

# 7

## Deviance



- Why does every society have deviance?

- How does *who* and *what* are defined as deviant reflect social inequality?

- What effect has punishment had in reducing crime in the United States?

 **Watch** the Core Concepts in Sociology video "Infidelity" on [mysoclab.com](https://mysoclab.com)



## Chapter Overview

This chapter investigates how society encourages both conformity and deviance, and it also provides an introduction to crime and the criminal justice system.



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

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

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

## What Is Deviance?

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

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

Not all deviance involves action or even choice. The very *existence* of some categories of people can be troublesome to others.

To the young, elderly people may seem hopelessly “out of touch,” and to some whites, the mere presence of people of color may cause discomfort. Able-bodied people often view people with disabilities as an out-group, just as rich people may shun the poor for falling short of their high-class standards.

## Social Control

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

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

## The Biological Context

Chapter 3 (“Socialization: From Infancy to Old Age”) explained that a century ago, most people understood—or more correctly, misunderstood—human behavior to be the result of biological instincts. Early interest in criminality therefore focused on biological

**deviance** the recognized violation of cultural norms

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

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

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

causes. In 1876, Cesare Lombroso (1835–1909), an Italian physician who worked in prisons, theorized that criminals stand out physically, with low foreheads, prominent jaws and cheekbones, protruding ears, hairy bodies, and unusually long arms. All in all, Lombroso claimed that criminals look like our apelike ancestors.

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

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

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

**CRITICAL REVIEW** Biological theories offer a limited explanation of crime. The best guess at present is that biological traits in combination with environmental factors explain some serious crime. Most of the actions we define as deviant are carried out by people who are physically quite normal.

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

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



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

## Personality Factors

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

Classic research by Walter Reckless and Simon Dinitz (1967) illustrates the psychological approach. Reckless and Dinitz began by asking teachers to categorize twelve-year-old male students as either likely or unlikely to get into trouble with the law. They then interviewed both the boys and their mothers to assess each boy’s self-concept and how he related to others. Analyzing their results, the researchers found that the “good boys” displayed a strong conscience (what Freud called *superego*), could handle frustration, and identified

## ● Making the Grade

Deviance, the violation of norms, is a broad concept. Crime, the violation of formally enacted law, is one type of deviance.

## ● Making the Grade

The three arguments below explain why we cannot fully understand deviance only by looking at the deviant person. We need a broader, sociological perspective to examine society.

with cultural norms and values. The “bad boys,” by contrast, had a weaker conscience, displayed little tolerance for frustration, and felt out of step with conventional culture.

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

● **CRITICAL REVIEW** Psychologists have shown that personality patterns have some connection to deviance. Some serious criminals are psychopaths who do not feel guilt or shame, have no fear of punishment, and have little sympathy for the people they harm (Herpertz & Sass, 2000). However, as noted in the case of biological factors, most serious crimes are committed by people whose psychological profiles are normal.

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

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



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

## The Social Foundations of Deviance

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

1. **Deviance varies according to cultural norms.** No thought or action is inherently deviant; it becomes deviant only in relation to particular norms. State law permits prostitution in rural areas of Nevada, although the practice is outlawed in the rest of the United States. Twelve states have gambling casinos, twenty-nine have casinos on Indian reservations, and four other states have casinos at racetracks. In all other states, casino gambling is illegal. Text-messaging while driving is legal in thirty-three states but against the law in seventeen others (six other states forbid the practice for young drivers). Until 2008, when a court struck down the law, only Florida legally banned gay men and lesbians from adopting a child (Ruggieri, 2008; American Gaming Association, 2009; National Conference of State Legislatures, 2010).

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

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

2. **People become deviant as others define them that way.** Everyone violates cultural norms at one time or another. For example, have you ever walked around talking to yourself or “borrowed” a pen from your workplace? Whether such behavior defines us as mentally ill or criminal depends on how others perceive, define, and respond to it.
3. **Both norms and the way people define rule breaking involve social power.** The law, claimed Karl Marx, is

Keeping in mind Durkheim's claim that society creates deviance to mark moral boundaries, can you suggest why we often define people only in terms of their deviance, for example, by calling someone an "addict" or a "thief"?

