

THE UNIVERSITY OF HULL

DEPARTMENT OF CRIMINOLOGY AND SOCIOLOGY

Illegal Markets

Can the Creation and Usage be Explained by Criminological Theory?

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Abstract

Recent technological developments, such as cryptocurrencies, have seen rise to dark web-based illegal markets, for example, Silk Road, which was famously taken down in October 2013 (Ormsby, 2014). Illegal markets are defined as such as they either avoid the local government market regulations or they trade in illegal goods, such as drugs or weapons (Beckert & Wehinger, 2012). Examining the reasons why individuals may buy, sell or otherwise engage in these markets could provide reasonable and actionable advice on how to reduce their proliferation as involvement in these markets will become easier as encryption technology develops (Hardy & Norgaard, 2015). Prior research into this area of crime is minimal; as documenting clandestine illegal activity is extremely difficult, and so the decision was made to instead research various criminological theories. By examining if these theories could be accurately applied to crime in a general sense, they could then be applied to the specific crime of illegal markets to create a more comprehensive view of the purpose behind these markets. The results of this study show that certain theories, such as Rational Choice Theory, can easily be applied to this area of crime and shine a light on the reasons for engagement in illegal markets. Other theories suggest that illegal markets as a whole are a reaction to government regulation and are, in essence, a push towards returning to a free market. All the theories discussed in this document demonstrate the relationship between crime and poverty.

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Introduction

Initial Research

Initial research revealed the limited studies conducted on the black market, and challenges arose. The minimal information on the topic created difficulties finding a research question that could be adequately researched with the limited studies available. From this, the decision to change the topic of the research question came into place. The differences between 'illegal markets' and 'black markets' can be confusing, but generally, a 'black market' is referred to as a 'branch' of an 'illegal market' but the two can be used interchangeably (Beckert & Dewey, 2017). Deciding that the term illegal markets would create a broader branch of research, the term black market was changed to this. The change allowed research to be undertaken into all forms of illegal markets, including physical and online markets. During the next stage of research, it was highlighted that illegal markets, in general, have a big research gap. This is due to the difficulty of documenting the secret illegal activity. To solve this research gap it was decided that a topic with wider research must be combined with illegal markets to provide enough information to find a suitable research question. One topic, known for its extensive research, is criminological theory. As a result of this, the research question was decided to be: 'Illegal Markets: Can the creation and usage be explained by criminological theory?'.

Aims and Objectives

The aim of this research is to conduct an investigation into illegal markets, and the several different types of markets. To do this, markets in general must be investigated, to understand the basics behind illegal markets. Once this is completed, research into criminological theory will take place so that they can be applied to the creation and usage of illegal markets.

It is predicted that there will be several theories that can be appropriately applied to the creation and usage of illegal markets. By the end of the investigation, there should be one theory that can be seen to be the best fitting to explain the creation and usage. From this, the theory can be used to address the reasons why illegal market crime is committed. Furthermore, this could be used to provide actionable solutions on how to limit illegal market activity. Providing a solution could kick-start further research into illegal markets, which could help aid investigators in their mission to shut them down.

Illegal Markets

The common definition of markets is 'arenas of regular voluntary exchange of goods or services for money under conditions of competition' (Wehinger, 2011). This indicates that if an exchange of a good or service occurs irregularly, with no competition, it does not fall within the scope of a market. From this, the definition of an illegal market can be produced. A market becomes illegal when something related to the market is considered illegal. This could be 'the product itself, the exchange of it, or the way in which it is produced or sold' (Beckert & Wehinger, 2012).

Sometimes, an illegal market can be hard to pinpoint as it often blurs with other criminal activity. An overlap that is most often confused with illegal markets is activities conducted by organised crime. The definition of organised crime, provided by the President's Commission on Law Enforcement and Administration of Justice clearly shows this confusion. The definition included that 'supply of illegal goods and services' was the principal business conducted by those involved in organised crime (Fiorentini, 1999). This portrays the obvious confusion between the two. However, organised crime differs from illegal markets as it involves hierarchies with bosses and some rank order of authority (Arsovska, 2014). Nevertheless, this could still overlap with illegal markets, as members of organised crime gangs can participate in the exchange of goods in a way that falls within the definition of illegal markets (Beckert & Wehinger, 2012). Despite this, the biggest distinction between illegal markets and organised crime comes from the differences between 'illegal' and 'criminal'. Most illegal market exchanges are more commonly infringing trade law and not criminal law. This helps provide some form of distinction between the two, as the activities of organised crime are usually the opposite, infringing on criminal laws. Regardless of this, it is important to note that both organised crime and illegal markets can infringe on both criminal law and trade law and that the distinction is provided to help understand the differences (Beckert & Dewey, 2017).

Within the contemporary world, illegal markets are mostly conducted online and are only accessible through encrypted software. According to Martin (2014), illegal markets have been active online since the internet was established. This can be seen through the use of ARPANET, the first packet-switched network, which became the basis of the internet. Markoff (2005) found that the first 'online eCommerce transaction' was conducted by students of Stanford and MIT in 1971 using their ARPANET accounts to trade drugs. This shows the use of online illegal markets at the creation of the internet. However, this would not be the same as the online markets that we see now, as it was limited to a private messaging service due to websites not yet being available (Markoff, 2005).

Due to the high number of illegal market definitions in a variety of literature, for the purpose of this dissertation, an illegal market will be defined as 'an overarching branch of markets that include the presence of something illegal, which may be the product itself, or the way that it is sold'.

