In this chapter, you will learn that:

- Deviance and crime vary among cultures, across history, and from one social context to another.
- Rather than being inherent in the characteristics of individuals or actions, deviance and crime are socially defined and constructed. The distribution of power is especially important in the social construction of deviance and crime.
- Many theories exist regarding deviance and crime. Each theory illuminates a different aspect of the process by which people break rules and are defined as deviants and criminals.
- As in deviance and crime, conceptions of appropriate punishment vary culturally and historically.
- Many forms of deviance that used to be considered voluntary forms of evil are now regarded as involuntary types of sickness that need to be treated by medical and psychiatric professionals.
- Imprisonment is one of the main forms of punishment in industrial societies; in the United States the prison system has grown quickly in the past 30 years, and punishment has become harsher.
- Fear of crime is increasing, but it is based less on rising crime rates than on manipulation by commercial and political groups that benefit from it.
- There are cost-effective and workable alternatives to the regimen of punishment currently in place in the United States.
The Social Definition and Social Construction of Deviance

If you happen to come across members of the Tukano tribe in northern Brazil, don’t be surprised if they greet you with a cheery “Have you bathed today?” You would probably find the question insulting, but think how you would feel if you were greeted by the Yanomamö people in Brazil’s central highlands. A French anthropologist reports that when he first encountered the Yanomamö they rubbed mucus and tobacco juice into their palms, then inspected him by running their filthy hands over his body (Chagnon, 1977). He must have been relieved to return to urban Brazil and be greeted with a simple kiss on the cheek.

Rules for greeting people vary widely from one country to the next and among different cultural groups within one country. That is why a Boston marketing company recently found it useful to create an animated website showing business travelers how to greet their hosts in the fifteen countries where the firm does business (“The Business of Touch,” 2006). After all, violating local norms can cause great offense and result in the loss of a contract, a fact that one visitor to South Korea found out too late. He beckoned his host with an index finger, after which the host grew quiet. He discovered after he lost the deal that Koreans beckon only cats and dogs with an index finger. If you want to beckon someone politely in South Korea, you should do so with all four fingers facing down, much like Americans wave good-bye.
Because norms vary widely, deviance is relative. What some people consider normal, others consider deviant, and vice versa. No act is deviant in and of itself. People commit deviant acts only when they break a norm and cause others to react negatively. From a sociological point of view, everyone is a deviant in one social context or another.

The Difference between Deviance and Crime

Deviance involves breaking a norm and evoking a negative reaction from others. Societies establish some norms as laws. Crime is deviance that breaks a law, which is a norm stipulated and enforced by government bodies.

Just as deviance is relative, so is crime. Thus, in 1872, Susan B. Anthony—whose image graced the original dollar coin—was arrested and fined because she “knowingly, wrongfully and unlawfully voted for a representative to the Congress of the United States.” That’s right. She was arrested and fined because she voted. At trial, Justice Ward Hunt advised the jury, “There is no question for the jury, and the jury should be directed to find a verdict of guilty” (quoted in Flexner, 1975: 170). Or consider the opposite case. In the late 1950s and early 1960s, Martin Luther King, Jr., whose birthday we now celebrate as a federal holiday, was repeatedly arrested for marching in the streets of Birmingham, Alabama, and other Southern cities for African Americans’ civil rights, including their right to vote. Susan B. Anthony and Martin Luther King, Jr., were considered criminal in their lifetimes. In the 1870s, American law restricted voting to men. Anthony disagreed with the law and in acting on her deviant belief, she committed a crime. Similarly, in the 1950s most people in the American South believed in white superiority. They expressed that belief in many ways, including so-called Jim Crow laws that prevented many African Americans from voting. Martin Luther King, Jr., and other Civil Rights movement participants challenged existing laws and were therefore arrested.

Most of you would consider the sexist and racist society of the past, rather than Anthony and King, deviant or criminal. That is because norms and laws have changed dramatically. The 19th Amendment guaranteed woman suffrage in 1920. The Voting Rights Act of 1965 guaranteed voting rights for African Americans. Today, anyone arguing that women or African Americans should not be allowed to vote is considered deviant. Preventing them from voting is a crime. Crime is a special type of deviance because laws define certain deviant acts as criminal, but crime is just as relative as deviance. What is considered criminal in some times and places is considered perfectly normal in other times and places.

Sanctions

Many deviant acts go unnoticed or are considered too trivial to warrant negative sanctions, or disapproval of deviance. People who are observed committing more serious acts of deviance are typically punished, either informally or formally. Informal punishment is mild. It may involve raised eyebrows, a harsh stare, an ironic smile, gossip, ostracism, “shaming,” or stigmatization (Braithwaite, 1989). When people are stigmatized, they are negatively evaluated because of a marker that distinguishes them from others (Goffman, 1963b). For example, until recently people with physical or mental disabilities were often treated with scorn or as a source of amusement. Pope Leo X (1475–1521) is said to have retained several mentally retarded dwarves as a form of entertainment. Formal punishment results from people breaking laws. For example, criminals may be formally punished by having to serve time in prison or perform community service.
Sociologist John Hagan (1994) usefully classifies various types of deviance and crime along three dimensions. The first dimension is the severity of the social response. At one extreme, homicide and other very serious forms of deviance result in the most severe negative reactions, such as life imprisonment or capital punishment. At the other end of the spectrum, slight deviations from a norm, such as wearing a nose ring, will cause some people to do little more than express mild disapproval.

The second dimension of deviance and crime is the perceived harmfulness of the deviant or criminal act. Some deviant acts, such as rape, are generally seen as very harmful, whereas others, such as tattooing, are commonly regarded as being of little consequence. Note that actual harmfulness is not the only issue here. Perceived harmfulness is. Coca-Cola got its name because, in the early part of the 20th century, it contained a derivative of cocaine. Now cocaine is an illegal drug because people’s perceptions of its harmfulness changed.

The third characteristic of deviance is the degree of public agreement about whether an act should be considered deviant. For example, people disagree about whether smoking marijuana should be considered a crime, especially because it may have therapeutic value in treating pain associated with cancer. In contrast, virtually everyone agrees that murder is seriously deviant. Note, however, that even the social definition of murder varies over time and across cultures and societies. Whether we classify the death of a miner as an accident or murder depends on the kind of worker-safety legislation in existence. Some societies have more stringent worker-safety rules than others, and deaths considered accidental in some societies are classified as criminal offenses in others. So we see that even when it comes to consensus crimes, social definitions are variable.

Hagan’s analysis allows us to classify four types of deviance and crime:

1. **Social diversions** are minor acts of deviance such as participating in fads and fashions. People usually perceive such acts as harmless. At most they evoke a mild societal reaction such as amusement or disdain, because many people are apathetic or unclear about whether social diversions are in fact deviant.
2. Social deviations are more serious acts. Large proportions of people agree that these acts are deviant and somewhat harmful, and they usually are subject to institutional sanction.

3. Conflict crimes are deviant acts that the state defines as illegal, but the definition is controversial in the wider society.

4. Finally, consensus crimes are widely recognized to be bad in themselves. There is little controversy over their seriousness. The great majority of people agree that such crimes should be met with severe punishment.

**Power and the Social Construction of Deviance**

To truly understand deviance and crime, you have to study how people socially construct norms and laws. The school of sociological thought known as social constructionism emphasizes that various social problems, including deviance and crime, are not inherent in certain actions themselves. Instead, some people are in a position to create norms and pass laws that stigmatize other people. Therefore, one must study how norms and laws are created (or “constructed”) to understand why particular actions get defined as deviant or criminal in the first place. Relatively powerful groups are generally able to create norms and laws that suit their interests. Relatively powerless social groups are usually unable to do so. The powerless, however, often struggle against stigmatization. If their power increases, they may succeed in their struggle. We now illustrate the importance of power in the social construction of deviance and crime by analyzing crimes against women and white-collar crime.
Crimes against Women

Until recently, many types of crimes against women—including rape—were largely ignored in the United States and most other parts of the world. Admittedly, so-called aggravated rape involving strangers was sometimes severely punished. But so-called simple rape, which involved a friend or an acquaintance, was rarely prosecuted. Marital rape was viewed as a contradiction in terms, as if it were logically impossible for a married woman to be raped by her spouse. In her research, Susan Estrich (1987) found that rape law was not taught at American law schools in the 1970s. Law professors, judges, police officers, rapists, and even victims did not think that simple rape was “real rape.” Similarly, judges, lawyers, and social scientists rarely discussed physical violence against women and sexual harassment until the 1970s. Governments did not collect data on the topic, and few social scientists showed any interest in what has now become a large and important area of study.

Today, the situation has improved. To be sure, rape is still associated with a low rate of prosecution (Scully, 1990). Rapists often hold women in contempt and do not regard rape as a real crime. Yet efforts by Estrich and others to have all forced sex defined as rape have raised people’s awareness of date, acquaintance, and marital rape. Rape is prosecuted more often now than it used to be. The same is true for violence against women and sexual harassment.

