

Morality and Crime

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ABSTRACT

Nowadays, *Wikstrom's Action Theory of Crime Causation* is a good *criminological construct* for the understanding of *criminal behaviours*.

Wikstrom P. O. *et al.* (2012) gave good *empirical evidences* to the *theory*.

This *paper* offers a *flashback* of what the *present writer* wrote in 2005/2006 about: the “blooming” *Situational Action Theory of Crime Causation* presented by Wikstrom (2004; 2006a; 2006b; 2006c); and the relationship between *Crime and Morality*. The *Paper* reports the *writing* done in 2005/2006.

Writer's *ideas* and *beliefs* could be changed meanwhile.

“Moral sense shape human behaviour and the judgements people make of the behaviour of others”

James Q. Wilson, *The Moral Sense*

Introduction

This *paper* investigates the *role of morality in crime's explanation*.

First of all, *morality* is considered by different *criminological theories* an *important factor* in the *crime explanation*. Then, the “blooming” *Situational Action Theory of Crime Causation* presented by Wikstrom (2004; 2006a; 2006b; 2006c) seems to be a *promising theory*. Indeed, despite of other theories, Wikstrom defines a clear *mechanism* (Bunge, 1999) able to explain how *moral norms* and *moral judgements* take part in *criminal behaviours' development or avoidance*.

Although the present writer considers *Situational Action Theory of Crime Causation* a good description on how *morality* may explain *criminal behaviours*, he suggests that *morality* and *moral norms* could be defined more empirically.

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The present writer advises to define *morality* (*customs; moral norms*) like *social norms*. This definition allows: **on one side**, to overcome most of the critics that could be done by *post-modernistic approaches*; and, **on the other side**, to clarify those *social and psychosocial mechanisms* which make people “comply or not comply” with those *norms*. Further, the *dialogic recursive* relationship (between *social* and *individual dimensions*) can be improved using the *research findings* of the *social psychology*.

Thus, the present writer, at the end, agrees with Dewey (1992): “For practical purposes morals mean customs”.

Theories of Crime and Morality

According to Hirschi (1971), most of the existing *criminological theories* have considered *morality* in their *theoretical assumptions*.

In answering to the Hobbesian’s question: “why do men obey the rules of society?”, *Strain, Control, and Cultural Deviance Theories* have connected *human behaviors* with *moral norms*.

Whereas the *Control Theory* assumes *human beings* to be *amoral animals*, the *Strait Theory* postulates *human beings* to be *moral animals*.

Strait Theory

According to the *Strait Theory*, people desire to reach some “moral” goals. For doing this, they wish to use the “*moral*” means indicated by *society*. The *crime* is a consequence of “adversative” and “unfortunate” circumstances that do not allow people satisfy their *legitimate desires* (social goals), using the *legal (moral) means* (Burke, 2005).

Control Theory

The *Control Theory* assumes *human beings* to be amoral. Hence, people are naturally inclined to commit *criminal behaviours* unless they are educated and forced to avoid *criminal conducts* by a strong *social control* (Burke, 2005). The *Social Control Theory* disagrees entirely with Peters’ view (1958). Indeed, whereas Peters argues man to be “a rule-following animal”¹, the former postulates *human beings* not to be *rule-following animals* as their behaviours are determined mainly by selfish desires.

Cultural Deviance Theory

The *Cultural Deviance Theory* challenged the *Control Theory*’s assumptions. According to *Cultural Deviance Theory*, human beings are

¹ This quotation of Peters (1958) has been also used by Wright (1971).

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unable of perform “pure deviant behaviours” as they can merely follow some *social rules* (Peters, 1958). *Behaviours* could be: **both, deviant** inside some cultural or social contexts and /or groups; **and, conventional** inside other cultural or social contexts and/or groups. In other words, any *behaviour* (*deviant* or *conventional*) is always *expression* of some *social norms*. This is proved by the *research findings* of *social psychology*². Any behaviour is always: *conventional* inside a social group; and *deviant* inside another. What is considered *conventional* or *deviant* is just a *matter of Power*. It is part of the “*fighting for Significance and Power*” among the *different social groups* and *people*, which determinates the *dominant* and *subordinate* groups³. Nevertheless, Hirschi (1971) rejects both the above mentioned *theories*. He stressed, inside the *Control Theory*’s *theoretical background*, his *Bond Theory*.

² *Exempli gratia*, one of the assumptions of the *Social Psychology* is the *Pervasive Nature of the Social Influence* (e.g., Smith E. and Mackie D. 2004). Who does not consider this element, does NOT understand a lot in Psychology!!

