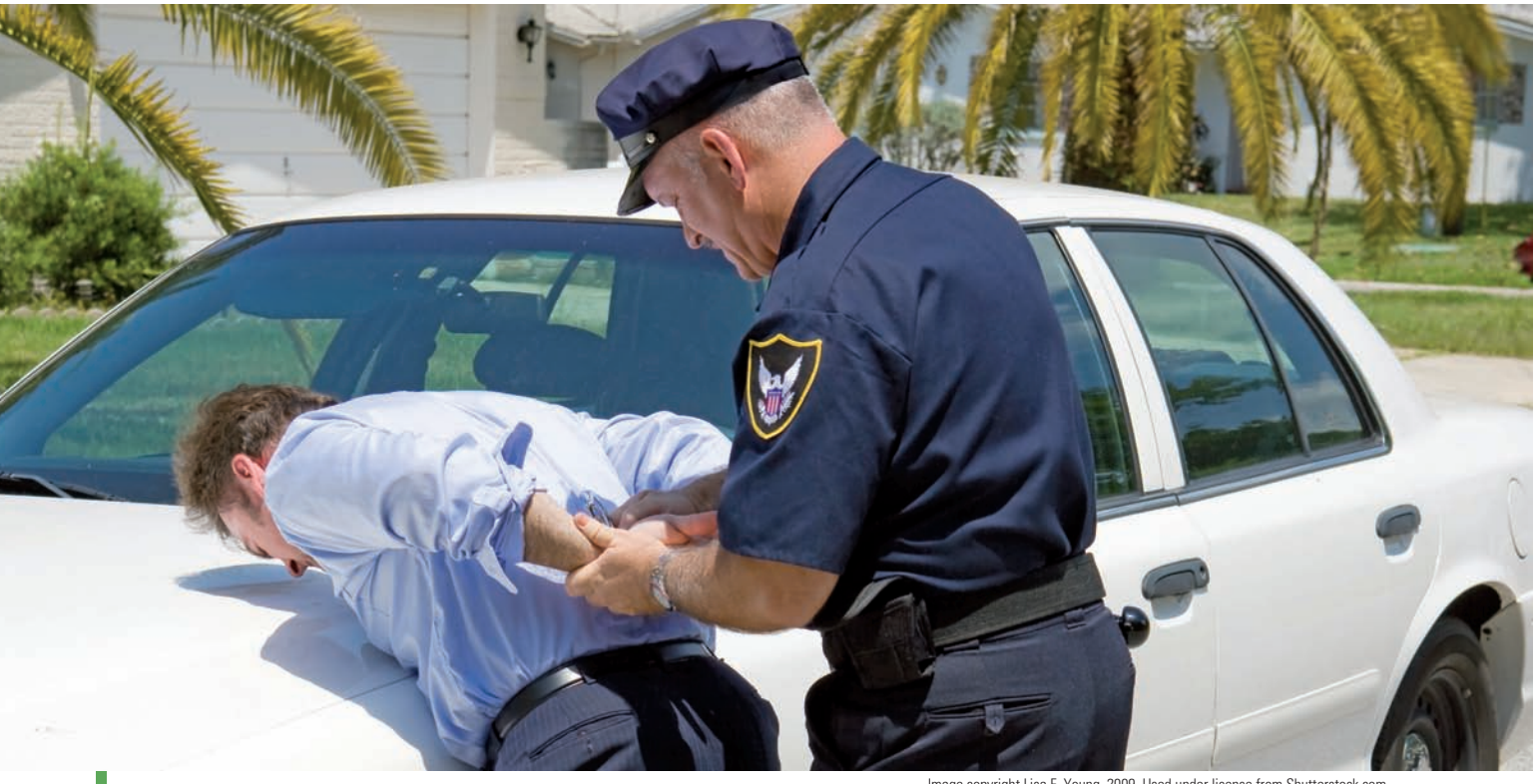
CHAPTER 6

Deviance, Crime, and Social Control



Conformity and Deviance

In providing a blueprint for living, our culture supplies norms and values that structure our behavior. These norms and values tell us what we ought to believe in and what we ought to do. Because we are brought up to accept them, for the most part we do what we are expected to do and think as we are expected to think. Only "for the most part," however, because none of us follows all the rules all the time.

Previous chapters concentrated on how norms and values structure our lives and how we learn them through socialization. This chapter considers some of the ways individuals break out of these patterns—from merely eccentric behaviors to serious violations of others' rights.

Understanding Conformity

To understand why people *break* social norms, we first must understand why most people, most of the time, conform. The forces and processes that encourage conformity are known as **social control**. Social control takes place at three levels:

- Through internalized self-control, we police ourselves.
- Through informal controls, our friends and intimates reward us for conformity and punish us for nonconformity.
- Through formal controls, the state or other authorities discourage nonconformity.

Self-control occurs because individuals internalize the norms of their group, making them part of their basic belief system and their very identity. Most of us do not murder, rape, or rob, not because we fear arrest but because it would never occur to us to do these things; they would violate our sense of self-identity.

This self-control is reinforced by **informal social control**: all the small and not-so-small ways that friends, co-workers, and others around us informally keep us from behaving improperly. Thus, even if your own values do not prevent you from breaking into your professor's office to steal the answers to your midterm test, you might decide against doing so because you fear how others will respond if they find out. Your friends might consider you a cheat, your family would be disappointed in you, your professor might publicly embarrass you by denouncing you to the class.

If none of these considerations is a deterrent, you might be scared into conformity by the thought of **formal social controls**: administrative sanctions such as fines, expulsion, or imprisonment. Those who steal test answers, for example, face formal sanctions such as automatic failing grades, loss of scholarships, and dismissal from school.

Whether we are talking about cheating on examinations or murder, social control rests largely on self-control and informal social controls. Few formal agencies have the ability to force compliance to rules that are not supported by individual or group values. Sex is a good example. In many states, sex between unmarried persons is illegal, and theoretically you could be fined or imprisoned for it. Even if the police devoted substantial effort to stamping out illegal sex, however, they would probably not succeed. These days, relatively few unmarried adults feel ashamed about having sexual relations—some even brag about it, and some find that their friends cheer them on. In such conditions, formal sanctions cannot enforce conformity. Prostitution, marijuana use, underage drinking—all are examples of situations in which laws unsupported by public consensus have not produced conformity.

Social control consists of the forces and processes that encourage conformity, including self-control, informal control, and formal control.

Informal social control is self-restraint exercised because of fear of what others will think.

Formal social controls are administrative sanctions such as fines, expulsion, or imprisonment.

Defining Deviance

People may break out of cultural patterns for a variety of reasons and in a variety of ways. Whether your nonconformity leads others to consider you deviant or merely eccentric depends, among other things, on the seriousness of the rule you violate. If you wear bib overalls to church or carry a potted palm with you everywhere, you will be challenging the rules of conventional behavior. Probably nobody will care too much, however; these are minor kinds of nonconformity. Norm violations only become **deviance** when they exceed the tolerance level of the community and bring negative sanctions. Deviance is behavior of which others disapprove to such an extent that they believe something significant ought to be done about it.

Defining deviance as behavior of which others disapprove has an interesting implication: It is not the *act* that is important but the *audience*. The same act may be deviant in front of one audience but not another, deviant in one place but not another.

Few acts are intrinsically deviant. Even taking another's life may be acceptable in war, police work, or self-defense. Whether an act is regarded as deviant often depends on the time, the place, the individual, and the audience. For this reason, sociologists stress that *deviance is relative*. For example, alcohol use is deviant for adolescents but not for adults, having two wives is deviant in the United States but not in Nigeria, wearing a gun in town (if you are a civilian) is deviant now but wasn't 150 years ago, and wearing a skirt is deviant for American men but not for American women.

As these examples suggest, deviance can be divided into criminal and noncriminal activities. When deviance is against the law, it is crime (a subject we discuss in more detail later in this chapter). But many types of deviance are not against the law, such as burping in public, refusing to shower for a month, or publicly declaring oneself an atheist. This topic is discussed in more detail in Focus on Media and Culture: Extreme Body Modification.

The sociology of deviance has two overarching concerns: how rules become established and why people break the rules of their time and place. In the next section, we review several major theories that address these questions.

Theoretical Perspectives on Deviance

Biological and psychological explanations for deviant behavior typically focus on how processes within the individual lead to deviance. Such theories often look for the causes of deviance in genetics, neurochemical imbalances, or childhood failures to internalize appropriate behavior or attitudes. Most sociologists agree that biology and psychology play a role in causing deviance but consider social forces even more important. Sociological theories, therefore, search for the causes of deviance within the social structure rather than within the individual (see the Concept Summary on Theories of Deviance on page 130).

Structural-Functional Theories

Deviance refers to norm violations that exceed the tolerance level of the community and result in negative sanctions.