Why the change?—in part because women’s position in the economy, the family, and other social institutions has improved over the past 30 years. Women now have more autonomy in the family, earn more, and enjoy more political influence. They also created a movement for women’s rights that heightened concern about crimes disproportionately affecting them. For instance, until recently male sexual harassment of female workers was considered normal. Following Catharine MacKinnon’s pathbreaking work on the subject, however, feminists succeeded in having the social definition of sexual harassment transformed (MacKinnon, 1979). Sexual harassment is now considered a social deviation and, in some circumstances, a crime. Increased public awareness of the extent of sexual harassment has probably made it less common. We thus see how social definitions of crimes against women have changed with a shift in the distribution of power.¹

White-Collar Crime

White-collar crime refers to illegal acts “committed by a person of respectability and high social status in the course of his [or her] occupation” (Sutherland, 1949: 9). Such crimes include embezzlement, false advertising, tax evasion, insider stock trading, fraud, unfair labor practices, copyright infringement, and conspiracy to fix prices and restrain trade. Sociologists often contrast white-collar crimes with street crimes. The latter crimes include arson, burglary, robbery, assault, and other illegal acts. Street crimes are committed disproportionately by people from lower classes, whereas white-collar crime is committed disproportionately by people from middle and upper classes.

White-collar crime is underreported. A recent Federal Bureau of Investigation (FBI) study notes that local law enforcement agencies are responsible for reporting white-collar

¹Significantly, black rapists of white women receive much more severe punishments than white rapists of white women (LaFree, 1980). This pattern suggests that race is still an important power factor in the treatment of crime, a subject we have much to say about in the following.
crime but only on a voluntary basis (Barnett, n.d.). Because they receive no funding for compiling the data, few law enforcement agencies do. The FBI rarely bothers to analyze the data and publish results. Thus, for 1997–99, the most recent period for which data seem to be available, local agencies covering a mere 12 percent of the U.S. population reported white-collar crime data.

Despite underreporting, many sociologists think that white-collar crime is costlier to society than street crime. Consider that armed robbers netted perhaps $400 million in the 1980s, but the savings and loan scandal, in which bankers mismanaged funds and committed fraud, cost the American public $500 to $600 billion during that decade (Brouwer, 1998). Nonetheless, white-collar criminals, including corporations, are prosecuted relatively infrequently, and they are convicted even less often. This is true even in extreme cases, when white-collar crimes result in environmental degradation or death due, for example, to the illegal relaxation of safety standards. The police and the FBI routinely pursue burglars, but, typically, many of the guilty parties in the savings and loan scandal of the 1980s were not even charged with a misdemeanor.

White-collar crime results in few prosecutions and still fewer convictions for two main reasons. First, much white-collar crime takes place in private and is therefore difficult to detect. For example, corporations may illegally decide to fix prices and divide markets, but executives make these decisions in boardrooms and private clubs that are not generally subject to police surveillance. Second, corporations can afford legal experts, public relations firms, and advertising agencies that advise their clients on how to bend laws, build up their corporate image in the public mind, and influence lawmakers to pass laws “without teeth” (Sherrill, 1997; Sutherland, 1949).

Governments also commit serious crimes. However, punishing political leaders is difficult (Chambliss, 1989). Authoritarian governments often call their critics “terrorists” and even torture people who are fighting for democracy, but such governments rarely have to account for their deeds (Herman and O’Sullivan, 1989). Some analysts argue that even the U.S. government, in spite of its democratic ideals, sometimes behaves in a manner that may be regarded as criminal. For example, while the United States was engaged in a war on drugs in the late 1980s, the CIA participated in the drug trade to help arm the rightwing Contra military forces in Nicaragua (Scott and Marshall, 1991).

In sum, white-collar crime is underreported, underdetected, underprosecuted, and underconvicted because it is the crime of the powerful and the well-to-do. The social construction of crimes against women has changed over the past 30 years, partly because women have become more powerful. In contrast, the social construction of white-collar crime has changed little since 1970 because upper classes are no less powerful now than they were then.

Let us now turn to how sociologists explain the origins of deviance and crime.

Measuring Crime

Some crimes are more common than others, and rates of crime vary over place, over time, and among different social categories. We now describe some of these variations. Then we review the main sociological explanations of crime and deviance.

First, a word about crime statistics. Since 1929, Uniform Crime Reporting (UCR) has been the major source of crime statistics. Every law enforcement agency in the United States submits records of offenses and arrests to the FBI, usually through a state department of public safety or a state police organization. The results of UCR are available, for example, in the comprehensive annual publication Crime in the United States. More recently, the FBI’s National Incident-Based Reporting System (NIBRS) has provided more detailed records and statistics.
The UCR and NIBRS are far from perfect. First, much crime is not reported to the police. For example, many common assaults go unreported because the assailant is a friend or a relative of the victim. Similarly, many rape victims are reluctant to report the crime because they are afraid they will be humiliated and stigmatized by making it public. Second, authorities and the wider public decide which criminal acts to report and which to ignore. For instance, if the authorities decide to crack down on drugs, more drug-related crimes will be counted, not because more drug-related crimes occur but because more drug criminals are apprehended. Third, many crimes are not incorporated in major crime indexes published by the FBI. Excluded are many so-called victimless crimes, such as prostitution and illegal drug use, which involve violations of the law but arguably do not harm or violate the rights of anyone except perhaps the consensual participants themselves. Also excluded from the indexes are most white-collar crimes.

Recognizing these difficulties, students of criminology often supplement official crime statistics with other sources of information. Self-report surveys are especially useful. In such surveys respondents are asked to report their involvement in criminal activities, either as perpetrators or as victims. In the United States, the main source of data on victimization is the National Crime Victimization Survey, conducted by the U.S. Department of Justice twice annually since 1973 and involving a nationwide sample of about 80,000 people in 43,000 households (Rennison, 2002). Among other things, such surveys show about the same rate of serious crime (e.g., murder and non-negligent manslaughter) as official statistics but two to three times the rate of less serious crime, such as assault.

A definitive international self-report survey was conducted in 2000 in 17 countries, including the United States (van Kesteren, Mayhew, and Nieuwbeerta, 2001). It found that 38 percent of the approximately 34,000 respondents had been victims of crime in the year preceding the survey. The victimization rate ranged from a high of 58 percent in Australia to a low of 22 percent in Japan, with the United States somewhat above average at 42 percent. Examining the percentage distribution of victims within countries, the researchers found that the United States was just above average with respect to burglary and theft, just below average with respect to contact crime (robberies, sexual incidents, and assaults and threats), and considerably below average with respect to vehicular crime (Figure 6.1).

Survey data are influenced by people’s willingness and ability to discuss criminal experiences frankly. Therefore, indirect measures of crime are sometimes used as well. For instance, sales of syringes are a good index of the use of illegal intravenous drugs. Indirect measures are unavailable for many types of crime, however.

**Crime Rates**

Bearing these caveats in mind, what does the official record show? Every hour during 2003, law enforcement agencies in the United States received verifiable reports on an average of 2 murders, 11 rapes, 47 robberies, 98 aggravated assaults, 144 motor vehicle thefts, 246 burglaries, and 802 larceny-thefts (U.S. Federal Bureau of Investigation [FBI], 2003).

Between 1960 and 1992, the United States experienced a roughly 500 percent increase in the rate of violent crime, including murder and non-negligent manslaughter, rape, robbery, and aggravated assault. (Remember, the rate refers to the number of cases per 100,000 people.) Over the same period, the rate of major property crimes—motor vehicle theft, burglary, and larceny-theft—increased about 150 percent.

Although these statistics are alarming, we can take comfort from the fact that the long crime wave that began in the early 1960s and continued to surge in the 1970s...
Eased in the 1980s and decreased in the 1990s. The good news is evident in Figure 6.2 and Figure 6.3, which show trends in violent and property crime between 1978 and 2003. Except for aggravated assault, the major crime rates for 1990 were about the same as or lower than the major crime rates for 1980. After about 1990, the rates for all forms of major crime began to fall significantly. The rate of murder and non-negligent manslaughter, for instance, fell 33 percent between 1991 and 2003, and the burglary rate fell 32 percent. The results of the ongoing National Victimization Survey mirror these trends (Rennison, 2002). The 2001 criminal victimization rate is the lowest since the survey began in 1973. It fell about 50 percent between 1993 and 2001. This decrease means that there were only about half the number of crime victims per 1,000 people in the United States in 2001 as in 1993.

