9 Deviance

Learning Objectives

Remember the definitions of the key terms highlighted in boldfaced type throughout this chapter.

Understand deviance as not the action of bad people but part of the way society is organized.

Apply sociology's major theoretical approaches to deviance.

Analyze the operation of major parts of the criminal justice system.

Evaluate the importance and limitation of official criminal statistics provided by the FBI.

Create the ability to move beyond common-sense ideas about right and wrong.

This chapter investigates how and why society encourages both conformity and deviance. In addition, the chapter provides an introduction to patterns of crime and the operation of the criminal justice system. ■

"I was like the guy lost in another dimension, a stranger in town, not knowing which way to go." With these words, Bruce Glover recalls the day he returned to his hometown of Detroit, Michigan, after being away for twenty-six years—a long stretch in a state prison. Now fifty-six years old, Glover was a young man of thirty when he was arrested for running a call girl ring. Found guilty at trial, he was given a stiff jail sentence.

"My mother passed while I was gone," Glover continues, shaking his head. "I lost everything." On the day he walked out of prison, he realized just how true that statement was. He had nowhere to go and no way to get there. He had no valid identification, which he would need to find a place to live and to get a job. He had no money to buy the clothes he needed to go out and start looking. He turned to a prison official and asked for help. Only with the assistance of a state agency was he finally able to get some money and temporary housing (C. Jones, 2007).

This chapter explores issues involving crime and criminals, asking not only how our criminal justice system handles offenders but also why societies develop standards of right and wrong in the first place. As you will see, law is simply one part of a complex system of social control: Society teaches us all to conform, at least most of the time, to countless rules. We begin our investigation by defining several basic concepts.

What Is Deviance?

🔵 Understand

Deviance is *the recognized violation of cultural norms.* Norms guide almost all human activities, so the concept of deviance is quite broad. One category of deviance is **crime**, *the violation of a society's formally enacted criminal law.* Even criminal deviance spans a wide range, from minor traffic violations to prostitution, sexual assault, and murder.

Most familiar examples of nonconformity are negative instances of rule breaking, such as stealing from a campus bookstore, assaulting a fellow student, or driving a car while intoxicated. But we also define especially righteous people—students who speak up too much in class or people who are overly enthusiastic about new computer technology—as deviant, even if we give them a measure of respect. What deviant actions or attitudes, whether negative or positive, have in common is some element of *difference* that causes us to think of another person as an "outsider" (H. S. Becker, 1966).

Not all deviance involves action or even choice. The very *existence* of some categories of people can be troublesome to others. To the young, elderly people may seem hopelessly "out of it," and to some whites, the mere presence of people of color may cause discomfort. Able-bodied people often view people with disabilities as an outgroup, just as rich people may shun the poor for falling short of their high-class standards.

Social Control

All of us are subject to **social control**, *attempts by society to regulate people's thoughts and behavior.* Often this process is informal, as when parents praise or scold their children or when friends make fun of our choice of music or style of dress. Cases of serious deviance, however, may involve the **criminal justice system**, *the organizations—police, courts, and prison officials—that respond to alleged violations of the law.*

How a society defines deviance, who is branded as deviant, and what people decide to do about deviance all have to do with the way society is organized. Only gradually, however, have people recognized that the roots of deviance are deep in society as the chapter now explains.

The Biological Context

Chapter 5 ("Socialization") explained that a century ago, most people assumed—incorrectly, as it turns out—that human behavior was the result of biological instincts. Early interest in criminality therefore focused on biological causes. In 1876, Cesare Lombroso (1835–1909),

deviance the recognized violation of cultural norms

crime the violation of a society's formally enacted criminal law

an Italian physician who worked in prisons, theorized that criminals stand out physically, with low foreheads, prominent jaws and cheekbones, hairiness, and unusually long arms. In other words, Lombroso claimed that criminals look like our apelike ancestors.

Had Lombroso looked more carefully, he would have found the physical features he linked to criminality throughout the entire population. We now know that no physical traits distinguish criminals from noncriminals.

In the middle of the twentieth century, William Sheldon took a different approach, suggesting that general body structure might predict criminality (Sheldon, Hartl, & McDermott, 1949). He crosschecked hundreds of young men for body type and criminal history and concluded that criminality was most likely among boys with muscular, athletic builds. Sheldon Glueck and Eleanor Glueck (1950) confirmed Sheldon's conclusion but cautioned that a powerful build does not necessarily *cause* or even *predict* criminality. Parents, they suggested, tend to be somewhat distant from powerfully built sons, who in turn grow up to show less sensitivity toward others. Moreover, in a self-fulfilling prophecy, people who expect muscular boys to be bullies may act in ways that bring about the aggressive behavior they expect.

Today, genetics research seeks possible links between biology and crime. In 2003, scientists at the University of Wisconsin reported results of a twenty-five-year study of crime among 400 boys. The researchers collected DNA samples from each boy and noted any history of trouble with the law. The researchers concluded that genetic factors (especially defective genes that, say, make too much of an enzyme) together with environmental factors (especially abuse early in life) were strong predictors of adult crime and violence. They noted, too, that these factors together were a better predictor of crime than either one alone (Lemonick, 2003; Pinker, 2003).

🟡 **Evaluate** Biological theories offer a limited explanation of crime. The best guess at present is that biological traits in combination with environmental factors explain some serious crime. But the biggest problem with this approach is that most of the actions we define as deviant are carried out by people who are biologically quite normal.

In addition, because a biological approach looks at the individual, it offers no insight into how some kinds of behaviors come to be defined as deviant in the first place. Therefore, although there is much to be learned about how human biology may affect behavior, research currently puts far greater emphasis on social influences.

CHECK YOUR LEARNING What does biological research add to our understanding of crime? What are the limitations of this approach?

social control attempts by society to regulate people's thoughts and behavior

criminal justice system the organizations—police, courts, and prison officials—that respond to alleged violations of the law

Deviance is always a matter of difference. Deviance emerges in everyday life as we encounter people whose appearance or behavior differs from what we consider "normal." Who is the "deviant" in this photograph? From whose point of view?

Personality Factors

Like biological theories, psychological explanations of deviance focus on abnormality in the individual personality. Some personality traits are inherited, but most psychologists think that personality is shaped primarily by social experience. Deviance, then, is viewed as the result of "unsuccessful" socialization.

Classic research by Walter Reckless and Simon Dinitz (1967) illustrates the psychological approach. Reckless and Dinitz began by asking a number of teachers to categorize twelve-year-old male students as either likely or unlikely to get into trouble with the law. They then interviewed both the boys and their mothers to assess each boy's self-concept and how he related to others. Analyzing their results, Reckless and Dinitz found that the "good boys" displayed a strong conscience (what Freud called superego), could handle frustration, and identified with conventional cultural norms and values. The "bad boys," by contrast, had a weaker conscience, displayed little tolerance of frustration, and felt out of step with conventional culture.

As we might expect, the "good boys" went on to have fewer run-ins with the police than the "bad boys." Because all the boys lived in an area where delinquency was widespread, the investigators attributed staying out of trouble to a personality that controlled deviant impulses. Based on this conclusion, Reckless and Dinitz called their analysis *containment theory*.

Why is it that street-corner gambling like this is usually against the law but playing the same games in a fancy casino is not?

In a more recent study, researchers followed 500 nonidentical twin boys from birth until they reached the age of thirty-two. Twins were used so that researchers could compare each of the twins to his brother controlling for social class and family environment. Observing the boys when they were young, parents, teachers, and the researchers assessed their level of self-control, ability to withstand frustration, and ability to delay gratification. Echoing the earlier conclusions of Reckless and Dinitz, the researchers found that the brother who had lower scores on these measures in childhood almost always went on to get into more trouble, including criminal activity (Moffitt et al., 2011).

🟡 **Evaluate** Psychologists have shown that personality patterns have some connection to deviance. Some serious criminals are psychopaths who do not feel guilt or shame, have no fear of punishment, and have little or no sympathy for the people they harm (Herpertz & Sass, 2000). More generally, the capacity for self-control and the ability to withstand frustration do seem to be skills that promote conformity. However, as noted in the case of the biological approach, most serious crimes are committed by people whose psychological profiles are normal.

Both the biological and psychological approaches view deviance as a trait of individuals. The reason that these approaches have had limited value in explaining deviance is that wrongdoing has more to do with the organization of society. We now turn to a sociological approach, which explores where ideas of right and wrong come from, why people define some rule breakers but not others as deviant, and what role power plays in this process.

CHECK YOUR LEARNING Why do biological and psychological analyses not explain deviance very well?

The Social Foundations of Deviance

Although we tend to view deviance as the free choice or personal failings of individuals, all behavior—deviance as well as conformity—is shaped by society. Three social foundations of deviance identified here will be detailed later in this chapter:

1. **Deviance varies according to cultural norms.** No thought or action is inherently deviant; it becomes deviant only in relation to particular norms. Because norms vary from place to place, deviance also varies. State law permits prostitution in rural areas of Nevada, although the practice is outlawed in the rest of the United States. Thirteen states have gambling casinos, twenty-nine permit casinos but only on Indian reservations, and twelve other states have casinos at race tracks. In all other states, casino gambling is illegal. Text messaging while driving is legal in eighteen states but against the law in twenty-six others (six other states forbid the practice for young drivers). Same-sex marriage is legal in six states and the District of Columbia; such marriages are illegal in forty-four states. Would you think that everyone could at least agree that milk is good for you? Not so fast: Selling raw milk is legal in ten states and banned or heavily regulated in all the others (American Gaming Association, 2010; Ozersky, 2010; National Conference of State Legislatures, 2011).

   Further, most cities and towns have at least one unique law. For example, Mobile, Alabama, outlaws the wearing of stiletto-heeled shoes; Pine Lawn, Missouri, bans saggy, "low-rider" pants; in Juneau, Alaska, it is illegal to bring a flamingo into a barbershop; South Padre Island, Texas, bans the wearing of neckties; Mount Prospect, Illinois, has a law against keeping pigeons or bees; Topeka, Kansas, bans snowball fights; Hoover, South Dakota, does not allow fishing by the light of a kerosene lantern; and Beverly Hills, California, regulates the number of tennis balls allowed on the court at one time (R. Steele, 2000; Wittenauer, 2007; Belofsky, 2010).

   Around the world, deviance is even more diverse. Albania outlaws any public display of religious faith, such as crossing oneself; Cuba bans citizens from owning personal computers; Vietnam can prosecute citizens for meeting with foreigners; Malaysia does not allow women to wear tight-fitting jeans; Saudi Arabia bans the sale of red flowers on Valentine's Day; and Iran bans wearing makeup by women and forbids anyone from playing rap music (Chopra, 2008).

2. **People become deviant as others define them that way.** Everyone violates cultural norms at one time or another. Have you ever walked around talking to yourself or "borrowed" a pen from your workplace? Whether such behavior defines us as mentally ill or criminal depends on how others perceive, define, and respond to it.

3. **How societies set norms and how they define rule breaking both involve social power.** The law, declared Karl Marx, is the means by which powerful people protect their interests. A homeless person who stands on a street corner speaking out against the government risks arrest for disturbing the peace; a mayoral candidate during an election campaign who does exactly the same thing gets police protection. In short, norms and how we apply them reflect social inequality.

The Functions of Deviance: Structural-Functional Theories

🟣 **Apply**

The key insight of the structural-functional approach is that deviance is a necessary part of social organization. This point was made a century ago by Emile Durkheim.

Durkheim's Basic Insight

In his pioneering study of deviance, Emile Durkheim (1964a, orig. 1893; 1964b, orig. 1895) made the surprising claim that there is nothing abnormal about deviance. In fact, it performs four essential functions:

1. **Deviance affirms cultural values and norms.** As moral creatures, people must prefer some attitudes and behaviors to others. But any definition of virtue rests on an opposing idea of vice: There can be no good without evil and no justice without crime. Deviance is needed to define and support morality.

2. **Responding to deviance clarifies moral boundaries.** By defining some individuals as deviant, people draw a boundary between right and wrong. For example, a college marks the line between academic honesty and cheating by disciplining students who cheat on exams.

3. **Responding to deviance brings people together.** People typically react to serious deviance with shared outrage. In doing so, Durkheim explained, they reaffirm the moral ties that bind them. For example, after the January 2011 shooting rampage in Tucson, Arizona, that killed six people and wounded nineteen more, including Congressional Representative Gabrielle Giffords, people across the United States were joined by a common desire to control this type of apparently senseless violence.

4. **Deviance encourages social change.** Deviant people push a society's moral boundaries, suggesting alternatives to the status quo and encouraging change. Today's deviance, declared Durkheim, can become tomorrow's morality (1964b:71, orig. 1895). For example, rock-and-roll, condemned as immoral in the 1950s, became a multibillion-dollar industry just a few years later (see the Thinking About Diversity box on page 68). In recent years, hip-hop music has followed the same path toward respectability.

An Illustration: The Puritans of Massachusetts Bay

Kai Erikson's classic study of the Puritans of Massachusetts Bay brings Durkheim's theory to life. Erikson (2005b, orig. 1966) shows that even the Puritans, a disciplined and highly religious group, created deviance to clarify their moral boundaries. In fact, Durkheim might well have had the Puritans in mind when he wrote this:

> Imagine a society of saints, a perfect cloister of exemplary individuals. Crimes, properly so called, will there be unknown; but faults which appear [insignificant] to

the layman will create there the same scandal that the ordinary offense does in ordinary consciousness. . . . For the same reason, the perfect and upright man judges his smallest failings with a severity that the majority reserve for acts more truly in the nature of an offense. (1964b:68–69, orig. 1895)

Deviance is thus not a matter of a few "bad apples" but a necessary condition of "good" social living.

Deviance may be found in every society, but the *kind* of deviance people generate depends on the moral issues they seek to clarify. The Puritans, for example, experienced a number of "crime waves," including the well-known outbreak of witchcraft in 1692. With each response, the Puritans answered questions about the range of proper beliefs by celebrating some of their members and condemning others as deviant.

