



chapter 6



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Deviance and Crime

THERE'S A GOOD CHANCE THAT EVERY PERSON reading this book is a law-abiding citizen. We don't steal each other's cars; we don't open fire at the quarterback or point guard of opposing teams; we don't burn down dormitories or plunder the provost's office. We pay our taxes and drive under the speed limit, at least most of the time.

Yet there is an equally good chance that each person reading this book is a criminal. We may have run a red light, had a drink while underage, or gambled on a sporting event in an unauthorized setting or while underage. We may have stolen a library book or plagiarized a paper. (These last few might not land you in jail, but they could get you kicked out of school.)

Most of us probably shave the rules a little bit. But we're also likely to get outraged,

even to the point of violence, if someone cuts into a line for tickets at the movie theater. Is it just because it's OK for us and not OK for others? Or is it because we carry inside us a common moral standard,



and we are willing to cheat a little to make things come out the way we think they are supposed to but resent it when others violate that same moral contract?

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other, under what circumstances you obey or disobey the law, and what are the social and legal consequences of your behavior. Do you get away with it or get sent to jail?

And how do we think about crime? What crimes should be punished, and how

severe should those punishments be? In some respects, one might say that America is soft on crime: Most arrests are not prosecuted, most prosecutions do not result in jail time, and

most prisoners are paroled before they serve their full terms. In other respects, America is hard on crime: It is the number one jailer in the world and the only industrialized nation that still has the death penalty. It seems to be a matter of working very hard to achieve very limited results. In fact, we are both soft *and* hard on crime; to the sociologist what is most interesting is the how and why of that “softness” and “hardness” and measuring the effectiveness of the institutions that are designed to handle deviance and crime.

“Lizardman” is deviant because he breaks or refuses to follow social norms about appearance. Most deviance in society is not illegal. ▼



What Is Deviance?

Breaking a social rule, or refusing to follow one, is called **deviance**. Deviant acts are not just illegal; they can also violate a moral or a social rule that may or may not have legal consequences. This week, many of you will do something that could be considered deviant—from the illegal behaviors we just mentioned to arriving at a party too soon or leaving too early.

We can also be considered deviant without doing, saying, or believing anything bad or wrong but just by belonging to a stigmatized minority group (Hispanic, gay, Jewish, for example) or by having some status that goes against what’s considered “normal” (mentally ill, disabled, atheist). There is even deviance by association: If you have a friend who belongs to the stigmatized minority group, or a family member with a deviant status, you may be labeled as deviant just for being seen with him or her.

Most deviance is not illegal, and many illegal acts are only mildly deviant or not deviant at all. But when lawmakers consider a deviant act bad enough to warrant formal sanctions, it becomes a *crime*, and the government goes into regulating it. Some common sexual practices—like oral sex or masturbation—are illegal in a number of states because lawmakers at one time found them sufficiently deviant to be criminal.

Some sociologists study minor forms of deviance, but most are interested in the major forms of deviance. These are acts that can get you shunned or labeled an “outsider” (Becker, 1966); or they are the sorts of crimes that get you thrown in prison. These are not matters of mere carelessness: The rules come from many important agents of socialization, and the penalties for breaking them are high. With some, like burglary or fraud, you have to consciously plan to commit the act, and the law distinguishes between those crimes that are the result of intention and those that could be the result of negligence or even an accident (and we adjust our penalties accordingly). So why do people break them? And why



Sociology and our World

Crazy Laws

What we consider deviant changes over time, as people change their ideas of what is normal and what is wrong. As a result, laws prohibiting certain acts are often enforced long after most people in the society stopped considering them deviant. Men were fined for going topless on the beach as late as the 1930s. As of this writing, it is illegal for a man and a woman who are not married or relatives to share a hotel room in Florida (though the police look the other way during spring break). Some of these laws are still enforced—sometimes when the local police chief has had a bad day—but many others are unenforced and probably unenforceable. They are relics of long-vanished values, acts that some lawmakers considered deviant enough to warrant legal penalties:

- In Alabama, it is illegal to buy peanuts at night.
- In Colorado, it is illegal for a man to kiss a woman while she is asleep.
- In Florida, unmarried women are prohibited from skydiving on Sunday.
- In Boston, Massachusetts, it is illegal to take a bath unless you are under physician's orders.
- In New Mexico, it is illegal for women to appear in public with unshaven legs.
- In Tulsa, Oklahoma, heterosexual kissing is permitted, as long as it lasts less than three minutes.
- In Oregon, a man may not purchase alcohol without the written consent of his wife.

(All are from Davidson, 1998.)

don't most of us break them all the time? What makes a deviant or a criminal? What can we do about it? These are the central questions to a sociologist because they illustrate our concern for social order and control—both when they are present and people obey the rules, and when they are absent and people feel unconstrained by those same rules.

Why do most of us conform to social norms most of the time, and why do most of us decide to break some of them at other times? Sociologists want to know: What accounts for conformity? What accounts for deviance? And who decides which is which?

Conformity and Social Control

Each culture develops different types of rules that prescribe what is considered appropriate behavior in that culture. They vary by how formalized they are, how central to social life, and the types of sanctions that are threatened should you break them:

1. **Folkways** are routine, usually unspoken conventions of behavior; our culture prescribes that we do some things in a certain way, although other ways might work just as well. For example, we face forward instead of backward in an elevator, and answer the question “How are you?” with “Fine.” Breaking a folkway may make others in the group uncomfortable (although they sometimes don't understand why they're uncomfortable), and violators may be laughed at, frowned on, or scolded. Folkways are rarely made into laws.
2. **Mores** are norms with a strong moral significance, viewed as essential to the proper functioning of the group: We absolutely should or should not behave this way. You might break a *mos* (the singular form of mores) by assaulting someone

Did you know?

Taboos vary from culture to culture and from time period to time period. For a hundred years, scholars believed that Charles Dodgson, or Lewis Carroll (1832–1898), had a romantic and probably a sexual interest in 7-year-old Alice Liddell, and that he wrote *Alice in Wonderland* and *Through the Looking-Glass* as a means of courting her. But in her 1999 book, Karoline Leach examines all of the old documents and concludes that Dodgson was really having an affair with Alice’s mother. After his death, his sister was so worried about a scandal that she manipulated his papers to make it appear that he was interested in Alice instead. In 1898, pedophilia was much less taboo than an extramarital fling!

or speaking abusively to someone. Breaking mores makes others in the group upset, angry, or afraid, and they are likely to consider violators bad or immoral. Mores are often made into laws.

3. **Taboos** are prohibitions viewed as essential to the well-being of humanity. To break a taboo is unthinkable, beyond comprehension. For example, Sigmund Freud considered the incest taboo—one should not have sex with one’s own children—to be a foundation of all societies. If parents and children had sex, then lines of inheritance, family name, and orderly property transfer would be completely impossible. Taboos are so important that most cultures have only a few. In the United States, for instance, murder and assault break mores, not taboos. Breaking taboos causes others to feel disgusted. The violators are considered sick, evil, and monstrous. Taboos are always made into laws, unless they are so unthinkable that lawmakers cannot believe that anyone would break them.

Stigma

If some part of you—your race or sexuality, for example—is considered deviant, without your actually having to do anything, you would be considered “stigmatized.” The sociologist Erving Goffman (1963) used the term **stigma** to mean an attribute that changes you “from a whole and usual person to a tainted and discounted one.” Deviant behavior or a deviant master status creates stigma, although not in every case. Other people might ignore our deviance or “forgive” it as an anomaly. Goffman believed that people with stigmatized attributes are constantly practicing various strategies to ensure minimal damage. Because being stigmatized will “spoil” your identity, you are likely to adopt one of three strategies to alleviate it.

Goffman identified three strategies to neutralize stigma and save yourself from having a spoiled identity. He listed them in order of increased social power—the more power you have, the more you can try and redefine the situation. (These terms reflect the era in which he was writing, since he obviously uses the Civil Rights movement as the reference.)

1. **Minstrelization:** If you’re virtually alone and have very little power, you can over-conform to the stereotypes that others have about you. To act like a minstrel, Goffman says, is to exaggerate the differences between the stigmatized and the dominant group. Thus, for example, did African Americans overact as happy-go-lucky entertainers when they had no other recourse. A contemporary example might be women who act ultrafeminine—helpless and dependent—in potentially harassing situations. Note that minstrels exaggerate difference in the face of those with more power; when they are with other stigmatized people, they may laugh about the fact that the powerful “actually think we’re like this!” That’s often the only sort of power that they feel they have.
2. **Normification:** If you have even a small amount of power, you might try to *minimize* the differences between the stigmatized groups. “Look,” you’ll say, “we’re the same as you are, so there is no difference to discriminate against us.” Normification is the process that gays and lesbians refer to when they argue for same-sex marriage or that women use when they say they want to be engineers or physicists. Normification involves exaggerating similarities and downplaying differences.

What
do **you**
think?



Censoring Perceived Deviance

All groups have tendencies toward social control. The desire to censor people or ideas we think are deviant is strong, especially when those ideas seem in opposition to widely held values. At the same time, America prides itself on being a free country, and free speech is protected by the U.S. Constitution. Let's look at how you and other Americans feel about an antireligionist, a homosexual, and a racist teaching college or having books in the library. So, what do you think?

- | | |
|---|--|
| <p>1. Should someone who is against all church and religion be allowed to teach in a college or university, or not?</p> <p><input type="radio"/> Allowed</p> <p><input type="radio"/> Not allowed</p> | <p>4. Should an antireligion book be removed from the library?</p> <p><input type="radio"/> Remove</p> <p><input type="radio"/> Don't remove</p> |
| <p>2. And what about a man who admits he is a homosexual?</p> <p><input type="radio"/> Allowed</p> <p><input type="radio"/> Not allowed</p> | <p>5. What about a book written in favor of homosexuality?</p> <p><input type="radio"/> Remove</p> <p><input type="radio"/> Don't remove</p> |
| <p>3. Should a person who believes Blacks are genetically inferior be allowed to teach?</p> <p><input type="radio"/> Allowed</p> <p><input type="radio"/> Not allowed</p> | <p>6. What about a book that suggests Blacks are inferior?</p> <p><input type="radio"/> Remove</p> <p><input type="radio"/> Don't remove</p> |

See the back of the chapter to compare your answers to national survey data.

3. *Militant chauvinism:* When your group's level of power and organization is highest, you may decide to again *maximize* differences with the dominant group. But militant chauvinists don't just say "we're different," they say "we're also better." For example, there are groups of African Americans ("Afrocentrists" or even some of the Nation of Islam) who proclaim black superiority. Some feminist women proclaim that women's ways are better than the dominant "male" way. These trends try to turn the tables on the dominant group. (*Warning:* Do not attempt this if you are the only member of your group in a confrontation with members of the dominant group.)

These three responses to stigma depend on the size and strength of the stigmatized group. If you're all alone, minstrelizing may be a lifesaving technique. If there are many of you and you are strong, you might try to militantly turn the tables.

Deviant Subcultures

A **subculture** is a group that evolves within a dominant culture, always more or less hidden and closed to outsiders. It may be a loose association of friends who share the same interests, or it may be well organized, with its own alternative language, costumes, and media. While most subcultures are not deviant, the separation from the

Deviants or folk heroes? Jesse James and the Black Panthers were considered criminals by law enforcement agencies, but they were folk heroes in their communities, celebrated in folk songs and tributes. ►



dominant culture allows deviant subcultures to develop their own norms and values. For a deviant subculture to develop, the activity, condition, identity, and so on must meet three characteristics:

1. It must be punished but not punished too much. If it is not punished enough, potential recruits have no motivation to seek out the subculture. If it is punished too much, the risks of membership are too great.
2. It must have enough participants but not too many. If it has too few participants, it will be hard to seek them out locally. If it has too many, it would be pointless.
3. It must be complex but not too complex. If it is not complex enough, you could engage in it by yourself. If it is too complex, it could exist only within a counter-culture or dominant culture: You would need a college degree.

Notice that each of these criteria is not a simple either/or proposition but rather the achievement of a balance or middle way between heavy punishment and leniency and between size and complexity.

Youth Gangs as Deviant Subculture. Youth gangs are a good example of a deviant subculture. Before the 1950s, we often considered youth gangs as relatively innocent. Their deviance consisted of swiping apples from fruit stands and swimming in the East River in spite of the “no trespassing” signs. Meanwhile they helped out mothers and friends in distress and sometimes even cooperated with the police. They were juvenile delinquents with hearts of gold, mischievous but not bad. It was the adult gangsters who posed a threat, trying to seduce them into lives of adult, hard-core crime.

Today, though, our image of youth gangs is quite different, closer to the film *Boyz in the Hood* (1991). And they no longer swipe the occasional apple. There are some 24,000 youth gangs in the United States, with 760,000 members, a figure that doesn't even include informal ganglike cliques, crews, and posses (Snyder and Sickmund, 2006). Nearly eight in ten cities with populations of 50,000 or more now have a “gang problem.” For example, nearly one-quarter of high school students surveyed in Virginia belonged to a gang and another 18 percent to a ganglike group. Sometimes gangs can be distinguished from other sorts of groups by their distinctive marks of membership: symbols on clothing, dress styles and colors, or tattoos. However, many

high school and junior high “wannabes” with no gang ties adopt gang symbols and styles anyway, in an attempt to be cool.