³ That’s all. *Evidences* are given every day. *Actions* (done by members of differ groups) are evaluated in very dissimilar manners. On one hand, some *behaviours* (done by some people) are considered “evil”. *Media* are “forced” to describe them worst and bigger they are. On the other hand, the same (or worst) behaviours (done by others) are considered “good”!! *Media*: either, cannot speak about them; or, can speak very briefly avoiding any “unpleasant” word!! If this is not a matter of *Social Power*!?!?

The Bond Theory

According to Hirschi (1971), the *Control Theories* “embrace two highly complex concepts, the *bond* of the individual to *society*”.

Hirschi (1971) argues that: although the *control theories* have attempted to explain “the elements of the bond to conventional society”, they failed to give a fulfilled explanation of how “each of these elements is related to delinquent behaviour”. Hirschi (1971) attempts to resolve this lack of explanation. According to Hirschi (1971), the *social bond theory* considers four elements “related to delinquent behaviour”: *attachment; commitment; involvement; belief*.

The *Bond Theory*, like the *Control Theory*, assumes *human beings* born amoral. Hence, they have “to learn” to conform to *social norms*.

The weaknesses of Hirschi’s theory (1971) are the following. His theory *implodes*. This happens when the *criminal behaviours* are made by people who have developed: strong *social bonds*; and a good internalization of *moral norms*. Indeed, also these people can commit *criminal behaviours* (Taft, 1956). This is because Hirschi (like *Control Theory*) makes a huge mistake in the assumptions. **People are not born amoral, but THEY are BORN FREE and GOOD!!!!** By Nature, people tend to people and *empathic behaviours*. There is *trickery* behind ideas that affirm “the people’s need” to be “conformed” to *social norms*!

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These *statements* and *beliefs* hide a “dark side”! They could be *polite fashionable manners* to support “*blind obedience*” to any *arbitrary Power*. *Social norms* are always created by *Power*. *Social norms* are manifestations of *Power*. *Social norms* follow and defend the *interests* of *Power*.

Thus, also *good people* with *good social bonds* can act *criminal behaviours*, *exempli gratia*, against a *Power* that could be more “criminal” than those people are.

At the end, Hirschi’s theory (1971) is not a good *construct*. The assumptions are wrong; the evidences do not support the theory but present plenty of *contrary facts*; important *social mechanisms* (involved in *criminal explanation*) are not considered.

Reintegrative Shaming Theory

Another theory that deals with *morality* is the *Reintegrative Shaming Theory* of Braithwaite (1989).

Braithwaite (1989) argues the relation between *criminal law* and *morality*: “... criminal law is a powerfully dominant majoritarian morality compared with the minority subculture ...”.

Her theory is an attempt to gather together most of the existing criminological theories (*Labelling Theory*; *Sub-cultural Theory*; *Control*

Theory; Opportunity Theory; Learning Theory) around a simple key concept: *shaming*.

According to Braithwaite (1989), *shaming* can be used in two different ways: like *stigmatisation*; and like *reintegrative shaming*. The former increases the *future criminal activities* of the offenders, pushing them inside deviant *sub-cultural groups*; the later decreases the future criminal activities of the offenders, attempting to reintegrate them inside the society (dominant group).

Whereas the theory of *reintegrative shaming* assumes a relation between *criminal law* and *moral norms*, it lacks to explain those *mechanisms* that make an individual “*break moral rules* defined as crime in law” (Wikstrom, 2006a) the first time.

The whole theory focuses on the *social reaction* that follows at the “initial deviance”, and how the two different social reactions (*stigmatisation* and *reintegrative shaming*) affect the future criminal behaviour of the offender. Hence, although the *Reintegrative Shaming Theory* presents the merit to attempt to harmonize most of the *existing criminological theories*, it falls inside a *theoretical chaos*.

Braithwaite (1989) is unable to resolve the existing conflict among the opposite theoretical assumptions. *Exempli gratia*, the relationship between *morality* and *crime* that has been postulated by the different

criminological theories, which she attempted to integrate. Braithwaite (1989) is also unable to explain the *first manifestation* of the *criminal behavior* as I wrote *supra*.

Situational Action Theory of Crime Causation

At the present tense, there is only a theory that: can be worth to be considered; and, is able to explain “why” and “how” people “*break moral rules* defined as crime in law” (Wikstrom, 2006a), even if these people are “good” and have “internalized” *moral norms*.

According to Wikstrom (2006a), “crimes are acts of moral rule breaking. To explain crime is to explain why individuals *break moral rules* defined as crime in law”. This does not mean that *Crime* and *Morality* overlap completely as: “not all moral rules are criminal laws” Wikstrom (2006c); and “a theory of crime causation ... *does not imply any acceptance of existing laws as necessarily legitimate or morally justified* based on higher order moral principles” (Wikstrom 2006a).