Criminological Theory

The studies of criminology have been present since the 18th century and are labelled as 'one of the fastest-growing academic disciplines in Britain' (Bowling & Ross, 2008). The discipline combines many topics from several different subjects. These include but are not limited to: law, psychology, philosophy, sociology, economics and political science. Criminology combines the information found under these subjects and uses it to provide explanations of deviance. During the research, it was noted that researchers often refer to criminology purely as the study of crime or criminals. However, many others state that criminology is an umbrella subject that incorporates a variety of topics. Therefore, the term 'deviance' is used as a replacement for 'crime' or 'criminal' as criminology includes the study of acts that may not be considered 'criminal'. From the study, researchers have concluded on theories of crime (or deviance) which are used to extend the 'understanding of crime and criminal justice' (Bowling & Ross, 2008). The use of the theories can be simply defined as trying to understand human behaviour, much like those that can be seen within psychology and sociology. To understand these criminological theories it must also be understood that the term 'criminal behaviour' has both a social and legal definition. Legally, a crime is an act that breaks the law; this includes acts of all levels of seriousness. However, the social definition is considered to be hard to define as it includes all illegal acts and also acts that are not 'illegal' but are against social norms. These acts that defy social norms will usually result in social punishment such as shaming (Fuller, 1942).

Research into criminological theories is used to understand why individuals participate in crime and the main purpose of this is to find a way to combat crime. These theories are often analysed to discover a way that could limit criminal activity and can be used to influence legal policy, that would attempt to decrease crime (Bowling & Ross, 2008).

To understand if the creation and usage of illegal markets can be explained by criminological theory, research was conducted into every branch of theory to determine which would fit best. This research concluded that rational choice theory, strain theory and marxism would be the best theories to research for the sake of this dissertation.

Dissertation Layout

This dissertation will begin with a chapter solely focussed on markets. This will show the different types of markets and help form an understanding of the basic infrastructure behind illegal markets. It will also show why markets can be considered illegal and the ways in which this can happen.

After this, there will be several chapters based entirely on the different criminological theories that are considered relevant to the creations and usage of illegal markets. Each chapter will start with an explanation of a theory. It will then detail how the theories have been used previously and will use evidence to show how accurately the theory can be used to explain crime in general. From all of this information, the theory of each chapter will be analysed to see if it can be used to explain the creation and usage of illegal markets and conclude if there is a way of using it to limit illegal market activity.

Finally, a conclusion will state which theory can best be used to explain the creation and usage of illegal markets. It will also include how the research can be expanded in the future and suggest how the research can be used to influence policy and aid in investigations into illegal markets.

Markets

What are illegal markets? To answer this, the concept of markets in general must be understood. Before any criminological theory can be applied to the creation and usage of illegal markets, an investigation into markets must take place. This establishes a solid idea of markets which will aid in the analysis of illegal markets and how theory can be applied to them.

A market is roughly defined as any type of establishment that involves the exchange of goods and services between two or more parties, a buyer and a seller. The seller must follow the rules of the market that are established by the economic model a country follows. A market may be fully controlled by government organisations (command economy), partly controlled by government organisations and/or private parties (mixed economy) or not controlled at all (free-market economy)(Orr, 2011). The majority of the world follows the model of a mixed economy. This means that the use of markets is subject to sets of rules established by governments and private parties. The goods, services, amounts and costs are decided by the companies that are supplying them and are determined by the demand of the public. The governments have limited control over this but are there to regulate the prices and products to create a fair market (Orr, 2011). This stops companies from boosting the prices of essential products to increase their profits. However, there are a few countries that operate within a command economy where the country's government has full control over the market. Due to this, there is no freedom for sellers within the market as the governments have authority on the goods/services that are produced, the supply numbers and the costs of the goods/services (Orr, 2011).

The term market is an umbrella term for the many ways goods and services can be provided. Within this, there are seven different types of market where a product is exchanged, usually for money:

- Physical markets
 - A physical meeting between buyers and sellers where an item is exchanged.
- Non-physical markets/virtual markets
 - The exchange of a product through the internet.
- Auction markets
 - The exchange of goods to the highest bidder, either in person or through the internet.
- Market for immediate goods
 - The exchange of raw materials.

- Black markets
 - The exchange of an illegal product or products sold illegally.
- Knowledge markets
 - The exchange of knowledge.
- Financial market
 - The exchange of liquid assets

(Aspers, 2011)

All of the markets above involve the exchange of goods/services for something of monetary value, for example, money itself or a product of equal value. The above markets can also exist in different sizes and this is determined by the number of sellers and buyers and the annual income the market creates (Aspers, 2011).

Why Do Markets Exist?

The existence of markets allows a relationship between buyers and sellers to be built. This creates an easier life for everyone as there is no longer a need to be fully independent because essentials can now be bought. Markets also create a livable income for those that provide services so that they can continue their work while also affording everyday necessities. Markets have played an important part in modern-day society; people work to contribute to markets, through selling and buying necessities and luxurious products. Markets thrive in modern society due to the direct relationship with commodity fetishism, the perception of a relationship between products and other wanted values of society, for example being rich and popular and buying an expensive, well-known product. The majority of the population do not live self-sufficiently, meaning they do not provide for themselves all the goods and services that they need to survive. Therefore, the general population work in combination with each other, to keep the human population thriving (Beckert, 2009).

Online Markets vs Physical Markets

The most popular ways to shop for goods and services are through the internet or in person. Both online and physical markets can come in different sizes, spanning from independent stores to chains of stores (Popa, 2019). Showing the advantages and disadvantages of online and physical stores can also highlight the differences between illegal versions of these stores.

Physical markets were the first type of markets to exist, as it includes any exchange conducted in person. They provide the advantage of instantly receiving the product and the option of in-person assistance. This gives physical stores the opportunity to provide a more personal touch compared to online stores; they may capitalise on this choice by including loyalty schemes. The biggest advantage of physical stores is the ability to see a product in person and physically understand the look, material and quality of the product. There is also a smaller chance of being defrauded than with online stores. However, the cost of buying or renting a space to set up a store and creating a physical atmosphere can be expensive compared to only paying for a domain and a web developer. More employees would also have to be hired to keep the store running, and legally they would have to be given a certain number of holidays. Due to these reasons, the products within physical stores are typically more expensive than online stores to make up for the extra maintenance costs (Popa, 2019).