Most gangs are composed of poor or working-class adolescents, typically male (Jankowski, 1991). Members are startlingly young, often preteen when they start, and they generally retire (or go to prison or die) by their mid-twenties. Ethnic minorities are overrepresented, in part because, as numerical minorities, they often feel a stronger need to belong to a group that can provide identity and protection. The National Youth Gang Survey found that 49 percent of gang members are Hispanic, 37 percent Black, 8 percent White, 5 percent Asian, and 1 percent all others (Snyder and Sickmund, 2006). The racial composition of gangs, however, reflects the characteristics of the larger community and so varies considerably with location (Howell, Egley, and Gleason, 2002).

While females represent a small proportion of youth gang members, their numbers have been increasing in recent years (Moore and Hagedorn, 2001; National Youth Gang Center, 2007). As young teenagers, roughly one-third of all youth gang members are female (Esbensen and Winfree, 1998; Gottfredson and Gottfredson, 2001); however, females tend to leave gangs at an earlier age than males (Gottfredson and Gottfredson, 2001; Thornberry et al., 2003). Emerging research has begun to suggest that the gender composition of a gang affects its delinquency rates. In one study, females in all- or majority-female gangs had the lowest delinquency rates, while both males and females in majority-male gangs had the highest—including higher rates than males in all-male gangs (Peterson, Miller, and Esbensen, 2001).

Why do adolescents join gangs? Sociologists have conducted many interviews with gang members, and the reasons most commonly given are friends and relatives who already belong to the gang, a desire for excitement, a need for protection, and the availability of money, drugs, and alcohol. While earlier psychological research suggested that gang membership was “irrational”—leading to high arrest rates, likelihood of dying a violent death, chronic physical danger, instability—sociologists also stress that in some circumstances, gang membership can be a rational decision. Sociologist Martin Sanchez-Jankowski interviewed gang members in New York and Los Angeles, and he found that their motivations were similar to any underemployed job seeker: Gang membership provided economic opportunities to support a family, opportunities of career enhancement (moving up the ladder), feelings of belonging and camaraderie in a hostile world, and status to attract girls (Sanchez-Jankowski, 1991).

Youth Gangs Today. Today youth gangs are well armed and financed because of their involvement in drug trafficking. In some communities, offenses are more violent, and they now interact with members of organized crime (National Youth Gang Center, 2007). In one nationwide study of high-crime areas, gang members reported committing large percentages of various types of youth crimes. In Rochester, gang members admitted committing 68 percent of all violent crimes by adolescents; Seattle gangs self-reported committing 85 percent of adolescent robberies; Denver gangs admitted to 79 percent of all serious violent crimes by adolescents (Howell, 2006). Prison terms, usually shorter for minors, give youth gang members the opportunity to form alliances with older criminals and learn from them (Greene and Pranis, 2007).

Gangs are a new form of organized crime—less organized but more violent than the Mafia ever was. Their agenda is usually purely financial, but some commentators

Youth gangs are seen as deviant subcultures, with their own norms, values, and rules of conduct. The number of female gang members has been increasing, but most gang members are male. ▼



worry about the implications if well-armed, highly organized gangs acquire a political agenda. Potential links between American gangs and international terrorist groups fuel much of the current concern about gangs.

Most gangs are not involved in such far-ranging criminal activities. Most provide a sense of belonging and connection for members, protection against perceived hostility, and a sense of menace to those who are not in the gang. Most important to some is that they have good parties, provide easy access to alcohol and drugs, and “know how to have fun,” as one gang member told me.

Deviance and Social Coherence

Because there is always deviance in society, some sociologists ask what purpose it might serve. One of the founders of modern sociology, Émile Durkheim, wrote that having some members of a society castigated as deviant actually helps the society maintain itself as a coherent entity (Durkheim, 1964a,b). Durkheim argued that deviance is useful to society in four ways:

1. *It affirms cultural norms and values.* Without defining what is wrong, we do not know what is right: There can be no good without evil, no justice without crime. Deviance is needed to define and sustain morality.
2. *It clarifies moral boundaries.* We don’t really know what the rule is until we see someone breaking it. Deviance lets societies draw a clear distinction between good and bad, right and wrong. If there are no clear distinctions, the society falls victim to *anomie* (normlessness).
3. *It heightens group solidarity.* When someone commits an act of major deviance, other people in the society react with collective anger: They are outraged. In responding to the deviant, they reaffirm the moral ties that bind them together.
4. *It encourages social change.* Someone who breaks a social rule makes us wonder if the rule is all that important after all. Deviant people push moral boundaries, suggesting alternatives to the status quo. Today’s deviance can be tomorrow’s morality (Durkheim, 1964a,b).

Deviance is socially useful because it reminds “us” that we are “normal”—it’s *they* who are different and deviant.

Explaining Deviance

Durkheim’s explanation explains what deviance *does* for the larger society, but it doesn’t explain why deviance happens, especially major acts of deviance that will result in major punishment.

Differential Association. Edwin H. Sutherland’s theory of **differential association** (1940) suggests that it is a matter of rewards and punishment: Deviance occurs when an individual receives more prestige and less punishment by violating norms rather than by following them. What is deviant to one group might be something that enhances our status in another group. For example, students who behave in an irreverent, disrespectful fashion in class may be seen as deviant by the teachers and even

punished for it, but they might also receive a great deal of prestige from their peers. They may calculate that the benefit (increased prestige) is better than the minor punishment they might receive. Thus, Sutherland argued, individuals become deviant by associating with people or joining groups that are already deviant and therefore are in the position to award deviant behavior (Sutherland, 1940).

Sutherland's theory helps to explain the way we sometimes have multiple moral voices in our heads—like the little devil and angel versions of ourselves often depicted on TV—and why sometimes we choose to be deviant. But the theory does not explain how the “carriers of criminality” became deviant in the first place. It also does not explain acts that occur without a community, when everyone around disapproves, or when no one is even aware of the deviance.

Control Theory. Travis Hirschi (1969; Gottfredson and Hirschi, 1995) argued that people do not obey lots of hidden forces: They are *rational*, so they decide whether or not to engage in an act by weighing the potential outcome. If you knew that there would be absolutely no punishment, no negative consequences of any sort, you would probably do a great many things that you would never dream of otherwise, like propositioning an attractive co-worker or driving like a maniac. You are constrained by the fear of punishment.

Hirschi imagined that people do a “cost-benefit analysis” during their decision-making process, to determine how much punishment is worth a degree of satisfaction or prestige. In a cost-benefit analysis, you weigh the respective costs of doing something (the likelihood or severity of punishment, for example) against the benefits of doing it (like the money you might get, the increased prestige, the thrill of doing it in the first place). People who have very little to lose are therefore mostly likely to become rule-breakers because for them the costs will almost always be less than the potential benefits.

Of course, we often fail to break rules even when the benefits would be great and the punishment minimal. I often arrive on campus at 6:00 a.m., before dawn, and just inside, I usually have to stop at one of those stoplights that feels as if it takes five minutes to change from red to green. I could easily run it. There would be a substantial benefit, in arriving at the office five minutes early and not wasting the gas and oil it takes to just sit there. There would be no punishment: No one is around, and I am certain that no police officers are monitoring a deserted intersection from a hidden camera. I do not even agree that the rule is just; stoplights are a good idea in general, but forcing a driver to wait five minutes to cross a deserted street is idiotic. Nevertheless, in spite of my objections, in spite of the benefits and lack of punishment, I always just sit there.

Walter Reckless (1973) would suggest that I am subject to **social controls**. If I really think that a police car is lying in wait to give me a traffic ticket, I am subject to *outer controls*: family, social institutions, and authority figures (like the police) who influence us into obeying social rules (Costello and Vowell, 1999). But even when my mother can't see me, I am subject to *inner controls*: internalized socialization, religious principles, my self-conception as a “good person” (Hirschi, 1969; Rogers and Buffalo, 1974).

Inner and outer controls do their job in four ways:

1. *Attachment*. Strong attachments encourage conformity; weak attachments encourage deviance.
2. *Commitment*. The greater our commitment to the norms and values of the group, the more advantages we derive from conforming, and the more we have to lose through deviance.

3. *Involvement*. Extensive involvement in group activities—job, school, sports—inhibits deviance.
4. *Belief*. A strong belief in conventional morality and respect for authority figures inhibits deviance.

Control theory suggests that deviants/delinquents are often individuals who have low levels of self-control as a result of inadequate socialization, especially in childhood.

Labeling Theory. We used to think that the wrongdoing in deviance resided somewhere in the wrongdoer: You break a social rule because you are “that kind of person,” with faulty genes, a criminal personality, or a defective soul. But now we know that wrongdoing is not inherent in an act or an actor, but in the social context that determines whether an act is considered deviant or not and how much punishment it warrants.

Howard Becker (1966) used the term *labeling theory* to stress the relativity of deviance. Labeling describes a relationship between a dominant group and the actor. For something to be deviant, it has to be labeled as deviant by a powerful group—a group powerful enough to make that label stick. (If you do something wrong and your little sister declares it deviant, it doesn’t have the same sort of weight as if all your friends label it deviant, or, even more, if the police and the juvenile courts call it deviant.) **Labeling theory** understands deviance to be a *process*, not a categorical difference between the deviant and the nondeviant. The label depends on the group’s relative amount of power.

The same act might be deviant in some groups and not in others. It might be deviant when one person commits it but not when another person commits it. In fact, an action, belief, or condition is neutral in itself. It only becomes “deviant” when someone decides that it is wrong, bad, or immoral and labels it as deviant. For example, think of women who are sexually aggressive or enjoy pornography. Society might call them “sluts” and shun them. But if a man did any of those things, other men might call him a “stud” and perhaps hang out with him.

But deviance does not only reside in whether other people apply the label “deviant” to your acts. To become a deviant actor, you also have to believe the deviant label; you have to agree with the labels other people ascribe to you.

Edwin Lemert (1972) theorized that most acts, which he called **primary deviance**, provoke very little reaction and therefore have little effect on your self-concept. If I decide one day to run that red light on campus at 6:00 a.m., a passing police officer may label me as reckless and irresponsible, but I am unlikely to believe it. Only when I repeatedly break a norm, and people start making a big deal of it, does **secondary deviance** kick in. My rule breaking is no longer a momentary lapse in judgment, or justifiable under the circumstances, but an indication of a permanent personality trait: I have acquired a deviant identity. Finally, sociologists also have identified **tertiary deviance**, in which a group formerly labeled deviant attempts to redefine their acts, attributes, or identities as normal—even virtuous. John Kitsuse (1980) and others point to the ways some formerly deviant groups have begun to stand up for their rights, demanding equality with those considered “normals.” Similar to “militant chauvinism” defined by Goffman when discussing stigma, examples might include the disability rights movement, which has attempted to redefine disabilities from deviant to “differently abled.”

Deviance and Inequality

Some sociologists argue that deviance is not solely a product of “bad” people or “wrong” behaviors but also of the bad, wrong, and/or unfair social conditions of people’s lives. What is labeled as deviant is applied differently to different people. The powerful and the privileged escape the label and the punishment. Therefore, deviance in itself is the product of social inequality.

In a groundbreaking article entitled “Nuts, Sluts, and Perverts: The Poverty of the Sociology of Deviance” (1972), Alexander Liazos noted that the people commonly labeled deviant are always powerless. Why? The answer is not simply that the rich and powerful make the rules to begin with or that they have the resources to avoid being labeled deviant. The answer lies in the fact that those who have the power can make us believe that the rules are “natural” and “good” to mask their political agenda. They can then label actors and acts deviant to justify inequalities in gender, sexual orientation, race, ethnicity, and social class (Daly, 1989; Daly and Chesney-Lind, 1988; Hagan and Peterson, 1995).

In a classic study of a suburban high school, there were two “gangs” of boys, what the researcher called the “Saints” and the “Roughnecks.” The Roughnecks were working-class boys, who were in the vocational track and not college bound. Teachers thought of them as deviant, and they wore clothing styles like those in the movie *Grease*—black leather jackets, jeans, and white T-shirts. They were known to commit petty crimes and were called “hooligans” by the school administrators. The “Saints,” by contrast, were middle-class boys, and they dressed the part—crew cuts, button-down “preppy” shirts, and penny loafers. They played sports, were popular, and were headed for college. They also spent their weekends breaking into people’s homes and committing serious burglaries. But they were not considered deviant because they were “wholesome” and middle class (Chambliss, 2000).

Ironically, the relationship of inequality and deviance often leads us to see and punish the behaviors of the less fortunate and forgive the behavior of the more fortunate. From this perspective, it is more likely that a poor person who stole a few dollars from a company would end up in jail than a CEO who steals millions of dollars from millions of shareholders.