### Making the Grade

Notice that Durkheim considered deviance to be a natural and necessary part of all social organization.

the means by which powerful people protect their interests. A homeless person who stands on a street corner speaking out against the government risks arrest for disturbing the peace; a mayoral candidate during an election campaign doing exactly the same thing gets police protection. In short, norms and how we apply them reflect social inequality.

## The Functions of Deviance: Structural-Functional Analysis

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

### Durkheim's Basic Insight

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

1. **Deviance affirms cultural values and norms.** As moral creatures, people must prefer some attitudes and behaviors to others. But any definition of virtue rests on an opposing idea of vice: There can be no good without evil and no justice without crime. Deviance is needed to define and support morality.
2. **Responding to deviance clarifies moral boundaries.** By defining some individuals as deviant, people draw a boundary between right and wrong. For example, a college marks the line between academic honesty and deviance by disciplining students who cheat on exams.
3. **Responding to deviance brings people together.** People typically react to serious deviance with shared outrage. In doing so, Durkheim explained, they reaffirm the moral ties that bind them. For example, after the September 11, 2001, terrorist attacks, people across the United States were joined by a common desire to protect the country and bring the perpetrators to justice.
4. **Deviance encourages social change.** Deviant people push a society's moral boundaries, suggesting alternatives to the status quo and encouraging change. Today's deviance, declared Durkheim, can become tomorrow's morality (1964b:71, orig. 1895). For example, rock-and-roll, condemned as immoral in the 1950s, became a mainstream, multibillion-dollar industry just a few years later (see the Thinking About Diversity box on



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

pages 54–55). In recent decades, hip-hop music has followed the same path toward respectability.

### An Illustration: The Puritans of Massachusetts Bay

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

Imagine a society of saints, a perfect cloister of exemplary individuals. Crimes, properly so called, will there be unknown; but faults which appear [insignificant] to the layman will create there the same scandal that the ordinary offense does in ordinary consciousness. . . . For the same reason, the perfect and upright man judges his smallest failings with a severity that the majority reserve for acts more truly in the nature of an offense. (1964b:68–69, orig. 1895)

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

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

## Making the Grade

Merton's strain theory shows how people's opportunities (or lack of opportunities) to achieve cultural goals can encourage both deviance and conformity. In addition, what sociologists call people's "structure of opportunities" helps explain the type of deviance they engage in.

## Making the Grade

Study the definition of labeling theory, which is the key idea of the symbolic-interaction approach. Be sure you understand this statement: Deviance results not so much from what people do as from how others respond to what they do.

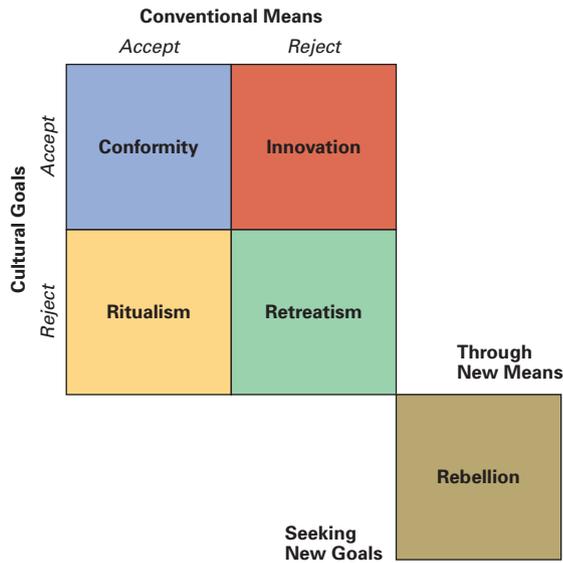


FIGURE 7-1 Merton's Strain Theory of Deviance

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

Source: Merton (1968).

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

## Merton's Strain Theory

Some deviance may be necessary for a society to function, but Robert Merton (1938, 1968) argued that too much deviance results from particular social arrangements. Specifically, the extent and kind of deviance depend on whether a society provides the *means* (such as schooling and job opportunities) to achieve cultural *goals* (such as financial success). Merton's strain theory of deviance is illustrated in Figure 7-1.