Online markets are usually considered to be a more convenient way to shop for goods and services as anything can be viewed from the comfort of your own home or anywhere with internet access. Online markets require no specific schedules and do not have to follow trading hours. This gives them the label of 'convenient' as they can be accessed at any time. They are also not tied to a specific audience, meaning that anyone can access the site, especially if international shipping is offered. This creates a wider audience which could generate more sales. However, goods from an online market must be shipped and so a customer will not receive a product instantly and must wait for standard shipping times. There is also a higher chance of being a subject of fraud when ordering online. Fees are also applied to the seller when using a third-party online marketplace such as Amazon to sell their product. Therefore, sellers have to decide if selling on an existing marketplace or creating their own site would be more beneficial (Hunt, 2013).

What Makes a Market Illegal?

Initially, a market is considered illegal if something related to the market is illegal. This could be 'the product itself, the exchange of it or the way in which it is produced or sold'. From this, it can be assumed that a market is considered illegal if it 'violates legal stipulations'. Therefore, what constitutes an illegal market varies throughout different countries and over time (Beckert & Wehinger, 2011).

To clearly interpret the various systems of illegality within markets, there is a list of typologies in which the forms of illegality are split into sections:

- 'Illegality due to the outlawing of specific products'

- 'The illegality of the market exchange of an otherwise legal product'
- 'The illegality of exchange due to theft or product forgery'
- 'Illegality due to the violation of regulatory stipulations'

(Beckert & Wehinger, 2011)

While the general population see illegal markets as the selling of illegal products such as drugs, the majority of illegal market exchanges are infringements of trade law and not criminal law. This means that exchanges are happening without regulations from the Government and/or private institutions. Due to this, a large proportion of illegal market transactions can be categorised as business fraud and/or tax fraud (Dewey, 2016).

What is an Illegal Market?

An illegal market is any sort of platform that involves transactions that include any type of illegal transaction, whether that be a physical transaction or a virtual one. These transactions are conducted outside the knowledge of any economic regulatory agencies such as the Government. The illegal transactions that take place are usually conducted to avoid the legal market rules such as the control over prices that the governments hold and the tax added to products (Dewey, 2016). Traditionally, to avoid the possibility of getting caught while involved in an illegal market, only cash would be used to avoid tracking; however, it is now much easier to avoid monetary tracking by using digital currencies such as cryptocurrencies. Due to this, the majority of illegal markets are conducted over the internet through darknets using encrypted peer-to-peer networks (Hardy & Norgaard, 2015). For illegal markets to exist, there must be some form of competition and/or demand for certain products (Beckert & Wehinger, 2011).

Why Do Illegal Markets Exist?

Illegal markets begin to emerge when people do not want to follow official regulations set out within the economy such as product prices or taxes (Hardy & Norgaard, 2015). This may be because there is a product in short supply that people would be willing to pay more than the legal maximum price for, or if people want to buy a product for less than the legal minimum. There are many reasons for the emergence of an illegal market. The biggest reason that is discussed online is that the Government causes illegal markets. These markets are created due to overregulation and price caps on certain products. This means that the government has deemed a maximum value for a product, or has capped the amount of product that can be distributed. If a product is a requirement for some people, but they are finding it hard to acquire in a legal manner, they often turn to illegal markets to purchase the said

product for a higher price. Similarly, illegal markets are often created out of necessity. As stated previously, this could be due to the need for a certain product, however, it is usually due to the use of illegal services. The most well-known use of illegal services out of necessity is work conducted by illegal immigrants who do not pay tax because it is their only choice of receiving an income. Another example of why illegal markets exist is licensure-driven markets. This is when an illegal market is created due to the inability to obtain a license to provide a service. One of the most popular examples of this is operating a taxi service without purchasing the relevant licenses (Beckert & Wehinger, 2011).

In some situations, people can create an illegal market without any explicit intention of doing so. This can happen when an individual does not report the use of their services to the Government regulation systems and therefore does not pay the legally sanctioned tax that should be attached to the service. An example of this is when a household hires a regular housekeeper to work at their house and does not pay employment tax (Dewey, 2016).

Rational Choice Theory

Originally used within economics, the principles of rational choice theory have spread across several other disciplines since its creation (Becker, 1968). Piquero and Hickman (2002) describe rational choice theory as a 'cost-benefit analysis' that is debated within the mind of an offender. Specifically relating to the topic of crime/criminology, the theory of rational choice can be first seen in the article 'Routine Activities Theory', written by Cohen and Felson in 1979. The article refers to crime as often 'opportunistic' and relates this back to the 'cost-benefit analysis' of rational choice theory. Rational choice theory details how an offender would choose to commit a crime due to certain situations satisfying the cost-benefit analysis. An offender would go through the process of assessing the benefits of the act and compare this to the chance they have of getting caught (Cohen & Felson, 1979). It is important to note that the 'costs' associated with committing a crime can be both informal and/or formal. Formal sanctions are those that are lawfully given, such as an arrest or a fine and informal sanctions are those that are due to society such as shame or embarrassment (Braithwaite, 1989).

For rational choice theory to be accurately applied it must first be established if the person in question is a 'rational actor'. This is when a person 'chooses their behaviour freely, both conforming and deviant, based on their rational calculations' (Hughbank, 2011). Using rational choice theory, Ackers (1990) has found that most offenders are rational actors. However, while the majority of people are considered 'rational actors' there are some exceptions. This is when a person cannot freely control their behaviour, this could be a result of many things such as schizophrenia or Tourettes (Maher & Monroe, 1995).

From this theory, it can be seen that for a crime to happen, the following must be present: motivation to offend, incentives and a lack of supervision that would stop or punish the crime (Eriksson, 2011).

Can Rational Choice Theory be Accurately Used to Explain Crime?