**Why the Decline?**

Sociologists usually mention four factors in explaining the decline. First, in the 1990s, governments put more police on the streets and many communities established their own systems of surveillance and patrol. This trend inhibited street crime. Second, young men are most prone to street crime, but America is aging and the proportion of young men in the population has declined. Third, the economy boomed in the 1990s. Usually, crime rates fluctuate with unemployment rates. When fewer people have jobs, more crime occurs. With an unemployment rate below 5 percent for much of the decade, economic conditions in the United States favored less crime. Finally, and more controversially, some researchers have recently noted that the decline in crime started 19 years after abortion was legalized in the United States. Beginning in 1992 the population included proportionately fewer unwanted children, and unwanted children are more crime prone than wanted children because they tend to receive less parental supervision and guidance (Donahue and Levitt, 2001; Skolnick, 1997; Figure 6.4).
Criminal Profiles

Gender and Age

According to FBI statistics, 77 percent of all people arrested in the United States in 2003 were men. In the violent crime category, men accounted for 82 percent of arrests (FBI, 2003). As in most things, women, and especially teenage women, are catching up, albeit slowly. Men are still six times more likely than women to be arrested. However, with every passing decade women compose a slightly higher percentage of arrests. This change is partly because, in the course of socialization, traditional social controls and definitions...
of femininity are less often being imposed on women (see Chapter 10, “Sexuality and Gender”).

Most crime is committed by people who have not reached middle age. As Table 6.1 shows, in 2003 Americans between the ages of 15 and 39 accounted for 74 percent of arrests. The 15- to 19-year-old age cohort is the most crime prone.

**Race**

Table 6.1 shows that crime also has a distinct racial distribution. Although the U.S. Census Bureau classified 75.1 percent of the U.S. population as white in 2000, whites accounted for only 70.7 percent of arrests in 2003. For African Americans, the story is reversed. They accounted for 27.0 percent of arrests but composed only 12.3 percent of the population.

Most sociologists agree that the disproportionately high arrest, conviction, and incarceration rates of African Americans are a result of three main factors: bias in the way crime statistics are collected, the low class position of blacks in American society, and racial discrimination in the criminal justice system (Hagan, 1994).

The statistical bias is largely because of the absence of data on white-collar crimes in the official crime indexes. Because white-collar crimes are committed disproportionately by whites, official crime indexes make it seem as if blacks commit a higher proportion of all crimes than they actually do.

The low class standing of African Americans means that they experience twice the unemployment rate of whites, three times the rate of child poverty, and more than three times the rate of single motherhood. All these factors are associated with higher crime rates. The great majority of poor people are law abiding, but poverty and its associated disabilities are associated with elevated crime rates. The effect of poverty on crime rates is much the same for blacks and whites, but the problem worsened for the African American community in the last quarter of the 20th century. During this period, the U.S. economy was massively restructured and budgets for welfare and inner-city schools were drastically cut. Many manufacturing plants in or near U.S. inner cities were shut down in the 1970s and 1980s, causing high unemployment among local residents, a large number of whom
were African Americans. Many young African Americans, with little prospect of getting a decent education and finding meaningful work, turned to crime as a livelihood and a source of prestige and self-esteem (Sampson and Wilson, 1995).

Finally, as Jerome Miller has convincingly shown, the criminal justice system efficiently searches out African American males for arrest and conviction (Miller, 1996: 48–88). Many white citizens are more zealous in reporting African American than white offenders. Many police officers are more eager to arrest African Americans than whites. Court officials are less likely to allow African Americans than whites to engage in plea bargaining. Fewer African Americans than whites can afford to pay fines that would prevent them from being jailed. Especially since the onset of the “war against drugs” in the 1980s, African Americans have been targeted, arrested, sentenced, and imprisoned in disproportionate numbers (Box 6.1). The fact that some 40 percent of the U.S. prison population consists of African American men is not just the result of their criminal activity. In the mid-1990s the crime rate of African American men was not much different from their crime rate in 1980, but their imprisonment rate rose more than 300 percent during that period (Tonry, 1995).

TABLE 6.1
Arrests by Sex, Age Cohort, and Race, United States, 2003

<table>
<thead>
<tr>
<th>Sex</th>
<th>Percent of Population*</th>
<th>Percent of Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>49.1</td>
<td>76.8</td>
</tr>
<tr>
<td>Female</td>
<td>50.9</td>
<td>23.2</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age Cohort</th>
<th>Percent of Population*</th>
<th>Percent of Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 10</td>
<td>14.0</td>
<td>0.2</td>
</tr>
<tr>
<td>10–14</td>
<td>7.3</td>
<td>5.0</td>
</tr>
<tr>
<td>15–19</td>
<td>7.1</td>
<td>21.0</td>
</tr>
<tr>
<td>20–24</td>
<td>6.8</td>
<td>20.0</td>
</tr>
<tr>
<td>25–29</td>
<td>6.8</td>
<td>12.5</td>
</tr>
<tr>
<td>30–34</td>
<td>7.2</td>
<td>10.7</td>
</tr>
<tr>
<td>35–39</td>
<td>8.2</td>
<td>10.0</td>
</tr>
<tr>
<td>40–44</td>
<td>8.1</td>
<td>9.0</td>
</tr>
<tr>
<td>45–49</td>
<td>7.2</td>
<td>5.8</td>
</tr>
<tr>
<td>50–54</td>
<td>6.1</td>
<td>3.0</td>
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<tr>
<td>55–59</td>
<td>4.8</td>
<td>1.4</td>
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<tr>
<td>60+</td>
<td>16.4</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Racial Group</th>
<th>Percent of Population*</th>
<th>Percent of Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>75.1</td>
<td>70.6</td>
</tr>
<tr>
<td>Black</td>
<td>12.3</td>
<td>27.0</td>
</tr>
<tr>
<td>American Indian and Alaskan Native</td>
<td>0.9</td>
<td>1.3</td>
</tr>
<tr>
<td>Asian and Pacific Islander</td>
<td>3.7</td>
<td>1.2</td>
</tr>
<tr>
<td>Other***</td>
<td>8.0</td>
<td>—</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.1</td>
</tr>
</tbody>
</table>

*According to the 2000 census. **Does not equal 100.0 because of rounding. ***“Other” includes people who declare two or more races. The race classification used by the U.S. Census Bureau (left column) differs from that used by the FBI in its Uniform Crime Report (right column). Therefore, the two columns are only approximately comparable.

Sources: Calculated from U.S. Census Bureau (2003); FBI (2003).

Motivational theory: This type of theory identifies the social factors that drive people to commit deviant and criminal acts.

Explaining Deviance and Crime

Lep: I remember your li’l ass used to ride dirt bikes and skateboards, actin’ crazy an’ shit. Now you want to be a gangster, huh? You wanna hang with real muthaf _____ and tear shit up, huh? . . . Stand up, get your l’il ass up. How old is you now anyway?

Kody: Eleven, but I’ll be twelve in November.

—SANYIKA SHAKUR (1993: 8)

“Monster” Scott Kody eagerly joined the notorious gang the Crips in South Central Los Angeles in 1975 when he was in grade 6. He was released from Folsom Prison on parole in 1988, at the age of 24. Until about 3 years before his release, he was one of the most ruthless gang leaders in Los Angeles and the California prison system. In 1985, however, he decided to reform. He adopted the name of Sanyika Shakur, became a black nationalist, and began a crusade against gangs. Few people in his position have chosen that path. In Kody’s heyday, about 30,000 gang members roamed Los Angeles County. Today there are more than 150,000. It is estimated that in 2002 there were 21,500 youth gangs in the United States with 731,500 members (“Gangs . . . ,” 2005).

What makes the criminal life so attractive to so many young men and women? In general, why do deviance and crime occur at all? Sociologists have proposed dozens of explanations. However, we can group them into two basic types. Motivational theories identify the social factors that drive people to deviance and crime. Many
The War on Drugs

United States (Massing et al., 1999: 32).

What should we do?

Rather than continuing the war on drugs, some sociologists suggest it is time to think of alternative policies. We can, for example, estimate the effectiveness of four major policies on drug control: controlling the drug trade abroad, stopping drugs at the border, arresting drug traders and users, and implementing drug prevention and treatment. In one major government-funded study, “[t]reatment was found to be seven times more cost-effective than law enforcement, ten times more effective than interdiction [stopping drugs at the border], and twenty-three times more effective than attacking drugs at their source” (quoted in Massing et al., 1999: 14). Yet the U.S. government spends less than 10 percent of its $18 billion drug control budget on prevention and treatment. Over two-thirds of the money is spent reducing the supply of drugs (Massing et al., 1999:14).

Another, more radical option is to seek limited legalization of drugs. Two arguments support this proposal. First, the United States’ major foray into the control of substance abuse—the prohibition of alcohol during the 1920s and early 1930s—turned out to be a fiasco. It led to an increase in the illegal trade in alcohol and the growth of the Mafia. Second, the Netherlands, for example, has succeeded in decriminalizing marijuana use. Even after it became legal, no major increase in the use of marijuana or more serious drugs, such as heroin, took place (Massing et al., 1999: 28–9).

Clearly, the citizens of the United States need to discuss drug policy in a serious way. Just saying “no” and spending most of our drug-control budget on trying to curb the supply of illegal drugs are ineffective policies (Reinarman and Levine, 1999).

Critical Thinking

- If you were in charge of an $18 billion a year budget for the war on drugs, what proportion of the budget would you invest in controlling the drug trade abroad, stopping drugs at the border, arresting drug traders and users, and implementing drug prevention and treatment? Why?
- What groups would likely oppose the policy mix you propose? Why?
- How would you try to neutralize opposition to your proposed policy mix?