Conformity lies in pursuing cultural goals through approved means. Thus the U.S. "success story" is someone who gains wealth and prestige through talent, schooling, and hard work. But not everyone who wants conventional success has the opportunity to attain it. For example, people living in poverty may see little hope of becoming successful if they play by the rules. According to Merton, the

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

The inability to reach a cultural goal may also prompt another type of deviance that Merton calls *ritualism*. For example, people who believe they cannot achieve the cultural goal of becoming rich may stick rigidly to the rules (the conventional means) in order at least to feel respectable.

A third response to the inability to succeed is *retreatism*: rejecting both cultural goals and means so that one in effect "drops out." Some alcoholics, drug addicts, and street people are retreatists. The deviance of retreatists lies in their unconventional lifestyles and, perhaps more seriously, in what seems to be their willingness to live this way.

The fourth response to failure is *rebellion*. Like retreatists, rebels such as radical "survivalists" reject both the cultural definition of success and the conventional means of achieving it but go one step further by forming a counterculture supporting alternatives to the existing social order.

## Deviant Subcultures

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

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

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

Albert Cohen (1971, orig. 1955) suggests that criminality is most common among lower-class youths because they have the least

## Seeing Sociology in Everyday Life

An old saying goes, “Sticks and stones can break my bones, but names can never hurt me.” What might labeling theory have to say about this claim?

**labeling theory** (p. 178) the idea that deviance and conformity result not so much from what people do as from how others respond to those actions

**stigma** (p. 178) a powerfully negative label that greatly changes a person’s self-concept and social identity

**medicalization of deviance** (p. 179) the transformation of moral and legal deviance into a medical condition

opportunity to achieve success by conventional means. Neglected by society, they seek self-respect by creating a deviant subculture that defines as worthy the traits these youths do have. Being feared on the street may win few points with society as a whole, but it may satisfy a youth’s desire to “be somebody” in a local neighborhood.

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

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

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

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

The general argument of Cloward and Ohlin, Cohen, and Miller—that deviance reflects the opportunity structure of society—has been confirmed by later research (Allan & Steffensmeier, 1989; Uggen, 1999). However, these theories fall short by assuming that everyone shares the same cultural standards for judging right and wrong. If we define crime as including not just burglary and auto theft but also fraud and other crimes carried out by corporate executives and Wall Street tycoons, many more high-income people will be counted among criminals. There is evidence that people of all social backgrounds



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

have become more casual about breaking the rules, as the Seeing Sociology in Everyday Life box on page 180 explains.

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

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

Deviant subcultures affect specific segments of the population. At the same time, as the economy rises and falls, the level of criminal activity typically goes up and down. Hard times, in short, tend to encourage widespread anxiety and a belief that we have to look out for ourselves any way we can. Seeing Sociology in the News on pages 178–79 offers a recent chapter in this very old story.

## Labeling Deviance: Symbolic-Interaction Analysis

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

## San Francisco Chronicle

## Ex-Employees Turn to Cyber Crime after Layoffs

BY ALEJANDRO MARTINEZ-CABRERA

April 8, 2010

SAN FRANCISCO—When a slumping economy and historically high unemployment rates dropped the ax on the country's workforce and left the survivors wondering if—or when—they'd be next, law enforcers and security experts braced themselves for what they considered would be an almost inevitable rise in data breaches and high-tech crimes. And they were right.

National unemployment rates peaked in October at 10.1 percent and remained at 9.7 percent during the first two months of the year. Local law enforcers say the inability to find gainful employment has been a recurrent motivation behind new cases of identity theft and software piracy that drop on their desks almost daily.

"We're constantly coming across people who typically we wouldn't see and wouldn't engage in

this criminal behavior if the economy was better. They see it as a way out," said Detective Sgt. Ken Taylor of California's Silicon Valley high-tech crimes task force Rapid Enforcement Allied Computer Team.

In one recent case under investigation, Taylor said, an unemployed San Mateo, California, woman in her twenties was detained with a large number of re-encoded credit cards in her possession. She said she was using them to buy food.

And a Fremont, California, man who had been recently laid off was arrested in February for selling pirated copies of a \$2,500 Adobe design program for \$150 on Craigslist. Task force members could look at cases of workers-turned-software-pirates all day every day, Taylor said.

According to cyber-security researchers, corporations across all industries have been dealing with a steadily growing number of internal data breaches since the financial meltdown.