To evaluate if rational choice theory can be used to explain crime, crime statistics from different areas around the world can be analysed. One way that crime statistics can be used is by reviewing the differences between the data of places with capital punishment and those without. Capital punishment can be seen as the highest form of punishment and therefore should be considered a high deterrent in the mind of an offender when considering a crime. Due to this, following rational choice theory, areas without the death penalty should, in theory, have a higher rate of crime. However, studies have shown that capital punishment is not an effective deterrent as areas with the punishment in use do not have lower crime rates when it comes to serious crimes, such as murder

(Bacon, Brame & Paternoster, 2008). From this data, it could be stated that rational choice theory cannot be accurately used to explain crime. However, despite being classed as the highest form of punishment by the courts, some people do not see it that way. Offenders often view the death penalty as an 'easy way out' and therefore do not see the punishment as a high deterrent. This explains why murder rates are higher in states with capital punishment compared to those without (Bacon, Brame & Paternoster, 2008). The data also highlights that the punishment of a prison life sentence may be weighed higher during the process of a 'cost-benefit analysis' within the mind of an offender. This is supported by evidence provided by Levitt (2001) who stated that the reduction in crime in the 1900s was mostly due to the nationally increased use of prison sentences as a punishment. Further evidence of rational choice theory can be seen within studies of police presence. Through practical studies, it can be seen that crime rates decrease in correlation with increased police presence in 'hot spot' (areas of high crime) areas (Sherman, 1990). The evidence provided from both of the aforementioned studies shows the presence of rational choice theory in the minds of would-be offenders. Additional evidence can be seen within interviews conducted on offenders in which they were questioned on the factors that they considered before committing the crime (Clarke & Cornish, 1986). The factors that were mentioned included all costs and benefits of committing a crime, proving the existence of rational choice theory.

Can Rational Choice Theory be Used to Explain the Creation and Usage of Illegal Markets?

The theory of rational choice shows that an offender will only commit a crime if they perceive the benefits will outweigh the risk (Cohen & Felson, 1979). This implies that an offender will not commit a crime that they can easily be caught for unless there is desperation involved. In modern times, the majority of illegal markets are operated online through encrypted websites that cannot be accessed through the standard internet browsers, such as Google Chrome (Taylor, 2004). To access illegal markets online, specific software must be downloaded. The most popular version of this software is Tor, which works to hide a person's location and identity. Online illegal markets use this software to make it hard to track any illegal activity (Me & Pesticcio, 2018). Due to this, rational choice theory reveals that people are more likely to use an online illegal market because their identity and location would be almost impossible to track (Taylor, 2004). Furthermore, the authorities are usually not inclined to attempt to track individuals using these illegal markets to purchase low quantities due to its extreme difficulty (Me & Pesticcio, 2018). As a result of this, the costs of using an online market are relatively low and any cost-benefit analysis would conclude in the benefit being greater than the

cost. From this, it can be seen that rational choice theory can be used to explain why people buy products from online illegal markets.

Whilst online illegal markets themselves are hard to track, there is an issue with the delivery of the illegal products. Products shipped from illegal markets often go through customs and are delivered to a valid address (Taylor, 2004). Due to this, there could be complications, as customs have a high chance of catching the illegal product and obtaining the delivery address. This could increase the costs of buying from online illegal markets, as the majority of people include their personal address as the delivery address. Therefore, if the authorities believe it could be beneficial, they may visit the delivery address (Taylor, 2004). However, in the majority of circumstances, the authorities do not get fully involved and customs just hand over the product so it will not be delivered (Me & Pesticcio, 2018). Furthermore, this could be avoided by including a delivery address that is not personal or not under the buyer's name, such as a PO box. These risks may increase the costs of buying from illegal markets, however, as these are not major risks, they do not outweigh the overall benefit. Furthermore, these risks are not present when buying a legal product but in an illegal manner, for example, with no tax.

The exact creation of illegal markets is unknown as it is presumed they were undocumented markets before they were publically known. As a result of this, it is hard to apply criminological theory to the creation of illegal markets. However, they can be applied to the first documented illegal markets. Whilst the first known illegal markets were conducted by the cartels in the 1800s, there is very little information on this and therefore the illegal markets conducted during both world wars are considered the first documented physical illegal markets (Gronek, n.d.). Physical markets can be a risky way of operating an illegal market as there is a higher chance of physically being caught and tracked (Dewey, 2016). This can create a higher cost than benefit, which questions the accuracy of rational choice theory in this situation. However, during the time of the world wars, the rationing of essential products caused desperation within the population (Gronek, n.d.). Due to this higher demand, illegal markets were thriving because the desperation caused the benefit to still outweigh the risk (Gronek, n.d.). This suggests that rational choice theory can still be applied if the costs technically outweigh the benefit but desperation causes the benefits to seem higher.

Money is a great motivator of crime. It is one of the biggest reasons people commit crime and the higher or more 'worth it' the amount is, the higher the chances of committing crime are. This is seen especially when the risks may not seem as high or if a person is desperate for the money. This is where the motivation for creating an illegal market comes from. With the majority of illegal markets

now being conducted online, the risk of creating one seems smaller than ever (Me & Pesticcio, 2018). The creator of an illegal market can make a large amount of money, with little risk involved, as they can sell illegal products that cannot be easily acquired elsewhere or legal products without paying tax (Taylor, 2004). Due to the use of cryptocurrencies, the creator/seller cannot be tracked by a money trail and the use of software such as Tor hides their location and identity (Me & Pesticcio, 2018). Sellers can also send packages without a return address as the risk of the package not arriving is on the buyer and so the seller will be paid regardless (Taylor, 2004). Rational choice theory shows the rationale for creating an online market, as the risks are minimised; a cost-benefit analysis would conclude that the crime was hugely beneficial as the risks are not perceived as too harmful. However, creating and managing an online market can be risky because there is a chance that the site could be hacked which puts all the related information at risk (Me & Pesticcio, 2018). Despite the risks of being caught seeming low, there have been times where this has happened. The most public instant would be that of Silk Road. Silk Road was seen as one of the first and biggest online illegal markets at the time but was eventually shut down by the FBI (Ormsby, 2014). Not much information has been released on how the FBI did this, but it is said that they hacked the site and gained access to the administrative functions of the site. They then used this to observe the buyers and sellers, so that they could apprehend the creator of the illegal market (Ormsby, 2014). This illustrates that there is a serious risk of getting involved with illegal markets which may make perpetrators reconsider their choices. However, the huge success of Silk Road, before its downfall, may be a considerable incentive for creating an illegal market.