Learning the Deviant Role: The Case of Marijuana Users

Howard S. Becker, a giant in the sociological study of deviance, analyzed this learning process in a classic study of marijuana users (Becker, 1962: 41–58). In 1948 and 1949, Becker financed his Ph.D. studies at the University of Chicago by playing piano in local
jazz bands. He used the opportunity to do participant-observation research, carefully observing his fellow musicians, informally interviewing them in depth, and writing up detailed field notes after performances. All told, Becker observed and interviewed 50 jazz musicians who smoked marijuana.

Becker found that his fellow musicians had to pass through a three-stage learning process before becoming regular marijuana users. Failure to pass a stage meant failure to learn the deviant role and become a regular user. These are the three stages:

1. **Learning to smoke the drug in a way that produces real effects.** First-time marijuana smokers do not ordinarily get high. To do so, they must learn how to smoke the drug in a way that ensures sufficient dosage to produce intoxicating effects (taking deep drags and holding one's breath for a long time). This process takes practice, and some first-time users give up, typically claiming that marijuana has no effect on them or that people who claim otherwise are just fooling themselves. Others are more strongly encouraged by their peers to keep trying. If they persist, they are ready to go to stage two.

2. **Learning to recognize the effects and connect them with drug use.** Those who learn the proper smoking technique may not recognize that they are high, or they may not connect the symptoms of being high with smoking the drug. They may get very hungry, laugh uncontrollably, play the same song for hours on end, and yet still fail to realize that these are symptoms of intoxication. If so, they will stop using the drug. Becker found, however, that his fellow musicians typically asked experienced users how they knew whether they were high. Experienced users identified the symptoms of marijuana use and helped novices make the connection between what they were experiencing and smoking the drug. Once they made that connection, novices were ready to advance to stage three.
3. Learning to enjoy the perceived sensations. Smoking marijuana is not inherently pleasurable. Some users experience a frightening loss of self-control (“paranoia”). Others feel dizzy, uncomfortably thirsty, itchy, forgetful, or dangerously impaired in their ability to judge time and distance. If these negative sensations persist, marijuana use will cease. However, Becker found that experienced users typically helped novices redefine negative sensations as pleasurable. They taught novices to laugh at their impaired judgment, take special pleasure in quenching their deep thirst, and find deeper meaning in familiar music. If and only if novices learned to define the effects of smoking as pleasurable did they become habitual marijuana smokers.

So we see that becoming a regular marijuana user involves more than just motive and opportunity. In fact, learning any deviant or criminal role requires a social context like the one Becker describes. Experienced deviants or criminals must teach novices the “tricks of the trade.” Bearing this fact in mind, we may now examine the two main types of theories that seek to explain deviance and crime—those that ask what motivates people to break rules and those that ask how social constraints sometimes fail to prevent rules from getting broken.

Motivational Theories

**Durkheim’s Functional Approach**

In one of the first sociological works on deviance, Émile Durkheim (1964 [1895]) wrote that deviance is normal. What did he mean by this apparently contradictory statement?

He meant that deviance is necessary or functional, and therefore exists in all societies. What functions does deviance perform? According to Durkheim, deviance gives people the opportunity to define what is moral and what is not. Our reactions to deviance range from scorn to outrage, and our punishments from raised eyebrows to the death penalty. But all of our reactions have one thing in common. They clarify moral boundaries, allowing us to draw the line between right and wrong. This clarification is useful in two ways. First, it promotes the unity of society, or its “social solidarity.” Second, by pushing against the limits of our tolerance, some deviance encourages healthy social change. Today’s deviance may be tomorrow’s morality, so some acts that violate norms suggest new paths for moral development. The functional necessity of deviance derives from these benefits, wrote Durkheim.

**Strain Theory**

Durkheim also argued that the absence of clear norms—“anomie”—can result in elevated rates of suicide and other forms of deviant behavior (see Chapter 1, “A Sociological Compass”). Robert Merton’s strain theory (Concept Summary 6.1) extended Durkheim’s insight (Merton, 1938).

Merton defined anomie as “the mismatch between culturally valued goals and the institutional means of achieving those goals.” He argued that cultures often teach people to value material success. Just as often, however, societies do not provide enough legitimate opportunities for everyone to succeed. Therefore, some people experience strain. Most will nonetheless force themselves to adhere to social norms (Merton called this “conformity”). The rest adapt in one of four ways: They may drop out of conventional society (“retreatism”); they may reject the goals of conventional society but continue to follow its rules (“ritualism”); they may protest against convention and support alternative values (“rebellion”); or they may find alternative and illegitimate means of achieving...
their society’s goals (“innovation”), that is, they may become criminals. The American Dream of material success starkly contradicts the lack of opportunity available to poor youths, said Merton. Therefore, poor youths sometimes engage in illegal means of attaining legitimate ends. Merton would say that “Monster” Scott Kody became an innovator at the age of 11 and a rebel at the age of 21.

**Subcultural Theory**

Another type of motivational theory, known as subcultural theory, emphasizes that adolescents like Kody are not alone in deciding to join gangs. Many similarly situated adolescents make the same kind of decision, rendering the formation and growth of the Crips and other gangs a collective adaptation to social conditions. Moreover, this collective adaptation involves the formation of a subculture with distinct norms and values. Members of this subculture reject the legitimate world that they feel has rejected them (Cohen, 1955).

The literature emphasizes three features of criminal subcultures. First, depending on the availability of different subcultures in their neighborhoods, delinquent youths may turn to different types of crime. In some areas, delinquent youths are recruited by organized crime syndicates, such as the Mafia. In areas that lack organized crime networks, delinquent youths are more likely to create violent gangs. Thus, the relative availability of different subcultures influences the type of criminal activity to which one turns (Cloward and Ohlin, 1960).

A second important feature of criminal subcultures is that their members typically spin out a whole series of rationalizations for their criminal activities. These justifications make their illegal activities appear morally acceptable and normal, at least to the members of the subculture. Typically, criminals deny personal responsibility for their actions (“What I did harmed nobody”). They condemn those who pass judgment on them (“I’m no worse than anyone else”). They claim their victims get what they deserve (“She had it coming to her”). And they appeal to higher loyalties, particularly to friends and family (“I had to do it because he dissed my gang”). The creation of such justifications and rationalizations enables criminals to clear their consciences and get on with the job. Sociologists call such rationalizations techniques of neutralization (Sykes and Matza, 1957).

Finally, although deviants depart from mainstream culture, they are strict conformists when it comes to the norms of their own subculture. They tend to share the same beliefs, dress alike, eat similar food, and adopt the same mannerisms and speech patterns. Gangs may develop an elaborate system of hand signs to distinguish themselves from other gangs. Whether among professional thieves (Conwell, 1937) or young gang members (Short and Strodtbeck, 1965), deviance is strongly discouraged within the subculture. Paradoxically, deviant subcultures depend on internal conformity.

**Learning Theory**

Both strain and subcultural theories are problematic insofar as they tell us nothing about which adaptation someone experiencing strain will choose. Even when criminal subcultures beckon ambitious adolescents who lack opportunities to succeed in life, only a minority of adolescents join up. Most adolescents who experience strain and have the opportunity to join a gang reject a life of crime and become conformists and ritualists, to use Merton’s terms. Why?
Edwin Sutherland (1939) addressed both the class and choice problems more than 60 years ago by proposing a third motivational theory, which he called the **theory of differential association**. The theory of differential association is still one of the most influential ideas in the sociology of deviance and crime. In Sutherland’s view, a person learns to favor one adaptation over another as a result of his or her life experiences or socialization. Specifically, everyone is exposed to both deviant and nondeviant values and behaviors as they grow up. If you happen to be exposed to more deviant than nondeviant experiences, chances are you will learn to become a deviant yourself. You will come to value a particular deviant lifestyle and consider it normal.

Everything depends, then, on the exact mix of deviant and conformist influences a person faces. For example, a substantial body of participant-observation and survey research has failed to discover widespread cultural values prescribing crime and violence in the inner city (Sampson, 1997: 39). Most inner-city residents follow conventional norms, which is one reason why most inner-city adolescents do not learn to become gang members. Those who do become gang members tend to grow up in very specific situations and contexts that teach them the value of crime.

Significantly, the theory of differential association holds for people in all class positions. For instance, Sutherland applied the theory of differential association in his pathbreaking research on white-collar crime. He noted that white-collar criminals, like their counterparts on the street, learn their skills from associates and share a culture that rewards rule breaking and expresses contempt for the law (Sutherland, 1949).

## Constraint Theories

Motivational theories ask how some people are driven to break norms and laws. Constraint theories, in contrast, pay less attention to people’s motivations. The kinds of questions constraint theorists pose include the following: How are deviant and criminal “labels” imposed on some people? How do various forms of social control fail to impose conformity on them? How does the distribution of power in society shape deviance and crime?