Erikson discovered that even though the offenses changed, the proportion of people the Puritans defined as deviant remained steady over time. This stability, he concluded, confirms Durkheim's claim that society creates deviants to mark its changing moral boundaries. In other words, by constantly defining a small number of people as deviant, the Puritans maintained the moral shape of their society.
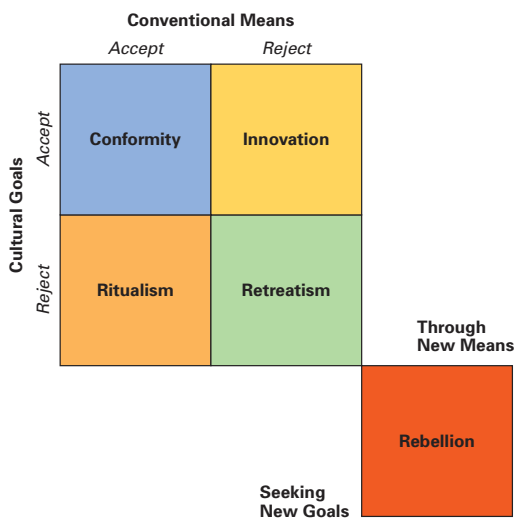
Merton's Strain Theory

Some deviance may be necessary for a society to function, but Robert Merton (1938, 1968) argued that society can be set up in a way that encourages too much deviance. Specifically, the extent and type of deviance people engage in depend on whether a society provides the *means* (such as schooling and job opportunities) to achieve cultural *goals* (such as financial success). Merton's strain theory is illustrated in Figure 9–1 on page 198.

Conformity lies in pursuing cultural goals through approved means. Therefore, the U.S. "success story" is someone who gains wealth and prestige through talent, schooling, and hard work. But not everyone who wants conventional success has the opportunity to attain it. For example, people raised in poverty may have little hope

Durkheim claimed that deviance is a necessary element of social organization, serving several important functions. After a man convicted of killing a child settled in their New Hampshire town, residents came together to affirm their community ties as well as their understanding of right and wrong. Has any event on your campus caused a similar reaction?

Conventional Means

	Accept	Reject
Accept	Conformity	Innovation
Reject	Ritualism	Retreatism

Cultural Goals

Through New Means

Rebellion

Seeking New Goals

FIGURE 9–1   Merton's Strain Theory of Deviance

Combining a person's view of cultural goals and the conventional means to obtain them allowed Robert Merton to identify various types of deviance.

Source: Merton (1968).

of becoming successful if they play by the rules. According to Merton, the strain between our culture's emphasis on wealth and the lack of opportunities to get rich may encourage some people, especially the poor, to engage in stealing, drug dealing, or other forms of street crime. Merton called this type of deviance *innovation*—using unconventional means (street crime) rather than conventional means (hard work at a "straight" job) to achieve a culturally approved goal (wealth).

The inability to reach a cultural goal may also prompt another type of deviance that Merton calls *ritualism*. For example, many people may not care much about becoming rich but rigidly stick to the rules (the conventional means) anyway in order to at least feel "respectable."

A third response to the inability to succeed is *retreatism*: rejecting both cultural goals and conventional means so that a person in effect "drops out." Some alcoholics, drug addicts, and street people can be described as retreatists. The deviance of retreatists lies in their unconventional lifestyle and also in what seems to be their willingness to live this way.

The fourth response to failure is *rebellion*. Like retreatists, rebels

Young people cut off from legitimate opportunity often form subcultures that many people view as deviant. Gang subcultures are one way young people gain the sense of belonging and respect denied to them by the larger culture.

such as radical "survivalists" reject both the cultural definition of success and the conventional means of achieving it, but they go one step further by forming a counterculture supporting alternatives to the existing social order.

Deviant Subcultures

Richard Cloward and Lloyd Ohlin (1966) extended Merton's theory, proposing that crime results not simply from limited legitimate (legal) opportunity but also from readily accessible illegitimate (illegal) opportunity. In short, deviance or conformity arises from the *relative opportunity structure* that frames a person's life.

The life of Al Capone, a notorious gangster, illustrates Cloward and Ohlin's theory. As the son of poor immigrants, Capone faced barriers of poverty and ethnic prejudice, which lowered his odds of achieving success in conventional terms. Yet as a young man during Prohibition (when alcoholic beverages were banned in the United States between 1920 and 1933), Capone found in his neighborhood people who could teach him how to sell alcohol illegally—a source of illegitimate opportunity. Where the structure of opportunity favors criminal activity, Cloward and Ohlin predict the development of *criminal subcultures,* such as Capone's criminal organization or today's inner-city street gangs.

But what happens when people are unable to find *any* opportunity, legal or illegal? Then deviance may take one of two forms. One is *conflict subcultures*, such as armed street gangs that engage in violence out of frustration and a desire for respect. Another possible outcome is the development of *retreatist subcultures,* in which deviants drop out and abuse alcohol or other drugs.

Albert Cohen (1971, orig. 1955) suggests that delinquency is most common among lower-class youths because they have the least opportunity to achieve conventional success. Neglected by society, they seek self-respect by creating a delinquent subculture that defines as worthy the traits these youths do have. Being feared on the street may not win many points with society as a whole, but it may satisfy a young person's desire to "be somebody" in the local neighborhood.

Walter Miller (1970, orig. 1958) adds that delinquent subcultures are characterized by (1) *trouble,* arising from frequent conflict with teachers and police; (2) *toughness,* the value placed on physical size and strength, especially among males; (3) *smartness,* the ability to succeed on the streets, to outsmart or "con" others, and to avoid being similarly taken advantage of; (4) a *need for excitement,* the search for thrills or danger; (5) a *belief in fate,* a sense that people lack control over their own lives; and (6) a *desire for freedom,* often expressed as anger toward authority figures.

Watch the video "Crips and Bloods, clip 1" on **mysoclab.com**

Deviant Subculture: Has It Become OK to Break the Rules?

Astrid: Simon! You're downloading that music illegally. You'll get us both into trouble!

Simon: Look, everyone cheats. Rich CEOs cheat in business. Ordinary people cheat on their taxes. Politicians lie. What else is new?

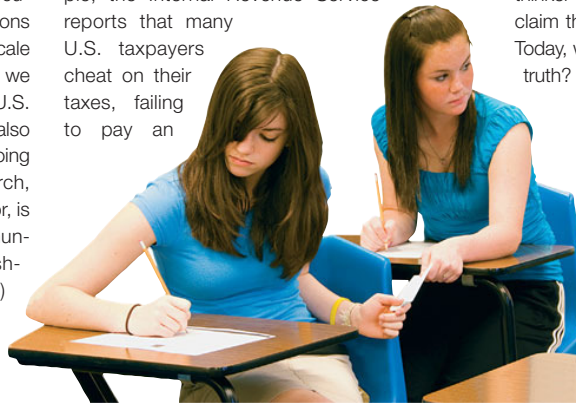**Astrid:** So it's OK to steal? Is that what you really believe?

Simon: I'm not saying it's OK. I'm just saying everyone does it. . . .

It's been a bad couple of years for the idea of playing by the rules. First, we learn that the executives of not just one but many U.S. corporations are guilty of fraud and outright stealing on a scale most of us cannot even imagine. More recently, we realize that the Wall Street leaders running the U.S. economy not only did a pretty bad job of it but also paid themselves tens of millions of dollars for doing so. And, of course, even the Catholic church, which we hold up as a model of moral behavior, is still trying to recover from the charges that hundreds of priests have sexually abused parishioners (most of them under the age of consent) for decades while church officials covered up the crimes.

There are plenty of ideas about what is causing this widespread wrongdoing. Some people suggest that the pressure to win—by whatever means necessary—in today's highly competitive world of business and politics can be overwhelming. As one analyst put it, "You can get away with your embezzlements and your lies, but you can never get away with *failing*."

Such thinking helps explain the wrongdoing among many CEOs in the world of business and finance and the conviction of several members of Congress for ethics violations, but it offers little insight into the problem of abusive priests. In some ways at least, wrongdoing seems to have become a way of life for just about everybody. For example, the Internal Revenue Service reports that many U.S. taxpayers cheat on their taxes, failing to pay an estimated $345 billion each year. The music industry claims that it has lost billions of dollars to illegal piracy of recordings, a practice especially common among young people. Perhaps most disturbing of all, in surveys, about half of high school and college students say that they have cheated on a test at least once during the past year (Gallup, 2004; Morin, 2006).

Emile Durkheim viewed society as a moral system built on a set of rules about what people should and should not do. Years earlier, another French thinker named Blaise Pascal made the contrasting claim that "cheating is the foundation of society." Today, which of the two statements is closer to the truth?

Join the Blog!

In your opinion, how widespread is wrongdoing in U.S. society today? Is the problem getting worse? Have you downloaded music illegally? What about cheating on college assignments or tests? Go to MySocLab and join the Sociology in Focus blog to share your opinions and experiences and to see what others think.

Do you consider cheating in school wrong? Would you turn in someone you saw cheating? Why or why not?

Sources: "Our Cheating Hearts" (2002), Bono (2006), and Lohr (2008).

Finally, Elijah Anderson (1994, 2002; Kubrin, 2005) explains that in poor urban neighborhoods, most people manage to conform to conventional or "decent" values. Yet faced with neighborhood crime and violence, indifference or even hostility from police, and sometimes neglect by their own parents, some young men decide to live by the "street code." To show that they can survive on the street, a young man displays "nerve," a willingness to stand up to any threat. Following this street code, which is also evident in much recent rap music, the young man believes that a violent death is better than being "dissed" (disrespected) by others. Some manage to escape the dangers, but the risk of ending up in jail—or worse—is very high for these young men, who have been pushed to the margins of our society.

🟡 **Evaluate** Durkheim made an important contribution by pointing out the functions of deviance. However, there is evidence that a community does not always come together in reaction to crime; sometimes fear of crime causes people to withdraw from public life (Liska & Warner, 1991; Warr & Ellison, 2000).

Merton's strain theory has been criticized for explaining some kinds of deviance (stealing, for example) better than others (such as crimes of passion or mental illness). Also, not everyone seeks success in the conventional terms of wealth, as strain theory suggests.

The general argument of Cloward and Ohlin, Cohen, Miller, and Anderson—that deviance reflects the opportunity structure of society—has been confirmed by subsequent research (Allan & Steffensmeier, 1989; Uggen, 1999). However, these theories fall short by assuming that everyone shares the same cultural standards for judging right and wrong. In addition, if we define crime to include not only burglary and auto theft but also fraud and other crimes carried out by corporate executives and Wall Street tycoons, then more high-income people will be counted as criminals. There is evidence that people of all social backgrounds are becoming more casual about breaking the rules, as the Sociology in Focus box explains.

Finally, all structural-functional theories suggest that everyone who breaks important rules will be labeled deviant. However, becoming deviant is actually a highly complex process, as the next section explains.

CHECK YOUR LEARNING Why do you think many of the theories just discussed seem to say that crime is more common among people with lower social standing?

Labeling Deviance: Symbolic-Interaction Theories

🟣 **Apply**

The symbolic-interaction approach explains how people define deviance in everyday situations. From this point of view, definitions of deviance and conformity are surprisingly flexible.

Labeling Theory

The main contribution of symbolic-interaction analysis is **labeling theory**, *the idea that deviance and conformity result not so much from what people do as from how others respond to those actions*. Labeling theory stresses the relativity of deviance, meaning that people may define the same behavior in any number of ways.

Consider these situations: A college student takes a sweater off the back of a roommate's chair and packs it for a weekend trip, a married woman at a convention in a distant city has sex with an old boyfriend, and a city mayor gives a big contract to a major campaign contributor. We might define the first situation as carelessness, borrowing, or theft. The consequences of the second case depend largely on whether the woman's behavior becomes known back home. In the third situation, is the official choosing the best contractor or paying off a political debt? The social construction of reality is a highly variable process of detection, definition, and response.

Primary and Secondary Deviance

Edwin Lemert (1951, 1972) observed that some norm violations—say, skipping school or underage drinking—provoke slight reaction from others and have little effect on a person's self-concept. Lemert calls such passing episodes *primary deviance.*

But what happens if people take notice of someone's deviance and really make something of it? After an audience has defined some action as primary deviance, the individual may begin to change, taking on a deviant identity by talking, acting, or dressing in a different way, rejecting the people who are critical, and repeatedly breaking the rules. Lemert (1951:77) calls this change of self-concept *secondary deviance.* He explains that "when a person begins to employ . . . deviant behavior as a means of defense, attack, or adjustment to the . . . problems created by societal reaction," deviance becomes secondary. For example, say that people have begun describing a young man as an "alcohol abuser," which establishes primary deviance. These people may then exclude him from their friendship network. His response may be to become bitter toward them, start drinking even more, and seek the company of others who approve of his drinking. These actions mark the beginning of secondary deviance, a deeper deviant identity.

In 2011, the nation was stunned by the killing of six people and wounding of thirteen others (including U.S. Representative Gabrielle Giffords) by Jared Lee Loughner in a Tucson, Arizona, shooting spree. Should society respond to an offender considered to be "insane" differently from one found to be "guilty" of the crime? Explain.
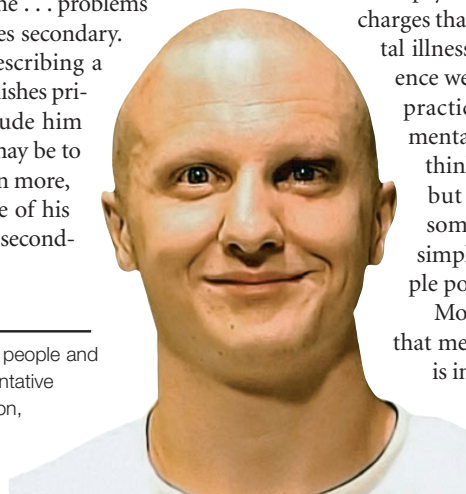
Stigma

Secondary deviance marks the start of what Erving Goffman (1963) calls a *deviant career.* As people develop a stronger commitment to deviant behavior, they typically acquire a **stigma**, *a powerfully negative label that greatly changes a person's self-concept and social identity*.

A stigma operates as a master status (see Chapter 6, "Social Interaction in Everyday Life"), overpowering other aspects of social identity so that a person is discredited in the minds of others and becomes socially isolated. Often a person gains a stigma informally as others begin to see the individual in deviant terms. Sometimes, however, an entire community formally stigmatizes an individual through what Harold Garfinkel (1956) calls a *degradation ceremony.* A criminal trial is one example, operating much like a high school graduation ceremony in reverse: A person stands before the community and is labeled in negative rather than positive terms.