In Chapter 1, we said that the basic premise of structural-functional theory is that the parts of society work together like the parts of an organism. From this point of view, deviance can be useful for a society—at least up to a point. Consider spring break: It's easier to settle down to your final papers and exams in May if you got a break from

focus on MEDIA AND CULTURE

Extreme Body Modification

Recent years have seen an explosion in "extreme body modification": "full-sleeve" tattoos, large piercings, brands scarred into the flesh with hot metal, and ornamental scars carved with razors or knives. Moreover, these modifications now appear on the face, neck, and other parts of the body where they are intended to be seen.

Although "everyday" tattooing—a delicate butterfly atop a woman's breast, a dragon on a man's bicep—has become increasingly accepted, extreme body modification remains a form of deviance. Many Americans consider such modifications not only unattractive but also repugnant: Western culture regards bodily fluids as contaminated and so typically stigmatizes any (nonmedical) practices that break through the skin and allow blood or pus to seep out (Pitts-Taylor 2003). The stigma is strongest against women body modifiers, since our cultural norms identify smooth skin as key to female attractiveness.

So why do people engage in extreme body modification? The practice is most common in certain subcultures, such as "modern primitives," skaters, and skinheads (Atkinson 2003; Pitts 2003). Within these subcultures, body modifications are regarded both as attractive and as a valued sign of group membership. As one modern primitive said:

> In other cultures, getting a tattoo means that you're "one of us." It's a mark of pride, a comin\g of age that no one can take away. I love that about my tattoos, I feel as if I'm a member of a tribe, one of the pack. (Atkinson & Young 2001, 129–30)

Others seek out the pain of body modification to recover their sense of control and personal strength after illness, chemotherapy, surgery, or the like. For example, one young woman described how getting a tattoo allowed her to "reclaim" her body after being raped:

> I cried the whole time I was being tattooed, all of the fear, and hate, and sorrow came to the surface, and every time the needles struck me I relived the pain of the rape. I don't think any amount of talk, with whoever, could have forced me to get back in touch with my body like that.... I consider that day my second birthday, the day I really started to move on with my life. (Atkinson & Young 2001, 131)

Finally, individuals can use extreme body modification as a political statement. Modern primitives, for example, adopt large-scale Polynesian or Maori tattoos to declare their rejection of mainstream culture and their commitment to what they view as a more authentic and natural way of life.

Janine Wiedel Photolibrary/Alamy

the work in March. In addition, according to structural-functionalists, deviance can help nudge a society toward needed, incremental social changes. But when deviance becomes extreme, they argue, it is *dysfunctional* (disruptive) to the society.

This perspective was first applied to the explanation of deviance by Emile Durkheim. Durkheim recognized the potential benefits of minor deviance. In his classic study of suicide ([1897] 1951), however, he focused on the causes of dysfunctional, extreme deviance. To explore this issue, Durkheim raised the question of why people in industrialized societies are more likely to commit suicide than are people in agricultural societies. He suggested that in traditional societies the rules tend to be well known and widely supported. As a society grows larger, becomes more diverse, and experiences rapid social change, the norms of society may become unclear or no longer apply. Durkheim called this situation **anomie** and believed it was a major cause of suicide in industrializing nations.

Anomie is a situation in which the norms of society are unclear or no longer applicable to current conditions.

concept summary

Theories of Deviance

	Major Question	Major Assumption	Cause of Deviance	Most Useful for Explaining Deviance Among
Structural-Functional Theory				
Strain theory	Why do people break rules?	Deviance is an abnormal characteristic of the social structure.	A dislocation between the goals of society and the means to achieve them.	The working and lower classes who cannot achieve desired goals by prescribed means.
Conflict Theory				
Conflict Theory	How does unequal access to scarce resources lead to deviance?	Deviance is a normal response to competition and conflict over scarce resources.	Inequality and competition.	All classes: Lower class is driven to deviance to meet basic needs and to act out frustration; upper class uses deviant means to maintain its privileges.
Symbolic Interaction Theories				
Differential association theory	Why is deviance more characteristic of some groups than others?	Deviance is learned like other social behaviors.	Subcultural values differ in complex societies; some subcultures hold values that favor deviance; these are learned through socialization.	Delinquent gangs and those integrated into deviant subcultures and neighborhoods.
Deterrence theories	When is conformity not the best choice?	Deviance is a choice based on cost/benefit assessments.	Failure of sanctioning system (benefits of deviance exceed the costs).	All groups, but especially those lacking a "stake in conformity."
Labeling theory	How do acts and people become labeled deviant?	Deviance is relative and depends on how others label acts and actors.	People whose acts are labeled deviant and who accept that label become career deviants.	The powerless who are labeled deviant by more powerful individuals.

Importantly, Durkheim and later structural-functional theorists define deviance as a social problem rather than a personal trouble; it is a property of the social structure, not of the individual (Passos & Agnew 1997). As a consequence, the solution to deviance lies not in reforming the individual deviant but in changing the dysfunctional aspects of the society.

Explaining Individual Deviance: Strain Theory

The classic structural-functionalist theory of crime is Robert Merton's (1957) **strain theory**. Strain theory begins by noting that most of us are conformists, who (as Merton defined the term) accept both our society's culturally approved *goals* and its culturally approved *means* for reaching these goals. Strain theory argues that deviance results when individuals cannot reach culturally approved goals using culturally approved means. This theory is most commonly used to explain lower-class crime.

Strain theory suggests that deviance occurs when culturally approved goals cannot be reached by culturally approved means.

concept summary

Merton's Modes of Adaptation

Merton's strain theory of deviance suggests that deviance results whenever there is a disparity between goals and the institutionalized means available to reach them. Individuals caught in this dilemma may reject the goals or the means or both. In doing so, they become deviants.

Modes of Adaptation	Cultural Goals	Institutional Means
Innovation	Accepted	Rejected
Ritualism	Rejected	Accepted
Retreatism	Rejected	Rejected
Rebellion	Rejected/replaced	Rejected/replaced

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As a college student, you are using a culturally accepted means—attending college—to achieve a culturally accepted goal—a well-paying career. In Merton's terms, you are a conformist. If you cheat on an exam to achieve your goals, Merton would consider you an innovator and your professors will consider you deviant (because you have broken *their* cultural norms). If your peers consider cheating acceptable, however, you will not be a deviant within peer culture.

American culture places strong emphasis on economic success. Although this goal is widely shared by Americans, the means to obtain it are not. Few lower-class Americans are able to achieve success through culturally approved means, such as attending school to become a lawyer or computer programmer. According to Merton, lower-class persons turn to crime not because they *reject* American values but because they *accept* them: They believe that only through crime can they achieve our shared cultural goal of economic success.

Of course, few people who find society's norms inapplicable to their situation respond by turning to a life of crime. Merton identifies four ways in which people adapt to anomie without becoming criminals: innovation, ritualism, retreatism, and rebellion. These four strategies are illustrated in the Concept Summary on Merton's Modes of Adaptation.

In Merton's terms, *innovation* refers to people who accept society's goals but reject accepted institutional means, instead using illegitimate means to achieve their goals. Innovators include poor teenagers who steal flashy cars, students who cheat on tests, and athletes who use steroids to boost their performance. *Ritualism* refers to people who continue to use culturally approved means for achieving socially desired goals even though they have rejected—or at least given up on—those goals. A primary example of the ritualist is the worker who follows all bureaucratic procedures just to keep his or her job, not to get ahead. *Retreatism* refers to those who have given up on both society's goals and its accepted means. They are society's dropouts: the vagabonds, drifters, and street people. Like retreatism, *rebellion* also refers to those who abandon society's goals and means, but rebels additionally adopt alternative values. These are people like revolutionaries, Rastafarians, or the Rainbow Tribe who hope to create an alternative society.

Explaining Neighborhood Crime Rates: Collective Efficacy Theory

Whereas strain theory attempts to explain why some *individuals* are more likely to engage in crime than are others, collective efficacy theory attempts to explain why some *neighborhoods* have higher rates of crime than others (Sampson & Raudenbush 1999; Sampson, Morenoff, & Earls 1999; Sampson, Morenoff, & Gannon-Rowley 2002). Collective efficacy theory is also a structural-functionalist theory because it, too, assumes that crime or deviance occurs when the parts of a society no longer work together smoothly.

In Merton's terms, homeless alcoholics are *retreatists*: they have given up on both culturally accepted goals and culturally accepted means for reaching those goals.

bobhdeering/Alamy

Collective efficacy refers to the extent to which individuals in a neighborhood share the expectation that neighbors will intervene and work together to maintain social order. If your neighbors believe it is important to work together to control neighborhood crime and delinquency and are likely to call the police when teenagers race cars down the block or scrawl graffiti on a wall, then you live in a neighborhood with high collective efficacy. Collective efficacy is most common in neighborhoods that experience few structural disadvantages: They have high rates of employment and home ownership, many residents whose work and incomes give them a sense of control over their lives, and police and municipal services that they can count on for help when needed. According to collective efficacy theory, crime is most likely in neighborhoods that suffer extreme structural disadvantage and, as a result, experience low collective efficacy. This theory has strong empirical support and is growing in influence.

Collective efficacy refers to the extent to which individuals in a neighborhood share the expectation that neighbors will intervene to stop social disorder and deviance and will work together to maintain social order.

