

Rachel Radtke

Social Problems

Dr. Costantini

November 26, 2019

Discussion 5: Should Consensual Crime Be Legal?

A question that could potentially lead to many disagreements: should consensual crimes be made legal? According to the University of Minnesota (2010), “consensual crime (also called victimless crime) refers to behaviors in which people engage voluntarily and willingly even though these behaviors violate the law” (p. 335). Some examples of the different forms of consensual crime include illegal drug use, prostitution, gambling, and pornography (University of Minnesota, 2010). Personally, I do not think that all forms of consensual crime should be legalized, but each individual form of consensual crime may have its own advantages and disadvantages that would result from legalizing it. It would be important to consider individually which ones would cause more harm than good if they were legalized and vice versa (University of Minnesota, 2010).

It may also be important to consider the question: is any crime truly victimless? It seems likely that certain behaviors must have been considered destructive enough to become labeled as a crime in the first place, whether it is hurting oneself or another individual, there is likely to be a victim involved. From my point of view, in most cases if a behavior is destructive enough to be labeled a crime, even if everyone involved is willing, regulations and limitations may be necessary to help prevent it from leading to more problems or becoming a bigger problem. There are exceptions to this of course, because not everyone is going to agree on what is right and what is wrong (Democratic Underground, 2009). However, in cases where a consensual crime negatively affects others or the individual committing the crime in an obvious way, I do think the criminal justice system should have the authority to intervene in the most appropriate manner.

Speaking from personal experience, I do feel that sometimes it is necessary to learn lessons the hard way to find a reason to change and start to see from a different perspective. In some cases, people may not be sorry until they get caught and in other cases, they might only be sorry they got caught. Whatever the case may be, some type of consequence may be necessary for a person to become more aware of any damage that is being done. Perhaps the consequences should not be as severe for certain consensual crimes, but if one’s actions/ behaviors are causing harm to oneself or another, repercussions might be necessary for learning a lesson and changing a behavior. Probation, community service, fines, and other forms of community correction might be more suitable forms of “punishment” for nonviolent and consensual crimes versus imprisonment (University of Minnesota, 2010, p. 365). Whether a crime is causing harm to oneself or someone else, there is likely to be a victim involved.

References

- Democratic Underground. (2009, June). The tragedy of victimless crimes in the United States. *Prison Legal News*. Retrieved November 25, 2019, from <https://www.prisonlegalnews.org/news/2009/jun/15/the-tragedy-of-victimless-crimes-in-the-united-states/>.
- University of Minnesota (2010). *Social Problems: Continuity and Change*. MN: Minnesota Libraries Publishing.

Other Notes on This Topic

As some of my classmates in my Social Problems class pointed out, it can be a matter of opinion in terms of what is right and what is wrong, which can make it difficult for coming to an agreement with what laws should be enforced or how they should be enforced. There can be different variables involved in certain crimes that may influence whether people view something as right or wrong, depending on the circumstances. This might help explain why people basically go through an interview process to be officially selected for jury duty. Certain crimes or subjects might be more personal to some individuals, therefore making it more difficult to remain unbiased.

I do not believe imprisonment is the most appropriate form of punishment for nonviolent and certain consensual crimes. However, I have witnessed the damaging effects that drugs and alcohol can have on people's lives and those who care about them, therefore I do not think that is a victimless crime. If someone you cared about was struggling with addiction, would you rather see them continue to struggle or would you want to see them get the help that they may not be aware they need at the time? Rehabilitation, treatment, institutionalization, therapy, along with other mental health or social services are also options to take into consideration when addressing the underlying problems behind crime and self-destructive behaviors. It is also possible that these behaviors can result from the negative impact other social problems can have on individuals, therefore it is important to consider the bigger picture and work towards improving other problems too.

There are subjective and objective sides to consider when discussing most social problems. Personally, I have found that certain topics are more difficult for me to discuss than others, without expressing some bias due to personal experiences and learned beliefs. The Social Problems class I took with Dr. Constanini through Eastern Gateway Community College helped me become more aware of my own biases and gave me the opportunity to view social problems from different perspectives. In my opinion, learning about social problems and sociological perspectives should almost be an educational requirement in schools. It helps you become more aware of your own biases and the problems that negatively impact our community. The high school I graduated from required us to complete a certain amount of community service hours before graduation, which is another idea for educational requirements. I felt like it was a great opportunity to get more involved in the community.