Deviance and Crime

Most theories of deviance also apply to crime, which is simply a legally regulated form of extreme deviance. **Crime** can be defined as any act that violates a formal normative code that has been enacted by a legally constituted body. Simple violation of a more or folkway may not be a crime, unless you violate a formal code. Likewise, you can commit a crime (actually break a law) and not be seen as deviant if other people see your act as acceptable. Sometimes, people commit crimes and are seen as heroes, like Robin Hood.

Some crimes are defined by being bad in and of themselves—bad because they violate formal group norms—like homicide, rape, or assault. Other crimes are not as obvious violations of group norms and are considered bad mostly because they have been prohibited. In some cultures or contexts they might not be crimes at all, but because they are illegal, they are crimes.

For example, smoking marijuana is illegal in the United States, yet public opinion polls show many Americans don’t see it as “bad” at all times and favor its legal



▲ Religious observance, medical therapy, or crime? Different cultural groups construct some behaviors differently, as these participants at a pot festival might attest. But who gets to decide if they go to jail?

use for medical purposes. Internationally, some countries, including Japan, Thailand, and Honduras, maintain strict laws against pot use for any reason, while others have more relaxed attitudes about pot use, especially for medical purposes. In the Netherlands, pharmacies have been legally obliged to stock and dispense medical marijuana since 2003.

The efforts to control and punish crime have become so extensive and the institutions that have developed—prisons, courts, police, to name a few—so large, that the study of crime, criminology, has developed into a subdiscipline separate from the sociology of deviance, with its own special theories about the causes and consequences of different kinds of crimes.

What causes crime?

Strain Theory

Robert K. Merton (1957) argued that while some deviance benefits society, some deviance also puts an enormous *strain* on social life. He argued that excessive deviance is a by-product of inequality. When a society promotes certain goals but provides unequal means of acquiring them, the result is anomie, a conflict between accepted norms and social reality. This is called **strain theory**.

For instance, in the United States, and to some degree in all industrialized societies, we promote the *goal* of financial success and claim that it can be achieved through the *means* of self-discipline and hard work. But these qualities will lead to financial success only when channeled through a prestigious education or network of prestigious social contacts, advantages that many people do not have. They will therefore feel pressured to use alternative *means*, legitimate or illegitimate, to reach the goal (Merton, 1967).

According to Merton, there are five potential reactions to the tension between widely endorsed values and limited means of achieving them:

1. *Conformists* accept both the means and the values, whether they achieve the goal or not. They may not achieve financial success, but they will still believe that it is important and that self-discipline and hard work are appropriate means of achieving it. Most people are conformists.
2. *Innovators* accept the values but reject the means. They believe that financial success is an important goal but not that self-discipline and hard work are effective means of achieving it. Instead, they seek out new means to financial success. They may try to win the lottery, or they may become con artists or thieves.
3. *Ritualists* accept the means but reject the values. They follow rules for their own sake, conforming to standards even though they have lost sight of the values behind them. They will work hard but have no aspirations to financial success.
4. *Rebels* reject both the means and the values and substitute new ones. Instead of financial success, for instance, they may value the goal of spiritual fulfillment, to be achieved not through hard work but through quiet contemplation.
5. *Retreatists* reject both the means and the values and replace them with nothing. They do not accept the value of working hard, and they have not devised any alternative means. They have no aspirations to financial success or any alternative goal, such as spiritual or artistic fulfillment.

Critics of strain theory point out that not everyone shares the same goals, even in the most homogeneous society. There are always many potential goals, conflicting and sometimes contradictory. And while strain theory may adequately explain some white-collar crime, such as juggling the books at work, and some property crimes, such as stealing a television set, it is less effective when explaining those crimes that lack an immediate financial motive.

Broken Windows Theory

Social psychologist Philip Zimbardo (1969) proposed the **broken windows theory** to explain how social controls can systematically weaken, and minor acts of deviance can spiral into severe crime and social decay. He placed cars without license plates and with their hoods up, but otherwise in good condition, in two different social settings, one in wealthy, mostly white Palo Alto, California (the home of Stanford University, where he worked), and the other in a poor, mostly black neighborhood in the Bronx, in New York City. The social class and race of passersby made no difference: In both sites, cars were quickly gutted. One person would conclude that the car was abandoned and “no one cared,” and break a side window. The next person would see the side window broken and feel it was acceptable to smash the windshield.

The pattern would continue and escalate from there. Zimbardo concluded that breaking more windows, committing more serious crimes and acts of deviance, is a rational response to situations of social disorder. Later, James Q. Wilson (1985) expanded this thesis to conclude that community characteristics, such as decayed housing, preexisting crime, and the like, contributed to increased crime. Crime rates go up, he argued, in blighted areas where people think no one cares and no one is watching.

The societal response has been proactive: policing directed at maintaining public order. However, the flaw is that the police are left to identify “social disorder” however they want. Without more systematic definition, police can see almost anything as a sign of social disorder and almost anyone as a threat.

Criminal Subcultures

In 1955, juvenile delinquency was getting a lot of publicity in the United States. Albert Cohen wondered why young people, mostly working-class and poor boys, were spurning the values of the dominant society and committing so many crimes. After studying working-class and poor youth gangs, he concluded that strain theory wouldn't work: As lower-class youths, they had the least opportunity to achieve economic success, but their crimes were usually not economically motivated. They were not trying to get rich (1955).

Cohen drew upon Edward Sutherland's theory of differential association (which we discussed earlier in the chapter) to propose that the gang members were not being socialized with the same norms and values as lower-class non-gang members or the middle class. They were being subjected to differential association, socialized into a new set of norms and values that allowed them to succeed on their own terms. Cohen listed their five most important values as:

1. *Nonutilitarianism*. They had no economic motive, or any other sort of motive, for committing their crimes. They committed crimes “for the hell of it.”

2. *Maliciousness.* They valued being just plain mean. The meaner gang members enjoyed considerable prestige, and the “nice” ones were deviant.
3. *Negativism.* They were aware of the norms of the dominant culture and valued doing the exact opposite. If the dominant culture disapproved of smoking, they smoked.
4. *Short-run hedonism.* They valued getting immediate gratification and disapproved of members who waited patiently, saved their money, and so on.
5. *Group autonomy.* They defied or ignored authority figures. Even within the gang, the leaders had little power. They resisted any attempt to control their behavior, except as imposed informally by gang members acting as a group.

Walter B. Miller (1970) agreed, but he argued that it is not just lower-class boys in gangs whose norms and values differ from those of the dominant society; it's the entire lower class. In other words, behavior that the main society might consider deviant actually reflects the social norms of the lower-class *subculture*. They have six core values that differ from those of the main society:

1. *Trouble.* The subculture has trouble, chronic and unsolvable: for men, fights; for women, pregnancy. They value ways of avoiding or getting out of it.
2. *Toughness.* People in the subculture are constantly facing the challenges of fights or physical deprivation, and they value physical prowess, bravery, stoicism.
3. *Smartness.* The subculture does not value “book smarts,” intellectual knowledge about the world. But it values “street smarts,” the ability to avoid being duped, outwitted, and conned and to successfully dupe, outwit, and con others.
4. *Excitement.* The subculture values looking for thrills, flirting with danger, risk taking.
5. *Fate.* In the dominant culture, people believe that they are responsible for their own destiny. In the subculture, people value the idea that most of their everyday activities are determined by forces beyond their control.
6. *Autonomy.* Although their fate is determined by forces beyond their control, the members of the lower-class subculture resist authority figures much more often and vigorously than members of the dominant culture. The police are the enemy. Social workers, case workers, and sociologists asking questions have a shady hidden agenda.

Miller implied, therefore, that lower-class culture was conducive to crime, despite the overwhelming number of lower-class people who are law-abiding, decent citizens and the many upper-class people who reverse Robin Hood's ethic and rob from the poor to give to themselves.

Opportunity Theory

Richard Cloward and Lloyd Ohlin (1960) argued that crime actually arises from opportunity to commit crime. **Opportunity theory** holds that those who have many opportunities—and good ones at that—will be more likely to commit crimes than those with few good opportunities. They agreed, with Merton, that those who don't have equal access to acceptable means to achieve material success may experience strain, but that doesn't explain why most poor people are not criminals. In fact,

studies show that most are “conformists,” with the same values and goals as the dominant society.

Cloward and Ohlin emphasized *learning*—people have to learn how to carry out particular forms of deviance, and they must have the opportunity to actually deviate. They revised differential association theory to propose several different types of deviant subcultures based on the opportunities to deviate:

1. In stable neighborhoods where most people know each other throughout their lives, *criminal subcultures* develop, devoted to such activities as burglary and theft. Young men can rely on social contacts with experienced older men to learn the roles of being a criminal, and the older men in turn can depend on the availability of younger protégés as they go to prison or retire.
2. In unstable neighborhoods where people are constantly moving in and out, there are few opportunities to learn about burglary and theft, and boys who are mostly strangers to each other must find some way to establish dominance. They develop *violence subcultures*, gaining tough reputations through fighting and assaults.
3. In neighborhoods too disorganized for either crime or violence to succeed, people withdraw from society altogether through the use of alcohol and drugs. They develop *retreatist* subcultures.

These are not necessarily exclusive groups. A gang that may start out as part of a violent subculture in an unstable neighborhood may become a criminal subculture as the members become involved in more stable criminal activities like protection rackets and drug trafficking and begin recruiting younger members.

Some aspects of opportunity theory have been confirmed by subsequent research (Allan and Steffensmeier, 1989; Uggen, 1999). But as with many typologies, the theory ignores the interrelation of types of crimes: Drug dealers and users often depend on property crime to finance their drug use and violence for territorial defense; violence often occurs in tandem with property crime. Also, the theory defines deviance in a way that targets poor people—if we include white-collar crimes like stock fraud, neighborhood dynamics become much less significant.

Conflict Theory

We may condemn the unequal application of the law, but we give little thought to whether the laws themselves are inherently unfair. **Conflict theories** of crime resemble inequality theories of deviance—they rest on a larger structural analysis of inequalities based on class, or race, or gender for their explanation of crime. Richard Quinney (1977) argued that the dominant class produces deviance by making and enforcing laws that protect its own interest and oppress the subordinate class. Law becomes an instrument of oppression, designed to maintain the powerful in their privileged position (Chambliss and Zatz, 1993). It’s not simply that basically neutral and equal laws are applied unequally, meaning that poor people get longer and harsher sentences when they commit the same crimes as upper-class people. That’s true. But it’s also that the laws themselves are designed to make sure that the rich stay rich and the poor stay poor.

When I was in college, a student who lived in my dorm was arrested very early one morning for stealing some fresh-baked bread that had been delivered to a local grocery store. When he was arraigned, the local magistrate looked at him sternly. “I assume this is a fraternity prank,” the magistrate said, “and so I’m going to let you

go with a warning. If this had been a real crime, if you had really needed the bread, you'd be going to jail for 10 years for theft.”

Types of Crimes

There are many different types of crimes. Some are crimes against other people; others are crimes against property. They are handled differently by the police, courts, and penal system, depending on how serious the society believes the crime to be. In the United States, crimes against people are almost always heard in criminal court, while crimes against property may be heard in criminal or civil courts.

Sociologists study all types of crimes, from crimes against other people, like homicide, assault, and rape, to crimes against property, like burglary, motor vehicle theft, and arson. **Violent crime** consists of four offenses, according to the FBI's definitions: murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. **Property crime** includes offenses like burglary and motor vehicle theft, where the object is the taking of money or property, but there is no force or threat of force against the victims (Figure 6.1).