Conflict Theory

Structural-functional theory suggests that deviance results from a lack of integration among the parts of a social structure (norms, goals, and resources); it is viewed as an abnormal state produced by extraordinary circumstances. Conflict theorists, however, see deviance as a natural and inevitable product of competition in a society in which groups have different access to scarce resources. They suggest that the ongoing processes of competition should be the real focus of deviance studies (Lemert 1981).

Conflict theory proposes that deviance results from competition and class conflict. Class conflict affects deviance in two ways (Reiman 2005): (1) Class interests determine how the criminal justice system defines and responds to crime, and (2) economic pressures can lead to crime, particularly property crime, among the poor.

Defining and Responding to Crime

Conflict theorists argue that the law is a weapon used by the ruling class to maintain the political and economic status quo (Arrigo 1998; Liska, Chamlin, & Reed 1985; Reiman 2005). Supporters of this position argue that the very definitions of crime sometimes reflect the interests of the wealthy. Corporations can kill or injure thousands when they sell cars, contact lenses, or other goods that they know are harmful. They can endanger workers when they cut corners on factory safety, and they endanger whole communities when they dump dangerous chemicals into the water or soil. They also can impoverish workers and investors through shady business practices, even while their executives earn multimillion-dollar salaries. Yet these actions are often defined by the courts as ordinary and necessary business practices rather than as crimes.

Similarly, conflict theorists argue that the criminal justice system's response to behaviors labeled criminal also reflects the interests of the wealthy. Our system spends more money deterring muggers than embezzlers and more money arresting prostitutes than arresting their clients. Except in rare, high-profile cases, courts typically impose much more severe sentences for street crimes than for corporate crimes and impose much heavier sentences against those who use drugs favored by the poor (such as "crack" cocaine) than against those who use drugs favored by the more affluent (such as other forms of cocaine). Police are more likely to arrest those who assault members of the ruling class (well-off whites) than those who assault the powerless (nonwhites and the poor) (Reiman 2005). Finally, even when people from the upper and lower classes commit similar crimes, those from the lower class are more likely to be arrested, prosecuted, and sentenced (Reiman 2005).

As this suggests, most conflict theorists reject structural functionalism's assumption that poor people are unusually likely to commit crimes. Instead, and as research suggests, most poorer people adjust their goals downward sufficiently so that they can meet their goals through respectable means (Simons & Gray 1989). Meanwhile, many highly successful individuals adjust their goals so far upward that they cannot reach them by legitimate means. Recent court cases that reveal Microsoft's illegal attempts to gain a monopoly over Internet services and tobacco manufacturers' attempts to make cigarettes more addictive provide clear evidence that the means-versus-goals discrepancy is not limited to the lower class. Conflict theorists argue that it only appears that rich people commit fewer crimes because rich people control the state, schools, and courts, and so are often able to avoid criminal labels (Reiman 2005).

Lower-Class Crime

Although the preceding view of the way crime is defined would be accepted by all conflict theorists, some believe that individuals in the lower class really are more likely to commit criminal acts. One critical criminologist has declared that crime is a rational response for the lower class (Quinney 1980). These criminologists generally agree with Merton that a means/ends discrepancy is particularly acute among the poor and that it may lead to crime (Reiman 2005). They believe, however, that this is a natural condition of an unequal society.

Symbolic Interaction Theories

Symbolic interaction theories of deviance suggest that it is learned through interaction with others and involves the development of a deviant self-concept. Deviance is believed to result not from broad social structure but from specific face-to-face

Differential association theory argues that people who grow up in crime-ridden neighborhoods are more likely to become criminals themselves. It is easy to see how this theory applies to gang members like these, but can you think of how it might also apply to white-collar criminals?

interactions. This argument takes three forms: *differential association theory*, *deterrence theory*, and *labeling theory*.

Differential Association Theory

Not surprisingly, researchers have found that those who have more delinquent friends are more likely to become delinquent themselves (Haynie & Osgood 2005). **Differential association theory**, first proposed by Edwin Sutherland, explains this finding by arguing that people *learn* to be deviant through their associations with others.

How does differential association encourage deviance? There are two primary mechanisms. First, if our interactions are mostly with deviants, we may develop a biased image of the generalized other. We may learn that, "of course, everybody steals" or, "of course, you should beat up anyone who insults you." The norms we internalize may differ greatly from those of conventional society. Second, if we interact mostly within a deviant subculture, that subculture will reward us not for *following* conventional norms but for *violating* them. Through these mechanisms, we can learn that deviance is acceptable and rewarding.

Deterrence Theory

Differential association theory can only explain deviance that occurs in settings and groups that encourage it. Deterrence theory provides a broader explanation of deviance. This theory suggests that individuals will engage in deviance when they believe it will offer more rewards than will conformity *and* when they believe the potential risks and costs of deviance are low. **Deterrence theory** combines elements of structural-functional and symbolic interaction theories. Although they place the primary blame for deviance on an inadequate (dysfunctional) system of rewards and punishments, they also believe that individuals actively make a cost/benefit decision about whether to engage in deviance (McCarthy 2002; Paternoster 1989; Piliavin et al. 1986). When social structures do not provide adequate rewards for conformity, more people will choose deviance.

For example, people who lack jobs or who have only dead-end jobs are more likely than others to believe they have little to lose and much to gain from crime or other forms of deviance, especially if they believe the risk of arrest is low (Crutchfield 1989; Devine, Sheley, & Smith 1988; McCarthy 2002). Conversely, those who have strong bonds with their parents, do well in school, feel a part of their school, and hold good jobs are more likely to avoid deviance because they feel they have too much to lose (Haynie & Osgood 2005).

Differential association theory argues that people learn to be deviant when more of their associates favor deviance than favor conformity.

Deterrence theory suggests that deviance results when social sanctions provide insufficient rewards for conformity.

Labeling theory is concerned with the processes by which labels such as *deviant* come to be attached to specific people and specific behaviors.

Labeling Theory

A third theory of deviance, which combines symbolic interaction and conflict theories, is labeling theory. **Labeling theory** focuses on how and why the label *deviant* comes to be attached to specific people and behaviors. This theory takes to heart the maxim that deviance is relative. As the chief proponent of labeling theory puts it, "Deviant behavior is behavior that people so label" (Becker 1963, 90).

EXPLAINING INDIVIDUAL DEVIANCE The process through which a person becomes labeled as deviant depends on the reactions of others toward nonconforming

behavior. The first time a child acts up in class, it may be owing to high spirits or a bad mood. This impulsive act is *primary deviance*. What happens in the future depends on how others interpret the act. If teachers, counselors, and other children label the child a troublemaker and if the child accepts this definition as part of her self-concept, then she may take on the role of a troublemaker. Continued rule violation because of a deviant self-concept is called *secondary deviance*.

The major limitations of labeling theory are that (1) it doesn't explain why primary deviance occurs, and (2) it cannot explain repeated deviance by those who haven't been caught—that is, labeled. For this reason, it is less popular today as an explanation of why individuals become deviants.

EXPLAINING DEVIANCE LABELING Labeling theory is more useful as an explanation of how behaviors become labeled as deviant. Many labeling theorists take a conflict perspective in exploring this topic. They argue that groups sometimes try to label the behavior of other groups as deviant as a means of increasing their own power and status. Because groups try to "sell" their moral ideas about who should be labeled deviant, just as entrepreneurs sell their ideas for new businesses, sociologists refer to those who attempt to create new definitions of deviance as **moral entrepreneurs**. Typically, the more power a group has, the more successful it will be in branding others as deviant. This, labeling theorists allege, explains why lower-class deviance is more likely to be subject to criminal sanctions than is upper-class deviance.

But groups can fight back against those who would label them deviant. For example, the Parents Television Council (PTC) is a nonprofit organization that campaigns against television shows that offend its conservative morality. One of its targets is the World Wrestling Federation, which PTC has lambasted for its violent and sexually explicit shows (Lowney 2003). The Federation responded in two ways. First, it attacked with humor by forming a wrestling team called the Right to Censor. This team pretended to preach the PTC's moral values while brazenly cheating during fights. Second, it successfully sued the PTC for libel and slander. Through both these strategies, the Federation protected its public image and fended off the PTC's efforts to label the Federation's shows as deviant in the public's eyes.

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According to deterrence theory, individuals such as prom queens and kings are unlikely to engage in deviance because they have too much to lose if they do so.

sociology and you

Does your college or university forbid smoking in campus buildings? If so, you have witnessed the work of moral entrepreneurs. Anti-tobacco activists across the country have worked to outlaw smoking in public buildings, in private restaurants and bars, and even on the street. They also have fought to stigmatize smokers through advertising campaigns that portray smokers as ugly, stupid, and selfish. By so doing, they have created new definitions of morality and of deviance.

Case Study: Medicalizing Deviance

In recent years, more and more behaviors once labeled *deviant* have become labeled *mental illnesses*. Labeling theory's emphasis on subjective meanings and conflict theory's emphasis on the power to define the situation give us a framework for understanding this shift.