Retrospective and Projective Labeling

Once people stigmatize an individual, they may engage in *retrospective labeling,* interpreting someone's past in light of some present deviance (Scheff, 1984). For example, after discovering that a priest has sexually molested a child, others rethink his past, perhaps musing, "He always did want to be around young children." Retrospective labeling, which distorts a person's biography by being highly selective, typically deepens a deviant identity.

Similarly, people may engage in *projective labeling* of a stigmatized person, using the person's deviant identity to predict future actions. Regarding the priest, people might say, "He's going to keep at it until he gets caught." The more people in someone's social world think such things, the more these definitions affect the individual's self-concept, increasing the chance that they will come true.

Labeling Difference as Deviance

Is a homeless man who refuses to allow police to take him to a city shelter on a cold night simply trying to live independently, or is he "crazy"? People have a tendency to treat behavior that irritates or threatens them not simply as different but as deviance or even mental illness.

The psychiatrist Thomas Szasz (1961, 1970, 2003, 2004) charges that people are too quick to apply the label of mental illness to conditions that simply amount to a difference we don't like. The only way to avoid this troubling practice, Szasz continues, is to abandon the idea of mental illness entirely. The world is full of people who think or act differently in ways that may irritate us, but such differences are not grounds for defining someone as mentally ill. Such labeling, Szasz claims, simply enforces conformity to the standards of people powerful enough to impose their will on others.

Most mental health care professionals reject the idea that mental illness does not exist. But they agree that it is important to think critically about how we define "difference." First, people who are mentally ill are no more to blame for their condition than people who suffer from cancer or some other physical problem. Therefore, having a mental

or physical illness is no grounds for a person being labeled "deviant." Second, ordinary people without the medical knowledge to diagnose mental illness should avoid using such labels just to make people conform to their own standards of behavior.

The Medicalization of Deviance

Labeling theory, particularly the ideas of Szasz and Goffman, helps explain an important shift in the way our society understands deviance. Over the past fifty or sixty years, the growing influence of psychiatry and medicine in the United States has led to the medicalization of deviance, *the transformation of moral and legal deviance into a medical condition.*

Medicalization amounts to swapping one set of labels for another. In moral terms, we evaluate people or their behavior as "bad" or "good." However, the scientific objectivity of medicine passes no moral judgment, instead using clinical diagnoses such as "sick" or "well."

To illustrate, until the mid-twentieth century, people generally viewed alcoholics as morally weak people easily tempted by the pleasure of drink. Gradually, however, medical specialists redefined alcoholism so that most people now consider it a disease, rendering people "sick" rather than "bad." In the same way, obesity, drug addiction, child abuse, sexual promiscuity, and other behaviors that used to be strictly moral matters are widely defined today as illnesses for which people need help rather than punishment.

Similarly, behaviors that used to be defined as criminal—such as smoking marijuana—are more likely today to be seen as a form of treatment. Medical marijuana laws have now been enacted in twelve states (Ferguson, 2010).

The Difference Labels Make

Whether we define deviance as a moral or a medical issue has three consequences. First, it affects *who responds* to deviance. An offense against common morality usually brings about a reaction from members of the community or the police. A medical label, however, places the situation under the control of clinical specialists, including counselors, psychiatrists, and physicians.

A second issue is *how people respond* to deviance. A moral approach defines deviants as offenders subject to punishment. Medically, however, they are patients who need treatment. Punishment is designed to fit the crime, but treatment programs are tailored to the patient and may involve virtually any therapy that a specialist thinks might prevent future deviance.

Third, and most important, the two labels differ on the *personal competence of the deviant person.* From a moral standpoint, whether we are right or wrong, at least we take responsibility for our own behavior. Once we are defined as sick, however, we are seen as unable to control (or if "mentally ill," even to understand) our

All social groups teach their members skills and attitudes that encourage certain behavior. In recent years, discussion on college campuses has focused on the dangers of binge drinking, which results in several dozen deaths each year among young people in the United States. How much of a problem is binge drinking on your campus?

actions. People who are labeled incompetent are in turn subjected to treatment, often against their will. For this reason alone, attempts to define deviance in medical terms should be made with extreme caution.

Sutherland's Differential Association Theory

Learning any behavioral pattern, whether conventional or deviant, is a process that takes place in groups. According to Edwin Sutherland (1940), a person's tendency toward conformity or deviance depends on the amount of contact with others who encourage or reject conventional behavior. This is Sutherland's theory of *differential association.*

A number of research studies confirm the idea that young people are more likely to engage in delinquency if they believe members of their peer groups encourage such activity (Akers et al., 1979; Miller & Mathews, 2001). One investigation focused on sexual activity among eighth-grade students. Two strong predictors of such behavior for young girls was having a boyfriend who encouraged sexual relations and having girlfriends they believed would approve of such activity. Similarly, boys were encouraged to become sexually active

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labeling theory the idea that deviance and conformity result not so much from what people do as from how others respond to those actions

stigma a powerfully negative label that greatly changes a person's self-concept and social identity

medicalization of deviance the transformation of moral and legal deviance into a medical condition

by friends who rewarded them with high status in their peer group (Little & Rankin, 2001).

Hirschi's Control Theory

The sociologist Travis Hirschi (1969; Gottfredson & Hirschi, 1995) developed *control theory,* which states that social control depends on people anticipating the consequences of their behavior. Hirschi assumes that everyone finds at least some deviance tempting. But the thought of a ruined career keeps most people from breaking the rules; for some, just imagining the reactions of family and friends is enough. On the other hand, individuals who feel they have little to lose by deviance are likely to become rule breakers.

Specifically, Hirschi links conformity to four different types of social control:

1. **Attachment.** Strong social attachments encourage conformity. Weak family, peer, and school relationships leave people freer to engage in deviance.

2. **Opportunity.** The greater a person's access to legitimate opportunity, the greater the advantages of conformity. By contrast, someone with little confidence in future success is more likely to drift toward deviance.

3. **Involvement.** Extensive involvement in legitimate activities— such as holding a job, going to school, or playing sports—inhibits deviance (Langbein & Bess, 2002). By contrast, people who simply "hang out" waiting for something to happen have time and energy to engage in deviant activity.

4. **Belief.** Strong belief in conventional morality and respect for authority figures restrain tendencies toward deviance. People who have a weak conscience (and who are left unsupervised) are more open to temptation (Stack, Wasserman, & Kern, 2004).

Hirschi's analysis combines a number of earlier ideas about the causes of deviant behavior. Note that a person's relative social privilege as well as family and community environment is likely to affect the risk of deviant behavior (Hope, Grasmick, & Pointon, 2003).

● **Evaluate** The various symbolic-interaction theories all see deviance as a process. Labeling theory links deviance not to the action but to the *reaction* of others. Thus some people are defined as deviant but others who think or behave in the same way are not. The concepts of secondary deviance, deviant career, and stigma show how being labeled deviant can become a lasting self-concept.

Yet labeling theory has several limitations. First, because it takes a highly relative view of deviance, labeling theory ignores the fact that some kinds of behavior—such as murder—are condemned just about everywhere. Therefore, labeling theory is most usefully applied to less serious issues, such as sexual promiscuity or mental illness. Second, research on the consequences of deviant labeling does not clearly show whether deviant labeling produces further deviance or discourages it (Smith & Gartin, 1989; Sherman & Smith, 1992). Third, not everyone resists being labeled deviant; some people actively seek it out (Vold & Bernard, 1986). For example, people take part in civil disobedience and willingly subject themselves to arrest in order to call attention to social injustice.

Sociologists consider Sutherland's differential association theory and Hirschi's control theory important contributions to our understanding of deviance. But why do society's norms and laws define certain kinds of activities as deviant in the first place? This question is addressed by social-conflict analysis, the focus of the next section.

CHECK YOUR LEARNING Clearly define primary deviance, secondary deviance, deviant career, and stigma.

Deviance and Inequality: Social-Conflict Theory

● **Apply**

The social-conflict approach, summarized in the Applying Theory table, links deviance to social inequality. That is, who or what is labeled deviant depends on which categories of people hold power in a society.

APPLYING THEORY

Deviance

	Structural-Functional Approach	Symbolic-Interaction Approach	Social-Conflict Approach
What is the level of analysis?	Macro-level	Micro-level	Macro-level
What is deviance? **What part does it play in society?**	Deviance is a basic part of social organization. By defining deviance, society sets its moral boundaries.	Deviance is part of socially constructed reality that emerges in interaction. Deviance comes into being as individuals label something deviant.	Deviance results from social inequality. Norms, including laws, reflect the interests of powerful members of society.
What is important about deviance?	Deviance is universal: It exists in all societies.	Deviance is variable: Any act or person may or may not be labeled deviant.	Deviance is political: People with little power are at high risk of being labeled deviant.

Deviance and Power

Alexander Liazos (1972) points out that the people we tend to define as deviants—the ones we dismiss as "nuts" and "sluts"—are typically not as bad or harmful as they are *powerless*. Bag ladies and unemployed men on street corners, not corporate polluters or international arms dealers, carry the stigma of deviance.

Social-conflict theory explains this pattern in three ways. First, all norms—especially the laws of any society—generally reflect the interests of the rich and powerful. People who threaten the wealthy are likely to be labeled deviant, either for taking people's property ("common thieves") or for advocating a more egalitarian society ("political radicals"). As noted in Chapter 4 ("Society"), Karl Marx argued that the law and all other social institutions support the interests of the rich. Or as Richard Quinney puts it, "Capitalist justice is by the capitalist class, for the capitalist class, and against the working class" (1977:3).

Second, even if their behavior is called into question, the powerful have the resources to resist deviant labels. The majority of the executives involved in recent corporate scandals have yet to be arrested; only a few have gone to jail.

Third, the widespread belief that norms and laws are natural and good masks their political character. For this reason, although we may condemn the unequal application of the law, we give little thought to whether the laws themselves are really fair or not.

Perhaps no one better symbolized the greed that drove the Wall Street meltdown of 2008 than Bernard Madoff, who swindled thousands of people and organizations out of some $50 billion. In 2009, after pleading guilty to eleven felony counts, Madoff was sentenced to 150 years in prison. Do you think white-collar offenders are treated fairly by our criminal justice system? Why or why not?
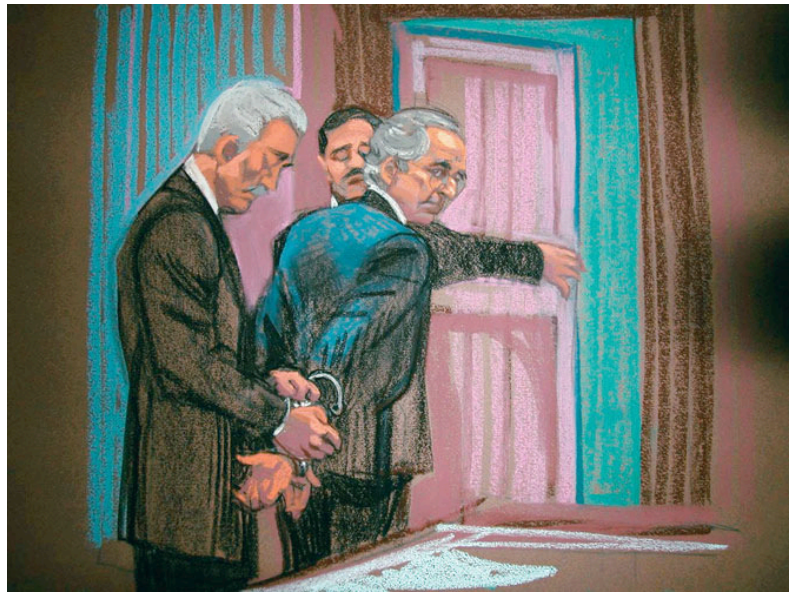
Deviance and Capitalism

In the Marxist tradition, Steven Spitzer (1980) argues that deviant labels are applied to people who interfere with the operation of capitalism. First, because capitalism is based on private control of wealth, people who threaten the property of others—especially the poor who steal from the rich—are prime candidates for being labeled deviant. On the other hand, the rich who take advantage of the poor are less likely to be labeled deviant. For example, landlords who charge poor tenants high rents and evict anyone who cannot pay are not considered criminals; they are simply "doing business."

Second, because capitalism depends on productive labor, people who cannot or will not work risk being labeled deviant. Many members of our society think people who are out of work, even through no fault of their own, are somehow deviant.

Third, capitalism depends on respect for authority figures, causing people who resist authority to be labeled deviant. Examples are children who skip school or talk back to parents and teachers and adults who do not cooperate with employers or police.

Fourth, anyone who directly challenges the capitalist status quo is likely to be defined as deviant. Such has been the case with labor organizers, radical environmentalists, and antiwar activists.

On the other side of the coin, society positively labels whatever supports the operation of capitalism. For example, winning athletes enjoy celebrity status because they express the values of individual achievement and competition, both vital to capitalism. Also, Spitzer notes, we condemn using drugs of escape (marijuana, psychedelics, heroin, and crack) as deviant but encourage drugs (such as alcohol and caffeine) that promote adjustment to the status quo.

The capitalist system also tries to control people who are not economically productive. The elderly, people with mental or physical disabilities, and Robert Merton's retreatists (people addicted to alcohol or other drugs) are a "costly yet relatively harmless burden" on society. Such people, claims Spitzer, are subject to control by social welfare agencies. But people who openly challenge the capitalist system, including the inner-city underclass and revolutionaries—Merton's innovators and rebels—are controlled by the criminal justice system and, in times of crisis, military forces such as the National Guard.

Note that both the social welfare and criminal justice systems blame individuals, not the system, for social problems. Welfare recipients are considered unworthy freeloaders, poor people who express rage at their plight are labeled rioters, anyone who challenges the government is branded a radical or a communist, and those who try to gain illegally what they will never get legally are rounded up as common criminals.

White-Collar Crime

In a sign of things to come, a Wall Street stockbroker named Michael Milken made headlines back in 1987 when he was jailed for business fraud. Milken attracted attention because not since the days of Al Capone had anyone made so much money in one year: $550 million—about $1.5 million a day (Swartz, 1989).