Crime at Work

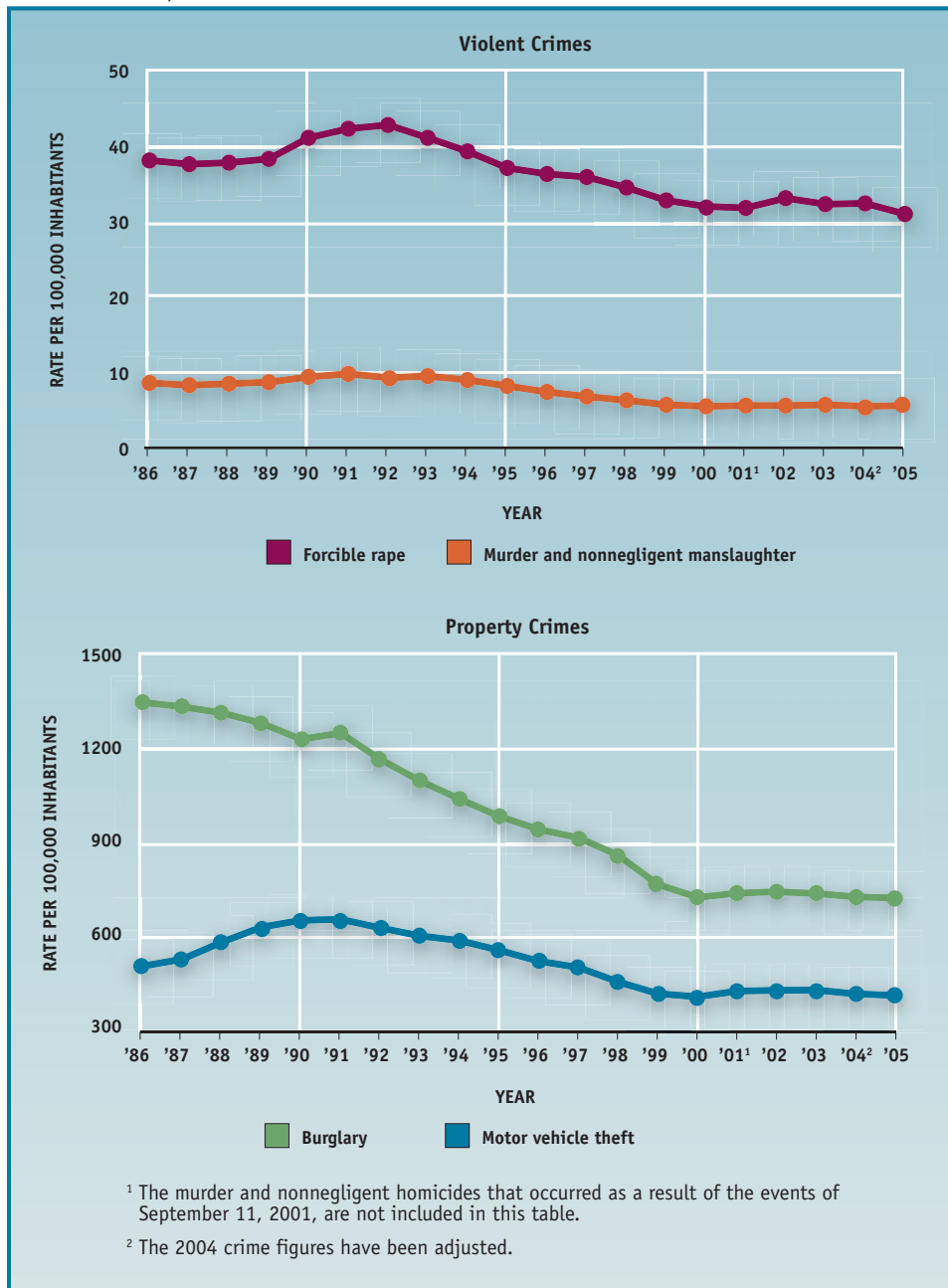
Theft at work, whether simply pocketing office supplies or exercising the “100% employee discount” at the department store, costs U.S. employers nearly \$20 billion a year (National Retail Federation, 2007). But there are many other crimes that you can commit at work, using the authority of your position, with the direct or indirect consent of the boss. In 1940, Edwin Sutherland introduced the term **white-collar crime** for the illegal actions of a corporation or people acting on its behalf (Sutherland, 1940).

Some white-collar crimes are **consumer crimes** such as credit card fraud, in which the criminal uses a fake or stolen credit card to buy things for him- or herself or for resale. Such purchases cost both retailers and, increasingly, “e-tailers” over \$1 billion per year, or nearly 5 cents for every dollar spent online (Berner and Carter, 2005).

White-collar criminals might commit **occupational crime**, using their professional position to illegally secure something of value for themselves or the corporation. Some of the more common occupational crimes include income tax evasion, stock manipulation, bribery, and embezzlement. Media entrepreneur Martha Stewart went to prison for lying about her insider trading when she used her fame to find out that a company whose stock she owned was about to suffer a significant setback; she sold her stock the day before its price collapsed. (She claimed it was a coincidence.) Periodically, a famous Wall Street tycoon will be arrested for manipulating stocks or fraudulently reporting distorted earnings.

Or they might commit **organizational crime**, illegal actions committed in accordance with the operative goals of an organization. Some of the more common organizational crimes are stock manipulation, antitrust violations, false advertising, and price fixing. Periodically, some corporate whistle-blower notices the remarkable coincidence that all the gasoline companies charge about the same amount for their gas, despite the fact that they are supposed to be competing with each other. In 2002, several corporations, including Enron and WorldCom, went bankrupt when they revealed they had manipulated their records to boost the stock prices. Some of the executives of the companies floated to financial safety through a “golden parachute” of hundreds of millions of dollars; their employees, who often took raises and bonuses in stock options, lost everything.

FIGURE 6.1 Selected Types of Violent Crimes and Property Crimes in the United States, 1986–2005



Source: Crime in the United States, U.S. Department of Justice, 2005.

Such high-profile arrests for white-collar crime may provide the rest of us with the illusion that the system works, that criminals always get caught, and that the “little guy” can beat the corporations. In fact, these high-profile cases are rare. And it is exceptionally rare for corporate violators to ever spend a day in jail (Hagan and Parker, 1985; Sasseen, 2006). The convictions of Enron’s top executives were notable because they broke precedent rather than sustained it.



▲ In 2006, Kenneth Lay, CEO of Enron Corporation, was found guilty of 11 counts of securities fraud in a corruption scandal that bankrupted the company, costing 20,000 people their jobs and many of them their life savings. Investors lost billions.

The cost of white-collar crime is substantial—\$400 billion per year in the United States, which is far more than the “paltry” \$15 billion for “regular” street crime (Livingston, 1992; Zeune, 2001). And of course, corporate officers or their agents are breaking the law, and they can be subject to criminal prosecution. Yet most cases of white-collar crime go unpunished. Many white-collar crimes are settled out of court and never become part of the public record.

In rare cases when white-collar criminals are charged and convicted, odds are almost 50-50 that they will not go to jail. White-collar offenders are more likely to receive fines than prison sentences. Amitai Etzioni (1990) found that in 43 percent of incidents, either no penalty was imposed or the company was required merely to cease engaging in the illegal practice and return any funds gained through illegal means. Even if they do go to jail, white-collar criminals are typically sentenced to terms averaging less than 3 years (Pizzo and Muolo, 1994).

Cybercrime

Cybercrime—the use of the Internet and World Wide Web to commit crime—is a relatively new form of crime. Some of these crimes involve fraudulent maneuvers to get victims to reveal personal information that can then be used to commit crimes; others involve theft of cyber-identities. Some cybercrime is simply the adaptation of old crimes to new technology—the fraudulent messages, called *phishes*, designed to get you to part with credit card information or to make bogus purchases, are simply the latest version of an old telephone scam that preyed especially on retirees.

The rise of personal computers and the Internet have made some criminal activities, such as money laundering and fraud, easier, and it has spawned a whole new field of crime. Internet-based crime is the fastest growing category of crime in the United States. The year 2006 marked the seventh year in a row that identity theft topped the list of consumer complaints with the U.S. Federal Trade Commission, accounting for 36 percent of the total (Federal Trade Commission, 2007). An estimated 8.3 million Americans were victimized by consumer fraud and identity theft, at a cost of \$1.1 billion.

But hackers are often responsible. Hackers have tapped into customer information as well as proprietary company information stored online by credit bureaus, marketing agencies, banks, credit card companies, and other financial services firms. Of the top global financial services organizations, 83 percent had some kind of hacker attack on their computer information systems in 2004, up 39 percent over a year earlier (Deloitte Global Security Survey, 2004). By 2005, the number of security breaches fell to 30 percent due to government attention and company actions (Deloitte Global Security Survey, 2005). Forty-three percent of these intrusions go unreported because private companies fear undermining the confidence of their customers and shareholders (Computer Security Institute, 2005) (Table 6.1).

Hate Crime

A **hate crime** is a criminal act committed by an offender motivated by bias against race, ethnicity, religion, sexual orientation, or disability status. Anyone can commit a hate crime, but perpetrators usually belong to dominant groups (White, Christian, straight) and victims to disenfranchised groups (Black, Jewish, Muslim, or gay).

The FBI records over 7,000 hate crimes per year, but because state and local law enforcement agencies differ in their reporting procedures, and some do not report at all, this number is no doubt extremely low. Bias based on race seems to be the largest motivating factor in hate crimes (51 percent of cases), followed by religion (18 percent), sexual orientation (16.5 percent), ethnicity (14 percent), and disability (less than 1 percent).

Legislators approve of hate crime legislation sometimes and disapprove at other times. Advocates of these laws argue that hate crimes affect not only the individual but the entire community, so they should be punished more harshly than ordinary crime. The lynchings in the American South were used not only to victimize an individual but to terrorize the entire Black population, and contemporary antigay hate crimes are not meant to express hatred of a single gay person but to demonstrate to all gay people that they are unwelcome and unsafe in the community.

But opponents of these laws argue that they punish attitudes, not actions. Why does the motivation of a crime matter? If I am planning to commit a robbery, I may select a gay man, believing the stereotype that he is fragile and weak and therefore unlikely to resist. My prejudice didn't motivate the crime, merely my choice of an appropriate victim.

TABLE 6.1

Computer Crimes, 2005	
INCIDENT	DOLLAR COST
Virus	\$42,787,767
Unauthorized access	\$31,233,100
Theft of proprietary information	\$30,933,000
Denial of service	\$7,310,725
Insider Net abuse	\$6,856,450
Laptop theft	\$4,107,300
Financial fraud	\$2,565,000
Misuse of public Web application	\$2,227,500
System penetration	\$841,400
Abuse of wireless network	\$544,700
Sabotage	\$340,600
Telecom fraud	\$242,000
Web site defacement	\$115,000

Source: CSI/FBI Computer Crime Security Survey, 2005.

Crime in the United States

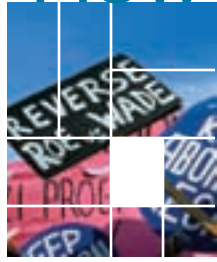
In 2005, the violent crime rate in the United States was 21 victims per 1,000 people, and the property crime rate was 154 victims per 1,000 people, according to the Justice Department. While these statistics are considerably lower than they were 30 years ago, the United States still has higher crime rates than many other countries in the world: It ranks third in drug offenses per capita, fifth in assaults, eighth in murders with firearms, ninth in rape, eleventh in robberies, and sixteenth in burglaries.

When compared with most other advanced countries, the United States stands out for its very high homicide rates (Kurki, 1997; Van Kesteren, Mayhew, and Nieuwbeerta, 2000). With six murders for every 100,000 people, the rate of lethal violence in America is nearly five times higher than that of France, Germany, or England (van Kesteren, Mayhew, and Nieuwbeerta, 2000; Wacquant, 2006; Zimring and Hawkins, 1997).

What social factors explain our rates of crime? Sociologists have considered three explanations:

1. American culture emphasizes individual economic success as *the* measure of self-worth, at the expense of family, neighborhood, artistic accomplishment, and spiritual well-being (Currie, 1985).
2. Not everyone has a high standard of living. The United States has one of the largest income differentials in the world. When the gap begins to shrink, as it did during Clinton-era prosperity, the crime rate declines (Martens, 2005).
3. Guns—that is, the easy availability of guns and the lax enforcement of loose gun control measures, coupled with an American value system that places gun ownership as a sacred right—are a contributor to the crime rate.

How do we know what we know?



Abortion and the Crime Rate

Did the legalization of abortion cause the decline of crime?

In the book *Freakonomics* (2005), economist Steven Levitt and journalist Stephen Dubner suggest the controversial idea that the legalization of abortion in 1973 meant that far fewer unwanted children were born, and that these children would have had few economic opportunities and lower levels of education and employment.

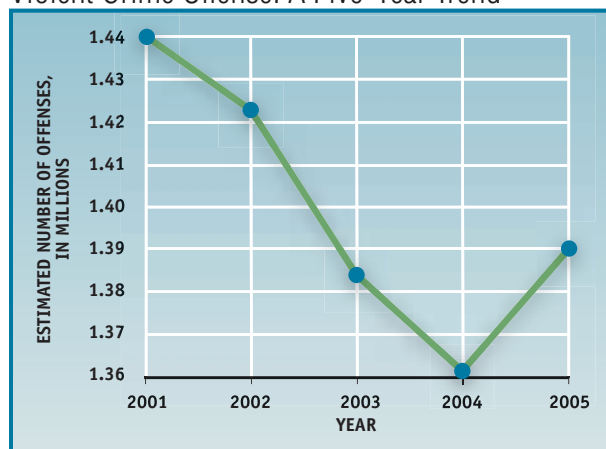
They would have become adults in the mid-1990s—which is exactly when the crime rate began to decline. Thus, many would-be criminals—those with the demographic “profile” of criminals—were never born. Some disagree with their calculations (Foote and Goetz, 2005).

This is a marvelous example of what sociologists call a specious correlation. Sure, the two variables may be correlated, but there are so many intervening variables, not to mention 20 years of other

factors that might have influenced things, that one cannot possibly say with any certainty that this one variable caused another. For one thing, how do we know that the fetuses that were aborted were more likely to be criminals? Or that the legalization of abortion was not also connected to a larger set of social and economic reforms that reduced the crime rate? Do you think, perhaps, that all the recent efforts to make abortions more difficult will result in a dramatic increase in crime 20 years from now? I doubt it.