### Labeling Theory: A Symbolic Interactionist Approach

Symbolic interactionism focuses on the meanings people attach to objects, actions, and other people in the course of their everyday lives. As we establish meanings, we put labels on things; you call the object in your hand a book and the streaker at a football game a deviant. Although labels are often convenient, the trouble with applying them to people is that they may stick irrespective of the actual behavior involved. We may persist in our belief that a person is deviant even when the person ceases to act in a deviant way. Our labeling itself may then cause more deviance. This is the chief insight of labeling theory—that deviance results not just from the actions of the deviant but also from the responses of others, who define some actions as deviant and other actions as normal (Becker, 1963).

For example, if an adolescent misbehaves in high school a few times, teachers and the principal may punish him. However, his troubles really begin if the school authorities and the police label him a “delinquent.” Surveillance of his actions will increase. Actions that authorities would normally not notice or would define as of little consequence are more likely to be interpreted as proof of his delinquency. He may be ostracized from nondeviant cliques in the school and eventually be socialized into a deviant subculture. Over time, immersion in the deviant subculture may lead the adolescent to adopt “delinquent” as his **master status**, or overriding public identity. More easily than we may care to believe,
what starts out as a few incidents of misbehavior can get amplified into a criminal career because of labeling (Matsueda, 1988, 1992).

The important part that labeling plays in who gets caught and who gets charged with crime was demonstrated more than 30 years ago by Aaron Cicourel (1968). Cicourel examined the tendency to label rule-breaking adolescents “juvenile delinquents” if they came from families in which the parents were divorced. He found that police officers tended to use their discretionary powers to arrest adolescents from divorced families more often than adolescents from intact families who committed similar delinquent acts. Judges, in turn, tended to give more severe sentences to adolescents from divorced families than to adolescents from intact families who were charged with similar delinquent acts. Sociologists and criminologists then collected data on the social characteristics of adolescents who were charged as juvenile delinquents, “proving” that children from divorced families were more likely to become juvenile delinquents. Their finding reinforced the beliefs of police officers and judges. Thus, the labeling process acted as a self-fulfilling prophecy.

**Control Theory**

All motivational theories assume that people are good and require special circumstances to make them bad. A popular type of constraint theory assumes that people are bad and require special circumstances to make them good. That is because, according to control theory, the rewards of deviance and crime are many. Proponents of this approach argue that nearly everyone wants fun, pleasure, excitement, and profit. Moreover, they say that if we could get away with it, most of us would commit deviant and criminal acts to get more of those valued things. For control theorists, the reason most of us don’t engage in deviance and crime is that we are prevented from doing so. The reason deviants and criminals break norms and laws is that social controls are insufficient to ensure their conformity.

Travis Hirschi first developed the control theory of crime (Hirschi, 1969; Gottfredson and Hirschi, 1990). He argued that adolescents are more prone to deviance and crime than adults because they are incompletely socialized and therefore lack self-control. Adults and adolescents may both experience the impulse to break norms and laws, but adolescents are less likely to control that impulse. Hirschi went on to show that adolescents who are most prone to delinquency are likely to lack four types of social control. They tend to have few social attachments to parents, teachers, and other respectable role models; few legitimate opportunities for education and a good job; few involvements in conventional institutions; and weak beliefs in traditional values and morality. Because of the lack of control stemming from these sources, adolescents are relatively free to act on their deviant impulses. Other sociologists have applied control theory to gender differences in crime. They have shown that girls are less likely to engage in delinquency than boys because families typically exert more control over girls, supervising them more closely and socializing them to avoid risk (Hagan, Simpson, and Gillis, 1987; Peters, 1994).

Labeling and control theories have little to say about why people regard certain kinds of activities as deviant or criminal in the first place. For the answer to that question, we must turn to the **conflict theory of deviance and crime**, a third type of constraint theory.

**The Conflict Theory of Deviance and Crime**

In 1996, JonBenét Ramsey was found strangled to death in the basement of her home in Boulder, Colorado. The police found no footprints in the snow surrounding the house and no sign of forced entry. The FBI concluded that nobody had entered the house dur-
ing the night, when, according to the coroner, the murder took place. The police did find a ransom note saying that the child had been kidnapped. A linguistics expert from Vassar later concluded that the child’s mother was the author. It was also determined that all of the materials used in the crime had been purchased by the mother. Although by no means an open-and-shut case, enough evidence was available to cast a veil of suspicion over the parents. Yet, apparently because of the lofty position the Ramseys held in their community, the police treated them in an extraordinary way. The Boulder police designated the Ramseys an “influential family” and ordered that they be treated as victims, not suspects (Oates, 1999: 32). The father was allowed to participate in the search for the child. In the process, he may have contaminated crucial evidence. The police also let him leave the house unescorted for about an hour. This led to speculation that he might have disposed of incriminating evidence. Because the Ramseys were millionaires, they were able to hire accomplished lawyers who prevented the Boulder police from interviewing them for 4 months and a public relations team that reinforced the idea that the Ramseys were victims. A grand jury decided on October 13, 1999, that nobody would be charged with the murder of JonBenét Ramsey.

Regardless of the innocence or guilt of the Ramseys, the way their case was treated adds to the view that the law applies differently to rich and poor. That is the perspective of conflict theory. In brief, conflict theorists maintain that the rich and the powerful impose deviant and criminal labels on the less powerful members of society, particularly those who challenge the existing social order. Meanwhile, they are usually able to use their money and influence to escape punishment for their own misdeeds.

Steven Spitzer (1980) conveniently summarizes this school of thought. He notes that capitalist societies are based on private ownership of property. Moreover, their smooth functioning depends on the availability of productive labor and respect for authority. When thieves steal, they challenge private property. Theft is therefore a crime. When so-called bag ladies and drug addicts drop out of conventional society, they are defined as deviant because their refusal to engage in productive labor undermines a pillar of capitalism. When young, politically volatile students or militant trade unionists strike or otherwise protest against authority, they also represent a threat to the social order and are defined as deviant or criminal.

Of course, says Spitzer, the rich and the powerful engage in deviant and criminal acts too. But, he adds, they tend to be dealt with more leniently. Industries can grievously harm people by damaging the environment, yet serious charges are rarely brought against the owners of industry. White-collar crimes are less severely punished than street crimes, regardless of the relative harm they cause.

And so we see that many theories contribute to our understanding of the social causes of deviance and crime. Some forms of deviance and crime are better explained by one theory than another. Different theories illuminate different aspects of the process by which people are motivated to break rules and become defined as rule breakers. Our overview should make it clear that no one theory is best. Instead, taking many theories into account allows us to develop a fully rounded appreciation of the complex processes surrounding the social construction of deviance and crime (Concept Summary 6.2).

**Punishment**

American TV viewing between November 7 and 13, 2005, was much like that of any other week. Crime was the subject of 6 of the top 10 primetime network TV programs. They pulled in 186 million American viewers (Nielsen Media Research, 2005). Because millions
of additional viewers watched fictional crime shows on cable, local, daytime, and latenight TV and because the news is full of crime stories, one might reasonably conclude that the United States is a society obsessed with crime.

As one might expect in such a society, punishment is also a big issue. This fact is evident from the more than 2.1 million people in state and federal prisons and local jails—a number that is increasing by 50,000 to 80,000 per year. The United States has more people behind bars than any other country on Earth. In fact, 10 percent more people are behind bars in the United States (2007 population: 301 million) than in China and India combined (2007 population: about 2.43 billion). State prisons in California alone hold more criminals in their grip than do Japan, Germany, France, Great Britain, the Netherlands, and Singapore combined. As of 2000, the United States had the highest incarceration rate (i.e., the number of people imprisoned per 100,000 population) of any country in the world (Schlosser, 1998; The Sentencing Project, 1997, 2001; U.S. Census Bureau, 2000a, 2001a).

All societies seek to ensure that their members obey norms and laws. All societies impose sanctions on rule breakers. However, the degree of social control varies over time.
and place. *Forms* of punishment also vary. In addition to imprisonment, society deals with deviance and crime by means of medicalization, capital punishment, and rehabilitation. Let us examine each of these reactions to deviance and crime in turn.

**The Medicalization of Deviance**

Increasingly, we deal with deviance by medicalizing it. The *medicalization of deviance* refers to the fact that “medical definitions of deviant behavior are becoming more prevalent in ... societies like our own” (Conrad and Schneider, 1992 [1980]: 28–9). In an earlier era, much deviant behavior was labeled evil. Deviants tended to be chastised, punished, and otherwise socially controlled by members of the clergy, neighbors, family members, and the criminal justice system. Today, however, a person prone to drinking sprees is more likely to be declared an alcoholic and treated in a detoxification center. A person predisposed to violent rages is more likely to be medicated. A person inclined to overeating is more likely to seek therapy and, in extreme cases, surgery. A heroin addict is more likely to seek the help of a methadone program. As these examples illustrate, what used to be regarded as willful deviance is now often regarded as involuntary deviance. Increasingly, what used to be defined as “badness” is defined as “sickness.” As our definitions of deviance change, deviance is increasingly coming under the sway of the medical and psychiatric establishments (Figure 6.5).