Milken engaged in **white-collar crime**, defined by Edwin Sutherland (1940) as *crime committed by people of high social position in the course of their occupations*. White-collar crimes do not involve vio-

The television series *Boardwalk Empire* offers an inside look at the lives of gangsters in this country's history. How accurately do you think the mass media portray organized crime? Explain.

lence and rarely attract police to the scene with guns drawn. Rather, white-collar criminals use their powerful offices to illegally enrich themselves and others, often causing significant public harm in the process. For this reason, sociologists sometimes call white-collar offenses that occur in government offices and corporate boardrooms "crime in the suites" as opposed to "crime in the streets."

The most common white-collar crimes are bank embezzlement, business fraud, bribery, and antitrust violations. Sutherland (1940) explains that such white-collar offenses typically end up in a civil hearing rather than a criminal courtroom. *Civil law* regulates business dealings between private parties, and *criminal law* defines the individual's moral responsibilities to society. In practice, then, someone who loses a civil case pays for damage or injury but is not labeled a criminal. Corporate officials are also protected by the fact that most charges of white-collar crime target the organization rather than individuals.

When white-collar criminals are charged and convicted, they usually escape punishment. A government study found that those convicted of fraud and punished with a fine ended up paying less than 10 percent of what they owed; most managed to hide or transfer their assets to avoid paying up. Among white-collar criminals convicted of the more serious crime of embezzlement, only about half ever served a day in jail. One accounting found that just 54 percent of the embezzlers convicted in the U.S. federal courts served prison sentences; the rest were put on probation or issued a fine (U.S. Bureau of Justice Statistics, 2010). As some analysts see it, until courts impose more prison terms, we should expect white-collar crime to remain widespread (Shover & Hochstetler, 2006).

white-collar crime crime committed by people of high social position in the course of their occupations	corporate crime the illegal actions of a corporation or people acting on its behalf	organized crime a business supplying illegal goods or services

Corporate Crime

Sometimes whole companies, not just individuals, break the law. **Corporate crime** is *the illegal actions of a corporation or people acting on its behalf.*

Corporate crime ranges from knowingly selling faulty or dangerous products to deliberately polluting the environment (Derber, 2004). The collapse of a number of major U.S. corporations in recent years cost tens of thousands of people their jobs and their pensions. Even more seriously, 130 people died in underground coal mines between 2007 and 2011; hundreds more died from "black lung" disease caused by years of inhaling coal dust. The death toll for all job-related hazards in the United States probably exceeds 50,000 each year (Frank, 2007; Jafari, 2008; Mine and Safety Administration, 2011).

Organized Crime

Organized crime is *a business supplying illegal goods or services.* Sometimes criminal organizations force people to do business with them, as when a gang extorts money from shopkeepers for "protection." In most cases, however, organized crime involves the sale of illegal goods and services—often sex, drugs, and gambling—to willing buyers.

Organized crime has flourished in the United States for more than a century. The scope of its operations expanded among immigrants, who found that this society was not willing to share its opportunities with them. Some ambitious individuals (such as Al Capone, mentioned earlier) made their own success, especially during Prohibition, when the government banned the production and sale of alcohol.

The Italian Mafia is a well-known example of organized crime. But other criminal organizations involve African Americans, Chinese, Colombians, Cubans, Haitians, Nigerians, and Russians, as well as others of almost every racial and ethnic category. Today, organized crime involves a wide range of activities, from selling illegal drugs to prostitution to credit card fraud to selling false identification papers to illegal immigrants (Valdez, 1997; Federal Bureau of Investigation, 2010).

🟡 **Evaluate** According to social-conflict theory, a capitalist society's inequality in wealth and power shapes its laws and how they are applied. The criminal justice and social welfare systems thus act as political agents, controlling categories of people who are a threat to the capitalist system.

Like other approaches to deviance, social-conflict theory has its critics. First, this approach implies that laws and other cultural norms are created directly by the rich and powerful. At the very least, this is an oversimplification, as laws also protect workers, consumers, and the environment, sometimes opposing the interests of corporations and the rich.

Second, social-conflict analysis argues that criminality springs up only to the extent that a society treats its members unequally. However, as Durkheim noted, deviance exists in all societies, whatever their economic system and their degree of inequality.

Thinking About Diversity:
Race, Class, and Gender

Hate Crime Laws: Should We Punish
Attitudes as Well as Actions?

On a cool October evening, nineteen-year-old Todd Mitchell, an African American, was standing with some friends in front of their apartment complex in Kenosha, Wisconsin. They had just seen the film *Mississippi Burning* and were fuming over a scene that showed a white man beating a young black boy while he knelt in prayer.

"Do you feel hyped up to move on some white people?" asked Mitchell. Minutes later, they saw a young white boy walking toward them on the other side of the street. Mitchell commanded, "There goes a white boy; go get him!" The group swarmed around the youngster, beating him bloody and leaving him on the ground in a coma. The attackers took the boy's tennis shoes as a trophy.

Police soon arrested the teenagers and charged them with the beating. Mitchell went to trial as the ringleader, and the jury found him guilty of aggravated battery *motivated by racial hatred*. Instead of the usual two-year sentence, Mitchell went to jail for four years.

As this case illustrates, hate crime laws punish a crime more severely if the offender is motivated by bias against some category of people. Supporters make three arguments in favor of hate crime legislation. First, as noted in the text discussion of crime, the offender's intentions are always important in weighing criminal responsibility, so considering hatred an intention is nothing new. Second, victims of hate crimes typically suffer greater injury than victims of crimes with other motives. Third, a crime motivated by racial or other bias is more harmful because it inflames the public mood more than a crime carried out, say, for money.

Critics counter that while some hate crime cases involve hard-core racism, most are impulsive

Do you think this example of vandalism should be prosecuted as a hate crime? In other words, should the punishment be more severe than if the spray painting were just "normal" graffiti? Why or why not?

acts by young people. Even more important, critics maintain, hate crime laws are a threat to First Amendment guarantees of free speech. Hate crime laws allow courts to sentence offenders not just for their actions but also for their attitudes. As the Harvard University law professor Alan Dershowitz cautions, "As much as I hate bigotry, I fear much more the Court attempting to control the minds of its citizens." In short, according to critics, hate crime statutes open the door to punishing beliefs rather than behavior.

In 1993, the U.S. Supreme Court upheld the sentence handed down to Todd Mitchell. In a unanimous decision, the justices stated that the government should not punish an individual's beliefs. But, they reasoned, a belief is no longer protected when it becomes the motive for a crime.

What Do You Think?

1. Do you think crimes motivated by hate are more harmful than those motivated by greed? Why or why not?

2. Do you think minorities such as African Americans should be subject to the same hate crime laws as white people? Why or why not?

3. Do you favor or oppose hate crime laws? Why?

Sources: Terry (1993), A. Sullivan (2002), and Hartocollis (2007).

CHECK YOUR LEARNING Define white-collar crime, corporate crime, and organized crime.
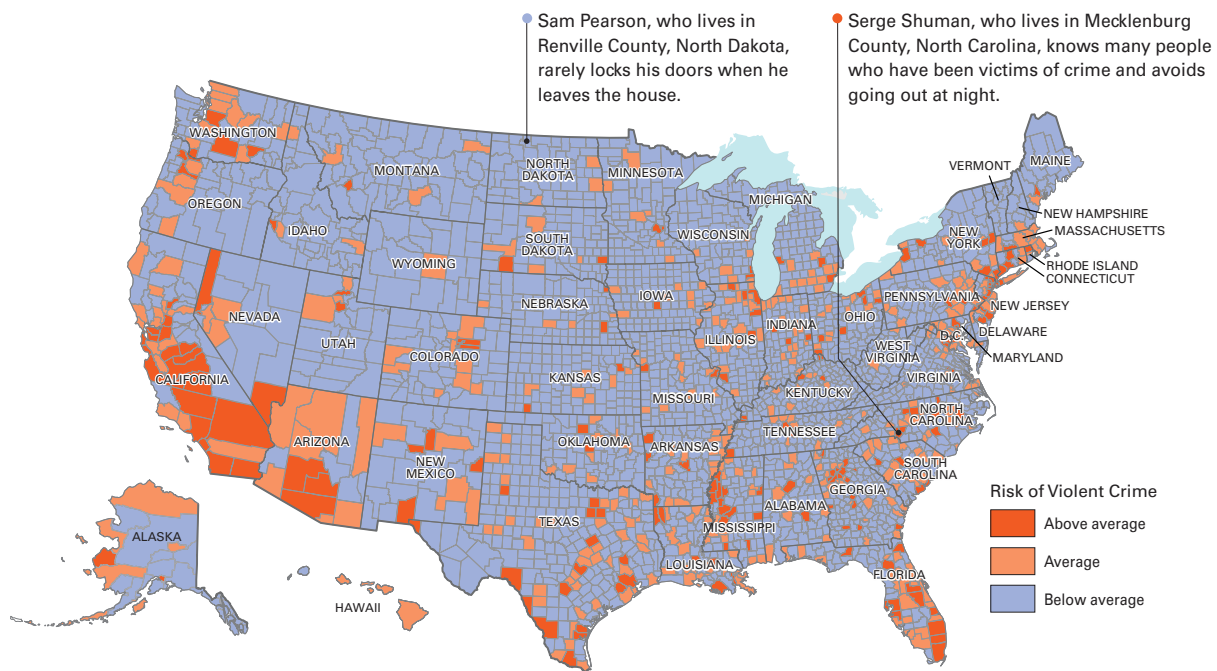
Deviance, Race, and Gender

🔴 **Analyze**

What people consider deviant reflects the relative power and privilege of different categories of people. The following sections offer two examples: how racial and ethnic hostility motivates hate crimes and how gender is linked to deviance.

Hate Crimes

A **hate crime** is *a criminal act against a person or a person's property by an offender motivated by racial or other bias*. A hate crime may express hostility toward someone's race, religion, ethnicity or ancestry and, since 2009, sexual orientation, or physical disability. The federal government recorded 6,604 hate crimes in 2009 (U.S. Department of Justice, 2010).

In 1998, people across the country were stunned by the brutal killing of Matthew Shepard, a gay student at the University of Wyoming, by two men filled with hatred toward homosexuals. The National Gay and Lesbian Task Force reported 2,424 hate crimes against gay and lesbian people in 2008 and estimates that one in five lesbians and gay men will become a victim of physical assault based on sexual orientation (Dang & Vianney, 2007; National Coalition of Anti-Violence Programs, 2009). People who contend with multiple stigmas, such as gay men of color, are especially likely to be victims. Yet it can happen to anyone: In 2009, 17 percent of hate crimes based on race targeted white people (Federal Bureau of Investigation, 2010).

By 2010, forty-five states and the federal government had enacted legislation that increased penalties for crimes motivated by hatred (Anti-Defamation League, 2009). Supporters are gratified, but opponents charge that such laws, which increase penalties based on the attitudes of the offender, punish "politically incorrect" thoughts. The Thinking About Diversity box takes a closer look at the issue of hate crime laws.

Sam Pearson, who lives in Renville County, North Dakota, rarely locks his doors when he leaves the house.

Serge Shuman, who lives in Mecklenburg County, North Carolina, knows many people who have been victims of crime and avoids going out at night.

Risk of Violent Crime

- Above average
- Average
- Below average

Seeing Ourselves

NATIONAL MAP 9–1   The Risk of Violent Crime across the United States

This map shows the risk of becoming a victim of violent crime. In general, the risk is highest in low-income, rural counties that have a large population of men between the ages of fifteen and twenty-four. After reading this section of the text, see whether you can explain this pattern.

Source: CAP Index, Inc. (2009).

The Feminist Perspective: Deviance and Gender

In 2009, several women in Sudan were convicted of "dressing indecently." The punishment was imprisonment and, in several cases, ten lashes. The crime was wearing trousers (BBC, 2009).

This is an exceptional case, but the fact is that virtually every society in the world places stricter controls on women than on men. Historically, our own society has centered the lives of women on the home. In the United States even today, women's opportunities in the workplace, in politics, in athletics, and in the military are more limited than men's.

Elsewhere in the world, as the preceding example suggests, the constraints on women are greater still. In Saudi Arabia, women cannot vote or legally operate motor vehicles; in Iran, women who dare to expose their hair or wear makeup in public can be whipped; and not long ago, a Nigerian court convicted a divorced woman of bearing a child out of wedlock and sentenced her to death by stoning; her life was later spared out of concern for her child (Eboh, 2002; Jefferson, 2009).

Gender also figures in the theories of deviance you read about earlier in the chapter. Robert Merton's strain theory, for example, defines cultural goals in terms of financial success. Traditionally, at least, this goal has had more to do with the lives of men because women have been taught to define success in terms of relationships, particularly marriage and motherhood (E. B. Leonard, 1982). A more woman-focused theory might recognize the "strain" that results from the cultural ideal of equality clashing with the reality of gender-based inequality.

According to labeling theory, gender influences how we define deviance because people commonly use different standards to judge the behavior of females and males. Further, because society puts men in positions of power over women, men often escape direct responsibility for actions that victimize women. In the past, at least, men who sexually harassed or assaulted women were labeled only mildly deviant and sometimes escaped punishment entirely.

By contrast, women who are victimized may have to convince others—even members of a jury—that they were not to blame for their own sexual harassment or assault. Research confirms an important truth: Whether people define a situation as deviance—and, if so,

who the deviant is—depends on the sex of both the audience and the actors (King & Clayson, 1988).

Finally, despite its focus on social inequality, much social-conflict analysis does not address the issue of gender. If economic disadvantage is a primary cause of crime, as conflict theory suggests, why do women (whose economic position is much worse than men's) commit far *fewer* crimes than men?

Crime

🔵 Understand

Crime is the violation of criminal laws enacted by a locality, a state, or the federal government. All crimes are composed of two elements: the *act* itself (or in some cases, the failure to do what the law requires) and *criminal intent* (in legal terminology, *mens rea,* or "guilty mind"). Intent is a matter of degree, ranging from willful conduct to negligence. Someone who is negligent does not deliberately set out to hurt anyone but acts (or fails to act) in a way that results in harm. Prosecutors weigh the degree of intent in deciding whether, for example, to charge someone with first-degree murder, second-degree murder, or negligent manslaughter. Alternatively, they may consider a killing justifiable, as in self-defense.