Despite the fact that our overall crimes rates are higher than some other advanced countries, such as Ireland and Austria, and our outside homicide rate distinguishes the United States from all of Western Europe (Wacquant, 2006), it is also true that crime rates in the United States have been falling. The National Crime Victimization Survey (2005), which addresses victims of crime (and therefore leaves out murder), reports that the violent crime rate has dropped by 58 percent and the property crime rate has dropped by 52 percent since 1973. Violent crime dropped 14 percent in just *two years*, between 2001 and 2003, and stayed the same between 2004 and 2005 (U.S. Department of Justice, 2005) (Figure 6.2).

FIGURE 6.2
Violent Crime Offense: A Five-Year Trend

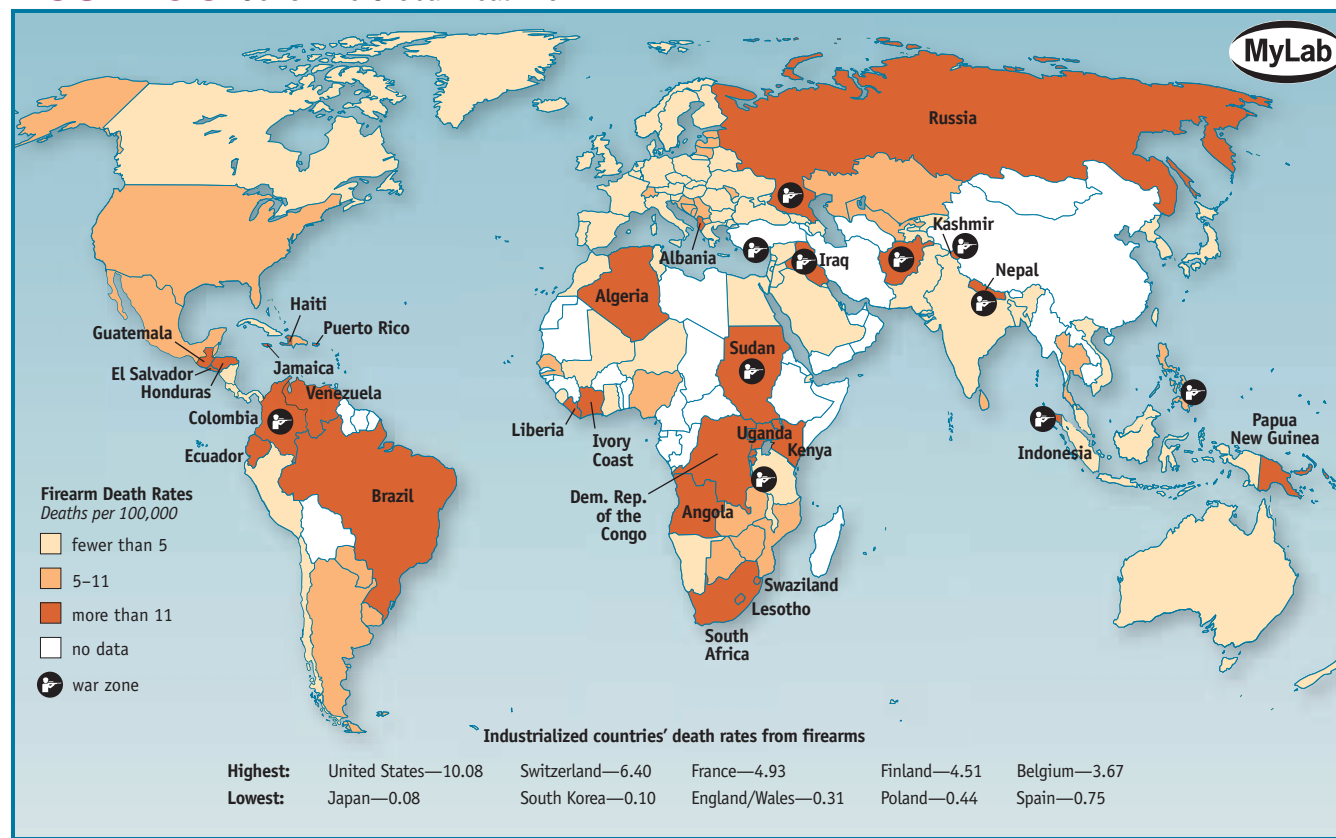


Source: Crime in the United States, U.S. Department of Justice, 2005.

Crime and Guns

The United States has the weakest laws on handgun ownership in the industrialized world. As a result, there are as many guns as there are people, and it shows in crime statistics. Four million Americans carry a gun on a daily basis. Half of all U.S. households have a gun at home (Wacquant, 2006). Nearly 70 percent of murders, 42 percent of robberies, and 20 percent of aggravated assaults are committed with guns (U.S. Department of Justice, 2005).

Globally, the United States ranks in the middle of all countries' rates of deaths by guns (Figure 6.3). But no other industrialized country comes close to the United States; indeed our rate is nearly double that of our nearest “rival.” The United States has had difficulty passing minimal regulations to monitor the distribution of guns. Federal efforts to institute simple safeguards such as criminal background checks on prospective gun owners have met with fierce opposition

FIGURE 6.3 Guns: The Global Death Toll

Source: *Newsweek*, April 30, 2007.

from gun lobbyists. Many efforts—such as attempts to block convicted criminals from obtaining guns or to revoke the licenses of gun dealers who break the law—remain under attack by gun advocates. In fact, since approximately 2000, some of the scattered state laws that had been in effect for a decade or more have been weakened or repealed, particularly in the South (Hemenway, 2005). For example, although criminologists have shown that limiting volume purchases of handguns is effective at stemming illegal gun trafficking, South Carolina abolished a one-per-month purchase rule in 2004 that had been in place for nearly 30 years. That same year, the state of Virginia weakened a similar law that had been on the books since 1993 (Wirzbicki, 2005). Despite stupendous rates of violent crime involving guns, America has seen a general relaxing of gun regulation so far in the twenty-first century (Hemenway, 2005).

Crime and Gender

When looking at crime statistics, we are often astonished by the gender gap. In the United States in 2003, only 23 percent of people arrested for all crimes were women. The gender gap narrowed only in three white-collar crimes—forgery, fraud, and embezzlement—and women outranked men in prostitution and runaways. Otherwise, women were significantly less likely to be arrested, less likely to be convicted, and

less likely to serve sentences. And yet the United States has the largest female arrest and conviction rate in the world: 8.54 per 1,000, nearly double the United Kingdom and four times higher than Canada (Justice Policy Institute, 2005; Schaffner, 2006). Nonetheless, when we say *crime*, we might as well say *male*.

The gender gap may be influenced by the “chivalry effect”: police, judges, and juries are likely to perceive women as less dangerous and their criminal activities less consequential, so they are more often let go with a warning (Pollak, 1978). Women who belong to stigmatized groups, who are Black, Hispanic, or lesbian, are more likely to be arrested and convicted, perhaps because they are not granted the same status as women in the mainstream. Feminists note that women receive harsher treatment when their behavior deviates from feminine stereotypes, that is, when they “act like a man” (Edwards, 1986).

But even when we take the chivalry effect into account, men still commit more violent crimes and property crimes than women. Some criminologists argue that biologically, males are a lot more aggressive and violent, and that explains the high levels of assaults and other violent crimes. However, this biological theory does not explain why crime (or at least criminal arrests) occur primarily in working-class and poor communities. Middle-class men have testosterone, too; shouldn’t they be committing assault and murder? Nor can “male aggression” explain the gender gap in property crime.

A more sociological explanation is the model of working-class masculinity: In the working-class and poor subcultures where most crimes (or at least most criminal arrests) occur, men are socialized to believe that “defending” themselves, violently if necessary, is appropriate masculine behavior (see, for example, Willis, 1977). On television, *Judge Joe Brown* is quite lenient on men and boys who have assaulted each other: “Part of being a man is learning how to fight,” he intones.

Men are further socialized to believe that they must provide the sole financial support in a heterosexual household. Judge Joe Brown is constantly berating his litigants (mostly working class or poor) when a man allows his mother, wife, or girlfriend to pay some of the household bills: “Be a man!” he yells. “Take care of your women!” And when no legitimate opportunity is available, “taking care of your women” may involve property crime.

Crime and Race

If we were to judge solely by arrest and conviction rates, we might conclude that if the gender of crime is male, the race of crime is Black (Pettit and Western, 2004). African Americans are arrested at a rate two, three, or even five times greater than statistical probability: They comprise 12.5 percent of the population but 54.5 percent of arrests for robbery, 48.5 percent for murder, 33.3 percent for rape, 32.6 percent for drug use. And they are considerably more likely to become the victims of crime. In 2003, the violent crime rate was 29 per 1,000 for Blacks, 22 for Whites, and 16 for people of other races. Of murder victims, 48.6 percent were Black, 47.3 percent White, and 4.1 percent other races or unknown (U.S. Department of Justice, 2005) (Table 6.2).

Black overrepresentation does not happen only in America. In the United Kingdom, Blacks are three times more likely than Whites or Asians to be arrested. In Britain, however, Blacks and

TABLE 6.2

Percentage of Arrestees Who Were Black, 2005	
OFFENSE	PERCENTAGE
Gambling	71.1%
Robbery	56.3%
Murder	48.6%
Rape	32.7%
Burglary	28.5%
Drug offenses	33.9%
Vagrancy	38.4%
Loitering	35.5%
Disorderly conduct	33.6%

Blacks represent 12% of the U.S. population.

Source: Crime in the United States, U.S. Department of Justice, 2005.

Whites are equally likely to be crime victims, and it is Asians who face a significantly higher risk (Home Office, 2004).

But it isn't just African Americans; Latinos are overrepresented in the U.S. criminal justice system as well. While Latinos make up about 13 percent of the U.S. population, they are 31 percent of those incarcerated in the federal system. Latino defendants are imprisoned three times as often as Whites and are detained before trial for first-time offenses almost twice as often as Whites, despite the fact that they are the least likely of all ethnic groups to have a criminal history (Walker et al., 2004). They are also disproportionately charged with nonviolent drug offenses and represent the vast majority of those arrested for immigration violations (HRW, 2002; National Council of La Raza, 2004; Weich and Angulo, 2000).

What is the link between crime and race? Each of the theories we have discussed in this chapter offers a perspective on this issue:

1. *Strain theory.* It's really a matter of social class, not race. Most Blacks are poor, and poor people living amid affluence are more likely to perceive society as unjust and turn to crime (Anderson, 1994; Blau and Blau, 1982). This theory fails to take into account the fact that even within the lower classes, Blacks are significantly more likely to be arrested and sentenced than Whites.
2. *Differential opportunity.* Black children are much more likely to be raised by single mothers than are White children. They receive less supervision, so they turn to crime. But the vast majority of children raised by single parents (mostly mothers) do not turn to crime. No significant correlation has been found between growing up in single-parent households and juvenile or adult crime.
3. *Labeling.* Being Black is a master status, automatically labeled deviant, equated with violence and criminality. So people (Black or White) tend to view Black behavior as more threatening and report on it more often, police officers (Black or White) tend to arrest Blacks more often, and juries (Black or White) tend to give them stiffer sentences.
4. *Conflict.* The crime records omit fraud, income tax evasion, embezzlement, and other crimes that are more often committed by Whites, thus producing misleading statistics.

Did you know?

Latinos have a one in six chance of being incarcerated in their lifetime. Black men have a one in three chance. White men have a one in 17 chance of ever serving time (Bureau of Justice Statistics, 2003).



Sociology and our World

“DWB”

The perceived connection between race and crime is often painful to those who are targeted. African Americans sometimes refer to the phenomenon of being constantly stopped by the police as “DWB”—“driving while Black.” Studies of traffic stops have found that while 5 percent of the drivers on Florida highways were Black or Latino, nearly 70 percent of those stopped and 80 percent of those searched were Black or Latino.

A study in Maryland found that although Blacks were 17 percent of the motorists on one freeway, they were also 73 percent of those stopped and searched. A study in Philadelphia found that 75 percent of the motorists were White and 80 percent of those stopped were minorities (Cannon, 1999; Cole, 1999). Stopping and searching minorities is a form of “racial profiling” in which members of minority groups are seen as “more likely” to be criminals and therefore stopped more often. It's more a self-fulfilling prophecy: Believing is seeing.