The importance of the link between *moral rules* and *criminal law* according to the *Situational Action Theory of Crime Causation* seems to be double.

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First of all, both *moral norms* and *criminal law* share *common structures, languages and functions*: “*Moral rules* prescribe what is right and wrong to do (or not to do) in a particular circumstance. *Criminal law* is essentially a set of *moral rules*” (Wikstrom, 2006a).

The present writer underlines that this happens because: **on one hand**, both of them are *normative language*; **on the other hand**, both of them are part of the bigger *set of Social Norm*. *Moral* and *Legal Norms* are two different type of *Social Norms*.

Second of all, the *mechanisms* (Bunge, 1999), which operate when people break both *moral norms* and *criminal law*, seem to be the same.

This latter point is well described by Wikstom. “To explain why individuals obey the law, or why they commit acts of crime, is to explain why they follow or break moral rules defined in law. To explain why individuals commit crime is, in principle, the same as explaining why they break any moral rule (i.e., the basic casual mechanisms are the same)” (Wikstrom 2006c).

For these reasons, the *Situational Action Theory of Crime Causation* defines crime “as *an act of breaking a moral rule defined in criminal law*” (Wikstrom, 2006a).

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According to Wikstrom (2006a), the “moral rule guidance plays an essential role in what moves an individual to act (or not act) in a particular way”. This happens inside the interaction between the “individual moral engagement with the moral context of a particular setting” (Wikstrom, 2006a).

This interaction is described by the *Situational Action Theory of Crime Causation* with a five steps’ mechanism: *individual morality* (moral values and emotions); *moral perception*; *either moral judgment or moral habit*; *moral choice*; *moral action*.

The *individual morality* represents: the *different moral values* that individuals can have; the “different moral threshold ... for breaking particular moral rules” (Wikstrom, 2006a); and the *set* of moral categories used by people for interpreting contexts.

The *moral perceptions* are interpretations of the *moral settings* through the “filter” of people’s particular *moral values*. The “*identification of the action alternatives and their moral qualities in response to particular motivations in a particular setting*” (Wikstrom, 2006a) is determined by the *moral perception*.

In the *moral judgments and moral habits* stage, people evaluate **both** the *moral qualities* of the *perceived contexts* **and** the potential appropriate *alternative actions*. *Moral judgments* happen when people deliberate

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“over the moral qualities of the perceived action alternatives” (Wikstrom, 2006a). This happens in particular in unfamiliar settings. *Moral habits* (on the other side) do not involve any deliberation. They are “*automatic*” *responses* that have grown out from repeated experiences⁴.

In the *moral choice* stage, people decide *how* to perform their actions.

Finally, *moral actions* are the *overt* outcome of the *covert mechanisms* described *supra*.

The importance of these mechanisms is to provide a good explanation of the *nature* and *causes* of crime. This is useful for elaborating an effective crime prevention program (Wikstrom, 2006b).

Re-defining Morality

Although the *Situational Action Theory of Crime Causation* is: **both**, the best account on *Crime and Morality* at the present time; **and** a good example of “the multiform status of ... criminology” like “a mixture of data on science, law ... and morality” (Wolfgang and Ferracuti, 1982); it could be improved.

⁴ *Classical and Operant Conditioning*.

The present writer believes the *social psychology* able to increase the understanding of: **both**, the criminological *phenomena*; **and**, the relationship between *criminal law* and *moral norms*.

This could happen in two ways. First of all, it is possible to apply the existing *research findings* on the *moral development* (*exempli gratia*, Piaget, 1932; Kohlberg, 1964; etc...) to the *criminological theories*. Second, it is possible to improve the definition of *moral norm* like *social norm*. Consequently, it is possible to apply the *research findings* of the *latter* to the *former*.

The present writer *strongly* advises this *second method*. In other word, I believe to be very important and useful to improve the definition of *moral norm* like *social norm*.

This is needed as, when people speak about *morality* (and *moral norms*), they usually refer to a *set of eternal, immutable, universal law* that are based on a **either** *divine* **or** *natural* ground, which is *innately* rooted inside the *conscience* of *human beings* (Stephen, 1991). People are “good” if they recognize, and comply with, these “self-evident” moral values. People are “bad” if they are not able to identify those “self-evident” values.

Recently, a “self-evidence” based view of *Moral Norms* was re-presented inside the *Natural Law’s Theory* of Finnis (1980). This theory re-presents

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some Aquinas' ideas (without having the theoretical background that was used by Aquinas!). Moreover, as *Ancient Greeks* already observed, what is *self-evident* for someone is not *self-evident* for someone else, and *vice versa*. How can *moral codes* be *self-evident*, when “moral codes accepted at different times and places have been ... different” (Stephen, 1882)?

Moreover, *post-modernistic literature* has largely demonstrated the impossibility to justify empirically or logically *moral values*.