Types of Crime

In the United States, the Federal Bureau of Investigation (FBI) gathers information on criminal offenses and regularly reports the results in a publication called *Crime in the United States.* Two major types of crime make up the FBI "crime index."

Crimes against the person, also called *violent crimes*, are *crimes that direct violence or the threat of violence against others.* Violent crimes include murder and manslaughter (legally defined as "the willful killing of one human being by another"), aggravated assault ("an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury"), forcible rape ("the carnal knowledge of a female forcibly and against her will"), and robbery ("taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or putting the victim in fear"). National Map 9–1 shows a person's risk of becoming a victim of violent crime in counties all across the United States.

Crimes against property, also called *property crimes*, are *crimes that*

Julian Assange is the founder of WikiLeaks, which tries to hold governments and other powerful organizations accountable for their behavior. Not surprisingly, Assange has found himself in trouble with the law. He is shown here in 2010, having been released on bail pending future prosecution.

involve theft of property belonging to others. Property crimes include burglary ("the unlawful entry of a structure to commit a [serious crime] or a theft"), larceny-theft ("the unlawful taking, carrying, leading, or riding away of property from the possession of another"), auto theft ("the theft or attempted theft of a motor vehicle"), and arson ("any willful or malicious burning or attempt to burn the personal property of another").

A third category of offenses, not included in major crime indexes, is **victimless crimes**, *violations of law in which there are no obvious victims.* Also called *crimes without complaint,* they include illegal drug use, prostitution, and gambling. The term "victimless crime" is misleading, however. How victimless is a crime when young people steal to support a drug habit? What about a young pregnant woman who, by smoking crack, permanently harms her baby? Perhaps it is more correct to say that people who commit such crimes are both offenders and victims.

Because public views of victimless crimes vary greatly, laws differ from place to place. In the United States, although gambling and prostitution are legal in only limited areas, both activities are common across the country.

Criminal Statistics

Statistics gathered by the FBI show crime rates rising from 1960 to 1990 and then declining. Even so, police count more than 11 million serious crimes each year. Figure 9–2 on page 208 shows the trends for various serious crimes.

Always read crime statistics with caution, because they include only crimes known to the police. Almost all homicides are reported, but assaults—especially among people who know one another—often are not. Police records include an even smaller share of the property crimes that occur, especially when the crime involves losses that are small.

Researchers check official crime statistics using *victimization surveys,* in which they ask a representative sample of people if they have had any experience with crime. Victimization surveys carried out in 2008 showed that the actual number of serious crimes was more than twice as high as police reports indicate (Rand, 2009).

Recorded Rate of Violent Crimes

Recorded Rate of Property Crimes
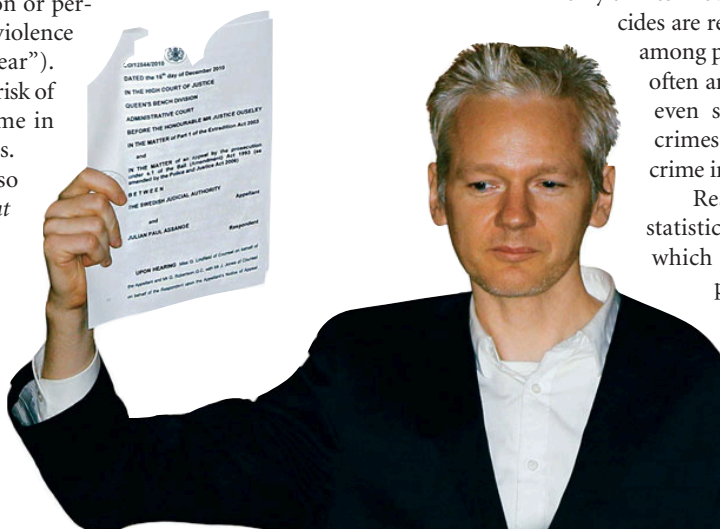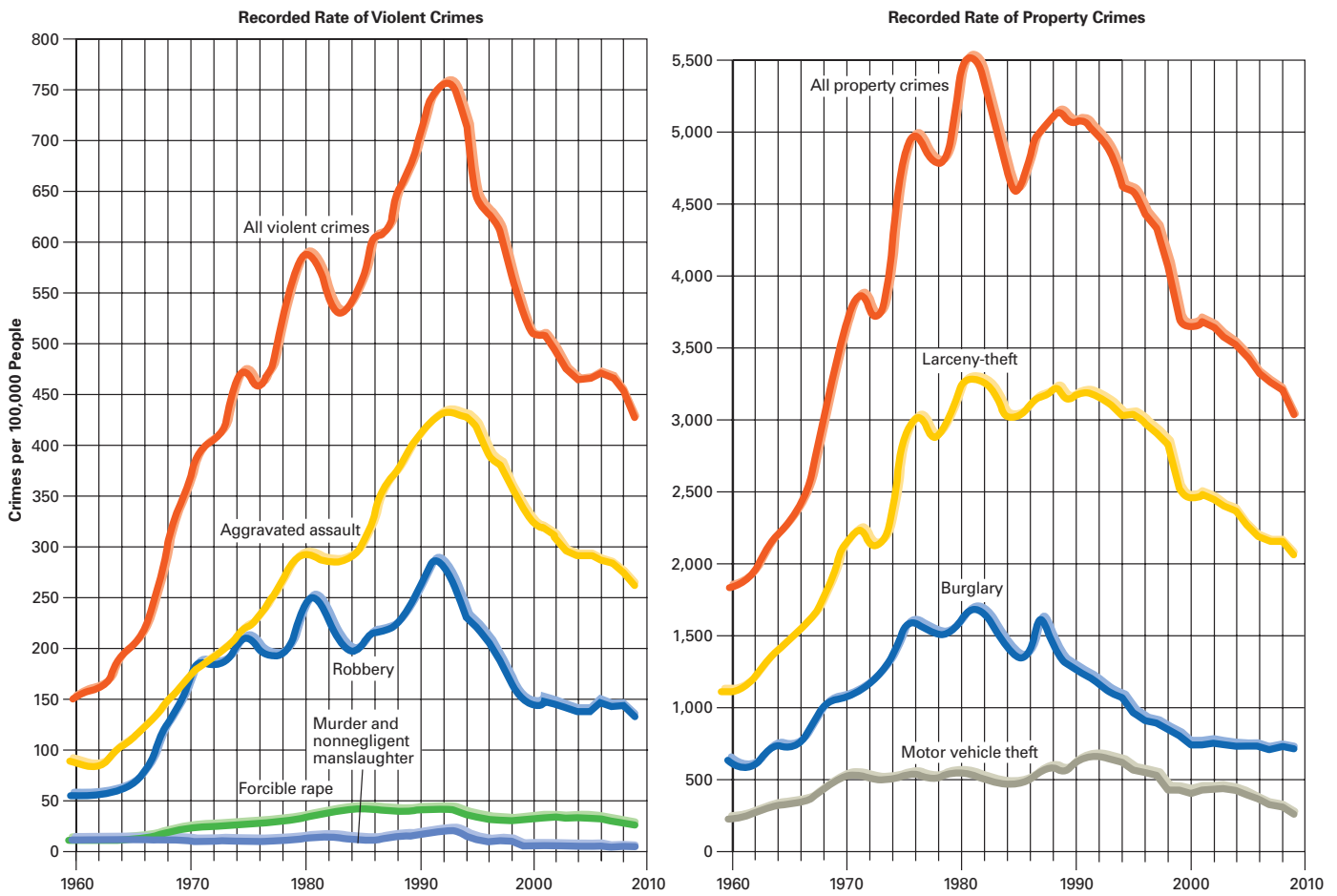
FIGURE 9–2   Crime Rates in the United States, 1960–2009

The graphs show the rates for various violent crimes and property crimes during recent decades. Since about 1990, the trend has been downward.

Source: Federal Bureau of Investigation (2010).

The Street Criminal: A Profile

Using government crime reports, we can gain a general description of the categories of people most likely to be arrested for violent and property crimes.

Age

Official crime rates rise sharply during adolescence, peak in the late teens, and then fall as people get older. People between the ages of fifteen and twenty-four represent just 14 percent of the U.S. population, but in 2009, they accounted for 40.9 percent of all arrests for violent crimes and 49.1 percent of arrests for property crimes (Federal Bureau of Investigation, 2010).

Gender

Although each sex makes up roughly half the country's population, police collared males in 62.6 percent of all property crime arrests in 2009; the other 37.4 percent of arrests involved women. In other words, men are arrested almost twice as often as women for property crimes. In the case of violent crimes, the difference is even greater, with 81.2 percent of arrests by police involving males and just 18.8 percent of the arrests involving females (more than a four-to-one ratio).

How do we account for the dramatic difference? It may be that some law enforcement officials are reluctant to define women as criminals. In fact, all over the world, the greatest gender differences in crime rates occur in societies that most severely limit the opportunities of women. In the United States, however, the difference in arrest rates for women and men is narrowing, which probably indicates increasing sexual equality in our society. Between 2000 and 2009, there was an 11.4 percent *increase* in arrests of women and a 4.9 percent *drop* in arrests of men (Federal Bureau of Investigation, 2010).

Social Class

The FBI does not assess the social class of arrested persons, so no statistical data of the kind given for age and gender are available. But research has long indicated that street crime is more widespread among people of lower social position (Thornberry & Farnsworth, 1982; Wolfgang, Thornberry, & Figlio, 1987).

Yet the link between class and crime is more complicated than it appears on the surface. For one thing, many people look on the poor as less worthy than the rich, whose wealth and power confer "respectability" (Tittle, Villemez, & Smith, 1978; Elias, 1986). And although crime—especially violent crime—is a serious problem in the poorest inner-city communities, most of these crimes are committed by a few repeat offenders. The majority of the people who live in poor communities have no criminal record at all (Wolfgang, Figlio, & Sellin, 1972; Elliott & Ageton, 1980; Harries, 1990).

The connection between social standing and criminality also depends on the type of crime. If we expand our definition of crime beyond street offenses to include white-collar crime and corporate crime, the "common criminal" suddenly looks much more affluent and may live in a $100 million home.

Race and Ethnicity

Both race and ethnicity are strongly linked to crime rates, although the reasons are many and complex. Official statistics show that 69.1 percent of arrests for FBI index crimes in 2009 involved white people. However, the African American arrest rate was higher than the rate for whites in proportion to their representation in the general population. African Americans make up 12.9 percent of the population but account for 29.8 percent of arrests for property crimes (versus 67.6 percent for whites) and 38.9 percent of arrests for violent crimes (versus 58.7 percent for whites) (Federal Bureau of Investigation, 2010).

There are several reasons for the disproportionate number of arrests among African Americans. First, race in the United States closely relates to social standing, which, as already explained, affects the likelihood of engaging in street crimes. Many poor people living in the midst of wealth come to perceive society as unjust and are therefore more likely to turn to crime to get their share (Blau & Blau, 1982; E. Anderson, 1994; Martinez, 1996).

Second, black and white family patterns differ: 72.3 percent of non-Hispanic black children (compared to 52.6 percent of Hispanic children and 28.9 percent of non-Hispanic white children) are born to single mothers. Single parenting carries two risks: Children receive less supervision and are at greater risk of living in poverty. With more than one-third of African American children growing up poor (compared to one in eight white children), no one should be surprised at the proportionately higher crime rates for African Americans (Martin, Hamilton et al., 2010; U.S. Census Bureau, 2010).

Third, prejudice prompts white police to arrest black people more readily and leads citizens to report African Americans more willingly, so people of color are overly criminalized (Chiricos, McEntire, & Gertz, 2001; Quillian & Pager, 2001; Demuth & Steffensmeier, 2004).

Fourth, remember that the official crime index does not include arrests for offenses ranging from drunk driving to white-collar violations. This omission contributes to the view of the typical criminal as a person of color. If we broaden our definition of crime to include drunk driving, business fraud, embezzlement, stock swindles, and cheating on income tax returns, the proportion of white criminals rises dramatically.

Keep in mind, too, that categories of people with high arrest rates are also at higher risk of being victims of crime. In the United States, for example, African Americans are six times as likely as white people to die as a result of homicide (Rogers et al., 2001; Xu et al., 2010).

Finally, some categories of the population have unusually low rates of arrest. People of Asian descent, who account for about 4.4 percent of the population, figure in only 1.2 percent of all arrests. As Chapter 14 ("Race and Ethnicity") explains, Asian Americans enjoy higher than average educational achievement and income. Also, Asian American culture emphasizes family solidarity and discipline, both of which keep criminality down.
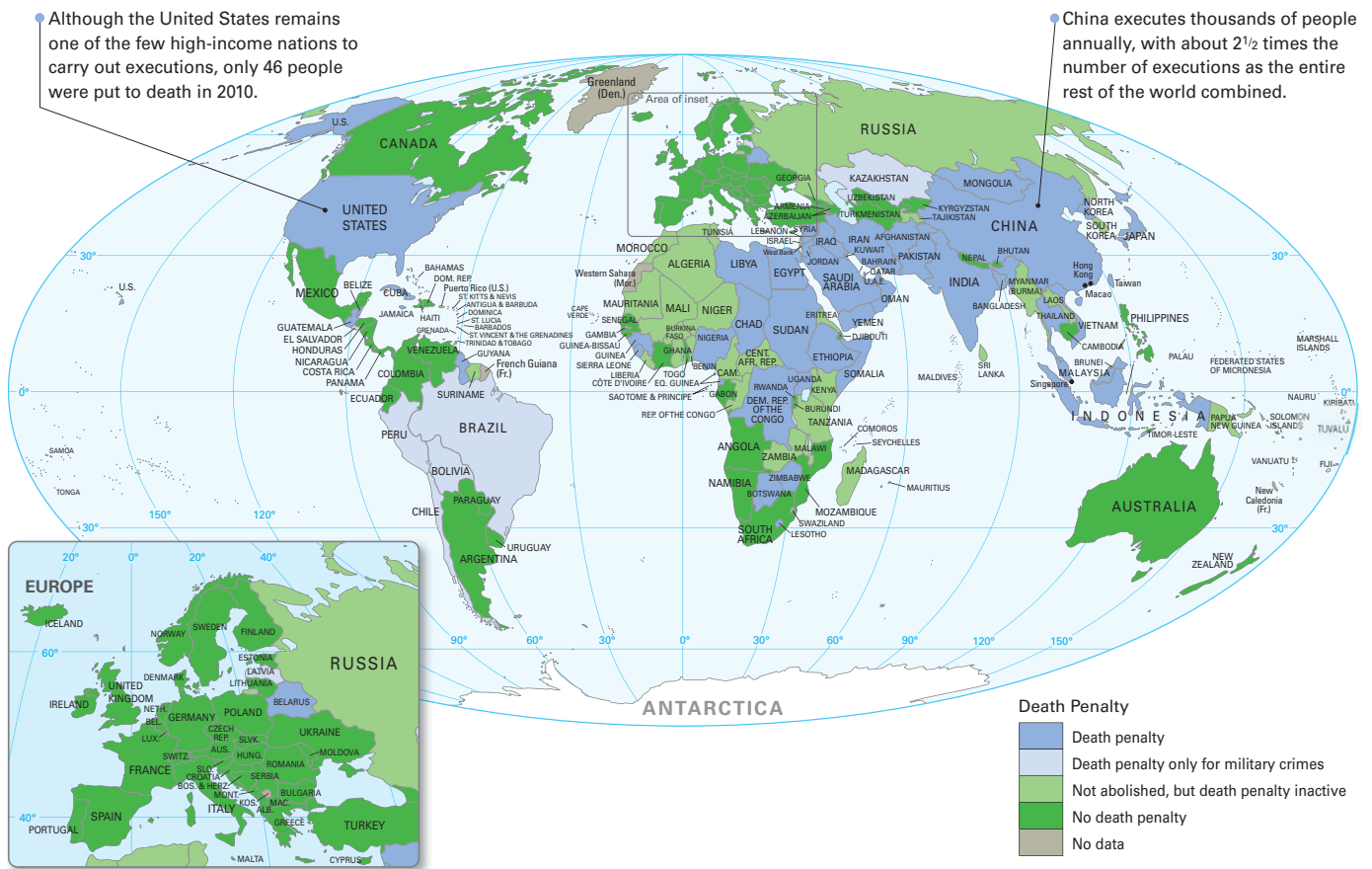
Crime in Global Perspective