Five hundred years ago, the most powerful social institution in Western society was the church. At that time, those who routinely became drunk in public were regarded as sinners and publicly castigated by ministers (the moral entrepreneurs of the time). But by the 1800s, the state and the criminal justice system had become more

Moral entrepreneurs are people who attempt to create and enforce new definitions of morality.

powerful than the church. Although ministers still railed against those who drank alcohol, public drunks were now treated as criminals and thrown into jails.

These days, churches and judges vie for power with doctors and pharmaceutical companies. Individuals whose drinking gets publicly out of control will still be regarded as criminals by some and as sinners by others. Still others, however, argue that these individuals suffer from the disease of alcoholism. The behavior hasn't changed, and it's still considered deviant. But a different group (doctors) now define what is deviance. As with heavy drinking, other criminal behaviors like child abuse, gambling, murder, and rape are also regarded by some as signs of mental illness, better treated by doctors than by sheriffs (Conrad 2007). In addition, a wide range of human variations in behavior, appearance, and personality have also been redefined as illness. Doctors now propose cosmetic surgery to "cure" low self-esteem among women with small breasts and pharmaceutical companies declare that their drugs can cure shy people of "Social Anxiety Disorder" (Conrad 2007; Lane 2007; Sullivan 2001). Similarly, pharmaceutical companies now encourage doctors to diagnose people who become understandably sad following job loss or a death in the family as having "Major Depression" and to treat them with powerful drugs (Horwitz & Wakefield 2007). This process of redefining "badness," oddness, or ordinary human variation into illness is referred to as **medicalization** (a topic we discuss further in Chapter 10).

What happens when a behavior is medicalized? Individuals who acquire the *ill* label rather than the *bad* or *odd* label are more likely to receive treatment and sympathy rather than punishment or stigma (Conrad 2007). As you might expect—and as labeling and conflict theory would both predict—people in positions of power more often succeed in claiming the sick label. The upper-class woman who shoplifts is treated for obsessive-compulsive disorder, whereas the lower-class woman who does so is arrested for theft. The middle-class boy who acts up in school is medicated for hyperactivity, whereas the lower-class boy is jailed for juvenile delinquency.

Crime

Most deviant behavior is subject only to informal social controls. When deviance becomes labeled crime, it becomes subject to legal penalties. This is, in fact, the definition of **crime:** behavior considered so unacceptable that it is subject to legal penalties. Most, though not all, crimes violate social norms and are subject to informal as well as legal sanctions. In this section, we briefly discuss the different types of crimes, look at crime rates in the United States, and describe who is most likely to commit these crimes.

Property Crimes and Violent Crimes

Each year the federal government publishes the Uniform Crime Report (UCR), which summarizes the number of criminal incidents known to the police for five major crimes (Federal Bureau of Investigation 2009):

- *Murder and nonnegligent manslaughter*. Overall, murder is a rare crime. But it affects some segments of society much more than others. Almost 50 percent of all murder victims are African American and three-quarters are male (Federal Bureau of Investigation 2009).

Medicalization is the process through which something becomes defined as a medical problem.

Crime is behavior that is subject to legal or civil penalties.

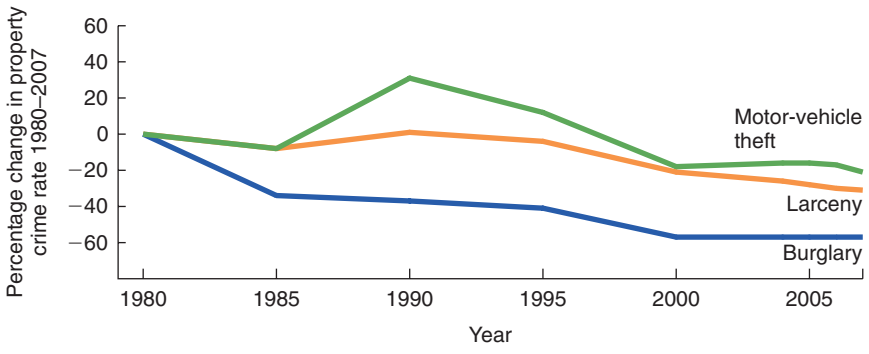


FIGURE 6.1 Percentage Change over Time in Property Crime Rates Burglary, larceny, and motor vehicle theft have all declined steadily since the 1990s and are now less common than they were in 1980.
SOURCE: U.S. Department of Justice (1995), Federal Bureau of Investigation (2009).

- *Rape*. Rape accounts for about 6 percent of all reported violent crimes (Federal Bureau of Investigation 2009). Even though most rapes go unreported, about 80,000 women each year report being raped. The best survey on the topic using a large, national, random sample found that 15 percent of all American women and 2 percent of all men had been raped at some point in their lives (Tjaden & Thoennes 1998).
- *Robbery*. Robbery is defined as taking or attempting to take anything of economic value from another person by force or threat of force. Unlike simple theft or larceny, robbery involves a personal confrontation between the victim and the robber. The rate of robbery has fallen almost 50 percent since 1990.
- *Assault*. Aggravated assault is an unlawful attack for the purpose of inflicting severe bodily injury. Because of this definition, most assaults involve a weapon.
- *Property crimes (burglary, larceny-theft, motor-vehicle theft, and arson)*. Property crimes are much more common than are crimes of violence. They account for almost 90 percent of the crimes covered in the UCR (Federal Bureau of Investigation 2009).

Figure 6.1 shows the trend in property crimes since 1980. All major property crimes declined substantially between 1980 and 2000, and all are considerably lower than they were 30 years ago. The causes of this decline are hotly debated. However, most observers agree that a major reason is that young people commit most crimes, and there are now fewer young people than in earlier generations.

Violent crimes, too, are now less common than they were in 1980. However, and as Map 6.1 on the next page shows, violent crimes remain most common in the southern states, as well as in states with many poor, young people.

The unusually high rates of violent crime in the southern states—a long-standing trend—appear to reflect that region's "culture of honor." These states were initially settled by emigrants from poor, isolated, border regions of Scotland and northern England. Growing up in these areas, the emigrants had learned from childhood that they could not count on the law to protect them or their sheep from outlaws. As a result, a culture developed that encouraged young men to respond aggressively to any perceived threat against their property or honor. Aspects of this culture continue to this day in the southern United States, especially in rural areas (Gladwell 2008; Shackelford 2005).

Victimless Crimes

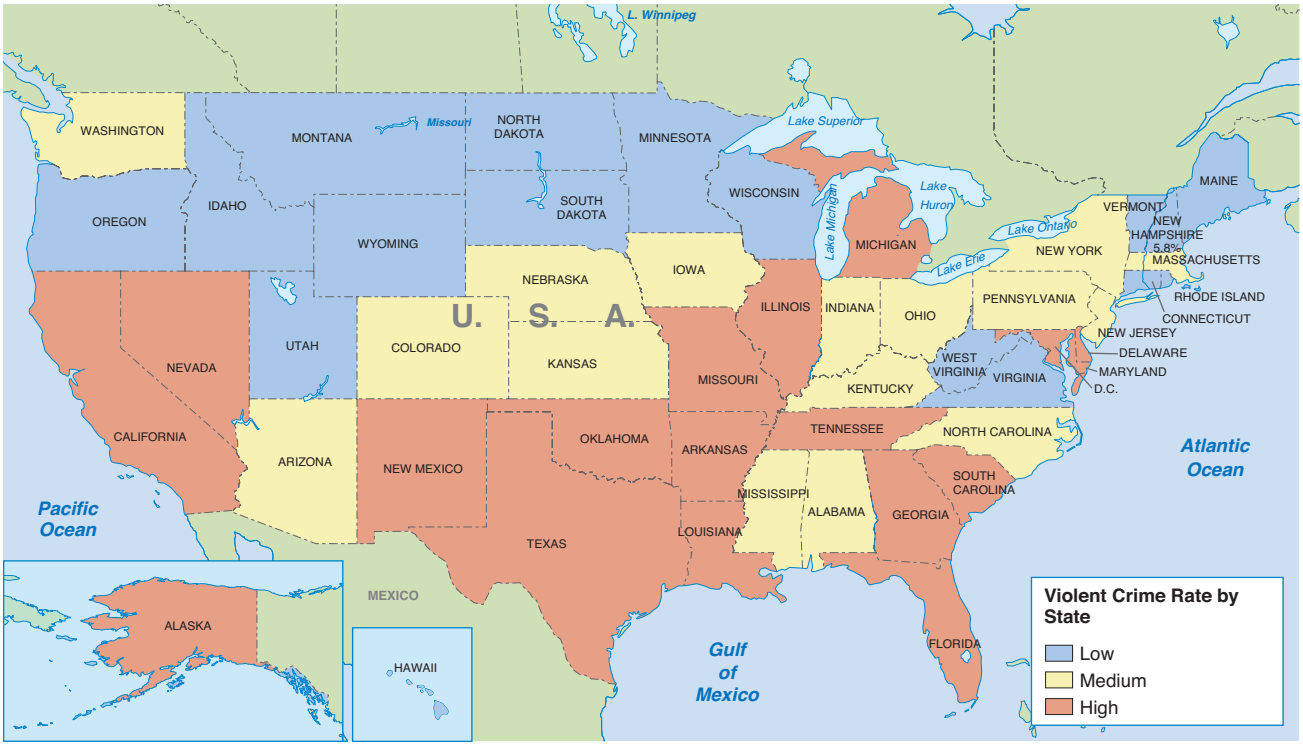
The so-called **victimless crimes**—such as drug use, prostitution, gambling, and pornography—are voluntary exchanges between persons who desire illegal goods or

Victimless crimes such as drug use, prostitution, gambling, and pornography are voluntary exchanges between persons who desire illegal goods or services from each other.

