explaining why crime is beneficial to society. He states that crime prepares society for changes in the future. Durkheim also states that crime helps evolve society. Deviants challenge the morality and strength of a society, and without crime, society cannot progress. Crime helps keep society from a plateau. I feel that Durkheim is essentially arguing that in order

for goodwill to exist, evil must counteract the goodwill to create a progressive society (Durkheim, 1938).

The author who disagreed with Durkheim is Daniel Moynihan. Moynihan states that while he agrees that crime happens and is unavoidable, society should not accept crime. Moynihan gives excellent examples of how crime desensitizes society. He states that horrific crimes like the St. Valentines Day Massacre are now common events in certain cities. Crimes that once shocked the American population are now less shocking than they once were. Moynihan states that normalizing crime harms the system. I agree with Moynihan that terrible crimes that occurred forty years ago are more common now, and that society is accepting this. Society is taking a dangerous risk by accepting these crimes because they will only get worse (Moynihan 1993).

I believe the crime control model should be applied to this issue. While Durkheim is concerned about the offender as a person, he is more concerned with the criminal category (Durkheim, 1938). Moynihan wants control on crime in order to prevent its expansion, but crime is dynamic and will always shift up or down (Moynihan, 1993). The crime control model, according to our class notes, states that the criminal justice system should protect the public and deter criminal activity. It accepts the fact that crime is unavoidable, but at the same time accepts the fact it is controllable. This is a very stern and conservative viewpoint. It accomplishes the issue Moynihan has of crime getting worse and expanding, and accepts the issue that Durkheim proposes of crime being beneficial by creating criminal justice jobs.

This issue greatly affects the criminal justice system. Disagreeing or agreeing with the issue will affect the way people view how the criminal justice system should

respond to crime. Crime is constantly changing while at the same time subject to variations in the frequency with which it occurs. If one accepts the fact that crime is beneficial to society, he understands that realistically he can never eliminate it. If one believes crime is preventable and that it damages society, then he will perform to the best of his ability to suppress its occurrence. I accept that crime is beneficial to society, and that the criminal justice system should always be prepared for a criminal class. Durkheim (1938) and Moynihan (1993) make excellent points and a mixture of these two thoughts should exist (Durkheim, 1938). Crime that shocked the conscious forty years ago should still shock the conscious of society today (Moynihan, 1993).

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 PARTIAL AND A GREAT POINT
 IT WAS... MOYNIHAN
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(1938)

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Is crime beneficial to society? To me, the answer to this question is simply; no. Surprisingly, there are enough people affiliated with Criminal Justice System that believe to the contrary, one such individual is Emile Durkheim (1938). He believes crime actually benefits society in such a way that it brings about healthy change and modification to society's view of "crime" (Durkheim, 1938). Former U.S. Senator, Daniel Moynihan (1992), takes a more logical approach to the issue by pointing out that Durkheim overlooks the probable violent consequences of accepting crime, and other acts of deviancy, as "normal" or "healthy" (Moynihan, 1992). My feelings concerning this issue travel farther away from Durkheim's (1938) opinions than Moynihan's (1992).

My view of the issue is that the only faction of society benefitting from crime is, in fact, the criminals. Durkheim (1938) tries to make a case that society should view crime with an open mind, so that it may be sensitive to any constructive changes. I disagree with that notion in its entirety; crime should not be tolerated. Society's ability to lend an open mind when considering the crime does not change the fact that the laws have been broken.

Moynihan (1992), in an attempt to strengthen his argument, presents literature by Kai T. Erikson (1965), who mentions an aspect that is true of the Court System that I don't necessarily advocate. Erikson states:

Many judges assume that severe punishments are a greater deterrent to crime than moderate ones, and so it is important to note that many of them are apt to impose harder penalties when crime seems to be on the increase and more lenient ones when it does not, almost as if the power of the bench were being used to keep the crime rate from getting out of hand (Moynihan, 1992, p.10).

In my opinion, the frequency of criminal activity should not be a factor when deciding punishment. All punishment should be consistent with specific types of crimes. The laws were set in place for the purpose of enforcing and maintaining order. This notion of order cannot be obtained without strict consequences for violation of the laws. Additionally, I disagree with Durkheim (1938) trying to present the “laws” as theories that were meant to be constantly reinterpreted. Any type of acceptance of crime will only lead to more crime.

Durkheim’s (1938) beliefs and theories suggest that he has trouble distinguishing between crime and justice. Furthermore, I was given the impression that Durkheim (1938) possessed little respect for the laws themselves. In my opinion, justice is what a lawyer gets when a judge rules in his favor. The law is what society lives by, it is the rules. Therefore, it is only when the law is broken that a crime has been committed. I advocate the concept that law is what separates us from the beasts; if we leave it, we will eventually fall down a hole without a bottom. This hole is what is known in today’s society as “chaos.” Whenever the slightest amount of anarchy is introduced to society, it upsets the established order. While I do not think that it was Durkheim’s (1938) intention, I feel his ideas could lead to the eventual breakdown of order, thereby descending society into chaos.

In the scope of my views there is only one model that is potentially a cure from crime: the Crime Control Model. In concurrence with my opinion, this model views crime as socially unacceptable and suggests the harshest punishments to deter it. According to notes, the Crime Control Model takes a conservative view towards crime and criminals. Supporters of this model believe that the Criminal Justice System’s primary focus should be to protect citizens and deter criminal activity. Furthermore, much to my approval, Crime Control activists seek to abolish the Exclusionary Rule of Evidence.

The issue of whether or not crime benefits society directly affects the Criminal Justice System. The idea that crime is generally a bad act that should be deterred was the primary purpose of creating the criminal justice system. Unfortunately, at any given point in time the crime rate of society, public opinions regarding the seriousness of a crime, and the funds provided by officials will determine the priority in which action is taken against criminals. Therefore, the rate of crime directly affects how the Criminal Justice System operates and legislators pass laws. In my opinion, it is because of this that there is, and will always be, a constant "war on crime."

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