By world standards, the crime rate in the United States is high. Although recent crime trends are downward, there were 15,241 murders in the United States in 2009, which amounts to one every thirty-five minutes around the clock. In large cities such as New York, rarely does a day go by without someone being killed.

The rates of violent crime and also property crime in the United States are several times higher than in Europe. The contrast is even greater between our country and the nations of Asia, especially Japan, where rates of violent and property crime are among the lowest in the world.

"You look like this sketch of someone who's thinking about committing a crime."

Window on the World

GLOBAL MAP 9–1 Capital Punishment in Global Perspective

The map identifies fifty-eight countries in which the law allows the death penalty for ordinary crimes; in nine more, the death penalty is reserved for exceptional crimes under military law or during times of war. The death penalty does not exist in ninety-six countries; in thirty-four more, although the death penalty remains in law, no execution has taken place in more than ten years. Compare rich and poor nations: What general pattern do you see? In what way are the United States and Japan exceptions to this pattern?

Source: Amnesty International (2011).

Elliott Currie (1985) suggests that crime stems from our culture's emphasis on individual economic success, frequently at the expense of strong families and neighborhoods. The United States also has extraordinary cultural diversity—a result of centuries of immigration—that can lead to conflict. In addition, economic inequality is higher in this country than in most other high-income nations. Thus our society's relatively weak social fabric, combined with considerable frustration among the poor, increases the level of criminal behavior.

Another factor contributing to violence in the United States is extensive private ownership of guns. About two-thirds of murder victims in the United States die from shootings. The U.S. rate of handgun deaths is about six times higher than the rate in Canada, a country that strictly limits handgun ownership (Statistics Canada, 2010).

Surveys suggest that about one-third of U.S. households have at least one gun. In fact, there are more guns (about 285 million) than adults in this country, and 40 percent of these weapons are handguns, commonly used in violent crimes. In large part, gun ownership reflects people's fear of crime, yet the easy availability of guns in this country also makes crime more deadly (NORC, 2011:427; Brady Campaign, 2010).

Supporters of gun control claim that restricting gun ownership would reduce the number of murders in the United States. For example, the number of murders each year in the nation of Canada, where the law prevents most people from owning guns, is lower than the number of killings in just the city of New York in this country. But as critics of gun control point out, laws regulating gun ownership do not keep guns out of the hands of criminals, who almost always obtain guns illegally. They also claim that gun control is no magic bullet in

When economic activity takes place outside of the law, people turn to violence rather than courts to settle disagreements. In Central America, drug violence has pushed the homicide rate to the highest level in the world.

the war on crime: The number of people in the United States killed each year by knives alone is three times the number of Canadians killed by weapons of all kinds (Currie, 1985; J. D. Wright, 1995; Munroe, 2007; Federal Bureau of Investigation, 2010; Statistics Canada, 2010).

The U.S. population remains evenly divided over the issue of gun control, with 49 percent of people saying it is more important to protect the personal right to own a gun and 46 percent saying it is more important to control gun ownership. Interestingly, even after the 2011 killings in Tucson, which shocked the nation, there was little change in attitudes about gun control (Pew Research Center, 2011).
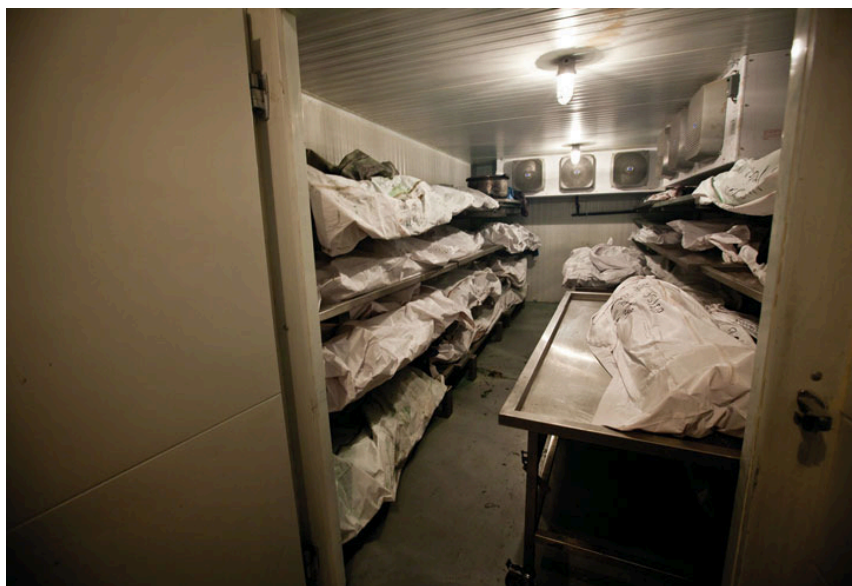
December 24–25, traveling through Peru. In Lima, Peru's capital city, the concern with crime is obvious. Almost every house is fortified with gates, barbed wire, or broken glass embedded in cement at the top of a wall. Private security forces are everywhere in the rich areas along the coast, where we find the embassies, expensive hotels, and the international airport.

The picture is very different as we pass through small villages high in the Andes to the east. The same families have lived in these communities for generations, and people know one another. No gates and fences here. And we've seen only one police car all afternoon.

Crime rates are high in some of the largest cities of the world, including Lima, Peru; São Paulo, Brazil; and Manila, Philippines—all of which have rapid population growth and millions of desperately poor people. Outside of big cities, however, the traditional character of low-income societies and their strong families allow local communities to control crime informally.

Some types of crime have always been multinational, such as terrorism, espionage, and arms dealing (Martin & Romano, 1992). But today, the globalization we are experiencing on many fronts also extends to crime. A recent case in point is the illegal drug trade. In part, the problem of illegal drugs in the United States is a *demand* issue. That is, the demand for cocaine and other drugs in this country is high, and many people risk arrest or even a violent death for a chance to get rich in the drug trade. But the *supply* side of the issue is just as important. In the South American nation of Colombia, at least 20 percent of the people depend on cocaine production for their livelihood. Not only is cocaine Colombia's most profitable export, adding about $7 billion to the economy annually, but also it outsells all other exports combined—including coffee. Clearly, drug dealing and many other crimes are closely related to social and economic conditions both in the United States and elsewhere.

Different countries have different strategies for dealing with crime. The use of capital punishment (the death penalty) is one example. According to Amnesty International (2011), China executes more people than the rest of the world combined—probably in the thousands—but does not divulge its numbers. Of the 527 documented executions in 2010, more than 80 percent were in Iran, North Korea, Saudi Arabia, Yemen, and the United States. Global Map 9–1 shows which countries currently use capital punishment. The global trend is toward abolishing the death penalty: Amnesty International (2011) reports that since 1985, sixty-six nations have ended this practice.

The U.S. Criminal Justice System

🔴 **Analyze**

The criminal justice system is a society's formal system of social control. We shall briefly examine the key elements of the U.S. criminal justice system: police, courts, and the system of punishment and corrections. First, however, we must understand an important principle that underlies the entire system, the idea of due process.

Due Process

Due process is a simple but very important idea: The criminal justice system must operate according to law. This principle is grounded in the first ten amendments to the U.S. Constitution—known as the Bill of Rights—adopted by Congress in 1791. The Constitution offers various protections to any person charged with a crime. Among these are the right to counsel, the right to refuse to testify against oneself, the right to confront all accusers, freedom from being tried twice for the same crime, and freedom from being "deprived of life, liberty, or property without due process of law." Furthermore, the Constitution gives all people the right to a speedy and public trial by jury and freedom from excessive bail and from "cruel and unusual" punishment.

In general terms, the concept of due process means that anyone charged with a crime must receive (1) fair notice of legal proceedings, (2) the opportunity to present a defense during a hearing on the charges, which must be conducted according to law, and (3) a judge or jury that weighs evidence impartially (Inciardi, 2000).

Police must be allowed discretion if they are to handle effectively the many different situations they face every day. At the same time, it is important that the police treat people fairly. Here we see a police officer deciding whether or not to charge a young woman with driving while intoxicated. What factors do you think enter into this decision?

Due process limits the power of government, with an eye toward this nation's cultural support of individual rights and freedoms. Deciding exactly how far government can go is an ongoing process that makes up much of the work of the judicial system, especially the U.S. Supreme Court.

Police

The police generally serve as the primary point of contact between a society's population and the criminal justice system. In principle, the police maintain public order by enforcing the law. Of course, there is only so much that the 706,866 full-time police officers in the United States can do to monitor the activities of 309 million people. As a result, the police use a great deal of personal judgment in deciding which situations warrant their attention and how to handle them.

How do police officers carry out their duties? In a study of police behavior in five cities, Douglas Smith and Christy Visher (1981; D. A. Smith, 1987) concluded that because they must act swiftly, police officers quickly size up situations in terms of six factors. First, the more serious they think the situation is, the more likely they are to make an arrest. Second, officers take account of the victim's wishes in deciding whether or not to make an arrest. Third, the odds of arrest go up the more uncooperative a suspect is. Fourth, officers are more likely to take into custody someone they have arrested before, presumably because this suggests guilt. Fifth, the presence of observers increases the chances of arrest. According to Smith and Visher, the presence of observers prompts police to take stronger control of a situation, if only to move the encounter from the street (the suspect's turf) to the police department (where law officers have the edge). Sixth, all else being equal, police officers are more likely to arrest people of color than whites, perceiving suspects of African or Latino descent as either more dangerous or more likely to be guilty.

Courts

After arrest, a court determines a suspect's guilt or innocence. In principle, U.S. courts rely on an adversarial process involving attorneys—one representing the defendant and another the state—in the presence of a judge, who monitors legal procedures.

In practice, however, about 97 percent of criminal cases are resolved prior to court appearance through **plea bargaining**, *a legal negotiation in which a prosecutor reduces a charge in exchange for a defendant's guilty plea.* For example, the state may offer a defendant charged with burglary a lesser charge, perhaps possession of burglary tools, in exchange for a guilty plea (U.S. Department of Justice, 2011).

Plea bargaining is widespread because it spares the system the time and expense of trials. A trial is usually unnecessary if there is little disagreement over the facts of the case. In addition, because the number of cases entering the system annually has doubled over the past decade, prosecutors could not bring every case to trial even if they wanted to. By quickly resolving most of their work, the courts channel their resources into the most important cases.

But plea bargaining pressures defendants (who are presumed innocent) to plead guilty. A person can exercise the right to a trial, but only at the risk of receiving a more severe sentence if found guilty. Furthermore, low-income defendants enter the process with the guidance of a public defender—typically an overworked and underpaid attorney who may devote little time to even the most serious cases (Novak, 1999). Plea bargaining may be efficient, but it undercuts both the adversarial process and the rights of defendants.

Punishment

In 2011, on a sunny Saturday morning in Tucson, Arizona, Congressional Representative Gabrielle Giffords sat down behind a folding table positioned in front of a supermarket. At two minutes before 10 o'clock, she tweeted "My 1st Congress on Your Corner starts now. Please stop by to let me know what's on your mind." Shortly after that, a taxi pulled to the curb nearby and dropped off a single passenger, a troubled young man who had violence on his mind. He paid the cab fare with a $20 bill, and then he walked toward Ms. Giffords and pulled out a Glock 19 pistol loaded with thirty-one cartridges. Gun-

shots rang out for fifteen deadly seconds. The human toll: twenty people shot, including six who died (von Drehle, 2011).

Such cases force us to wonder about the reasons for acts of violence and also to ask how a society should respond to such acts. In the case of the Tucson shootings, the offender appears to have been suffering from serious mental illness, so there is some question about the extent to which he is responsible for his actions (Cloud, 2011). But typically, of course, the question of responsibility is resolved when a suspect is apprehended and put on trial. If found to be responsible for the actions, the next step is punishment.

What does a society gain through the punishment of wrongdoers? Scholars answer with four basic reasons: retribution, deterrence, rehabilitation, and societal protection.

Retribution

The oldest justification for punishment is to satisfy people's need for **retribution**, *an act of moral vengeance by which society makes the offender suffer as much as the suffering caused by the crime.* Retribution rests on a view of society as a moral balance. When criminality upsets this balance, punishment in equal measure restores the moral order, as suggested in the ancient code calling for "an eye for an eye, a tooth for a tooth."