MAP 6.1: Violent Crime Rate by State

In general, violent crime (as well as property crime) is most common in the South, followed by the Southwest. It is also more common in other areas with many poor young people.

SOURCE: Federal Bureau of Investigation (2009)



services from one another (Schur 1979). They are called victimless crimes because participants in the exchange typically do not see themselves as being victimized or as suffering from the transaction: There are no complaining victims.

There is substantial debate about whether these crimes are truly victimless. Some argue that prostitutes, drug abusers, and pornography models *are* victims (e.g., Weitzer 2007) because individuals usually enter these situations only if they feel they have no reasonable alternatives. Others believe that such activities are legitimate areas of free enterprise and free choice (Gould 2001; Gray 2000). These observers argue that although prostitutes and drug users might benefit from laws against pimping or selling contaminated drugs, they are only further victimized by laws against prostitution or drug use per se.

Because there are no complaining victims, these crimes are difficult to control. The drug user is generally not going to complain about the drug pusher, and the illegal gambler is unlikely to bring charges against a bookie. In the absence of a complaining victim, the police must find not only the criminal but also the crime. Efforts to do so are costly and divert attention from other criminal acts. As a result, laws relating to victimless crimes are irregularly and inconsistently enforced, most often in the form of periodic crackdowns and routine harassment.

The topic of victimless crimes is explored further in Decoding the Data: Legalizing Marijuana.

decoding the data

Legalizing Marijuana

According to national random surveys conducted by the Gallup Poll, about one-third of Americans now support legalizing marijuana. Support is highest among men, younger people, non-churchgoers, and college-educated people.

Explaining the Data: What about the culture, socialization, social position, or social experiences of men might make them more sympathetic than women to legalizing marijuana?

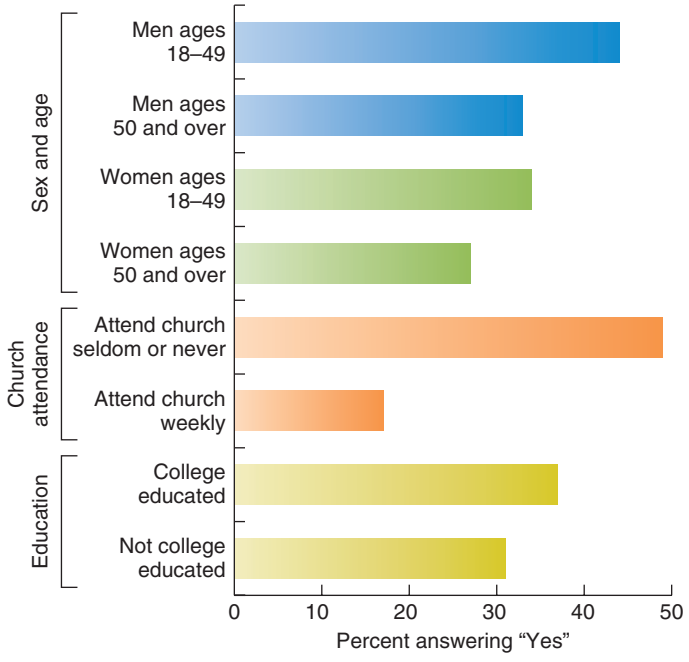
What might explain why younger people are more sympathetic? non-churchgoers? college-educated people?

Critiquing the Data: How could the question have been reworded to *increase* the percentage who supported loosening legal restrictions? (For example, we might ask whether people think marijuana should be made legal when needed for medical reasons.)

How could the question have been reworded to *reduce* the percentage who supported loosening legal restrictions?

"Do you think the use of marijuana should be made legal or not?"

SOURCE: Caroll (2005).



White-Collar Crimes

Crimes committed by respectable people of high social status in the course of their work are called **white-collar crimes** (Sutherland 1961; Shover 2006). White-collar crimes can be committed by either individuals or companies. Individuals, for example, may embezzle money from their firms or defraud clients. The amounts involved can be staggering: In 2009, Bernie Madoff—former chairman of the NASDAQ stock exchange and founder of Bernard L. Madoff Investment Securities—pleaded guilty to defrauding his investment clients out of almost $65 *billion*.

When white-collar crimes are committed by companies, they are sometimes referred to as *corporate crimes*. Corporate crimes include such practices as price fixing, selling defective products, evading taxes, or polluting the environment. For example, accountants, auditors, and executives working for Enron Corporation worked together to hide the company's debts, exaggerate its profits, and pull in money from investors whom they tricked into buying their stock for much more than it was worth (Eichenwald 2005). Meanwhile, corporate executives took home multimillion-dollar

White-collar crimes refers to crimes committed by respectable people of high status in the course of their occupation.

iStockphoto.com/Stephanie Phillips

Like drug peddlers and thieves, white-collar criminals can seriously harm individuals and society.

salaries. When its false bookkeeping became known and the company was forced into bankruptcy, Enron retirees lost their pensions, 4,000 Enron employees lost their jobs, and thousands of small investors lost their life savings.

White-collar crimes bring heavy costs to society. As the Madoff case suggests, the dollar loss due to corporate crimes can dwarf that lost through street crime (Hagan 2002). In addition to the economic cost, there are social costs as well. Exposure to repeated tales of corruption breeds distrust and cynicism and, ultimately, undermines the integrity of social institutions. If you think that all members of Congress are crooks, then you quit voting. If you think that police officers can be bought, then you cease to respect the law. Finally, white-collar crimes can cost lives when manufacturers sell cars with bad brakes, ignore safety precautions on factory lines, or dump toxic chemicals into rivers. Thus, the costs of white-collar crimes go beyond the actual dollars involved in the crimes themselves.

The reasons for white-collar crimes are similar to those for street crimes: People (and companies) want more than they can legitimately get and think the benefits of a crime outrun its potential costs (Shover 2006). Differential association also plays a role. In some corporations, organizational culture winks at or actively encourages illegal behavior. Sometimes the crimes are paltry, as when workers take home office supplies for personal use. Other times the consequences are far higher. For example, in 2009 the pharmaceutical company Eli Lilly was fined $1.4 billion by the federal government for illegally marketing the drug Zyprexa for sleep problems, depression, agitation, aggression, and hostility, even though the drug had only been approved for treating schizophrenia and was known to cause obesity and to increase the risk of diabetes (U.S. Attorney 2009). Eli Lily's sales of Zyprexa had soared after mid-level managers, following instructions of company executives, began instructing their sales personnel to disregard the law, training them in how to counter physician objections and concerns, and creating a culture in which sales-at-all-costs were valued.

The magnitude of white-collar crime in our society challenges the popular image of crime as a lower-class phenomenon. Instead, it appears that people of different statuses simply have different opportunities to commit crime. Those in lower statuses

have no opportunity to engage in price fixing, stock manipulation, or tax evasion. They can, however, engage in high-risk, low-yield crimes such as robbery and larceny. In contrast, higher-status individuals have the opportunity to engage in low-risk, high-yield crimes (Reiman 2005; Shover 2006).

The lenient treatment received by most convicted white-collar criminals mocks the idea of equal justice. White-collar criminals are far less likely than are street criminals to be sentenced to prison and receive far shorter sentences when they are imprisoned (Shover 2006). However, recent high-profile cases such as those of Bernie Madoff and the Enron executives signal an increased awareness (at least among government prosecutors) of the importance of white-collar crime. Similarly, the number of corporations convicted of white-collar crime and the dollar amount of fines imposed have increased over the last decade (Shover 2006).

Correlates of Crime: Age, Sex, Class, and Race

Each year, less than half of all violent crimes reported in the UCR and less than one-quarter of property crimes are "cleared" by an arrest (that is, resulted in an arrest) (Federal Bureau of Investigation 2009). Murder is the crime most likely to be cleared, and burglary is least likely. This means that the people arrested for the criminal acts summarized in the UCR represent only a sample of those who commit these crimes; they are undoubtedly not a random sample. Nor do they represent at all those who commit white-collar crimes, which are not included in the UCR. As a result, we must be cautious in generalizing from arrestees to the larger population of criminals.

With this caution in mind, we note that the persons arrested for criminal acts are disproportionately male, young, and from minority groups. Figure 6.2 shows the pattern of arrest rates by sex and age. As you can see, crime rates for both men and women peak during ages 15 to 24, although during these peak crime years, men are about three to four times more likely to be arrested than are women. Minority data are not available by age and sex, but the overall rates show that African Americans and Hispanics are more than three times as likely as whites to be arrested.