**The Spread of Mental Disorders**

Many mental disorders have obvious organic causes, such as chemical imbalances in the brain. These problems can often be precisely identified and treated with drugs or other therapies. Experiments can be conducted to verify their existence and establish the effectiveness of one treatment or another. Little debate takes place over whether such ailments should be listed in the “bible” of the American Psychiatric Association, the *Diagnostic and Statistical Manual of Mental Disorders* (DSM).

![Image](https://via.placeholder.com/150)

**FIGURE 6.5**

An Example of the Medicalization of Deviance

Five North American surveys conducted in the 1950s and 1960s presented respondents with the anecdote to the left. The graph shows the percentage of respondents who considered the behavior described in the anecdote evidence of mental illness. Notice the difference between the 1950s and the 1960s. (Nearly 100 percent of psychiatrists who evaluated the anecdote thought it illustrated “simple schizophrenia.”)

*Medicalization of deviance*: The process by which medical definitions of deviant behavior are becoming more prevalent.

The organic basis for other ailments is unclear. In such cases, social values and political conflict can determine whether they are listed in the DSM. Thus, in the 1970s and 1980s, American psychiatrists fiercely debated whether “neurosis,” “post-traumatic stress disorder,” “homosexuality,” and “self-defeating personality disorder” were real mental disorders. In the end, homosexuality was dropped from the DSM, largely in response to the efforts of liberal-minded psychiatrists, as was self-defeating personality disorder, thanks to the efforts of feminists. Neurosis was retained at the insistence of Freudians. Post-traumatic stress disorder (PTSD) was added to the DSM after a strenuous lobbying campaign by Vietnam War veterans and their supporters (Scott, 1990). These cases nicely illustrate that the medicalization of deviance is in part a social and political process.

In the mid-19th century there was just one mental disorder recognized by the federal government: idiocy/insanity. The current DSM lists 297. As the number of mental disorders has grown, so has the proportion of Americans presumably affected by them. In the mid-19th century, few people were defined as suffering from mental disorders, but one respected survey conducted in the early 1990s found that fully 48 percent of Americans would suffer from a mental disorder—very broadly defined, of course—during their lifetime (Blazer, Kessler, McGonagle and Swartz, 1994; Shorter, 1997: 294).

The number and scope of mental disorders have grown partly because Americans are now experiencing more stress than ever before, due mainly to the increased demands of work and a growing time crunch. At the same time, traditional institutions for dealing with mental health problems are less able to cope with them. The weakening authority of the church and the weakening grip of the family over the individual leave the treatment of mental health problems more open to the medical and psychiatric establishments.

The cultural context also stimulates inflation in the number and scope of mental disorders. Probably more than any other people, Americans are inclined to turn their problems into medical and psychological issues, sometimes without inquiring deeply into the disadvantages of doing so.

For example, in 1980 the term “attention deficit disorder” (ADD) was coined to label hyperactive and inattentive schoolchildren, mainly boys. By the mid-1990s, doctors were writing 6 million prescriptions a year for Ritalin, an amphetamine-like compound that controls ADD. Evidence shows that some children diagnosed with ADD have problems absorbing glucose in the brain or suffer from imbalances in chemicals that help the brain regulate behavior. Yet the diagnosis of ADD is typically conducted clinically, i.e., by interviewing and observing children to see if they exhibit signs of serious “inattention,” “hyperactivity,” and “impulsivity.” This means that many children diagnosed with ADD may have no organic disorder at all. Some cases of ADD may be due to the school system failing to capture children's imagination. Some may involve children acting out because they are deprived of attention at home. Some may involve plain, old-fashioned youthful enthusiasm. A plausible case could be made that Tom Sawyer and Winnie the Pooh suffered from ADD (Shea et al., 2000). However, once hyperactivity and inattentiveness in school are defined as a medical and psychiatric condition, officials routinely prescribe drugs to control the problem and tend to ignore possible social causes.

Finally, we have witnessed inflation in the number and scope of mental disorders because various professional organizations have an interest in it. Consider PTSD. There is no doubt that PTSD is a real condition and that many veterans suffer from it. However, once
the disorder was officially recognized in the 1970s, some therapists trivialized the term. By the mid-1990s some therapists were talking about PTSD “in children exposed to movies like Batman” (Shorter, 1997: 290). Some psychiatric social workers, psychologists, and psychiatrists may magnify the incidence of such mental disorders because doing so increases their stature and their patient load. Others may do so simply because the condition becomes trendy. Whatever the motive, overdiagnosis is the result.

The Prison

When he was 22, Robert Scully was sent to San Quentin Prison for robbery and dealing heroin. Already highly disturbed, he became more violent in prison. As a result, Scully was shipped off to Corcoran Prison, a maximum-security facility. He was thrown into solitary confinement. In 1990, Scully was transferred to the new “supermax” prison at Pelican Bay. There, he occupied a cell the size of a bathroom. He received food through a hatch. Even exercise was solitary. When he was released on parole in 1994, he had spent 9 years in isolation.

One night in 1995 Scully was loitering around a restaurant with a friend. The owner, fearing a robbery, called the police. Deputy Sheriff Frank Rejo, a middle-aged grandfather looking forward to retirement, soon arrived at the scene. He asked to see a driver’s license. As Scully’s friend searched for it, Scully pulled out a sawed-off shotgun and shot Rejo in the forehead. Scully and his friend were apprehended by police the next day.

Robert Scully was already involved in serious crime before he got to prison, but he became a murderer in San Quentin, Corcoran, and Pelican Bay—a pattern known to sociologists for a long time. Prisons are agents of socialization, and new inmates often become more serious offenders as they adapt to the culture of the most hardened, long-term prisoners (Wheeler, 1961). In Scully’s case, psychologists and psychiatrists called in by the defense team said that things had gone even further. Years of sensory deprivation and social isolation had so enraged and incapacitated Scully that thinking through the consequences of his actions became impossible. He had regressed to the point where his mental state was that of an animal able to act only on immediate impulse (Abramsky, 1999).

Origins of Imprisonment

Because prison often turns criminals into worse criminals, pondering the institution’s origins, development, and current dilemmas is worthwhile. In preindustrial societies, criminals were publicly humiliated, tortured, or put to death, depending on the severity of their transgression. As societies industrialized, however, imprisonment became one of the most important forms of punishment for criminal behavior (Garland, 1990; Morris and Rothman, 1995). In the industrial era, depriving criminals of their freedom by putting them in prison seemed less harsh and more “civilized” (Durkheim, 1973 [1899–1900]).

Goals of Incarceration

Some people still take a benign view of prisons, even seeing them as opportunities for rehabilitation. They believe that prisoners, while serving time, can be taught how to be productive citizens upon release. In the United States this view predominated in the 1960s and early 1970s, when many prisons sought to reform criminals by offering them
psychological counseling, drug therapy, skills training, college education, and other programs that would help at least the less violent offenders get reintegrated into society when they were released from prison.

In 1966, 77 percent of Americans believed that the main goal of prison was to rehabilitate prisoners; by 1994 only 16 percent held that opinion (Bardes and Oldendick, 2003: 183). We have adopted a much tougher line, as the case of Robert Scully shows. Some people see prison as a means of deterrence. In this view, people will be less inclined to commit crimes if they know they are likely to get caught and serve long and unpleasant prison terms. Others think of prisons as institutions of revenge. They think that depriving criminals of their freedom and forcing them to live in poor conditions is fair retribution for their illegal acts. Still others see prisons as institutions of incapacitation. From this viewpoint, the chief function of the prison is simply to keep criminals out of society as long as possible to ensure that they can do no more harm (Simon, 1993; Zimring and Hawkins, 1995).

No matter which of these views predominates, two things are clear: The American public has demanded that more criminals be arrested and imprisoned, and it has gotten what it wants (Gaubatz, 1995; Savelsberg, 1994). The nation’s incarceration rate rose substantially in the 1970s, doubled in the 1980s, and doubled again in the 1990s.

**Moral Panic**

What happened between the early 1970s and the present to so radically change the U.S. prison system? In a phrase, the United States was gripped by moral panic. The fear that crime posed a grave threat to society’s well-being motivated wide sections of the American public, including lawmakers and officials in the criminal justice system (Cohen, 1972; Goode and Ben-Yehuda, 1994). The government declared a war on drugs, which resulted in the imprisonment of hundreds of thousands of nonviolent offenders. Sentencing got tougher, and many states passed a “three strikes and you’re out” law. Such laws put three-time violent offenders in prison for life. The death penalty became increasingly popular. As Figure 6.6 shows, support for capital punishment more than doubled from 38 percent to 80 percent of the population between 1965 and 1994, although it fell to 71 percent by 2004 (Figure 6.6; Box 6.2).