Crime and Age

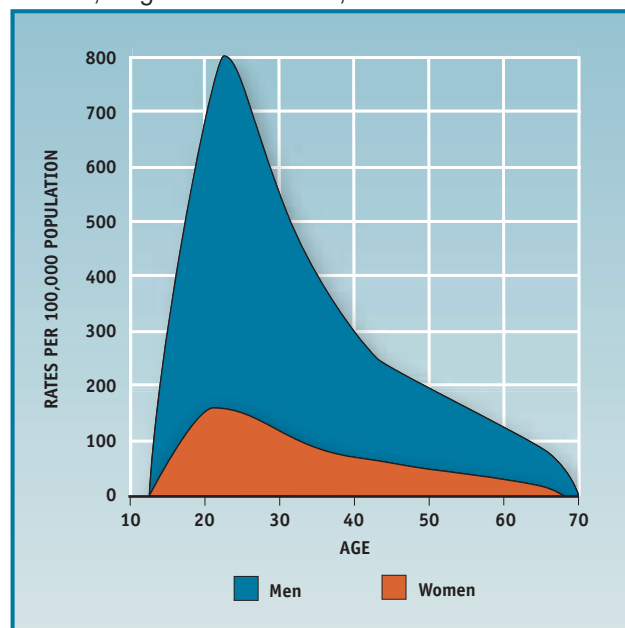
When we say *crime*, we might also say *young*. Since the rise of the first adolescent subcultures in the 1940s, minors have been committing far more than their share of crimes. In 2000 and 2001, 15- to 24-year-olds constituted 14 percent of the U.S. population but 47 percent of arrests for property crime and 39 percent of arrests for violent crime.

In search of explanations, many sociologists point to gang activity, which has infiltrated every aspect of community life. Also, because most of the youthful offenders are male, the culture of masculinity may also be at fault: A 15-year-old boy can hardly demonstrate his “masculine” toughness, aggression, and control through academic or artistic accomplishments. He can go out for sports, but in the inner city, school sports have substandard facilities and underpaid staff, and there are few private after-school programs. He proves his masculinity by violence and crime.

Certainly, there are female gangs, and crimes by young females have increased in recent decades. But even the phrase “prove your femininity” is hard to translate into a provocation to crime. And the data make it clear that crime is largely an activity of young males—and it has been for some time. Figures 6.4 and 6.5 show data on age and gender of homicide rates in two different places, England and Chicago, separated by more than a century—midnineteenth century to the late twentieth century. And yet the charts look very familiar—as they would virtually anywhere.

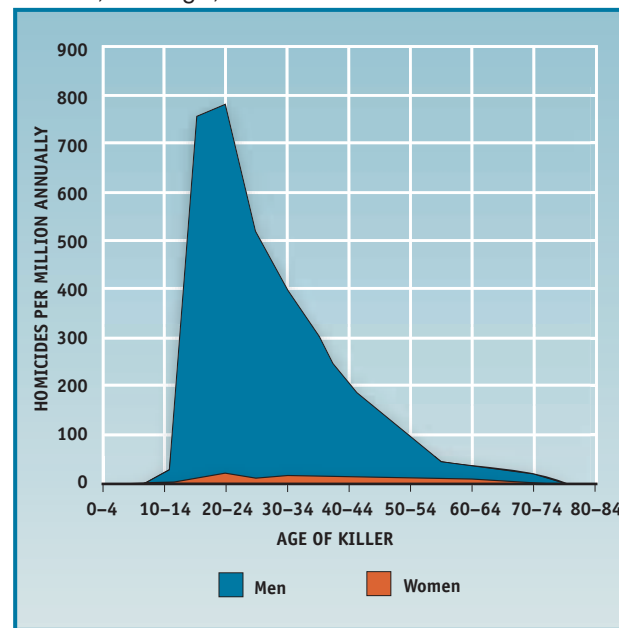
Just because other males are the most frequent victims of violent crimes doesn't mean that girls are not also vulnerable. They are. In 2005, according to the FBI, 2,053 boys under the age of 18 were arrested on charges of rape and sexual assault (9.5 percent of the total). Over 30 percent (632) were under the age of 15. There are

FIGURE 6.4 Criminal Offenders by Age and Gender, England and Wales, 1842–1844



Source: Based on data from F. G. P. Neison, *Contributions to Vital Statistics . . .*, 3rd ed. (London, 1857), 303–304, as plotted by Travis Hirschi and Michael Gottfredson, “Age and the Explanation of Crime,” *AJS* 89 (1983): 556.

FIGURE 6.5 Homicide Rates by Age and Gender, Chicago, 1965–1990



Source: From “Guns: The Global Death Toll,” *Newsweek*, April 30, 2007. © 2007 Newsweek Inc. All rights reserved. Used by permission and protected by the Copyright Laws of the United States. The printing, copying, redistribution, or retransmission of the material without express written permission is prohibited.

over 1,000 treatment programs in the United States devoted solely to treating youthful sex offenders. Psychologists believe that these boys are still developing their notions of appropriate sexual behavior, so their preference for coercive and violent sexual activity is capable of change.

But college students are old enough to have already developed their sexual “scripts”—their cognitive map about how to have sex and with whom—and they sometimes exhibit a similar interest in sexual coercion. According to a 2003 Bureau of Justice Statistics study, rape is the most common violent crime at colleges and universities in the United States; 2.8 percent of college women experience either a completed rape or an attempted rape every year, most often by a male peer, boyfriend, or classmate (90 percent of college women know their assailants) (Bureau of Justice Statistics, 2003; Cole, 2006). Another 13 percent of college women have been stalked, as compared with 8 percent of women of all ages. Aggression and control seem still integral to hegemonic masculinity in young adulthood.

Crime and Class

Historically, those with less power in society—women, minorities, young people—have been more likely to be arrested. So, too, with class. The poorer you are, the more likely that you will be arrested for a crime. While the crime rate goes up as the person’s socioeconomic status goes down, this may be caused less by economic deprivation—people stealing because they are hungry or don’t have enough money to pay their rent—and more because their crimes are more visible and their “profile” is more likely to fit a criminal profile. When the poor rob the rich, it makes the papers; when the rich rob the poor, it’s often called “business.”

Equally, the poorer you are, the more likely you are to be the victim of crime. The wealthy are more insulated in their neighborhoods, better served by the police, and more likely to press charges in assaults.

The Criminal Justice System

“In the criminal justice system, there are two separate but equally important groups: the police who investigate crimes and the district attorneys who prosecute the offenders. These are their stories.” So says the narrator at the beginning of each episode of *Law and Order*, the most successful crime series in television history.

It’s mostly right. The criminal justice system is a complex of institutions that includes the police and the courts, a wide range of prosecuting and defense lawyers, and also the prison system.

Police

The number of police officers in the United States has roughly doubled over the past 30 years. In 2005, there were nearly 582,000 full-time law enforcement employees in the United States, or about three for every 1,000 people (U.S. Department of Justice, 2005). This is more than most countries: France has 2.06, Japan 1.81, and Canada 1.73.

But police officers actually spend only about 20 percent of their time in crime-fighting activity. A surprising amount of their daily routine involves completing departmental paperwork: arrest and accident reports, patrol activity reports, and



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

Source: © The New Yorker Collection 2000. David Sipress from cartoonbank.com. All Rights Reserved. Reprinted by permission.

judicial statements. Their “on time” mostly involves routine public order activity and communicating information about risk control to other institutions in society (insurance companies, public health workers, social welfare agencies, and schools). Today the police have become “knowledge workers” as much as they are “crime fighters” (Ericson and Haggerty, 1997): They offer tips and techniques, such as “stay in well-lighted areas,” but in the end you are responsible for your own safety.

The police have a split image. To some people, seeing a police officer on the street makes them feel safe and secure, as if no harm will come to them. To others, seeing that same police officer is a terrible threat, and they might feel that they are in danger of being arrested or killed simply for being there. Some people see the police as protection, others see them as an occupying army.

The police understand this dichotomy. In many cities, like Los Angeles, their motto is “to protect and to serve”—they want people to feel safe, and they want to be of service to those who feel threatened. The most important trends in police forces across the country have been to embed the police within the communities they serve; to encourage more minority police, especially in minority areas; and also to train new groups of female officers, especially to respond to complaints about domestic violence. Since the 1990s, the number of female and minority police officers has increased. Minority representation among local police officers increased from 14.6 percent in 1987 to 23.6 percent in 2003. Women’s representation increased from 9 percent in 1990 to 11.6 percent in 2005 (National Center for Women and Policing, 2002; U.S. Department of Justice, 2005).

Courts

The court system is an important arena of the criminal justice system. In criminal court, the district attorney’s office prosecutes those arrested by the police for criminal offenses; the accused are defended in adversarial proceedings by a defense attorney. Thus, criminal proceedings pit the government (its agents, the police, lawyers, and the like) against a defendant, unlike civil courts in which the court is an arbiter of arguments between two individuals or groups. While the criminal courtroom drama is a staple of American movies and television, over 90 percent of criminal cases never go to trial. Instead, most are resolved by plea bargaining or pleading guilty to a lesser crime.

In the early 1990s, mandatory sentencing rules were enacted across the United States. These laws applied to about 64,000 defendants a year and required certain sentences for certain crimes, allowing no room for discretion. The laws were supposed to be tough on crime and eliminate bias in prosecutions and sentencing. However, the main result has been an explosion in the prison population. Bias remains in both arrests and prosecutions. Only under mandatory sentencing judges couldn’t take circumstances—which could help the poor, minorities, mentally unstable, the sick or addicted—into account. In early 2005, the Supreme Court ruled that federal judges no longer must abide by the guidelines, saying they violated a defendant’s right to a fair trial.

Punishment and Corrections

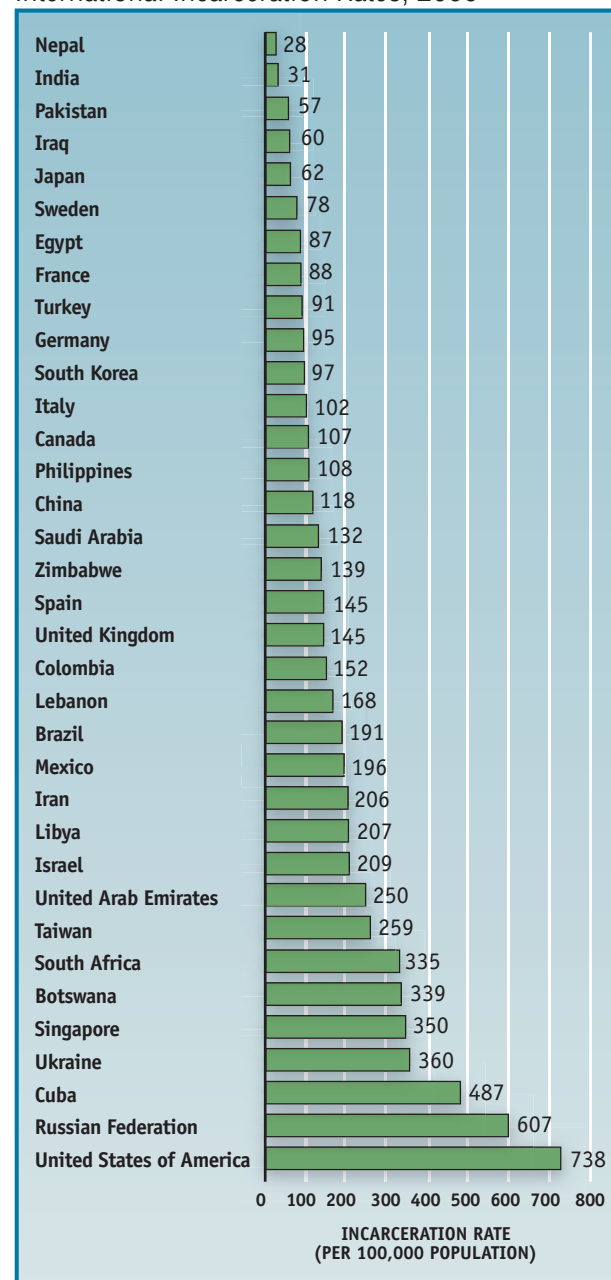
Today the United States has 2.2 million people in jail or prison, 7.1 per 1,000 people, many more than any country in the world (Figure 6.6). Russia is in second place, with 5.8. The United States has four times more prisoners than the world average, four to seven times more than other Western nations such as France, Germany, Italy, and the United Kingdom, and up to 32 times more than nations with the lowest rates, Nepal, Nigeria, and India (National Council on Crime and Delinquency, 2006). We imprison three times more people per capita than Iran, five times more than Tanzania, and seven times more than Germany. We also imprison at least three times more women than any other nation in the world (Hartney, 2006). And it's not because the United States has higher crime rates; with the single exception of incarceration rates in Russia for robbery, we lock up more people per incident than any other country in the world (National Council on Crime and Delinquency, 2006).

When we add the 4.8 million people on probation or parole, we come up with an amazing statistic: 3.2 percent of the adult American population is currently immersed somewhere in the criminal justice system. And the numbers are increasing dramatically (Figure 6.7). Since 1995, the number of people in jail has increased by an average of 4 percent per year, in prison 3.4 percent per year, and on probation 2.9 percent per year (U.S. Department of Justice, 2005). The American prison system now employs well over half a million people and costs \$57 billion a year to maintain (Bureau of Justice Statistics, 2003).