What accounts for these differentials? Can the theories reviewed earlier help explain these patterns?

Age Differences

The age differences in arrest rates noted in Figure 6.2 on the next page are both long-standing and characteristic of nearly every nation in the world that gathers crime statistics (Cook & Laub 1998). Researchers disagree over the reasons for the high arrest rates of young adults, but deterrence theories have the most promise for explaining this age pattern.

In many ways, adolescents and young adults have less to lose than other people. They don't have a "stake in conformity"—a career, a mortgage, or a credit rating (Steffensmeier et al. 1989). When young people do have jobs and especially when they have good jobs, their chances of getting into trouble are much less (Allan & Steffensmeier 1989).

Delinquency is basically a leisure-time activity. It is strongly associated with spending large blocks of unsupervised time with peers (Haynie & Osgood 2005). When young people have "nothing better to do," a substantial portion will get their fun by causing trouble. Conversely, deviance is deterred by having a close attachment to parents or school.

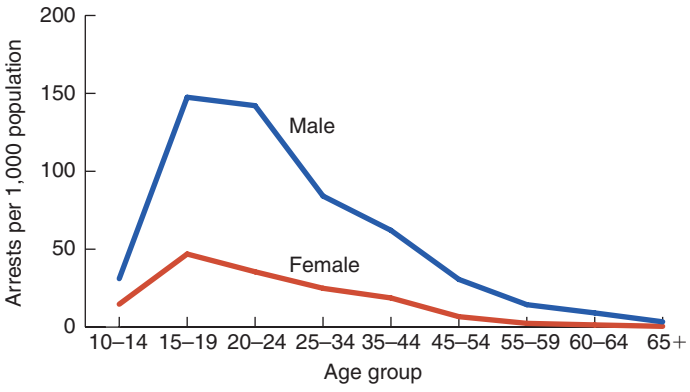


FIGURE 6.2 Arrests per 1,000 Population by Age and Sex
Arrests rates in the United States and most other nations show strong and consistent age and sex patterns. Arrest rates peak sharply for young people ages 15 to 24; at all ages, men are considerably more likely than women to be arrested.
SOURCE: Federal Bureau of Investigation (2009).

Sex Differences

The sex differential in arrest rates has both social and biological roots. Women's smaller size and lesser strength make them less able to engage in the types of crimes emphasized in the UCR; they have learned that, for them, these are ineffective strategies. Evidence linking male hormones to aggressiveness indicates that biology also may be a factor in women's lower inclination to engage in violent behavior.

Among social theories of deviance, deterrence theory seems to be the most effective in explaining these differences. Generally, girls are supervised more closely than boys, and they are subject to more social control, especially in less affluent families (Chesney-Lind & Shelden 2004; Hagan, Gillis, & Simpson 1985; Thompson 1989). Whereas parents may let their boys wander about at night unsupervised, they are much more likely to insist on knowing where their daughters are and with whom they are associating. The greater supervision that girls receive increases their bonds to parents and other conventional institutions; it also reduces their opportunity to join gangs or other deviant groups.

These explanations raise questions about whether changing roles for women will affect their participation in crime. Will increased equality in education and labor-force participation and increased smoking and drinking also carry over to greater equality of criminal behavior? So far, the answer appears to be no (Chesney-Lind & Shelden 2004; Steffensmeier & Allan 1996). Although the crime rate for women has increased, most of this increase is in minor property crimes and drug possession (as opposed to drug dealing) (Chesney-Lind & Shelden; Maher & Daly 1996). Meanwhile, the gender gap in rates of violent and major property crime has actually increased.

This pattern of change lends support to feminist theories of crime. Whereas deterrence theory argues that men's higher crime rates reflect their relatively weaker bonds to conventional *authority*, feminist sociologists argue that those rates reflect men's strong bonds to conventional *gender roles* (Bourgois 1995; Katz 1988; Messerschmidt 1993). According to these theories, to be considered "masculine," boys and men must challenge authority and act aggressively or even violently, at least in certain times and places. This theory is particularly useful for explaining crimes against women by groups of men, such as gang rapes (Lefkowitz 1997; Sanday 1990).

Feminist sociologists also have noted that *victimization* of females by males explains a significant proportion of crime among females (Chesney-Lind & Shelden 2004). Girls and women who have been sexually or physically abused by men (including

male relatives) are more likely to run away from home, turn to drugs, enter prostitution, and respond violently to their abusers and others.

Social-Class Differences

The effect of social class on crime rates is complex. Braithwaite's (1985) review of more than 100 studies leads to the conclusion that lower-class people commit more of the direct interpersonal types of crimes normally handled by the police than do people from the middle class. These are the types of crimes reported in the UCR. Middle-class people, on the other hand, commit more of the crimes that involve the use of power, particularly in the context of their occupational roles: fraud, embezzlement, price fixing, and other forms of white-collar crime. There is also evidence that the social-class differential may be greater for adult crime than for juvenile delinquency (Thornberry & Farnworth 1982).

Nearly all the deviance theories we have examined offer some explanation of the social-class differential. Strain theorists and some conflict theorists suggest that the lower class is more likely to engage in crime because of blocked avenues to achievement, which explains why crime rises along with unemployment (Grant & Martinez-Ramiro 1997). Deterrence theorists argue that the lower classes commit more crimes because they receive fewer rewards from conventional institutions such as school and the labor market. All these theories accept and seek to explain the social-class pattern found in the UCR, where the lower class is overrepresented.

Labeling and conflict theories, on the other hand, argue that this overrepresentation is not a reflection of underlying social-class patterns of deviance but of bias in the law and within social control agencies (Williams & Drake 1980). Evidence suggests, for instance, that the disproportionately high homicide rates found among the lower social classes in most modern societies result from governmental failure to provide the least privileged with the legal means of conflict resolution available to the social elite (Cooney 1997). Overrepresentation of the lower class also reflects the particular mix of crimes included in the UCR; if embezzlement, price fixing, and stock manipulations were included, we would see a very different social-class distribution of criminals.

Race Differences

Although African Americans compose only about 12 percent of the population, they make up 34 percent of those arrested for rape, 34 percent of those arrested for assault, and 50 percent of those arrested for murder (Federal Bureau of Investigation 2009). Hispanics, who compose about 12.5 percent of the total population, represent about 28 percent of those imprisoned for violent crimes. These strong differences in arrest and imprisonment rates are explained in part by social-class differences between minority and white populations. Even after this effect is taken into account, however, African Americans and Hispanics are still much more likely to be arrested for committing crimes.

The explanation for this is complex. As we will document in Chapter 8, race and ethnicity continue to represent a fundamental cleavage in U.S. society. The continued and even growing correlation of minority status with poverty, unemployment, inner-city residence, and female-headed households reinforces the barriers between nonwhites and whites in U.S. society. An international study confirms that the larger the number of overlapping dimensions of inequality, the higher the "pent-up aggression which manifests itself in diffuse hostility and violence" (Messner 1989). The root cause of higher minority crime rates, from this perspective, is the low quality of minority employment—which leads directly to unstable families and

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Even when nonwhites and whites engage in the *same* illegal behaviors, minorities are more likely to be cited, arrested, prosecuted, and convicted.

neighborhoods (Newman 1999b; Sampson & Raudenbush 1999; Sampson, Morenoff, & Earls 1999).

Poverty and segregation combine to put African American children in the worst neighborhoods in the country, where getting into trouble is a way of life and where lack of resources makes conventional achievement almost impossible (Newman 1999b). Differential association theory thus explains a great deal of the racial difference in arrest rates. Deterrence theory is also important. Compared to non-Hispanic whites, African American children are much more likely to live in a fatherless home and Hispanic children are somewhat more likely to do so, leaving them without an important social bond that might deter deviant behavior.

But these differences in crime rates between minorities and nonminorities are to some extent more apparent than real. It is true that on average minorities commit more crimes than do whites. But when we compare minorities and whites who engage in the *same* behavior—from causing trouble in school to committing murder—minorities are more likely than whites to be cited, arrested, prosecuted, and convicted (Austin & Allen 2000; Cureton 2000). As a result, UCR rates overestimate the percentage of crime actually committed by minorities.

Fear of Crime

Since the 1990s, crime rates have dropped dramatically. Yet each year approximately two-thirds of Americans interviewed by the Gallup Pool say that they believe crime is *increasing* (Federal Bureau of Investigation 2009). Where has this "culture of fear" come from?

Many groups and individuals benefit from promoting fear. Politicians use fear-mongering to get votes, businesses "sell" fear to sell products (guns, alarm systems, anti-phishing software), and advocacy groups promote fear to gain support for their causes (criminalizing drunk driving, or offering more treatment for drug addicts). But when asked why their fears have grown, most Americans point to the media (Blendon & Young 1998). Television reporters and producers, especially, seek stories that can be told in a 3-minute spot: emotionally gripping, visually exciting, and with clear villains and victims (Altheide 2002, 2006). As a result, they often choose their headline stories according to the principle "If it bleeds, it leads."