A Verizon data-loss report noted that individuals with insider knowledge of organizations accounted for 20 percent of all breaches last year, and that number has been increasing as economic malaises drag on, said Chris Novak, managing principal of Verizon Business's Global Investigative Response Team.

Even though external attacks made up the bulk of the breaches, the report found that each internal incident compromised on average 100,000 individual pieces of sensitive information—at least 60,000 pieces more than external hacks.

Researchers say that anyone from top-level executives and IT personnel to low-level support employees can have access to data that can be sold illegally. A 2009 survey of almost 1,000 laid-off individuals found that 59 percent admitted keeping company data after leaving the business, according to the Ponemon Institute, a privacy research center in Traverse City, Michigan.

## Labeling Theory

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

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

### Primary and Secondary Deviance

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

But what happens if people take notice of someone's deviance and really make something of it? After an audience has defined some action as primary deviance, the individual may begin to change, taking on a deviant identity by talking, acting, or dressing in a different

way, rejecting the people who are critical, and repeatedly breaking the rules. Lemert (1951:77) calls this change of self-concept *secondary deviance*. He explains that "when a person begins to employ . . . deviant behavior as a means of defense, attack, or adjustment to the . . . problems created by societal reaction . . . , deviance [becomes] secondary." For example, say that people have begun describing a young man as an "alcohol abuser," which establishes primary deviance. These people may then exclude him from their friendship network. His response may be to become bitter toward them, start drinking even more, and seek the company of others who approve of his drinking. These actions mark the beginning of secondary deviance, a deeper deviant identity.

### Stigma

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

A stigma operates as a master status (see Chapter 4, "Social Interaction in Everyday Life"), overpowering other dimensions of identity so that a person is discredited in the minds of others and consequently becomes socially isolated. Often a person gains a stigma informally as others begin to see the individual in deviant terms. Sometimes, however, an entire community stigmatizes a person in a public way through what Harold Garfinkel (1956) calls a *degradation ceremony*. A criminal prosecution is one example, operating much like a high school graduation ceremony in reverse: A person stands before the community to be labeled in negative rather than positive terms.

In fact, data breach originators are “moving from being just the administrators and super-type users to your everyday users,” Novak said.

“When data breaches are caused by administrators or super users, it’s a big deal and the organization loses a great deal of information,” he said. “When they come from average users, they’re smaller pinpricks but can drag on longer and cost the company more in the long run.”

Stolen data can range from employees’ health care records or clients’ credit card numbers to merger and acquisition plans, confidential agreements or valuable source code, said Rick Kam, president and co-founder of data breach prevention firm ID Experts.

Thieves can easily sell the information to cyber-criminal rings or use it as a bargaining chip to get a job with their former employer’s competitors. According to the Ponemon Institute study, 67 percent of respondents said they would use “their former company’s confidential,

sensitive or proprietary information to leverage a new job.”

“The issue of identity theft is all about opportunity,” Kam said. “And our first instinct is to protect ourselves.”

In one case handled by Kam’s company six months ago, a disgruntled man went as far as trying to extort his former employer, a large health care provider, by threatening to release thousands of sensitive patient records that would have triggered an avalanche of lawsuits.

Those who remain employed but fear being the next to go can also grow alienated or resentful toward their companies and may be tempted to steal corporate data, said Kevin Rowney, director of breach response at Symantec.

“It’s a common trend in economic history. Rising stress creates the circumstances that motivate people to go into financial fraud,” Rowney said. “Employees in this economy feel it’s every man for himself.”

#### WHAT DO YOU THINK?

1. In what way does this article show that crime is not just a personal behavior but also a societal issue?
2. If anxiety and a sense that “it’s every man for himself” breed crime, can you think of ways in which we can generate a stronger sense of community and collective responsibility? What would you suggest?
3. If you were a courtroom judge, would you be inclined to show leniency toward someone who engaged in cyber crime because the person was facing economic challenges? Why or why not?

---

“Ex-Employees Turn to Cyber Crime after Layoffs” by Alejandro Martinez-Cabrera, April 8, 2010, *San Francisco Chronicle*, is reprinted by permission of the publisher.