Moral panic could also be detected in the persistent belief that violence in the mass media has a big effect on violent criminal behavior in the real world, in spite of the fact...
Recall an important fact from our discussion of recent trends in crime rates: According to FBI statistics, the moral panic of the 1980s and 1990s occurred during a period when all major crime indexes stabilized and then decreased dramatically. Why then the panic? Who benefits from it? We may mention several interested parties:

1. The mass media benefit from moral panic because it allows them to rake in hefty profits. They publicize every major crime because crime draws big audiences, and big audiences mean more revenue from advertisers. Fictional crime programs draw tens of millions of additional viewers to their TV.

2. The crime prevention and punishment industry benefits from moral panic for much the same reason. Prison construction and maintenance firms, firearms manufacturers, and so forth are all big businesses that flourish in a climate of moral panic. Such industries want Americans to own more guns and imprison more people, so they lobby hard in Washington and elsewhere for relaxed gun laws and invigorated prison construction programs.

3. People in some formerly depressed rural regions have become highly dependent on prison construction and maintenance for their economic well-being. The Adirondack region of northern New York State is a case in point.

4. The criminal justice system is a huge bureaucracy with millions of employees. They benefit from moral panic because increased spending on crime prevention, control, and punishment secures their jobs and expands their turf.

5. Perhaps most important, the moral panic is useful politically. Since the early 1970s, many politicians have based entire careers on get-tough policies. Party allegiance and ideological orientation matter less than you might think. Plenty of liberal Republicans (such as former governor Nelson Rockefeller of New York) and Democrats (such as former governor Mario Cuomo of New York) have done as much to build up the prison system as have conservative Republicans (Schlosser, 1998).

Interview at least one adult member of your family about the precautions your family may have taken over the past decade to protect itself from criminal activity. Has your family installed a security system, new door or window locks or bars on basement windows? Has your family installed new lighting outside your home, a motion detector or a closed circuit camera? Has your family purchased a gun for protection? Have any members of your family been motivated to take a course in self-defense or the martial arts to protect themselves in case of attack? Once you have drawn up a list of safety precautions your family may have taken over the past decade, ask your respondent to indicate the degree to which he or she was personally victimized by crime during the past decade and during the decade before that. Answers can be given on a scale of 1 to 5, where 1 indicates no criminal victimization and 5 indicates a lot of criminal victimization. Also, ask your respondent to indicate the degree to which other family members were personally victimized by crime during the past decade and during the decade before that, again on a scale of 1 to 5.

**WRITING ASSIGNMENT**

Write a report based on the results of your survey. In 250–500 words address these questions:

Does the amount of criminal victimization experienced by your respondent or other family members over two decades explain the degree to which your family has taken new safety precautions over the past decade? If so, exactly how is victimization related to safety precautions? If not, how do you explain the degree to which your family has taken new safety precautions over the past decade?

that such a causal relationship has never been convincingly established. Evidence of the moral panic was evident in crime prevention too. For example, many well-to-do Americans had walls built around their neighborhoods, restricting access to residents and their guests. They hired private security police to patrol the perimeter and keep potential intruders at bay. Middle- and upper-class Americans installed security systems in their homes and steel bars in their basement windows. Many people purchased handguns in the belief that a firearm would enhance their personal security. The number of handguns in the United States is currently estimated at about 200 million. Some states even passed laws allowing people to conceal handguns on their person. In short, over the past 20 years or so, Americans have prepared themselves for an armed invasion and have decided to treat criminals much more toughly than in the past (Box 6.3).
Alternative Forms of Punishment

The two most contentious issues concerning the punishment of criminals are these: (1) Should the death penalty be used to punish the most violent criminals? (2) Should less serious offenders be incarcerated in the kinds of prisons we now have? In concluding this chapter we briefly consider each of these issues.

Capital Punishment

Although the United States has often been at the forefront of the struggle for human rights, it is one of the few industrial societies to retain capital punishment for the most serious criminal offenders (Figure 6.7). Yet, whether it serves as a deterrent is questionable for two reasons. First, murder is often committed in a rage, when the perpetrator is not thinking entirely rationally. In such circumstances the murderer is unlikely to coolly consider the costs and consequences of his or her actions. Second, if rational calculation of consequences does enter into the picture, the perpetrator is likely to know that very few murders result in the death sentence. More than 15,000 murders take place in the United States every year. Fewer than 200 death sentences are handed out. Thus, a murderer has a
1.25 percent chance of being sentenced to death. The chance that he or she actually will be executed is even smaller.

Because the death penalty isn’t likely to deter many people unless the probability of its use is high, some people take these figures as justification for sentencing more violent offenders to death. However, one must remember that capital punishment as it is actually practiced is hardly a matter of blind justice. This fact is particularly evident if we consider the racial distribution of people who are sentenced to death and executed. Murdering a white person is much more likely to result in a death sentence than murdering a black person. For example, in Florida in the 1970s, an African American who killed a white person was 40 times more likely to receive the death penalty than an African American who killed another African American. Moreover, a white person who murders a black person very rarely gets sentenced to death, but a black person who murders a white person is one of
high homicide rate because guns are so readily available in this country. Moore finds fault with that argument too. He says that Canadians, for example, have the same rate of firearm ownership as Americans but only one-third the homicide rate. Ultimately, he emphasizes that Americans live in a culture of fear. The problem with his cultural explanation is that he provides no clear explanation of the origins or solution to the culture of fear.

Moore got some of his figures wrong, which is perhaps why he reached a problematic conclusion. The rate of firearm ownership is actually more than twice as high in the United States as in Canada. About 17 percent of Canadian households versus 38 percent of American households have at least one firearm owner (Smith, 1999; Government of Canada, 2002). In general, a strong correlation exists between firearm ownership and homicide, not just crossnationally but within the United States. Jurisdictions that have restricted firearm ownership in the United States have experienced an almost immediate decline in the homicide rate. For example, in 1976 the District of Columbia enacted a new gun control law that gave residents 60 days to register their firearms. Thereafter, newly acquired handguns became illegal if unregistered. Surrounding areas of Maryland and Virginia in the same metropolitan area did not enact the new gun control law. In the District of Columbia, gun-related homicides fell 25 percent between 1976 and 1983. In the surrounding areas of Maryland and Virginia, the number of gun-related homicides did not change significantly (Bogus, 1992). Available data on homicide point unmistakably to a smoking gun—and it is a smoking gun.

The types of people most likely to get the death penalty. Thus, of the 80 white people who murdered African Americans in Florida in the 1970s, not one was charged with a capital crime. In Texas, 1 out of 143 was charged with a capital crime (Tonry, 1995; Black, 1989). Given this patent racial bias, we cannot view the death penalty as a justly administered punishment.

Sometimes people favor capital punishment because they think it saves money. They argue that killing someone outright costs less than keeping the person alive in prison for the rest of his or her life. However, after trials and appeals, a typical execution costs the taxpayer up to six times more than a 40-year stay in a maximum-security prison (Haines, 1996).

Finally, in assessing capital punishment one must remember that mistakes are common. Nearly 40 percent of death sentences since 1977 have been overturned because of new evidence or a mistrial (Haines, 1996).

Critical Thinking

- Some people say that making it harder to buy guns would decrease their personal safety because they would be less able to defend themselves against acts of violence. They also express the fear that gun control would limit the freedom of hunters and gun hobbyists to pursue their legitimate pastimes. Are decreased safety and restrictions on hunters and hobbyists necessary consequences of gun control? Why or why not?
Incarcerating Less Serious Offenders in Violent, “No Frills” Prisons

Most of the increase in the prison population over the past 20 years is because of the conviction of nonviolent criminals. Many of them were involved in drug trafficking, and many of them are first-time offenders. The main rationale for imprisoning such offenders is that incarceration presumably deters them from repeating their offense. Supposedly, it also deters others from engaging in crime. Arguably, the streets become safer by isolating criminals from society.

Unfortunately for the hypothesis that imprisoning more people lowers the crime rate, available data show a weak relationship between the two variables. True, between 1980 and 1986 the number of inmates in U.S. prisons increased 65 percent and the number of victims of violent crime decreased 16 percent, which is what one would expect to find if incarceration deterred crime. However, between 1986 and 1991, the prison population increased 51 percent and the number of victims of violent crime increased 15 percent—just the opposite of what one would expect to find if incarceration deterred crime. The same sort of inconsistency is evident if we examine the relationship between incarceration and crime across states. For example, in 1992 Oklahoma had a high incarceration rate and a low crime rate, whereas Mississippi had a low incarceration rate and a high crime rate. These cases fit the hypothesis that imprisonment lowers the crime rate. However, Louisiana had a high incarceration rate and a high crime rate, whereas North Dakota had a low incarceration rate and a low crime rate, which is the opposite of what one would expect to find if incarceration deterred crime (Mauer, 1994). We can only conclude that, contrary to popular opinion, prison does not consistently deter criminals or lower the crime rate by keeping criminals off the streets.

However, prison does often teach inmates to behave more violently. The case of Robert Scully, who graduated from robbery to killing a police officer following his experiences in the California prison system, is one example. Budgets for general education, job training, physical exercise, psychological counseling, and entertainment have been cut. Brutality in the form of solitary confinement, hard labor, and physical violence is increasing. The result is a prison population that is increasingly enraged, incapacitated, lacking in job skills, and more dangerous upon release than upon entry into the system.