In the Middle Ages, most Europeans viewed crime as sin—an offense against God as well as society that required a harsh response. Today, although critics point out that retribution does little to reform the offender, many people consider vengeance reason enough for punishment.

Deterrence

A second justification for punishment is **deterrence**, *the attempt to discourage criminality through the use of punishment.* Deterrence is based on the eighteenth-century Enlightenment idea that humans, as calculating and rational creatures, will not break the law if they think that the pain of punishment will outweigh the pleasure of the crime.

Deterrence emerged as a reform measure in response to the harsh punishments based on retribution. Why put someone to death for stealing if theft can be discouraged with a prison sentence? As the concept of deterrence gained acceptance in industrial nations, the execution and physical mutilation of criminals in most high-income societies were replaced by milder forms of punishment such as imprisonment.

Punishment can deter crime in two ways. *Specific deterrence* is used to convince an individual offender that crime does not pay.

Television shows like *Law & Order: Special Victims Unit* suggest that the criminal justice system carefully weighs the guilt and innocence of defendants. But as explained here, only 5 percent of criminal cases are actually resolved through a formal trial.

Through *general deterrence,* the punishment of one person serves as an example to others.

Rehabilitation

The third justification for punishment is **rehabilitation**, *a program for reforming the offender to prevent later offenses.* Rehabilitation arose along with the social sciences in the nineteenth century. Since then, sociologists have claimed that crime and other deviance spring from a social environment marked by poverty or a lack of parental supervision. Logically, then, if offenders learn to be deviant, they can also learn to obey the rules; the key is controlling their environment. *Reformatories* or *houses of correction* provided controlled settings where people could learn proper behavior (recall the description of total institutions in Chapter 5, "Socialization").

Like deterrence, rehabilitation motivates the offender to conform. In contrast to deterrence and retribution, which simply make the offender suffer, rehabilitation encourages constructive improvement. Unlike retribution, which demands that the punishment fit the crime, rehabilitation tailors treatment to each offender. Thus identical crimes would prompt similar acts of retribution but different rehabilitation programs.

Societal Protection

A final justification for punishment is **societal protection**, *rendering an offender incapable of further offenses temporarily through impris-*

Four Justifications for Punishment

retribution an act of moral vengeance by which society makes the offender suffer as much as the suffering caused by the crime	**deterrence** the attempt to discourage criminality through the use of punishment	**rehabilitation** a program for reforming the offender to prevent later offenses	**societal protection** rendering an offender incapable of further offenses temporarily through imprisonment or permanently by execution

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Summing Up

Four Justifications for Punishment

Retribution	The oldest justification for punishment. Punishment is society's revenge for a moral wrong. In principle, punishment should be equal in severity to the crime itself.
Deterrence	An early modern approach. Crime is considered social disruption, which society acts to control. People are viewed as rational and self-interested; deterrence works because the pain of punishment outweighs the pleasure of crime.
Rehabilitation	A modern strategy linked to the development of social sciences. Crime and other deviance are viewed as the result of social problems (such as poverty) or personal problems (such as mental illness). Social conditions are improved; treatment is tailored to the offender's condition.
Societal protection	A modern approach easier to carry out than rehabilitation. Even if society is unable or unwilling to rehabilitate offenders or reform social conditions, people are protected by the imprisonment or execution of the offender.

onment or permanently by execution. Like deterrence, societal protection is a rational approach to punishment intended to protect society from crime.

Currently, about 2.3 million people are jailed in the United States. Although the crime rate has gone down in recent years, the number of offenders locked up across the country has gone up, quadrupling since 1980. This rise in the prison population reflects tougher public attitudes toward crime and punishing offenders, stiffer sentences handed down by courts, and an increasing number of drug-related arrests. As a result, the United States now incarcerates about one in every one hundred adults—a larger share of its population than any other country in the world (Sentencing Project, 2008; Pew Center on the States, 2010; U.S. Department of Justice, 2010).

🔵 **Evaluate** The Summing Up table reviews the four justifications for punishment. However, an accurate assessment of the consequences of punishment is no simple task.

The value of retribution lies in Durkheim's claim that punishing the deviant person increases society's moral awareness. For this reason, punishment was traditionally a public event. Although the last public execution in the United States took place in Kentucky more than seventy years ago, today's mass media ensure public awareness of executions carried out inside prison walls (Kittrie, 1971).

Does punishment deter crime? Despite our extensive use of punishment, our society has a high rate of **criminal recidivism**, *later offenses by people previously convicted of crimes*. About three-fourths of prisoners in state penitentiaries have been jailed before, and about two-thirds of people released from prison are arrested again within three years (DeFina & Arvanites, 2002; U.S. Department of Justice, 2008). So does punishment really deter crime? Only about one-third of all crimes are known to police, and of these, only about one in five results in an arrest. Most crimes, therefore, go unpunished, so the old saying that "crime doesn't pay" rings hollow.

Prisons provide short-term societal protection by keeping offenders off the streets, but they do little to reshape attitudes or behavior in the long term (Carlson, 1976; R. A. Wright, 1994). Perhaps rehabilitation is an unrealistic expectation, because according to Sutherland's theory of differential association, locking up criminals together for years probably strengthens criminal attitudes and skills. Imprisonment also stigmatizes prisoners, making it harder for them to find legitimate employment later on (Pager, 2003). Finally, prison breaks the social ties inmates may have in the outside world, which, following Hirschi's control theory, makes inmates more likely to commit new crimes upon release.

CHECK YOUR LEARNING What are society's four justifications for punishment? Does sending offenders to prison accomplish each of them? Why?

The Death Penalty

Perhaps the most controversial issue involving punishment is the death penalty. Between 1977 and 2011, about 7,500 people were sentenced to death in U.S. courts; 1,234 executions were carried out.

In thirty-four states, the law allows the state to execute offenders convicted of very serious crimes such as first-degree murder. But while a majority of states do permit capital punishment, only a few states are likely to carry out executions. Across the United States, half of the 3,173 people on death row at the beginning of 2010 were in just four states: California, Texas, Florida, and Pennsylvania (U.S. Bureau of Justice Statistics, 2011).

Opponents of capital punishment point to research suggesting that the death penalty has limited value as a crime deterrent. Countries such as Canada, where the death penalty has been abolished, have not seen a rise in the number of murders. Critics also point out that the United States is the only Western, high-income nation that routinely

executes offenders. As public concern about the death penalty has increased, the use of capital punishment has declined, falling from 85 executions in 2000 to 46 in 2010.

Public opinion surveys reveal that the share of U.S. adults who claim to support the death penalty as a punishment for murder remains high (64 percent) and has been fairly stable over time (NORC, 2011:248). College students hold about the same attitudes as everyone else, with about two-thirds of first-year students expressing support for the death penalty (Pryor et al., 2008).

But judges, criminal prosecutors, and members of trial juries are less and less likely to call for the death penalty. One reason is that because the crime rate has come down in recent years, the public now has less fear of crime and is less interested in applying the most severe punishment.

A second reason is public concern that the death penalty may be applied unjustly. The analysis of DNA evidence—a recent advance—from old crime scenes has shown that many people were wrongly convicted of a crime. Across the country, between 1973 and 2010, 138 people who had been sentenced to death were released from death row, including 17 in which new DNA evidence demonstrated their innocence. Such findings were one reason that in 2000, the governor of Illinois stated he could no longer support the death penalty, leading him to commute the death sentences of every person on that state's death row (S. Levine, 2003; Death Penalty Information Center, 2010).

A third reason for the decline in the use of the death penalty is that more states now permit judges and juries to sentence serious offenders to life in prison without the possibility of parole. Such punishment offers to protect society from dangerous criminals who can be "put away" forever without requiring an execution.

Fourth and finally, many states now shy away from capital punishment because of the high cost of prosecuting capital cases. Death penalty cases require more legal work and demand superior defense lawyers, often at public expense. In addition, such cases commonly include testimony by various paid "experts," including physicians and psychiatrists, which also runs up the costs of trial. Then there is the cost of many appeals that almost always follow a conviction leading to the sentence of death. When all these factors are put together, the cost of a death penalty case typically exceeds the cost of sending an offender to prison for life. So it is easy to see why states often choose not to seek the death penalty. One accounting, for example, reveals that the state of New Jersey has been spending more than $10 million a year prosecuting death penalty cases that have yet to result in a single execution (Thomas & Brant, 2007).

Organizations opposed to the death penalty are challenging this punishment in court. In 2008, for example, the U.S. Supreme
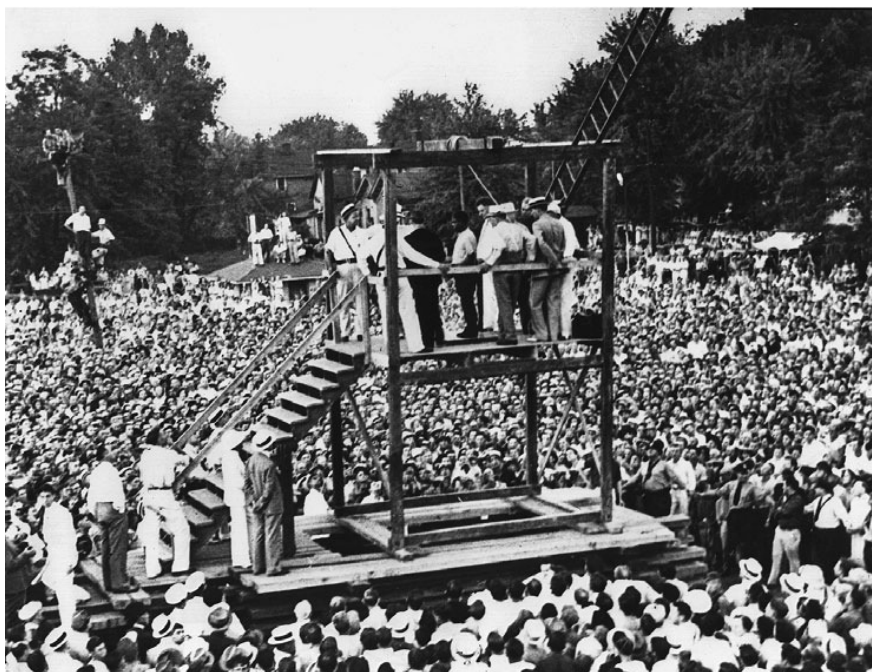
To increase the power of punishment to deter crime, capital punishment was long carried out in public. Here is a photograph from the last public execution in the United States, with twenty-two-year-old Rainey Bethea standing on the scaffold moments from death in Owensboro, Kentucky, on August 16, 1937. Children as well as adults were in the crowd. Now that the mass media report the story of executions across the country, states carry out capital punishment behind closed doors.

Court upheld the use of lethal injection against the charge that this procedure amounts to cruel and unusual punishment, which would be unconstitutional (Greenhouse, 2008). There is no indication at present that the United States will end the use of the death penalty, but the trend is away from this type of punishment.

Community-Based Corrections

Prisons keep convicted criminals off the streets, but the evidence suggests that they do little to rehabilitate most offenders. Furthermore, prisons are expensive, costing about $30,000 per year to support each inmate, in addition to the initial costs of building the facilities.

One alternative to the traditional prison that has been adopted by cities and states across the country is **community-based corrections**, *correctional programs operating within society at large rather than behind prison walls.* Community-based corrections have three main advantages: They reduce costs, reduce overcrowding in prisons, and allow for supervision of convicts while eliminating the hardships of prison life and the stigma that accompanies going to jail. In general, the idea of community-based corrections is not so much to punish as to reform; such programs are therefore usually offered to individuals who have committed less serious offenses and appear to be good prospects for avoiding future criminal violations (Inciardi, 2000).

Violent Crime Is Down—but Why?

Duane: I'm a criminal justice major, and I want to be a police officer. Crime is a huge problem in America, and police are what keep the crime rate low.

Sandy: I'm a sociology major. As for the crime rate, I'm not sure it's quite that simple. . . .

During the 1980s, crime rates shot upward. Just about everyone lived in fear of violent crime, and in many large cities, the numbers killed and wounded made whole neighborhoods seem like war zones. There seemed to be no solution to the problem.

Yet in the 1990s, serious crime rates began to fall, until by 2000, they were at levels not seen in more than a generation. Why? Researchers point to several reasons:

1. A reduction in the youth population. It was noted earlier that

young people (particularly males) are responsible for much violent crime. During the 1990s, the population aged fifteen to twenty-

One reason that crime has gone down is that there are more than 2 million people incarcerated in this country. This has caused severe overcrowding of facilities such as this Maricopa County, Arizona, prison.

four dropped by 5 percent (in part because of the legalization of abortion in 1973).

2. Changes in policing. Much of the drop in crime (as well as the earlier rise in crime) took place in large cities. In New York City, the number of murders fell from 2,245 in 1990 to just 471 in 2009 (the lowest figure since the city began keeping reliable records in 1963). Part of the reason for the decline is that the city has adopted a policy of *community policing,* which means that police are concerned not just with making arrests but also with preventing crime before it happens. Officers get to know the areas they patrol and stop young men for jaywalking or other minor infractions so they can check them for concealed weapons (the word has gotten around that you can be arrested for carrying a gun). There are

Probation

One form of community-based corrections is *probation,* a policy permitting a convicted offender to remain in the community under conditions imposed by a court, including regular supervision. Courts may require that a probationer receive counseling, attend a drug treatment program, hold a job, avoid associating with "known criminals," or anything else a judge thinks is appropriate. Typically, a probationer must check in with an officer of the court (the probation officer) on a regular schedule to make sure the guidelines are being followed. Should the probationer fail to live up to the conditions set by the court or commit a new offense, the court may revoke probation and send the offender to jail.

Shock Probation

A related strategy is *shock probation,* a policy by which a judge orders a convicted offender to prison for a short time but then suspends the

remainder of the sentence in favor of probation. Shock probation is thus a mix of prison and probation, used to impress on the offender the seriousness of the situation without resorting to full-scale imprisonment. In some cases, shock probation takes place in a special "boot camp" facility where offenders might spend one to three months in a military-style setting intended to teach discipline and respect for authority (Cole & Smith, 2002).