How do the media teach people to overestimate the dangers of crime? Sociologist Barry Glassner (2004) offers three answers. First, the media *misidentify* isolated events as trends, such as describing the massacres at Virginia Tech in 2007 and at Northern Illinois University in 2008 as part of a broad pattern of school homicides, even though no such pattern exists. Second, the media *misdirect* us, making crime seem important by ignoring more serious problems. For example, television news shows spend far more time discussing the very rare school homicides than discussing, for example, the millions of American children who leave home hungry each morning to go to dilapidated, segregated schools. Third, the media *repeat* exaggerated claims of dangers so often that we believe them. True, the media do sometimes try to debunk myths of dangers, but such stories appear infrequently and are often buried far back in newspapers or later in newscasts.

Of course, crime can cause extraordinary suffering for its victims and can make any and all preventive actions seem worthwhile. But fear of crime also can cause problems. One consequence is the enormous growth in our enormously expensive prison system (discussed below). Another consequence is a deterioration in public life. Elderly people sometimes become so afraid of crime that they don't leave their homes, leading to social isolation, lack of exercise, and physical and mental deterioration.

Similarly, parents may forbid their children from playing on the street, taking public transit, or otherwise learning how to explore and enjoy the world on their own (Skenazy 2009).

The Criminal Justice System

The responsibility for dealing with crime rests with the criminal justice system, the subject of this section. Any assessment of this system must begin with the question, Why punish?

Why Punish?

Traditionally, there have been four major rationalizations for punishment:

- *Retribution*. Society punishes offenders to avenge the victim and society as a whole.
- *Prevention*. By imprisoning, executing, or otherwise controlling offenders, society keeps them from committing further crimes.
- *Deterrence*. Punishment is intended to scare both previous offenders and non-offenders away from a life of crime.
- *Reform*. By building character and improving skills, former criminals are enabled and encouraged to become law-abiding members of society.

Today, social control agencies in the United States represent a mixture of these different philosophies and practices. However, the increasing emphasis since the 1970s has been on long—even lifelong—sentences. For example, under "three strikes and you're out" laws passed around the country, individuals convicted of three felonies, regardless of the circumstances, must serve at least 25 years in prison without probation. These laws don't differentiate between a serial killer and someone who breaks into a store to steal food. The shift toward mandatory, long sentences, combined with the dearth of educational programs and psychological counseling in jails and prisons, suggests that reformation is only a minor goal of our criminal justice system.

In the United States, this system consists of a vast network of agencies—police departments, probation and parole agencies, rehabilitation agencies, criminal courts, jails, and prisons—set up to deal with persons who deviate from the law.

The Police

Police officers occupy a unique and powerful position in the criminal justice system. They can make arrests even if no one has filed a complaint against an individual, and even if no one is there to oversee their actions. Although they are supposed to enforce the law fully and uniformly, everyone realizes that this is neither practical nor possible. In 2007, there were 3.6 full-time police officers for every 1,000 persons in the nation (Federal Bureau of Investigation 2009). This means that the police ordinarily must give greater attention to more serious crimes. Minor offenses and ambiguous situations are likely to be ignored.

Police officers have a considerable amount of discretionary power in determining the extent to which the policy of full enforcement is carried out. Should a drunk and

disorderly person be charged or sent home? Should a juvenile offender be charged or only reported to his or her parents? Should a strong odor of marijuana in an otherwise orderly group be overlooked or investigated? Unlike decisions meted out in courts of law, decisions made by police officers on the street are relatively invisible and thus hard to evaluate.

The Courts

Once arrested, an individual starts a complex journey through the criminal justice system. This trip can best be thought of as a series of decision stages. A significant proportion of those who are arrested are never prosecuted. Of those who are prosecuted for felonies, however, about two-thirds are eventually convicted, with almost all convictions resulting from pretrial negotiations rather than public trials (U.S. Department of Justice 2009). Thus, the pretrial phases of prosecution are far more crucial to arriving at judicial decisions of guilt or innocence than are court trials themselves. Like the police, prosecutors have considerable discretion in deciding whom to prosecute and what charges to file.

Throughout the entire process, the prosecution, the defense, and the judges participate in negotiated plea bargaining. They encourage the accused to plead guilty in the interest of getting a lighter sentence, a reduced charge, or, in the case of multiple offenses, the dropping of some charges. In return, the prosecution is saved the trouble and cost of a trial. As a result, court decisions reflect much more—and much less—than simple guilt and innocence.

Prisons

For many people, getting tough on crime means locking criminals up and throwing away the key. Presidential politics, the strength of the Republican Party, the rise of conservative religious denominations, and overall public opinion have contributed to rapid expansion in the law enforcement sector and a rapid rise in imprisonment (Curry 1996; Jacobs & Helms 1997; Kraska & Kappeler 1997). As of 2009, there are 2.3 million people in U.S. federal and state prisons—several times higher than the number 30 years ago (International Centre for Prison Studies, 2008). Rates of imprisonment are now higher in the United States than anywhere else in the world. This is primarily due to harsher sentencing policies, especially for drug-related crimes, such as "mandatory minimums" and "three strikes and you're out" laws (Figure 6.3).

Prison residents are disproportionately young men who are uneducated, poor, and African American. About 40 percent of all prisoners are African American males (U.S. Department of Justice 2009). Even more shockingly, 7.3 percent of *all* African American males ages 25 to 29 are in prison, compared with 2.6 percent of Hispanics and 1.1 percent of non-Hispanic whites. Finally, African Americans are disproportionately represented on death row, a topic discussed further in Focus on American Diversity: Capital Punishment and Racism on page 148.

The sharp increase in the use of imprisonment has resulted in a crisis in prison (and jail) conditions. Many facilities house twice as many inmates as they were designed to hold, in inhumane conditions; in Arizona, jail inmates—most of whom have not even been tried yet, let alone convicted—are housed in tents in the desert with temperatures rising up to 125 degrees. When inmates consider these conditions unjust, they become a major cause of prison riots (Useem & Goldstone 2002). As a

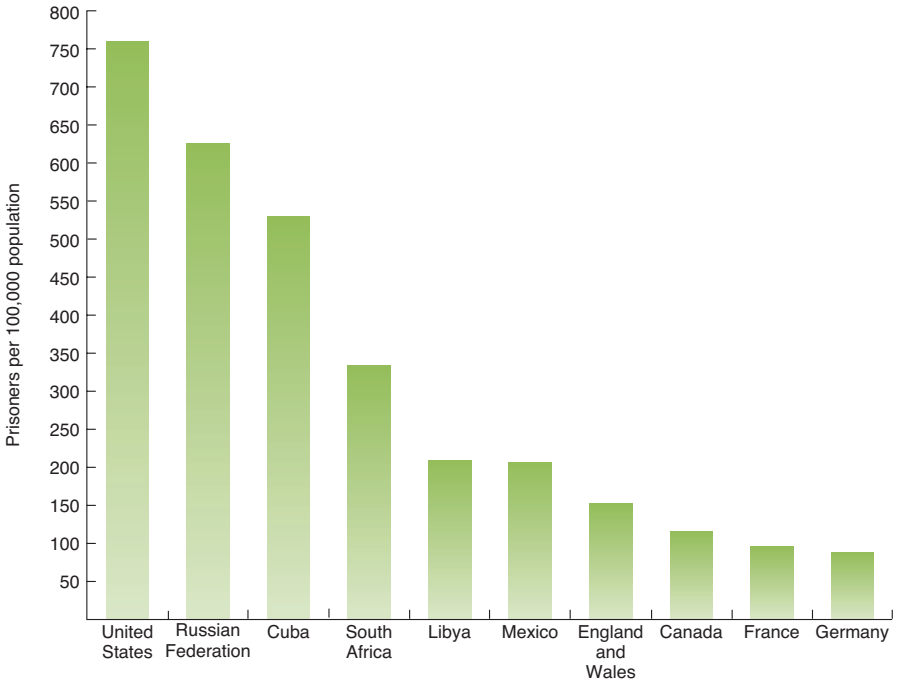


FIGURE 6.3 Number of Prisoners per 100,000 Population
The United States leads the world in imprisoning its own population. Not only do we imprison more people than do similar countries like Canada, we even imprison more people than do dictatorships like Libya and Cuba.

SOURCE: www.prisonstudies.org (2008).

result, prisons in more than 30 states are under court order to reduce crowding and improve conditions.

At the same time, severe budget crises have made it increasingly difficult for states to pay the costs of imprisoning so many people—even if prisoners are kept in poor conditions. Consequently, many states are now working to eliminate mandatory minimum sentences, to reduce sentences for those now in prison, and to find effective alternatives to imprisonment for those convicted of less dangerous crimes (Steinhauer 2009).

Other Options

Do we really need to spend billions and billions of dollars to build more prisons to warehouse a growing proportion of those accused or convicted of crime? Maybe not.