Conclusion

In conclusion, rational choice theory is a broad theory that can be applied to many different situations. As long as there are benefits and risks that can be weighed against each other, rational choice theory can be applied. Therefore, rational choice theory is a perfect theory to provide an explanation for the creation and usage of illegal markets.

The application of rational choice theory may be able to help find a way to limit illegal market activity. It can do this as it shows that there are four ways to reduce crime: increase the cost of the crime, decrease the benefits of crime, increase the benefits of non-crime, and decrease the costs of non-crime. Any of these options would cause a cost-benefit analysis to conclude that the cost is greater than the benefit and therefore deterring the would-be offender from the crime. Expanding the use of CCTV in public areas could limit the creation of physical illegal markets due to the increased risk

involved within a cost-benefit analysis. This is a technique based on rational choice theory named Situational Crime Prevention (Clarke, 1995).

Strain Theory

Emile Durkheim is considered the creator of strain theories due to the theory of anomie he proposed (Dudley, 1978). His work showed how individuals within society are influenced by social norms. The theory of anomie proposed that differences in society were increasing and therefore the standard social norms were changing, causing deterioration of structure within society (Dudley, 1978). He concluded that this loss of structure is what causes increased crime rates. Therefore, Durkheim believed that equalised social and economic factors, along with a clear conveyance of social norms, would inhibit the increase in crime (Powell, 1966).

However, Robert K Merton is considered the lead theorist when it comes to strain theory as a result of his continuing research from Durkheim's theory of anomie. Merton developed strain theory in the 1940s during his research into crime statistics. From his research observing the patterns of the official statistics, he noted that a higher percentage of crime was committed by those from lower social class backgrounds. Thus, strain theory was created as an attempt to explain the relationship between crime and social class (Deflem & Featherstone, 2003).

Merton used the basis of the 'cultural ethos of the American Dream' to develop a theory explaining why people commit crimes. The American Dream 'encourages all individuals, regardless of circumstance, to strive for personal success, with an emphasis on the accumulation of monetary wealth' (Brezina, 2017). Whilst the theory of the American Dream was built purely from an American standpoint, it can also be applied to all countries in a similar way. Despite the American Dream stating that everyone has the opportunity for success, Merton recognised that these opportunities are not equal throughout society, and those from lower social classes have the least opportunity. Due to the 'American Dream', individuals are expected to work hard towards achieving their goals through legitimate means such as education and labour (Murphy & Robinson, 2008). However, with the unfair distribution of the means to achieve these goals, people are confronted with strain. To manage this strain, there are five ways in which people act:

1. Conformity: 'the acceptance of both cultural goals and the means of society'
2. Innovation: 'the acceptance of goals but the rejection of means'
3. Ritualism: 'means to legitimately pursue the cultural goals are adhered to despite the fact that the goals themselves are out of reach'
4. Retreatism: 'a rejection of the goals and means of society'
5. Rebellion: 'rejection and active substitution of both the goals and means of society'

(Deflem & Featherstone, 2003)

Merton declares that crime usually happens due to the rejection of legitimate means to achieve goals. From this, people use illegitimate means (crime) to attempt to achieve their goals (Deflem & Featherstone, 2003).

Despite the success strain theory accumulated within crime research, it was subject to intense scrutiny after various well-known theorists (for example, Hirschi and Kornhauser) suggested 'that the theory be abandoned' (Agnew, 1992). Furthermore, the use of strain theory declined until it was barely used within any criminology research. However, in 1992, Robert Agnew expanded on the theory of strain within his paper titled: 'Foundation for a General Strain Theory of Crime and Delinquency'.

General Strain Theory

General strain theory is a branch of strain theory put forth by Robert Agnew that evolved from Merton's original theory of strain (Agnew, 1992). Agnew argues that 'strain' put upon an individual by society causes increased 'negative emotions like anger and frustration' which in turn leads to 'corrective action' to attempt to solve this strain (Agnew, 2001). This 'corrective action' may come in the form of crime as it may relieve the strain (Carey, n.d.). This can be done in many ways, for example, obtaining the money/item a person needs/wants, the relief of emotions through physical crime or the relief of emotions due to drug use. During the creation of general strain theory, Agnew also found many new forms of strain that can result in crime and delinquency such as family strain and school strain (Carey, n.d.).

Despite Merton's claim of a relationship between class and crime (Deflem & Featherstone, 2003), Agnew argues that strain is not a factor affecting a specific class, and that 'strain' can affect those from any background. His research found that there are three main reasons that a person could be under strain, causing them to commit crime. These are:

1. 'The failure to achieve any goal'.
2. 'The removal of a positive stimuli'.
3. 'The confrontation of a negative stimuli'.

(Carey, n.d) (Agnew, 2001)

Agnew also takes note of why some individuals may commit crimes due to their personal strain and some individuals may not. He declares that this difference is due to a difference in personal coping skills, meaning that some people can cope with the strain without turning towards criminal coping mechanisms. In addition to this, Agnew claims that factors such as environmental or personal traits may have a negative impact on dealing with strain, which could result in crime (Carey, n.d.).

Can Strain Theory be Accurately Used to Explain Crime?