Parole

Parole is a policy of releasing inmates from prison to serve the remainder of their sentences in the local community under the supervision of a parole officer. Although some sentences specifically deny the possibility of parole, most inmates become eligible for parole after serving a certain portion of their sentences behind bars. At that time, a parole board evaluates the risks and benefits of the inmate's early release from prison.

also *more* police at work in large cities. For example, Los Angeles added more than 2,000 police officers in the 1990s, which contributed to its drop in violent crime during that period.

3. **More prisoners.** Between 1985 and 2010, the number of inmates in jails and prisons soared from 750,000 to more than 2.3 million. The main reason for this increase is tough laws that demand prison time for certain crimes, such as drug offenses. Mass incarceration has consequences. As one analyst put it, "When you lock up an extra million people, it's got to have some effect on the crime rate" (Franklin Zimring, quoted in Witkin, 1998:31).

4. **A better economy.** The U.S. economy boomed during the 1990s. Unemployment was down, reducing the likelihood that some people would turn to crime out of economic desperation. The logic here is simple: More jobs equal fewer crimes.

Government data show crime rates have continued to fall through the middle of 2010. But we might well expect that the recent economic downturn may send crime rates back upward.

5. **The declining drug trade.** Many analysts agree that the most important factor in reducing rates of violent crime was the decline of crack cocaine. Crack came on the scene about 1985, and violence spread as young people—especially in the inner cities and increasingly armed with guns—became part of a booming drug trade. By the early 1990s, however, the popularity of crack began to fall as people saw the damage it was causing to entire communities. This realization, coupled with steady economic improvement and stiffer sentences for drug offenses, helped bring about the turnaround in violent crime.

The current picture looks better relative to what it was a decade or two ago. But one researcher cautions, "It looks better . . . only because the early 1990s were so bad. So let's not fool ourselves into thinking everything is resolved. It's not."

What Do You Think?

1. Do you support the policy of community policing? Why or why not?

2. What do you see as the pros and cons of building more prisons?

3. Which of the factors mentioned here do you think is the most important in crime control? Which is least important? Why?

Sources: Winship & Berrien (1999), Donahue & Leavitt (2000), Rosenfeld (2002), Liptak (2008), C. Mitchell (2008), Antlfinger (2009), and Federal Bureau of Investigation (2010).

If parole is granted, the parole board monitors the offender's conduct until the sentence is completed. Should the offender not comply with the conditions of parole or be arrested for another crime, the board can revoke parole and return the offender to prison to complete the sentence.

🟡 **Evaluate** Researchers hare carefully studied both probation and parole to see how well these progress work. Evaluations of both these policies are mixed. There is little question that probation and parole programs are much less expensive than conventional imprisonment; they also free up room in prisons for people who commit more serious crimes. Yet research suggests that although probation and shock probation do seem to work for some people, they do not significantly reduce recidivism. Parole is also useful to prison officials as a means to encourage good behavior among inmates. But levels of crime among those released on parole are so high that a number of states have decided to terminate their parole programs entirely (Inciardi, 2000).

Such evaluations point to a sobering truth: The criminal justice system—operating on its own—cannot eliminate crime. As the Controversy & Debate box above explains, although police, courts, and prisons do have an affect on crime rates, crime and other forms of deviance are not just the acts of "bad people" but reflect the operation of society itself.

CHECK YOUR LEARNING What are three types of community-based corrections? What are their advantages? What are their limitations?

Seeing Sociology in Everyday Life

CHAPTER 9 **Deviance**

## Why do most of us—at least most of the time— obey the rules?

As this chapter has explained, every society is a system of social control that encourages conformity to certain norms and discourages deviance or norm breaking. One way society does this is through the construction of heroes and villains. Heroes, of course, are people we are supposed to "look up to" and use as role models. Villains are people whom we "look down on" and reject their example, allowing them to become "anti-heroes" who point us in the opposite direction. Organizations of all types create heroes and villains that serve as guides to everyday behavior. In each case that follows, who is being made into a hero? Why? What are the values or behaviors that we are encouraged to copy in our own lives?

Hint A society without heroes and villains would be one in which no one cared what people thought or how they acted. Societies create heroes as role models that should inspire us to be more like them. Societies create heroes by emphasizing one aspect of someone's life and ignoring lots of other things. For example, Babe Ruth was a great ball player, but his private life was sometimes less than inspiring. Perhaps this is why the Catholic church never considers anyone a candidate for sainthood until after—usually long after—the person has died.

Colleges and universities create heroes in various ways. Here we see the president of Washington College (Maryland) awarding the Sophie Kerr Prize at a recent graduation ceremony. This prize, which included a check for more than $50,000, recognized English major Claire Tompkins's ability to write outstanding short stories. What is heroic in this case? What does graduating with honors or a Latin praise (*cum laude* and so on) define as heroic? What about villains— how do colleges and universities create them, too?

Religious organizations, too, use heroes to encourage certain behavior and beliefs. The Roman Catholic Church has defined the Virgin Mary and more than 10,000 other men and women as "saints." For what reasons might someone be honored in this way? What do saints do for the rest of us?
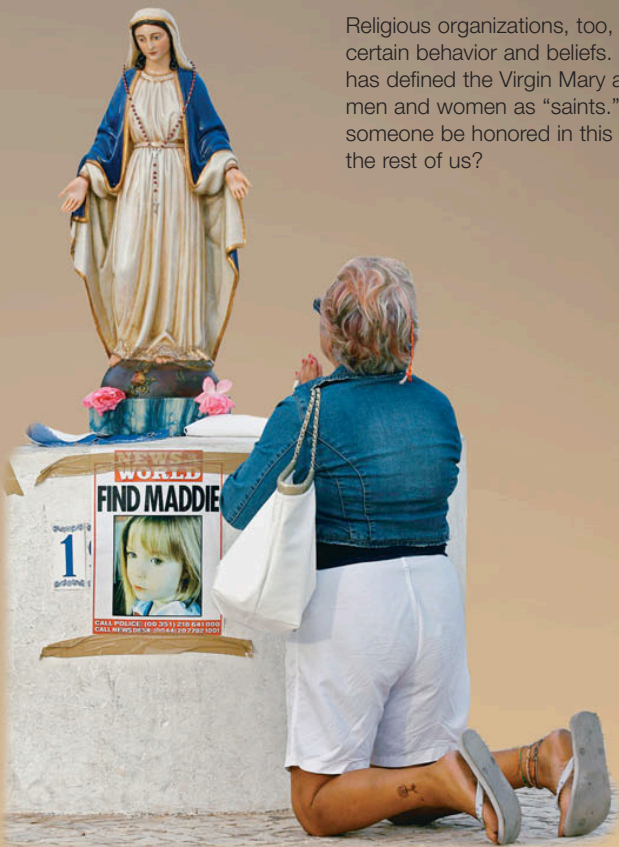
Most sports have a "hall of fame." A larger-than-life-size statue of the legendary slugger Babe Ruth attracts these New York City children on their visit to the Baseball Hall of Fame in Cooperstown, New York. What are the qualities that make an athlete "legendary"? Isn't it more than just how far someone hits a ball?

Seeing Sociology in *Your* Everyday Life

1. Do athletic teams, fraternities and sororities, and even people in a college classroom create heroes and villains? Explain how and why.

2. Watch an episode of any real-action police show such as *Cops.* Based on what you see, how would you profile the people who commit street crimes? What types of crimes do you typically *not* see on police reality shows?

3. Based on the material presented in this chapter, we might say that "Deviance is a difference that makes a difference." That is, deviance is constructed as part of social life because, as Emile Durkheim argued, it is a necessary part of society. Make a (private) list of ten negative traits that have been directed at you (or that you have directed at yourself). Then look at your list and try to deter-mine what it says about the society we live in. Why, in other words, do these differences make a difference to members of our society? Go to the "Seeing Sociology in *Your* Everyday Life" feature on mysoclab.com to learn more about how sociological thinking can give you a deeper understanding of right and wrong and find suggestions for how to respond to difference.

What Is Deviance?

Deviance refers to norm violations ranging from minor infractions, such as bad manners, to major infractions, such as serious violence.   **p. 194**

Theories of Deviance

Biological theories

- focus on individual abnormality
- explain human behavior as the result of biological instincts

Lombroso claimed that criminals have apelike physical traits; later research links criminal behavior to certain body types and genetics.   **pp. 194–95**

Psychological theories

- focus on individual abnormality
- see deviance as the result of "unsuccessful socialization"

Reckless and Dinitz's *containment theory* links delinquency to weak conscience.   **pp. 195–96**

Sociological theories view all behavior—deviance as well as conformity—as products of society. Sociologists point out that

- what is deviant varies from place to place according to cultural norms
- behavior and individuals become deviant as others define them that way
- what and who a society defines as deviant reflect who has and does not have social power   **p. 196**

deviance (p. 194) the recognized violation of cultural norms

crime (p. 194) the violation of a society's formally enacted criminal law

social control (p. 194) attempts by society to regulate people's thoughts and behavior

criminal justice system (p. 194) the organizations—police, courts, and prison officials—that respond to alleged violations of the law

Theories of Deviance

The Functions of Deviance: Structural-Functional Theories

Durkheim claimed that deviance is a normal element of society that

- affirms cultural norms and values
- clarifies moral boundaries
- brings people together
- encourages social change   **p. 197**

Merton's **strain theory** explains deviance in terms of a society's cultural goals and the means available to achieve them.

Deviant subcultures are discussed by Cloward and Ohlin, Cohen, Miller, and Anderson.

👁 Watch the Video on mysoclab.com   **pp. 197–99**

Labeling Deviance: Symbolic-Interaction Theories

Labeling theory claims that deviance depends less on what someor others react to that behavior. If people respond to primary deviance by secondary deviance and a deviant career may result.   **pp. 200–201**

The **medicalization of deviance** is the transformation of moral and l deviance into a medical condition. In practice, this means a change i replacing "good" and "bad" with "sick" and "well."   **p. 201**

Sutherland's **differential association theory** links deviance to how m others encourage or discourage such behavior.   **pp. 201–2**

Hirschi's **control theory** states that imagining the possible consequences of deviance often discourages such behavior. People who are well integrated into society are less likely to engage in deviant behavior.   **p. 202**

labeling theory (p. 200) the idea that deviance and conformity result not so much from what people do as from how others respond to those actions

stigma (p. 200) a powerfully negative label that greatly changes a person's self-concept and social identity

medicalization of deviance (p. 201) the transformation of moral and legal deviance into a medical condition

Deviance and Inequality: Social-Conflict Theory

Based on Karl Marx's ideas, social-conflict theory holds that laws and other norms operate to protect the interests of powerful members of any society.

- **White-collar offenses** are committed by people of high social position as part of their jobs. Sutherland claimed that such offenses are rarely prosecuted and are most likely to end up in civil rather than criminal court.
- **Corporate crime** refers to illegal actions by a corporation or people acting on its behalf. Although corporate crimes cause considerable public harm, most cases of corporate crime go unpunished.
- **Organized crime** has a long history in the United States, especially among categories of people with few legitimate opportunities. **pp. 202–4**

Deviance, Race, and Gender

- What people consider deviant reflects the relative power and privilege of different categories of people.
- **Hate crimes** are crimes motivated by racial or other bias; they target people who are already disadvantaged based on race, gender, or sexual orientation.
- In the United States and elsewhere, societies control the behavior of women more closely than that of men. **pp. 205–7**

white-collar crime (p. 203) crime committed by people of high social position in the course of their occupations

corporate crime (p. 204) the illegal actions of a corporation or people acting on its behalf

organized crime (p. 204) a business supplying illegal goods or services

hate crime (p. 205) a criminal act against a person or a person's property by an offender motivated by racial or other bias

What Is Crime?

Crime is the violation of criminal laws enacted by local, state, or federal governments. There are two major categories of serious crime:

- crimes against the person (violent crime), including murder, aggravated assault, forcible rape, and robbery
- crimes against property (property crime), including burglary, larceny-theft, auto theft, and arson **p. 207**

✳ **Explore** the **Map** on **mysoclab.com**

Patterns of Crime in the United States

- Official statistics show that arrest rates peak in late adolescence and drop steadily with age.
- About 63% of people arrested for property crimes and 81% of people arrested for violent crimes are male.
- Street crime is more common among people of lower social position. Including white-collar and corporate crime makes class differences in criminality smaller.
- More whites than African Americans are arrested for street crimes. However, African Americans are arrested more often than whites in relation to their population size. Asian Americans have a lower-than-average rate of arrest.

📖 **Read** the **Document** on **mysoclab.com**

- By world standards, the U.S. crime rate is high. **pp. 207–9**

crimes against the person (p. 207) crimes that direct violence or the threat of violence against others; also known as *violent crimes*

crimes against property (p. 207) crimes that involve theft of property belonging to others; also known as *property crimes*

victimless crimes (p. 207) violations of law in which there are no obvious victims

The U.S. Criminal Justice System

Police

The police maintain public order by enforcing the law.

- Police use personal discretion in deciding whether and how to handle a situation.
- Research suggests that police are more likely to make an arrest if the offense is serious, if bystanders are present, or if the suspect is African American or Latino. **p. 212**

Courts

Courts rely on an adversarial process in which attorneys—one representing the defendant and one representing the state—present their cases in the presence of a judge who monitors legal procedures.

- In practice, U.S. courts resolve most cases through plea bargaining. Though efficient, this method puts less powerful people at a disadvantage. **p. 212**

Punishment

There are four justifications for punishment:

- retribution
- deterrence
- rehabilitation
- societal protection **pp. 212–13**

The **death penalty** remains controversial in the United States, the only high-income Western nation that routinely executes serious offenders. The trend is toward fewer executions. **pp. 214–15**

Community-based corrections include probation and parole. These programs lower the cost of supervising people convicted of crimes and reduce prison overcrowding but have not been shown to reduce recidivism. **pp. 215–17**

plea bargaining (p. 212) a legal negotiation in which a prosecutor reduces a charge in exchange for a defendant's guilty plea

retribution (p. 213) an act of moral vengeance by which society makes the offender suffer as much as the suffering caused by the crime

deterrence (p. 213) the attempt to discourage criminality through the use of punishment

rehabilitation (p. 213) a program for reforming the offender to prevent later offenses

societal protection (p. 213) rendering an offender incapable of further offenses temporarily through imprisonment or permanently by execution

criminal recidivism (p. 214) later offenses by people previously convicted of crimes

community-based corrections (p. 215) correctional programs operating within society at large rather than behind prison walls