Prisons. People convicted of crimes may be asked to pay fines and restitution to victims or to engage in community service, but for most offenses, the main penalty is incarceration: jail or prison terms of up to 84 months for violent crimes, 48 months for drug crimes, and 41 months for property crimes (not including those rare instances when life in prison or the death penalty is imposed). But criminologists, lawgivers, and private individuals have often wondered *why*: What are the goals of incarceration, and are they being achieved? Four goals have been proposed (Goode, 2004; Siegel, 2000):

1. **Retribution.** People who break rules must be punished; they “owe a debt to society.” Children who break their parents’ rules are often grounded, temporarily losing their liberty and some of their privileges (the freedom to watch television or play video games, for instance). In the same way, adults who break laws can be effectively punished through the loss of their liberty and some of their citizenship privileges (the freedom to vote, sign contracts, take gainful employment, and so on).

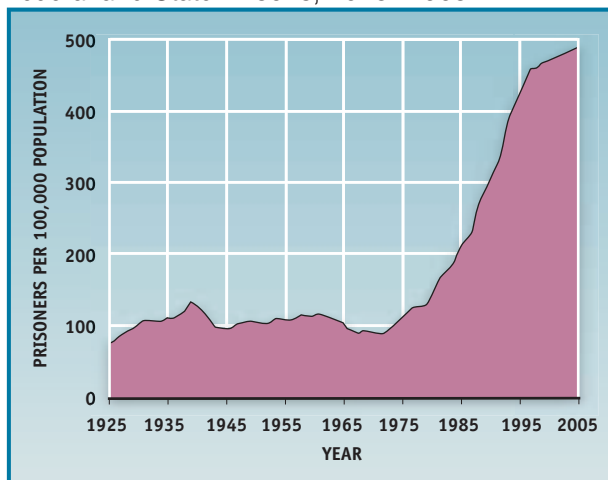
FIGURE 6.6 Selected Comparative International Incarceration Rates, 2006



Note: Rates, as opposed to actual prison population, allow for comparisons across time as populations change or across nations with different populations. Rates are calculated by dividing the prison population by the general population and multiplying by 100,000.

Source: National Council on Crime and Delinquency, 2006.

FIGURE 6.7 Incarceration Rates for Men in Federal and State Prisons, 1925–2005



Source: From “NCCD Fact Sheet, U.S. Rates of Incarceration: A Global Perspective” by Christopher Hartney, November 2006. Data from International Centre for Prison Studies, 2006. *World Prison Brief Online* version. London: University of London, Kings College London, International Centre for Prison Studies. Used by permission of National Council on Crime and Delinquency.

A problem with the retribution goal is that we believe that the punishment should fit the crime: The greater the degree of social harm, the worse the punishment. However, incarceration can only be extended, not worsened. Also, justice is not blind: Prison terms are longer for minorities than Whites, and for men than for women, even when both have been convicted of the same offense (Mustard, 2001).

2. *Deterrence.* Children may not understand or agree with the reasoning behind their parents’ rules, but threat of grounding deters them from most rule breaking in the first place, and the memory of punishment is sufficient to hinder future rule breaking. In the same way, the threat of prison decreases the likelihood of a first offense, and the memory of prison is assumed to deter people from future crimes.

But does it? Between 30 and 50 percent of people released from prison commit new crimes, often of the same sort that got them the prison sentence in the first place. Criminologists have found that fear of prison itself plays virtually no role in the decision-making process of either first-time or repeat offenders, although quality of life in prison can affect criminal behavior (Katz, Levitt, and Shustorovich, 2003). To people who

belong to subcultures, prison is seen as an occupational hazard. Inside or out makes little difference in their social network, their norms and values, their goals, their problem-solving techniques, their social world. In some ways, inside is even preferable, offering regular meals and free medical care.

3. *Protection.* When we “take criminals off the streets,” they will not be able to commit further crimes (at least, not on the streets), and society is protected.

However, only a few of the most violent criminals stay off the streets forever. The average time served in a county jail is 7 months, and in a state prison 2 years and 3 months. Many social scientists argue that during those months the criminals are in “crime school,” with seasoned professionals teaching them how to commit more and better crimes (Califano, 1998).

4. *Rehabilitation.* Criminals lack the skills necessary to succeed (or even survive) in mainstream society. The National Literacy Survey of 16,000 inmates found that 63 percent were at the lowest levels of functional illiteracy. Less than half have high school diplomas or GEDs. So prison time can be used for rehabilitation. They can get drug and alcohol therapy, learn a trade, get their GED, and even take college classes. A four-year study conducted by the Department of Education found that inmates who participate in any education program are 23 percent less likely to be reincarcerated. A CUNY study at Bedford Hills Correctional Facility, New York’s only maximum-security women’s prison, found that prisoners who took college courses were over 60 percent less likely to return than those who did not (Clark, 1991).

But prisons actually offer few rehab programs, and those available are seriously understaffed and underfunded. Most prisoners do not receive counseling or drug and alcohol therapy, and budget cuts terminated almost all of the prison education

programs in 1994. Those prisoners who do take classes often find that they have not acquired the skills for real-world jobs, nor have they received any training on how to find work.

The Death Penalty. Fewer than half of the countries in the world (69) currently have death penalties—countries like Algeria, Benin, China, Mongolia, Thailand, and Uganda. There is none in the industrialized West. The European Union will not accept as a new member any country that has the death penalty.

This means the United States could not become a member of the EU. As of this writing, the death penalty exists in all but 12 of the states. In 2004, it was declared unconstitutional in Kansas and New York. That same year, the United States was fourth in the number of executions, after China, Iran, and Vietnam (Amnesty International, 2005).

What crimes are heinous enough deserve death? Most countries that have capital punishment invoke it only for extraordinary crimes (murder or war-related crimes), while others, like China, Malaysia, Saudi Arabia, and Singapore, use it for some business and drug-related offenses. In the United States, it is usually invoked only in cases of murder and treason.

Who can be executed? In 1989, the Supreme Court decided that it was constitutional to execute John Paul Penry, a 44-year-old man who had the reasoning ability of a 6-year-old. However, in 2002, the Supreme Court reversed its earlier ruling and held that the death penalty constituted “cruel and unusual punishment” for mentally retarded persons.

What about kids? It was once commonplace to execute children as young as 12 or 13 for everyday sorts of crimes. In 2005, the Supreme Court outlawed the death penalty for crimes committed by persons under the age of 18, leaving only two countries in the world where juvenile executions are still legal (Iran and Congo).

The American public generally favors the death penalty for adult offenders—by about two to one, with more support among men than women and more among Whites than among minorities. They typically cite the death penalty’s value in deterring crime. However, as we have seen, few, if any, offenders actually stop to consider the prospect of being executed before committing the crime. Many violent crimes are committed in the heat of passion, when rational calculation is largely or entirely blocked by emotion (Bouffard, 2002). Besides, for deterrence to work, the punishment must be swift and certain. Neither is the case in the U.S. criminal justice system.

Many scholars have noted that the death penalty is unjustly applied. Race plays a major factor: Blacks convicted of murdering Whites are most likely to get the death penalty, and Whites convicted of murdering Blacks are the least likely (Baldus et al., 1998; General Accounting Office, 1990). Location also plays a factor. Some states, such as Illinois and New York, have strong public defender offices with sufficient financial resources to attract the top lawyers. Cases can then be assured of vigorous defense through several appeals. Other states, such as Texas and Alabama, do not coordinate public defense or fund it at the state level—the judge appoints a lawyer, who is paid on a fixed scale that does not cover federal appeals.

Cases there are represented by inexperienced lawyers who often lack the resources to mount a vigorous defense and the incentive to stick through the appeals process. As a result, a crime committed in Texas is much more likely to get a conviction than the same type of crime committed in Illinois, where two-thirds of capital cases are overturned (Liebman, Fagan, and West, 2000).

Did you know?

The American prison system has become partially privatized. That means that prisons are run like a business, with an eye toward profits. The more prisoners, the more profit. And the cheaper it is to house them—food, computers and television, libraries—the higher the profit. A large number of people now have a vested interest in making the prison system even bigger and perhaps also less “hospitable.”



Sociology and our World

After Prison: Parolee and Ex-Con Disenfranchisement

If you have been incarcerated and are released after completing your sentence, your punishment may still not be over. Virtually all released prisoners are released before their complete sentence is served, often for “good behavior,” and they are placed on parole, which means they are still under the surveillance of the penal system. Parolees are subject to regular screenings, must find specific types of jobs, and may have travel restrictions placed on them. They are also often prohibited from socializing with their old “criminal” friends. Rarely do parolees get state support or counseling to help them; more often they are simply punished if they violate their parole. Violations of parole may mean being sent back to prison to complete their sentence.

But even if you are released from prison and have completed parole, you still may not have all your citizenship rights restored—even if you have “paid your debt to society.” “Felon disenfranchisement” is the denial of the right to vote because of having been convicted of a felony. There are 5.4 million Americans—that’s one out of every 40 voting age adults—who

are denied the right to participate in democratic elections because of a past or present felony conviction. The vast majority of these disenfranchised Americans are not in prison (Manza and Uggen, 2006). More than half of these disenfranchised Americans are African American; in several states, one in four Black men cannot vote due to a felony conviction. The United States is the only nation that disenfranchises nonincarcerated felons (Manza and Uggen, 2006).

Is felon disenfranchisement “politically” motivated? Sociologists Jeff Manza and Christopher Uggen examined the data in the 2000 presidential election, an election that was decided by a tiny margin in the state of Florida. Manza and Uggen used voter registration and election data to calculate that 35 percent of these disenfranchised felons would vote in any given presidential election and, given national and state trends, 74 percent of them would vote Democratic. (That’s a conservative estimate: Nationwide, in 2000, the Democratic candidate, Al Gore, received more than 90 percent of the African American vote.) In Florida, there would have been a net Democratic gain of 63,079 votes and a Gore margin of victory of 62,542. Al Gore would have been elected president had the disenfranchised felons been able to vote (Uggen and Manza, 2006).

Finally, the death penalty, once applied, is irreversible, leading to worries that innocent people might be wrongly executed. In the twentieth century, at least 18 executed offenders were later found innocent (Radelet and Bedau, 1992), and today new techniques of DNA analysis are thinning the ranks of death row.

Globalization and Crime

Every day I receive an e-mail message informing me that I’ve won a national lottery in England, giving me a hot stock tip, or saying that the wife of a dearly departed African dictator would like my help in spiriting away several million dollars (for which I will be handsomely compensated). These are phishes, and they originate in many different crime cells all over the world.

While the Internet may have expanded the global networks of crime, crime as a global enterprise has a long history, from ancient slave traders (who kidnapped their “cargo”) to criminal networks operating in many different countries. There were pirates on the seven seas, hoisting their proverbial black flags beyond territorial waters; and there are contemporary pirates who operate in countries where it is legal to steal and duplicate material from the Internet or to ransack corporate funds into offshore bank accounts.

How do we know what we know?



Does the Death Penalty Act as a Deterrent to Crime?

When we ask that question, we are really concerned with causality: Does knowing about the possibility of going to the gas chamber or electric chair *cause* people to reconsider their murder plans?

The best way to determine causality is through experiment: Introduce variable *A* into a situation and determine if variable *B* results. If *B* only happens after *A* is introduced, and never before *A* or without *A*, then we can state with some certainty that *A* caused *B*.

But sociologists obviously can't turn the death penalty on and off to look at the results. Instead, we turn to the somewhat riskier business of correlation. We look at places where the death penalty has ended, or where it has been instated, to see what happens to the serious crime rate.

Imagine a country that has no death penalty and a murder rate of 0.10 per 1,000 people, significantly higher than that of the United States (0.04). The

country decides to institute the death penalty, and within 5 years the death penalty drops 10 percent, to 0.09. Sociologists all over the world would stare at the statistics in amazement: The death penalty (variable *A*) is correlated with a decrease in the murder rate (variable *B*)! Is it possible that someone stops to consider the consequences before he sets out to shoot his nuisance of a brother-in-law?

Maybe. Correlation cannot prove causality. Maybe the country is enjoying a period of remarkable economic prosperity, so there is less crime in general. Maybe it has instituted strict gun control laws, so there is no way for anyone to shoot his brother-in-law. Maybe the population is aging, and murder is mostly a young person's activity. We can never know for sure that the death penalty, and not other intervening variables, caused the drop in the murder rate.

Even though a positive correlation is not always a good indication of a causal relationship, the *lack* of correlation is a

pretty good indicator of a *lack* of causality. If *B* happens sometimes before *A*, sometimes after *A*, and sometimes without *A*, we can be reasonably sure that the two variables are not causally linked. When real-life countries and states put in a death penalty, or revoke one, the rate of murder and other serious crime does not go up or down in any systematic fashion. There is no significant correlation.