The present writer argues that *morality* like *self-evidence norm* is based on the *fundamental attribution error*. The latter is the “innate tendency for the observers to underestimate situational influences and overestimate dispositional influences upon others' behaviour” (Myers, 1999). In other words, the *fundamental attribution error* represents the tendency to under-estimate sociological factors that determined the individual's behaviors. Moreover, people tend to assume them and their *society / social groups* to be “absolute good” (!!), so if someone does not act as they want, he/she should be: “evil”; “ill”; “crazy”; “ugly”; “smelly”; “immoral”; “criminal”; “felonious”; ... unable to understand their *absolute right* and *just* “self-evidence” dogmas!!!!!! They cannot think *something wrong* could be inside them and their social group!!

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Exempli gratia, the *fundamental attribution error* biases in part the theory of Kohlberg (1964, 1976). According to Kohlberg's theory, criminals break Law as they "suffer from what is, in essence, an arrested level of moral development" (Haney, 1983). Kohlberg (1964, 1976) argues: **both**, *pro* a universal and eternal definition of *moral law*⁵; **and**, *pro* an *overestimation* of *individual dispositional factors*. One of these *Kohlberg's Beliefs* is that: *criminal behaviors* are the outcome of the *individual inability* to progress at higher moral stages⁶!! But, behind the appearance of a pleasant discourse, at the end, these "higher moral stages" mean only to obey to the *pro tempore Power's Will*!! Who obeys to the *Power* is always: "good"; "clever"; "nice"; "good-looking"; "moral"; "sane"; "equilibrate"; "fragrant of roses"; and so on That's all Folks!!

The present writer argues that Kohlberg does not keep in account a *realistic developmental prospective*. He neglects important developmental aspects such as non-normative factors (Baltes, 1987), which can affect deeply the human development.

⁵ *Exempli gratia*, expressed in his universal valid stages.

⁶ *Kohlberg* copies this "nice idea" from *Spiritism*!! Indeed, far before Kohlberg, *Spiritism* suggested that *Spirits' wicked behaviours* were consequences: **either**, their lower *Moral Evolution*; **or**, their inability to evolve to higher *Moral Stages*.

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The only *empirical approach* for studying *moral norms* is to recognize them simply for what they are: *social/group norms* (customs). The very fact that they are different among people (even if when they are members of the same group) is due the *different life experiences*. This is not a negative factor. It is a necessary part of the human evolution. What is *negative* and *dis-adaptive* is: *homologation; standardization; normalization; etc... .*

This definition is supported by Dewey (1922) and Stephen (1991).

The former states: “morals means customs” as “everywhere customs supply the standards for personal activities. ” ... “Customs (*not only*)... constitute moral standards”, but “customs (*also*) make law”. The later argues that law can only be “simply a particular case of custom” as no social organization can last long on coercion since “a bond which rested solely upon fear would give, not an organic compound, but a temporary association, ready to collapse at every instant”.

The present writer agrees with them.

Most people respect *criminal law* without having any idea of the *articles* of *criminal codes*. They do not offend even if they do not know the different *interpretations* given by Courts.

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All in all, *moral norms* like *social norms* (customs) seem to be a realistic approach able to enhance the *understanding* of: **both**, the relationship **between morality and crime**; and, our comprehension of the *Nature of Crime*.

How Social Psychology may help the Situational Action Theory of Crime Causation

I think the *Situational Action Theory of Crime Causation* could be integrated with some *research findings* developed inside the *Social Psychology, Cognitive Psychology* and *Social Cognition*.

For instance, the *research findings* on *conformity, compliance, acceptance, norm formation* (Sherif 1935, 1937), *group pressure* (Asch, 1955) and *authority obedience* (Milgram, 1965, 1974) could be integrate in its framework.

People, indeed, could behave in opposite manners respect their: *moral values and beliefs; moral perceptions; moral judgments; moral habits*.

This could happen simply for: *group pressure; de-individualization* (Freedman, Sears and Carlsmith 1978); *compliance to Authority*; or, conforming to *social roles*. *Exempli gratia*, does somebody still remember the *Sanford Prison Experiment* (Zimbardo, 1972)?

Conclusion

I believe the *Situational Action Theory of Criminal Causation* a good *construct* to enhance the understanding of the relationship between *Morality and Crime*.

Nevertheless, I argue that this framework may be improved with the *research findings* of the *social psychology*.

Indeed, at the present tense, the *Situational Action Theory of Criminal Causation* seems unable to explain clearly the hypothesis in which: people, who recognize their actions like “wrong”, decide to perform them.

Constructs like *social pressure, obedience to authority, norm formation, etc...*, should be integrated to resolve these possible contradictions.

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