A growing number of empirical studies demonstrate that the certainty of getting caught deters crime more effectively than do long sentences (McCarthy 2002). These findings suggest that we are pursuing the wrong strategy. Rather than building more prisons to warehouse criminals for longer periods of time, we need to put more money into law enforcement.

Another approach to solving the prison crisis is to change the way we deal with convicted criminals. As the cost of imprisoning larger numbers of people balloons to crisis proportions, community-based corrections has emerged as an alternative to long prison sentences. New intensive supervision probation programs are being used across the country to safely release convicts from prison earlier. They include curfews, mandatory drug testing, supervised halfway houses, mandatory community service, frequent reporting and unannounced home visits, restitution, electronic surveillance, and split sentences (incarceration followed by supervised probation).

focus on  AMERICAN DIVERSITY

Capital Punishment and Racism

In 1972, in the case of *Furman v. Georgia*, three African American defendants appealed their death sentences to the U.S. Supreme Court on the grounds that capital punishment constituted cruel and unusual punishment (Ogletree & Sarat 2006). Their argument was that other defendants, many of whom were white, committed equally or more serious crimes but were not sentenced to death. After reviewing the data, the Supreme Court agreed with the defendants, holding that the uncontrolled discretion of judges and juries reflected racist biases and denied defendants constitutionally guaranteed rights to due process.

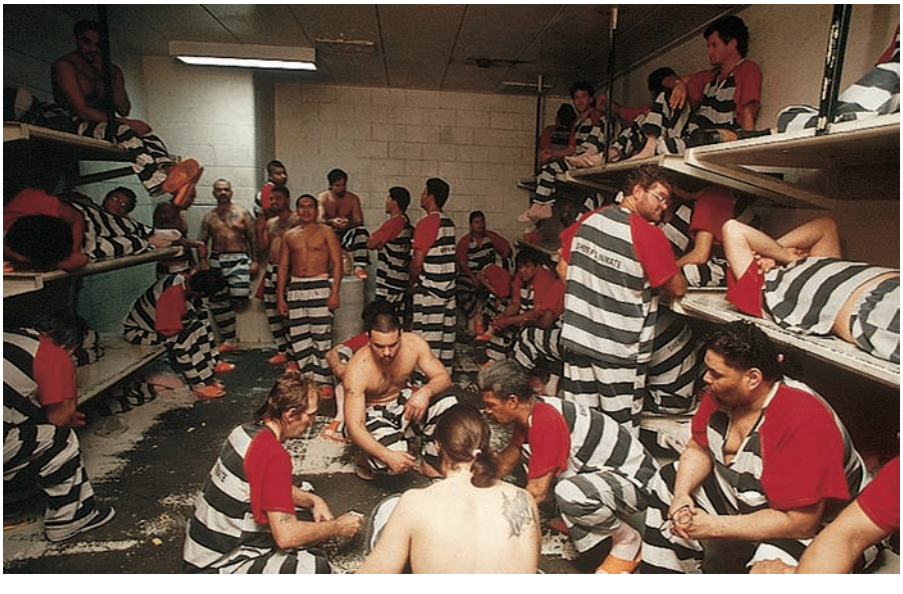
The *Furman* decision put a temporary stop to capital punishment and led states to give judges and juries less discretion in death penalty cases. Nevertheless, the number of people executed continued to rise sharply until 1999 (Death Penalty Information Center 2009a). More recently, new concerns over equity and new research suggesting that the death penalty is not an effective deterrent to crime (Fagan 2006; Weisberg 2005) have resulted in a drop in the number of executions. But has this shift eliminated racial biases in capital punishment?

Unfortunately, no. Studies continue to show that race strongly predicts who is sentenced to death. African Americans and Hispanics now account for 53 percent of all Americans awaiting execution (Death Penalty Information Center 2009b). This is much higher than the percentage of African Americans and Hispanics among the general population and among convicted murderers. Moreover, black defendants who look stereotypically black are twice as likely as other black defendants to be convicted of murders (Eberhardt et al. 2006).

The race of the victim also affects the likelihood of receiving a death sentence: Those convicted of killing whites are significantly more likely to receive the death penalty than are those convicted of killing African Americans (U.S. General Accounting Office 1996; Williams & Holcomb 2001; Death Penalty Information Center 2009a). These statistics, too, suggest that the criminal justice system regards the lives of whites as more valuable than those of nonwhites.

The importance of eliminating racism (and other biases) from death penalty cases is highlighted by the growing realization that innocent people can and do get convicted. Between 2000 and 2009, 170 people were exonerated based on DNA testing (Innocence Project 2009). The most common cause of false convictions is mistaken identifications by witnesses, which is most common when the witness is white and the accused is nonwhite. In addition, most defendants in these cases were poor, many lacked proper legal representation, and many were pressed by the police into making false confessions (Innocence Project 2009; Ogletree & Sarat 2006).

Overcrowded prisons in which inmates are depersonalized by assigned numbers, identical uniforms, and unvarying routines breed anger, violence, boredom, and further deviance.



A review conducted for the U.S. National Institute of Justice found that when these programs included treatment for drug addiction and other supportive services, they increased the chances of rehabilitation and reduced overall costs to the system (Petersilia 1999).

Where This Leaves Us

The conservative approach to confronting deviance and crime has generally been to make deviance illegal and to increase penalties for convicted criminals. This approach has dominated since the 1970s, which is why prison populations have soared. An alternative approach is, first, to develop greater tolerance for victimless crimes and other forms of deviance that are relatively inconsequential. For more serious forms of deviance and crime, we can address the social problems that give rise to these activities. A leading criminologist (Currie 1998) advocates five major strategies for doing so:

- Reduce inequality and social impoverishment.
- Replace unstable, low-wage, dead-end jobs with decent jobs.
- Prevent child abuse and neglect.
- Increase the economic and social stability of communities.
- Improve the quality of education in all communities.

These strategies would require a massive commitment of energy and money. They are not only expensive but also politically risky. Whereas law-and-order advocates want to get tough on crime by sending more criminals to jail, a policy incorporating these five strategies would channel dollars and beneficial programs into high-crime neighborhoods. Such a policy calls for more teachers and good jobs rather than for more police officers and prisons.

Observers from all sociological perspectives and all political parties recognize that social control is necessary. They recognize that rape, assault, and drug-related crimes are serious problems that must be addressed. The issue is how to do so. The sociological perspective suggests that crime can be addressed most effectively by changing the social institutions that breed crime rather than by focusing on changing individual criminals after the fact.

Summary

1. Most of us conform most of the time. We are encouraged to conform through three types of social control: (1) self-restraint through the internalization of norms and values, (2) informal social controls, and (3) formal social controls.
2. Nonconformity occurs when people violate expected norms of behavior. Acts that go beyond eccentricity, challenge important norms, and result in social sanctions are called deviance. Crimes are deviant acts that are also illegal.
3. Deviance is relative. It depends on society's definitions, on the circumstances surrounding an act, and on one's groups and subcultures.
4. Structural functionalists use strain theory to explain how individual deviance is linked to social disorganization. They use collective efficacy to explain why some neighborhoods have higher rates of crime than others. Symbolic interactionists propose differential association, deterrence, and labeling theories, which link deviance to interaction patterns that encourage deviant behaviors

and a deviant self-concept. Conflict theorists locate the cause of deviance, and of laws defining what is criminally deviant, in inequality and class conflict.

5. Rates of violent and property crimes rose from 1960 to 1990 but have fallen steadily since then.
6. Many arrests are for victimless crimes—acts for which there are no complainants. Laws relating to such crimes are the most difficult and costly to enforce.
7. The high incidence of white-collar crimes—those committed in the course of one's occupation—indicates that crime is not merely a lower-class behavior.
8. Males, minority-group members, lower-class people, and young people are disproportionately likely to be arrested for crimes. Some of this disparity is due to their greater likelihood of committing a crime, but it is also explained partly by their differential treatment within the criminal justice system.
9. The criminal justice system includes the police, the courts, and the correctional system. Considerable discretion in the execution of justice is available to authorities at each of these levels.
10. The "get-tough" approach to crime has left U.S. prisons filled beyond capacity. Evidence suggests that longer sentences may not be necessary. Alternatives to imprisonment include community-based corrections and social change to reduce the causes of crime.

Thinking Critically

1. Explain how differential association theory can or cannot explain why some children who grow up in bad neighborhoods do not become delinquent.
2. Why do you think most Americans view street crime as more serious than corporate crime? What would a conflict theorist say? A structural functionalist?
3. Describe a deviant whom you have known well—someone who got in trouble with the law or should have. Evaluate the theories of deviance in light of this one person. Which theory best explains why your acquaintance deviated rather than conformed? Which theory best explains whether or not your acquaintance was arrested and imprisoned for his or her behavior?
4. Devise a strategy for deterring white-collar or corporate crime, keeping in mind what you have read in this chapter.
5. From a sociological perspective, why would the race of the *victim* be as important as the race of the *defendant* in predicting whether a convicted killer will be sentenced to death? What does this tell us about racial and ethnic relations in our society? If racial discrimination exists in death sentencing, is that a good reason to stop capital punishment altogether? Why or why not?

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