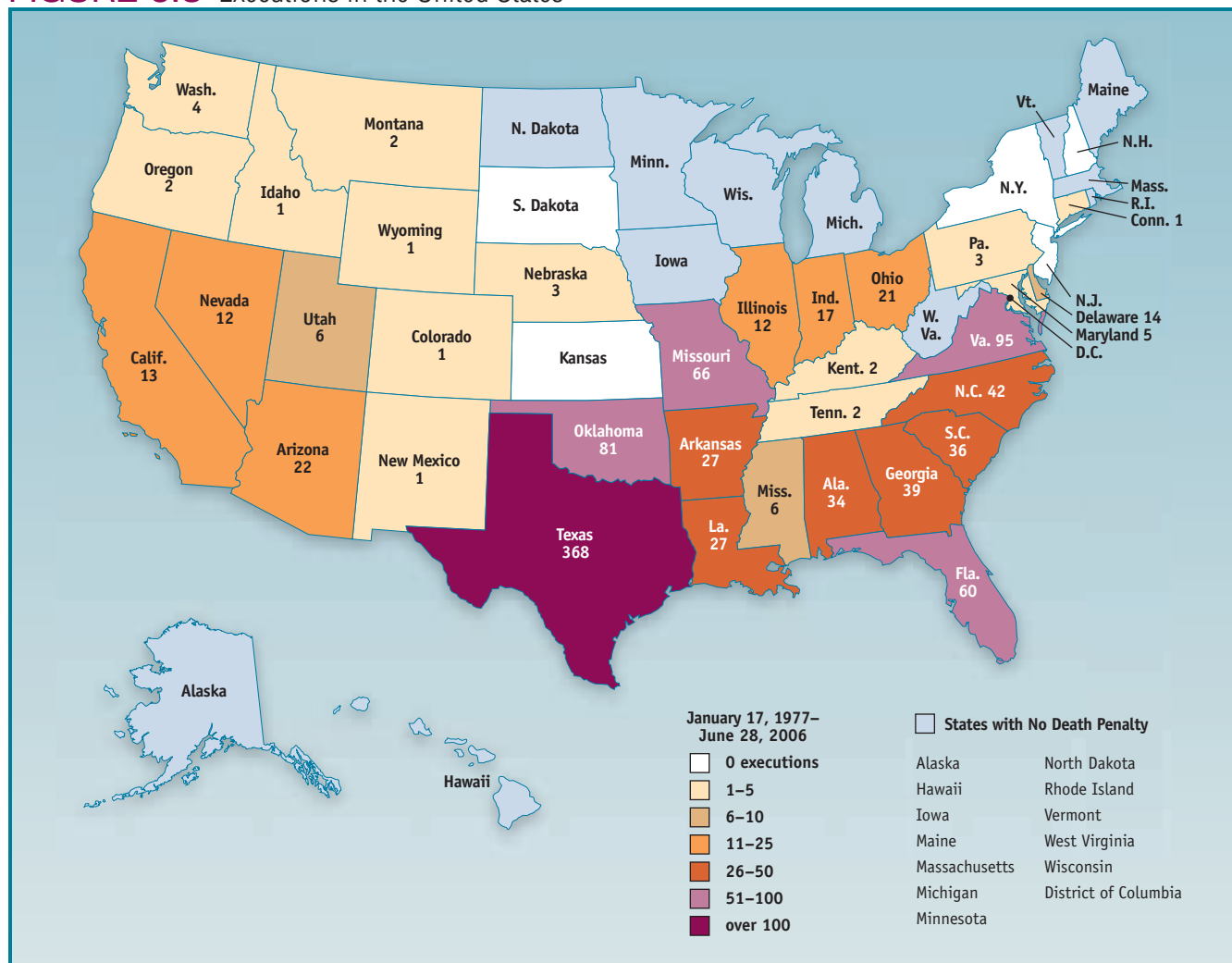
In fact, it might actually seem to go the other way. Florida and Texas, the two states with the highest numbers of executions, actually have a higher murder rate than states with no death penalty or death penalties on the books but few or no executions. Is there another variable behind both the executions and the murder rate?

Of course, no one would seriously make the argument that the death penalty *causes* murders! But neither can anyone make a convincing argument that the death penalty deters murder either.

Therefore, despite what "everybody knows" sociologists conclude that the death penalty has no significant effect on serious crime. What "everybody knows" in this case turns out to be wrong.

Today, global criminal networks operate in every arena, from the fake Gucci handbags for sale on street corners to the young girls who are daily kidnapped in Thailand and other countries to serve as sex slaves in brothels around the world; from street gangs and various ethnic and national organized crime networks (the "Russian Mafia," the Italian Mafia) to the equally well-organized and equally illegal offshore bankers and shady corporate entities that incorporate in countries that have no regulations on toxic dumping, environmental devastation, or fleecing stockholders.

And yet much crime also remains decidedly "local"—an individual is assaulted or robbed, raped, or murdered in his or her own neighborhood. Despite the massive networks of organized global crime, it is still true that the place where you are most likely to be the victim of a violent crime is your own home (Bureau of Justice, 2005; National Crime Victimization Survey).

FIGURE 6.8 Executions in the United States

Source: From the Death Penalty Information Center website, www.deathpenaltyinfo.org. Cartography by James Woods. Used by permission of Death Penalty Information Center and James Woods.

Deviance and Crime in the 21st Century

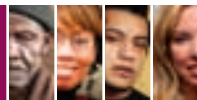
The main question in deviance and crime is not why so many people break the rules. It's also why so many people don't. The question of order is the flip side of the question of deviance—and both are of significant interest. We may all be deviants, but we're also, most of the time, law-abiding citizens. And we obey the law not only because we are afraid to get caught but because, deep down, we believe that the system of laws is legitimate and that we all will benefit somehow from everyone obeying them.

In the future, we'll continue to obey most of the rules and also decide which ones we can break and legitimate their breaking to ourselves. Our society will likely continue its anticrime spending spree, and the number of prisoners will continue to spiral upward. The crime rate will shift unevenly; some crimes will increase and some decrease. And we'll continue to debate the age-old questions of guns and the death penalty.

The sociological questions will remain the same: How do people make the sorts of decisions about what laws to obey and which ones to break? Who decides what laws are, how they are to be enforced, and how equally the law is to be applied? How does our understanding of deviance and crime reflect and reinforce the inequalities of our society even as the institutions that administer them—the police, courts, and prisons—also reflect and reinforce those inequalities? What are the possibilities of more equitable understandings and policies?



▲ Global crime occurs in every arena, from fake Harry Potter books made in China, to cyber-crime rings that steal identities or financial information, to young girls kidnapped to serve as sex slaves around the world.



Chapter Review

- 1. How do we define deviance?** Deviance is any failure to follow a norm, or social rule. Deviance sometimes takes the form of behavior and other times is as simple as group membership.
- 2. What is social control?** Following or breaking norms often leads to reactions called *sanctions*. Sanctions can be positive or negative and formal or informal. As a mechanism of social control, sanctions are used to get individuals to follow the rules, and like norms, they exist in degrees. The sanction for breaking a folkway will be informal (such as a smile or a frown) while the sanction for breaking a law will be formal (such as jail or a fine). Because social control contributes to smooth social functioning, all groups and societies have some form of it.
- 3. How do sociologists explain deviance?** *Differential association* explains deviance as an excess of definitions. When an individual sees that there is a reward for deviance, the deviance is defined as rewarding. *Control theory* assumes that individuals are rational actors and weigh the costs and benefits of any action. If benefit outweighs cost, an individual is more likely to be deviant. The more connected individuals are with others and with institutions, the less likely they are to engage in deviance. Inner and outer controls work through attachment, commitment, involvement, and belief. According to labeling theory, something or someone has to be labeled as deviant before it is considered deviant. Once a person is labeled as a criminal, he or she will always be viewed as one. *Conflict theory* explains reactions to deviance in terms of inequality, as those with more power are less likely to suffer negative consequences.
- 4. How do sociologists explain crime?** Crimes are violations of norms that have been codified in law. *Strain theory* explains crime as a result of a tension between the accepted goals of society and the accepted means of obtaining those goals, means to which everyone does not have equal access. Possible reactions to the strain include conformity, innovation, ritualism, rebellion, and retreat. The *broken windows theory* of crime holds that minor acts of deviance spiral into more serious ones. *Opportunity theory* shows how crime is related to specific opportunities and availability. *Conflict theory* says that crime is a result of inequality.
- 5. How is deviance related to gender, race, and age?** Most people arrested for crimes are male, especially those who are arrested for blue-collar crimes. Women are less likely to be arrested, to be convicted, and to serve time. At the same time, the United States arrests and convicts more women proportionally than the rest of the world. Most arrests, however, are among working-class and poor men.

The difference in arrest rates between Whites and minorities is huge. African Americans and Hispanics are far more likely to be arrested for crime and also more likely to be the victims of crime. Individuals who are arrested are also more likely to be young than old.

6. *What types of crimes are there?* Crimes occur against people or against property. The FBI categorizes crimes as violent crimes or as property offenses; the difference is force or threat of force. Some crimes are workplace crimes, including white-collar, consumer, and occupational crimes, which benefit the individual. Organizational crimes benefit an organization as a whole. Cybercrimes use the Internet, either for personal

gain or to cause trouble, as with viruses. Crimes are classified as hate crimes when the act was motivated by bias based on one's social group membership.

7. *What role does the criminal justice system play?* Police are responsible for fighting crime, protecting citizens, and serving their communities. The court system is responsible for prosecuting crimes. Jails and prisons are responsible for punishment and correction. The United States has a higher incarceration rate than the rest of the world. Incarceration is used for restitution, deterrence, protection of potential victims, and rehabilitation. The criminal justice system is the main mechanism for social control in any society.

KeyTerms

Broken windows theory (p. 165)
 Conflict theory (p. 167)
 Consumer crime (p. 168)
 Control theory (p. 162)
 Crime (p. 163)
 Cybercrime (p. 170)
 Deviance (p. 154)
 Differential association (p. 160)
 Folkway (p. 155)

Hate crime (p. 170)
 Labeling theory (p. 162)
 Mores (p. 155)
 Occupational crime (p. 168)
 Opportunity theory (p. 166)
 Organizational crime (p. 168)
 Primary deviance (p. 162)
 Property crime (p. 168)
 Secondary deviance (p. 162)

Social controls (p. 161)
 Stigma (p. 156)
 Strain theory (p. 164)
 Subculture (p. 157)
 Taboo (p. 156)
 Tertiary deviance (p. 162)
 Violent crime (p. 168)
 White-collar crime (p. 168)

What
 does
America
 think?



Censoring Perceived Deviance

These are actual survey data from the General Social Survey, 1972–2004.

1. **There are always some people whose ideas are considered bad or dangerous by other people. For instance, somebody who is against all churches and religion . . . Should such a person be allowed to teach in a college or university?** Data from 2004 show the following: 65.1 percent said yes, 34.9 percent said no. The percentage of people saying yes has steadily increased from 1972, when data showed 41.9 percent of respondents saying yes and 58.1 percent saying no. The current percentage of 65.1 is the highest it has been since the survey started in 1972.
2. **What about a man who admits that he is a homosexual? Should such a person be allowed to teach in a college or university?** Data from 2004 show the following: 80.1 percent said yes, 19.9 percent said no. The percentage of people who agree that a homosexual should be allowed to teach has been steadily increasing from 1973, when 49.4 percent of the respondents said yes, and 50.6 percent said no.

3. **Should a person who believes that Blacks are genetically inferior be allowed to teach in a college or university?** Data from 2004 show the following: 47.8 percent said yes, 52.2 percent said no. There has been very little variation in responses since the question was first asked in the 1976 survey.
4. **If some people in your community suggested that a book written against churches and religion should be taken out of your public library, would you favor removing this book?** In 2004, the responses were 25.3 percent to remove the book and 74.7 percent not to remove it. Attitudes have changed somewhat since 1982, when 40.2 percent said to remove the book.
5. **If some people in your community suggested that a book written in favor of homosexuality should be taken out of your public library, would you favor removing this book?** In 2004, 26.4 percent of respondents said remove the book and 73.6 percent said don't. The percentage of people advocating removing the book has been in a steady decline since 45 percent said remove it in 1973.
6. **If some people in your community suggested that a book that said Blacks are inferior should be taken out of your public library, would you favor removing this book, or not?** In 2004, 32.9 percent of respondents said they would be in favor of removing the book, while 67.1 percent said they would not. Although those numbers have remained pretty steady since the 1970s, the percentage of people wanting to remove the book peaked in 1982 at 40.4 percent.

CRITICAL THINKING | DISCUSSION QUESTIONS

1. It appears that Americans' attitudes toward censoring unpopular ideas have changed significantly in the past 30 years. How does this change reflect changes in American society and in American values?
2. Why do more Americans seem to be tolerant of books in the library having perceived deviant views than they are of college teachers having perceived deviant views?
3. What does it say about American values that more Americans would censor an antireligion point of view than a prohomosexual view?

► Go to this website to look further at the data. You can run your own statistics and crosstabs here: <http://sda.berkeley.edu/cgi-bin/hsda?harclda+gss04>

REFERENCES: Davis, James A., Tom W. Smith, and Peter V. Marsden. General Social Surveys 1972–2004: [Cumulative file] [Computer file]. 2nd ICPSR version. Chicago, IL: National Opinion Research Center [producer], 2005; Storrs, CT: Roper Center for Public Opinion Research, University of Connecticut; Ann Arbor, MI: Inter-University Consortium for Political and Social Research; Berkeley, CA: Computer-Assisted Survey Methods Program, University of California [distributors], 2005.