

Victimless Crimes: Fact or Farce

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Victimless Crimes present themselves as an oxymoron in name so then why are they considered crimes if there are no victims? For example, say that someone wants to have a night on the town and drink a little too much, should they be punished for public intoxication if they cause no harm to others? On their walk home from the bar they stop behind a dumpster to relieve themselves, should they face threat of being a registered sex-offender if no one saw? If the consumption of illegal substances can be controlled safely by some but not by others then should those with the ability to control themselves be punished? The basis for decriminalization of seemingly harmless acts has been debated on and a point of contention for many years. Most people would consider it a given that these acts are illegal to protect the involved party. Over the years the general public has proven in their ability to safely conduct themselves in situations where all parties involved are consenting. This discussion will advocate for the decriminalization of victimless crimes in such cases previously stated where there is a better social outcome for consenting adults.

According to our textbook (Siegal 2011), Victimless Crimes are defined as “*Public order crimes that violate the moral order but have no specific victim other than society as a whole.*” In some cases, these are acts that have been deemed socially unacceptable by the majority of society on the basis of agreement. The fact that a majority of people deemed something harmful does not necessarily prove it true. For example, if someone today were to smoke marijuana in their own home then no harm would be done to anyone besides the user. Rewind fifty years to the past and that same act would be socially unacceptable and illegal. Some headway has been made in the decriminalization or de-escalation of these types of victimless crimes to ease the pressure on law enforcement. It is estimated that the cost of enforcing minor marijuana possession laws is between \$3.6 billion (American Civil Liberties Union, 2013) and \$7.7 billion

dollars. Those funds and man hours could be better utilized in the prevention of violent crimes. States that legalize would be able to capitalize on the new revenue stream and tax all purchases through legal dispensaries. However in some cases, the act has no victims besides the involved person.

In instances of traffic violations, someone speeding down an empty road has no victim besides the driver themselves. In IIUM medical journal (AA , R. ., & AJ, . K.) it was stated that each year, more than 20 million people are injured and 1.17 million are killed due to road traffic accidents. These accidents are almost always due to a traffic law or rule being violated by one party. The intent of keeping crimes like these illegal is to protect the driver in case of an accident. The fear of repercussions should be secondary to the fear of losing one's life in these situations. There are also laws created to protect the parties involved from harm besides bodily.

In some parts of Nevada, prostitution in the form of Brothels have been allowed since the middle of the nineteenth century (Awaken 2020). This decision was made with the intent of improving the environment for sex workers without having to fear the normal repercussions of sex work. In this instance, the majority decided that to protect the parties involved it would be better to legalize sex work and regulate it to drive out the dangerous practices that come with illegal sex work. Although coming from a place of good intention, legalizing sex works still carries some of the same risks as before. Sex workers are victim to social ostracization because of the nature of the industry within our society.

Some victimless crimes should stay defined as crimes. In these cases the crime may have no direct victim but they can cause social, mental, or economic loss. An example of one of these crimes is trespassing. In particular, trespassing is the invasion of someone's private property.

While this does not cause physical harm, it is an attack on their freedoms as a property owner. While having no direct victim, trespassing can be the catalyst to other crimes being committed. Theft, robbery, destruction of property, kidnapping, murder, all are proceeded in most cases by trespassing. The intention of this law is to deter someone from invading the personal space of someone else without their permission thereby giving the owner the right to take action to preserve their privacy by calling the police.

The disparity between crime committed and punishment received is especially apparent in victimless crimes. If someone is not hurt then why is the punishment so severe? For example, in 2010, Patricia Spottedcrow, a Native American woman, made national headline news when she received a disturbing sentence of twelve years in prison for possession of \$31 worth of marijuana. This sentence is akin to negligent adolescent deaths, vehicular manslaughter, and firearms distribution. Obviously this sentence is completely outrageous and was motivated in part by racism but the fact that this sentence was even considered for such a harmless act points to a greater issue. The issue being that these crimes do not fit their punishment and serve to show how out long ago these crimes were criminalized.

Victimless crimes are at the end of the day, crimes. These acts were determined to be crimes and are a product of their times. What was once uncouth and socially unacceptable may finally become decriminalized on the basis that the audience has changed. The mass majority of today will have to decide on whether or not laws created for a different era apply now. Until then the best thing that law abiding citizens can do to stay within the legal grounds and make a difference is lobby for the decriminalization of victimless crimes in cases where consenting adults are not harmed.

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