To evaluate if strain theory can be accurately used to explain crime, existing studies must be analysed to find out if their results support the theory. Baron (2006) conducted research to discover which types of strain are more closely related to criminal activity. To do this, he interviewed four hundred 'youths who... had an average age of almost 20 years'. Results showed that 'monetary dissatisfaction' and 'relative deprivation' were significantly present within individuals committing crimes. Furthermore, it was found that the 'discrepancy between monetary goals and actual achievements' directly correlated with criminal behaviour (Baron, 2006). This provides clear evidence that strain theory can be used as an accurate way to explain crime.

However, when using strain theory to explain crime, it has been said that the theory itself cannot be generalised to all countries. This is due to limited studies conducted outside North America and the fact that societal norms differ between various countries and so strands of strain are affected differently. An example of this is the pressure placed upon children to perform well in school in China and Korea. In these countries, as opposed to the US, 'poor academic performance is said to have more severe consequences' as it causes dishonour and shame within families (Agnew, Kristjansson & Sigfusdottir, 2012).

Antonaccio et al (2009) provided evidence of the different effects of strain within different countries when his study found that certain strands of strain affected crime within his Ukrainian sample but not in his Greek and Russian samples. This study could be used as evidence that strain theory cannot be accurately used to explain crime. This is due to his results showing strain to have minimal effects on crime in one country and no visible effects on the other two countries within the study (Antonaccio, Botchkovar & Tittle, 2009). But Agnew et al (2012) states that this is due to using 'very general measures of strain', the use of specific strains that 'are not related to crime' and the use of adults in the study, who he describes as 'less likely than adolescents to cope with strains through crime' (Agnew, 2005).

In contradiction to Antonaccio, Agnew et al (2012) conducted a study on strain theory using results from a European survey administered throughout 11 cities which found opposing results. The analysis found that four of the five strains examined were 'significantly associated' with delinquency. The results also provided support for Merton's strain theory, declaring that 'economic deprivation is more likely to lead to crime when inequality is high', as the study showed that economic strain was not a significant factor of crime within the cities used, due to their low level of inequality (Agnew, Kristjansson & Sigfusdottir, 2012). The evidence provided from this study shows that strain theory can be used generally around the world as an accurate way to explain crime.

Can Strain Theory be Used to Explain the Creation and Usage of Illegal Markets?

General strain theory states that if a person has had strain put upon them by society then they are more likely to experience feelings of anger and other negative emotions. To deal with these feelings, Agnew (2001) states that people may turn to crime as a coping mechanism from this strain. Maniaci et al (2017) produced a study that showed a positive correlation between anger and gambling. This connection between anger and gambling shows that people may turn to gambling as a coping mechanism from their negative emotions (Kabiri et al., 2020). Initially, gambling was unregulated. Once it became legalised, the high taxes involved in legal gambling caused illegal markets to take over (Reuter, 1982). Therefore, people may participate in illegal market gambling, instead of legal gambling, to cope with negative feelings such as anger without their winnings being taxed. Furthermore, the thrill that people receive from watching and gambling on types of illegal fighting, such as boxing or dog fighting, may counteract the negative emotions that they are experiencing (Kabiri et al., 2020). In addition, gambling through illegal markets can also be seen as a way to make significant amounts of money without paying tax (Reuter, 1982). People may participate in this form of gambling due to not achieving their goals for monetary success in a legitimate way and therefore turn to illegitimate ways to achieve their goals (Kabiri et al., 2020). Illegal drug use may work in a similar way. The negative emotions a person feels due to the strain placed upon them may lead to them wanting to escape in any way possible. This can be done through the use of illegal substances to alter the way a person thinks or feels (Arnold, 2011). The buying and selling of illegal drugs have been documented as the biggest reason for black markets. This could be the sale of illegal drugs or the sale of legal drugs in an illegal manner as they could be cheaper or available in higher quantities (Paoli, 2004).

Strain theory suggests that individuals show their success through monetary wealth. People do this through commodities, an 'external object' that 'satisfies human needs' through its 'qualities' and

value (Jhally, 1987). Through this, individuals that want to show that they have achieved their goals of monetary success do so by participating in 'commodity fetishism'. Commodity fetishism shows that people participate in the buying of products with high exchange values as it projects the amount of monetary success a person holds (Jhally, 1987). The most common way to do this is through the buying and use of designer branded items, such as handbags. Illegal markets contain huge sections for the buying and selling of illegal counterfeit goods. These products can sometimes be good replicas that look identical to the original products (Chaudhry & Stumpf, 2011). Therefore, people who do not have the means to purchase these 'high value' products legitimately may begin to participate in illegal market transactions. Strain theory implies that people would do this to present to themselves, or others, an illusion showing that they have achieved a high level of monetary success.

Furthermore, people who have not achieved their goals through legitimate means may turn to crimes such as robbery to obtain the items that they need, to keep or to sell. This is usually due to not having the means to obtain these items legitimately, or not having the money that one needs to live. Illegal markets also involve the distribution of legal items that are sold in an illegal manner (Beckert & Wehinger, 2012). Therefore, if someone is feeling desperate they may access illegal markets to buy products for cheaper than they could elsewhere.

Strain theory can also be applied to the creation of illegal markets. Strain theory suggests that the goal of society is to become successful through the accumulation of monetary wealth. Creating a market is an effective way to do this because, within modern society, markets are a foundation for life. Everyone uses markets to buy essential products and other things they may need/want (Sandel, 2013). According to strain theory, the creation of an illegal market would be due to the acceptance of goals but the rejection of means (Agnew, 2001). Under strain theory, a person may create an illegal market due to not having the means to create a market legally. Furthermore, they may believe that they will acquire more monetary wealth through the creation of an illegal market due to not being constrained by price restrictions or tax obligations. On the grounds that an online illegal market has minimal risks involved, a person may presume that they can achieve their goals through these illegitimate means without facing legal repercussions. Or, a person may understand the danger involved but believe that the chance to achieve their goals outweighs the risk. Therefore, this indicates that strain theory can explain the creation of illegal markets.