Former Massachusetts governor William F. Weld captured the spirit of the times when he said that prisons ought to be “a tour through the circles of hell,” where inmates should learn only “the joys of busting rocks” (quoted in Abramsky, 1999). However, the new regimen of U.S. prisons may have an effect just the opposite of that intended by Governor Weld. Between 1999 and 2010, an estimated 3.5 million first-time releases are expected from U.S. prisons (Abramsky, 1999). We may therefore be on the verge of a real crime wave, one that will have been created by the very get-tough policies that were intended to deter crime. According to Sgt. John Pasquarello of the Los Angeles Police Department, “Prison is basically a place to learn crime, so when these guys come out, we see many of them getting back into drug operations, and this leads to fights and killings” (quoted in Butterfield, 2001).
Rehabilitation and Reintegration

Is there a reasonable alternative to the kinds of prisons we now have? Although saying so may be unpopular, anecdotal evidence suggests that institutions designed to rehabilitate criminals and reintegrate them into society can work, especially for less serious offenders. They also cost less than the kind of prison system we have created.

Those are the conclusions some people have drawn from experience at McKean, a medium-security correctional facility opened in Bradford, Pennsylvania, in 1989. Dennis Luther, the warden at McKean, is a maverick who has bucked the trend in American corrections. Nearly half the inmates at McKean are enrolled in classes, many of them earning licenses in masonry, carpentry, horticulture, barbering, cooking, and catering that will help them get jobs when they leave. Recreation facilities are abundant, and annual surveys conducted in the prison show that inmates get into less trouble the greater their involvement in athletics. The inmates run self-help groups and teach adult continuing education. Good behavior is rewarded. If a cellblock receives high scores for cleanliness and orderliness during weekly inspection, the inmates in the cellblock get special privileges, such as the use of TV and telephones in the evening. Inmates who consistently behave well are allowed to attend supervised picnics on Family Days, which helps them adjust to life on the outside. Inmates are treated with respect and are expected to take responsibility for their actions. For example, after a few minor incidents in 1992 Luther restricted inmates’ evening activities. The restriction was meant to be permanent, but some inmates asked Luther if he would do away with the restriction provided the prison was incident free for 90 days. Luther agreed, and he has never had to reimpose the restrictions.

The effects of these policies are evident throughout McKean. The facility is clean and orderly. Inmates don’t carry “shanks” (homemade knives). The per-inmate cost to taxpayers is below average for medium-security facilities and 28 percent lower than the average for all state prisons, partly because few guards are needed to maintain order. In McKean’s first 6 years of operation, no escapes, no homicides, no sexual assaults, and no suicides occurred. Inmates and staff members were victims of a few serious assaults, but the annual number of assaults at McKean is equal to the weekly number of assaults at other state prisons of about the same size. Senior staff members and a local parole officer claim that McKean inmates return to prison far less often than inmates of other institutions (Worth, 1995).

Thus, a cost-effective and workable alternative to the current prison regimen may exist, at least for less serious offenders. Furthermore, some aspects of the McKean approach possibly could have beneficial effects in the overcrowded, maximum-security prisons where violent offenders are housed and gangs proliferate. Dennis Luther thinks so, but we don’t really know because it hasn’t been tried. Nor is it likely to be tried anytime soon given the current climate of public opinion.

The Points of the Compass

When Robert Merton was looking for a term to describe deviants and criminals theoretically, he settled on “innovators.” It was a revealing choice. Merton’s theory is based on the idea that deviants and criminals are, to a degree, the architects of their own fate. They innovate when they create alternative and illegitimate means of achieving their society’s goals. Merton recognized that certain social conditions promote innovation, but his choice of terms emphasizes the freedom of choice inherent in every deviant and criminal act. After all, in Merton’s view, innovators could just as well choose to become retreatists, ritualists or rebels.
Other giants in the study of deviance and crime, especially those we have labeled “motivational” theorists, have learned Merton’s lesson well. When they analyze the forces that drive some people to commit deviant and criminal acts, they stress that deviants and criminals do not respond mechanically to the conditions of their existence. Instead, considerable instruction, imagination, and daring are needed to break norms and laws, create deviant and criminal subcultures, and avoid sanctions and stay one step ahead of the law. Motivational theorists know that they wouldn’t be able to sketch an accurate picture of deviance and crime if they ignored the point of the sociological compass marked “freedom.”

Constraint theorists balance our appreciation of the sources of deviance and crime by stressing the opposite point of the sociological compass. They want to know things like why social control mechanisms work under some circumstances (producing conformity) and fail to work under others (producing deviance and crime). They also want to know how the distribution of power in society tends to impose deviant and criminal labels on some categories of the population but not others. By focusing on the operation or non-operation of social constraints, they add much to our understanding of how human freedom is channeled to produce particular patterns of social action, both conformist and nonconformist.

CHAPTER SUMMARY

1. What are deviance and crime? What determines how serious a deviant or criminal act is?

Deviance involves breaking a norm. Crime involves breaking a law. Both crime and deviance evoke societal reactions that help define the seriousness of the rule-breaking incident. The seriousness of deviant and criminal acts depends on the severity of the societal response to them, their perceived harmfulness, and the degree of public agreement about whether they should be considered deviant or criminal. Acts that rank lowest on these three dimensions are called social diversions. Next come social deviations and then conflict crimes. Consensus crimes rank highest.

2. Are definitions of deviance and crime the same everywhere and at all times?

No. Definitions of deviance and crime vary historically and culturally. These definitions are socially defined and constructed. They are not inherent in actions or the characteristics of people.

3. In what sense is power a key element in defining deviance and crime?

Powerful groups are generally able to create norms and laws that suit their interests. Less powerful groups are usually unable to do so. For example, the increasing power of women has led to greater recognition of crimes committed against them. However, no similar increase has occurred in the prosecution of white-collar criminals because the distribution of power between classes has not changed much in recent decades.

4. Where do crime statistics come from?

Crime statistics come from official sources, self-report surveys, and indirect measures. Each source has its strengths and weaknesses.

5. How has the rate of crime changed in the United States over the past four decades?

A crime wave occurred in the 1960s and 1970s. The crime rate began to taper off in the 1980s and decreased substantially in the 1990s because of more policing, a smaller proportion of young men in the population, a booming economy, and perhaps also a decline in the number of unwanted children resulting from the availability of abortion.

6. Why do African Americans experience disproportionately high arrest, conviction, and incarceration rates?

African Americans experience disproportionately high arrest, conviction, and incarceration rates because of bias in the way crime statistics are collected, the low social standing of the African American community, and racial discrimination in the criminal justice system.
7. What are the main types of theories of deviance and crime?

Theories of deviance and crime include motivational theories (i.e., strain theory, subcultural theory, and the theory of differential association) and constraint theories (i.e., labeling theory, control theory, and conflict theory). Motivational theories focus on the forces that drive people to commit deviant and criminal acts. Constraint theories focus on the forces that impose or fail to impose conformity on human behavior. Different theories illuminate different aspects of the process by which people are motivated to break rules and become defined as rule breakers.

8. What is the medicalization of deviance?

The medicalization of deviance refers to the fact that medical definitions of deviant behavior are becoming more prevalent in societies like ours. Deviance formerly defined as voluntary evil is now being defined as involuntary sickness and is coming under the sway of health care professionals.

9. How important is imprisonment as a form of punishment in modern industrial societies? What do prisons accomplish?

The prison is one of the most important forms of punishment in modern industrial societies. Since the 1980s the incarceration rate has increased in the United States. Prisons now focus less on rehabilitation than on isolating and incapacitating inmates.

10. What is a “moral panic”?

A moral panic occurs when many people fervently believe that some form of deviance or crime poses a profound threat to society’s well-being. For example, a moral panic about crime has engulfed the United States, although crime rates have been moderating in recent decades. In all aspects of crime prevention and punishment, most Americans have taken a “get-tough” stance. Some commercial and political groups benefit from the moral panic over crime and therefore encourage it.

11. What are some of the problems with the death penalty as a form of punishment?

Although the death penalty ranks high as a form of revenge, its effectiveness as a deterrent is questionable. Moreover, the death penalty is administered in a racially biased manner, does not save money, and sometimes results in tragic mistakes.

12. Does the rehabilitation of criminals ever work?

Rehabilitative correctional facilities are cost-effective. They do work, especially for less serious offenders. However, they are unlikely to become widespread given the current political climate.

Questions to Consider

1. Has this chapter changed your view of criminals and the criminal justice system? If so, how? If not, why not?
2. Do you think that different theories are useful in explaining different types of deviance and crime? Or do you think that one or two theories explain all types of deviance and crime and that other theories are not very illuminating? Justify your answer using logic and evidence.
3. Do TV crime shows and crime movies give a different picture of crime in the United States than this chapter gives? What are the major differences? Which picture do you think is more accurate? Why?

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