Conclusion

To conclude, strain theory can be used to explain the creation and usage of illegal markets in certain situations. The theory shows how people may interact with illegal markets due to negative emotions

and/or not achieving their goals. Strain theory explains why those that come from lower-income families are the ones that predominantly access illegal markets, as they are usually the ones with limited opportunities when it comes to achieving societal goals. However, strain theory does not explain all the crimes involved within illegal markets, such as those that do not involve achieving goals, for example, buying human organs.

Furthermore, strain theory does not explain why someone would buy from an illegal market for reasons that are not to gain money or to eliminate negative emotion. However, strain theory does suggest that to limit criminal activity through illegal markets, there is a need for extra resources to help people achieve their goals. It also implies that there needs to be a change within society that does not place strain upon individuals due to negative situations. One way that could help young people have access to more opportunities could be through the use of local youth clubs. These clubs work with the local children to provide opportunities for extra help in achieving their goals. It also gives a sense of community and welcoming which could help combat the negative emotions that cause strain.

Marxism

Karl Marx originated the idea of marxism through his works of philosophy in the 19th century. This idea branched into several schools of thought that include many theories (Russell, 2002). The theories included under marxism all stem from the idea that capitalism is criminogenic (Bohm, 1982). Within the early works of marxism, Marx wrote about the struggles between classes and the relationship between human labour and capitalism within the economy (Korsch & Koester, 1974).

Marxist criminology concerns itself with the relationship between society and crime. Much like Karl Marx, it also focuses on how capitalism and class struggles can be the root cause of crime (O'Malley, 1987). Marxism focuses on how political and economic power merges together to form a 'ruling class'. Marxist criminology states that the 'ruling class' govern the laws to benefit themselves and disadvantage the lower class (Chambliss, 1975). Snider(1993) notes that governments are reluctant to pass laws that could risk a reduction in profitability within large scale businesses that form the 'ruling class'. Therefore, governments and the ruling class work together, within capitalism, to form a society that benefits them. The inequality created by this causes feelings of injustice within lower classes who feel that they do not deserve to be where they are. As a result of these feelings, crime can flourish (Chambliss, 1975).

A leading theorist on criminological marxism, Gordon (1976), states that capitalism leads to 'dog eat dog societies'. From this, he explains that capitalist systems encourage the engagement of self-interest over mutual benefit. This shows society that the pursuit of profit is good, despite the harm it may cause. The inequality between the classes causes those in lower classes to want things that they can't afford, which in turn leads to crime (Chambliss, 1975).

Can Marxism be Accurately Used to Explain Crime?

Marxism suggests that capitalism is the cause of crime. Capitalist societies encourage the pursuit of profit, through any means, which increases acts of self-interest. Since the 1970s, there has been a decrease in 'mass production and manufacturing' within the US. This is due to companies changing the location of their factories and warehouses to countries where they can legally pay less for labour (Cowling, 2013). They do this because the self-interest installed through capitalism shows the advantages of a higher profit caused by decreased pay for labour. As a consequence of this, the levels of inequality within the US have increased, as the jobs created from these companies have been lost. After this, it was recorded that the US had become the 'penal capital of the world' with the imprisonment rate skyrocketing to 756 prisoners per 100,000 people (Cowling, 2013). This provides

evidence that the ideas of marxism can accurately be used to explain crime. However, the imprisonment rates within the UK did not increase despite similar circumstances of companies relocating being recorded (Cowling, 2013). This could suggest that marxism cannot be accurately used to explain the increased rate of incarceration, and that this was due to other factors such as the increased use of prison sentences as a punishment for crime, rather than for the purpose of rehabilitation.

Along with the idea that the ruling class influence the law, some marxists believe that crime statistics have been manipulated by law officials. This is due to the need to show that crime is increasing so that the departments in charge of controlling crime are given more resources (Chambliss, 2001). This does not directly show if marxism can accurately explain crime but it does show that marxism can explain the increasing crime statistics.

Can Marxism be Used to Explain the Creation and Usage of Illegal Markets?

Many marxist theorists state that laws are passed by governments to benefit the ruling class (Snider, 1993). An example of this is the fact that price regulation on market products can be set by private institutions. This means that private institutions can sell their products at a price that they deem suitable. Despite this, there are certain products (usually those that are considered essential) that governments have placed price caps on, which indicates that it would be illegal for a market to sell that product above the regulated price. However, they can increase the prices if the demand for that product increases (Rockoff, 1992). The laws ruled by higher classes cause crime as people do not want to follow those laws or believe that they are an injustice. A person may create an illegal market due to not wanting to be restricted by the regulations given out by governments and private institutions. People may believe that because they are not part of the 'ruling class' they do not have the opportunities to sell their product at a high profit as they are bound by these laws. Therefore, marxism shows that illegal markets are created as a way to subvert the boundaries that are enforced by governments to benefit the ruling class.

Furthermore, a market is defined as illegal due to the presence of products deemed illegal, under the law, or the presence of illegal marketing that does not follow government laws (Beckert & Wehinger, 2011). Marxists believe that the laws that decide the legality of markets are controlled by the ruling class. Chambliss (1975) supports this by stating 'acts are defined as criminal because it is in the best interest of the ruling class to so define them'. This implies that free markets, which are now illegal because of these laws, are considered illegitimate due to the negative impact they would have on the

major corporations controlled by the ruling class. This suggests that illegal markets are created as a consequence of the ruling class dominating the laws (Snider,1993).

Marxism proposes that crime is a rational response to the structure of capitalism (Gordon, 1976). This is due to the inequality that capitalism brings between social classes. Growing up within capitalist societies causes the beliefs and values of this economic infrastructure to be projected onto people. Since capitalism focuses on the ownership of private equity, the goals of society are to accumulate as much personal wealth as possible. This encourages the motivation of self-interest despite how it may hurt others (Chambliss, 1975). Therefore, marxists argue that any crime that involves economic gain is the result of individuals trying to succeed within these capitalist societies. From this, the creation and participation in illegal markets may be explained. Due to the inequalities of opportunity within capitalist societies, people may be forced into pursuing their goals of economic success through illegitimate means (Chambliss, 1975). The creators of individual illegal markets can profit massively through the sales of other sellers through their site. This alone may be enough to encourage a person to create an illegal market if they have the skills. People that use these sites to sell may have similar thought patterns. They may think that they can make more money selling on illegal sites if they do not have the opportunities to sell legally. Due to the pressure of gaining economic value through capitalism, these people may see the risks of getting caught as a minor detail in the journey of getting what they want.

Furthermore, capitalism thrives on the consumption of material products. Therefore, capitalism provides the need to pursue self-interest which is turned into the desire to consume (Chambliss, 1975). This desire to consume is derived from the values that society attaches to commodities. High-value commodities can present a symbol of wealth that shows that the owner is successful (Jhally, 1987). Marxists believe that capitalism is criminogenic as it creates an illusion that people must acquire commodities, through whatever means available (Chambliss, 1975). Due to the massive inequality between the class systems, people from lower classes may not have the opportunities to consume through legitimate means and therefore turn to crime to satisfy this need (Chambliss, 1975). This helps explain the usage of illegal markets as it shows that people will consume through illegitimate means if it is their only option. People may buy from illegal markets due to the lower prices that can be offered on account of no taxes. Additionally, there are sections of illegal markets that are solely for the trade of counterfeit goods (Chaudhry & Stumpf, 2011). Therefore, people can associate themselves with the capitalist goal of wealth, without paying the prices attached.

Conclusion

Marxism provides many opposing views on the causes of crime, demonstrating the broadness of the subject. Due to this, marxism can be difficult to apply to specific issues as there would be several contradicting opinions from theorists. However, marxism can be easier to apply when focusing on the general view that capitalism is criminogenic. Using capitalism as the cause of crime, the creation and usage of illegal markets can be explained because it shows societies' need for illegitimate markets. Despite this, there is limited evidence on the activity of illegal markets in non-capitalist nations and therefore it would be too presumptuous to state that capitalism is the sole cause of illegal market activity.

Marxism illustrates that the only way to limit illegal market activity would be through social reform. For changes to affect illegal markets, the inequality between classes would have to be minimised. This could decrease the need for the consumption of commodities as there would be no compulsion to prove high standing. Unfortunately, there is a high chance that this will never happen.

Final Conclusion

The aim of this research was to determine if the creation and usage of illegal markets can be explained by criminological theory. The focus of the research was to create an investigation into several criminological theories before assessing their accuracy and applying them to illegal markets. To do this it was important to first conduct research into markets in general. This was done to ensure that the concept of markets was understood before investigating illegal markets. The necessity of this was crucial to the research because the reasons why certain markets are illegal was imperative to know before theory could be applied. The research conducted as part of this dissertation was exclusively based upon literature. Due to there being no pre-existing studies on the relationship between illegal markets and criminological theory, any connections made are my own. The extensive research conducted into criminological theory provided a useful tool of showing insight into different theories that offset the limited research into illegal markets.

The results of the study indicate that theory can be accurately used to explain the creation and usage of illegal markets. The theories researched all concluded that they can be applied to illegal markets, however, this can not be generalised to all criminological theories. There are many theories, such as social learning theory (Bandura, 1980), that would be difficult to apply to illegal markets. Although there are also many criminological theories that do not cover the basis of the economic crime involved within illegal markets that could explain several other aspects, for example, the hiring of a hitman. However, it was concluded that rational choice theory, strain theory and marxism could provide the best explanation for the majority of crimes involving illegal markets. The three theories used all share the common idea that those from lower classes commit the majority of crime due to the perception that they are doing it out of necessity. This provides reasons why someone would commit a crime involving illegal markets, those of which are the foundation of this study. The simple basis of the theories included allows them to be applied to several different scenarios, and so the theories work well when applied to illegal markets.

Although evidence has been provided on the ways in which all three theories can be applied to illegal markets, rational choice theory could be considered the most fitting. This is due to the notably simple basis of a cost-benefit analysis. This allows the theory to be generalised to almost all crimes, and the range of crimes relevant to illegal markets can be vast. However, the theory overstates the rationality of an offender and people do not always act rationally (Lara, 2015). Additionally, it should also be noted that all three of the theories applied can work in conjunction with one another, which may be the best way to apply criminological theory. Furthermore, criminological theory may not always

apply as there are many situations in which a person is unknowingly participating in an illegal market.

To confirm the relationship between illegal markets and criminological theory, further studies would need to be conducted, expanding on the number of theories used. Applying more criminological theories to the creation and usage of illegal markets would corroborate the relationship revealed in this research. Exploring this relationship could help to address the causes of illegal markets. From this, suggestions could be made as to how to inhibit illegal market activity.

Based on the conclusions found, it is suggested that increasing the punishments involved within illegal markets would correlate with a decrease in usage. The way in which this could be established would require more in-depth research into illegal markets themselves which in turn could result in a deeper understanding. The research also suggests that limiting the amount of inequality within society would limit crime involving illegal markets. This could be done through social reform that provides extra help for those from lower classes and policy that does not only favour the ruling class. It is difficult to reduce crime without recognising that these problems often stem from poverty and these issues are hard to address. However, the theories applied within this research suggest that crime can be reduced through community organisations that provide extra support for those affected by poverty (Sharkey, Torrats-Espinosa & Takyar, 2017).

Taking this research and the suggestions given into consideration may provide the basis for further research that can combat crime related to illegal markets.

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