### Retrospective and Projective Labeling

Once people stigmatize a person as deviant, they may engage in *retrospective labeling*, a reinterpretation of the person’s past in light of some present deviance (Scheff, 1984). For example, after discovering that a priest has sexually molested a child, others rethink his past, perhaps offering comments such as “He always did want to be around young children.” Retrospective labeling, which distorts a person’s biography by being highly selective, typically deepens a deviant identity.

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

### Labeling Difference as Deviance

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

The psychiatrist Thomas Szasz (1961, 1970, 2003, 2004) claims that people are too quick to apply the label of mental illness to conditions that simply amount to differences we don’t like. The only way to avoid this troubling practice, Szasz concludes, is to stop using the idea of mental illness entirely. The world is full of people whose

differences in thought or action may irritate us, but such differences are not grounds for defining someone as mentally ill. Such labeling, Szasz says, simply enforces conformity to the standards of people powerful enough to impose their will on others.

Most mental health professionals reject the idea that mental illness does not exist. But they agree that it is important to think carefully about how we define “difference.” First, people who are mentally ill are no more to blame for their condition than people who suffer from cancer or some other physical problem. Therefore, having a mental or physical illness is no grounds for a person being labeled “deviant.” Second, people (especially those without the medical knowledge to diagnose mental illness) should avoid applying such labels just to make others conform to their own standards of behavior.

### The Medicalization of Deviance

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

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

## Making the Grade

The development of secondary deviance is one application of the Thomas theorem (see Chapter 6, “Social Interaction in Everyday Life”), which states that situations people define as real become real in their consequences.

## Seeing Sociology in Everyday Life

Explain in your own words sociologist Howard Becker’s (1966) statement that deviance is nothing more than behavior that people define as deviant.

### SEEING SOCIOLOGY IN EVERYDAY LIFE



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

**ASTRID:** Simon! You’re downloading that music illegally. You’ll get us both into trouble!

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

**ASTRID:** So it’s OK to steal? Is that what you really believe?

**SIMON:** I’m not saying it’s OK. I’m just saying everyone does it. . . .

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

There have been plenty of theories offered about what is causing this widespread wrongdoing. Some suggest that the pressure to win—by whatever means necessary—in the highly competitive world of business and politics can be overwhelming. As one analyst put it, “You can get away with your embezzlements and your lies, but you can never get away with *failing*.”

Such thinking helps explain the wrongdoing among many CEOs in the corporate world and the conviction of several members of Congress for ethics violations, but it offers little insight into the problem of abusive priests. In some ways at least, wrongdoing seems to have

become a way of life for just about everybody. For example, the Internal Revenue Service reports that Simon is right—millions of U.S. taxpayers cheat on their taxes, failing to pay an estimated \$345 billion each year. The music industry claims that it has lost billions of dollars to illegal piracy of recordings, a practice especially common among young people. Perhaps most disturbing of all, surveys of students in high school, college, and also graduate school show that about half say that they cheated on a test at least once during the past year (Gallup, 2004; Morin, 2006).

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



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

#### WHAT DO YOU THINK?

1. In your opinion, how widespread is wrongdoing in U.S. society today?
2. Do you think the people who break the rules usually think that their actions are wrong? Why or why not?
3. What do you think are the reasons for the apparent increase in dishonesty?

Sources: Based on “Our Cheating Hearts” (2002) and Bono (2006).

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

### The Difference Labels Make

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

A second issue is *how people respond* to deviance. A moral approach defines deviants as offenders subject to punishment. Medically, however,

### Making the Grade

Deviance can be defined as either a moral or a medical issue. Be sure you understand the three key differences between defining deviance one way or the other.

Context guides how we define someone's action. For example, Amy Bishop shot and killed her brother in 1986; back then, her action was ruled accidental. In light of this recent shooting, authorities reopened the earlier case and indicted Bishop.

they are patients who need treatment. Punishment is designed to fit the crime, but treatment programs are tailored to the patient and may involve any therapy that a specialist thinks might prevent future illness.

Third, and most important, the two labels differ on the issue of *the competence of the deviant person*. From a moral standpoint, whether we are right or wrong, at least we are responsible for our own behavior. Once we are defined as sick, however, we are seen as unable to control (or if “mentally ill,” even to understand) our actions. People who are labeled incompetent are subject to treatment, often against their will. For this reason alone, defining deviance in medical terms should be done with extreme caution.

### Sutherland's Differential Association Theory

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

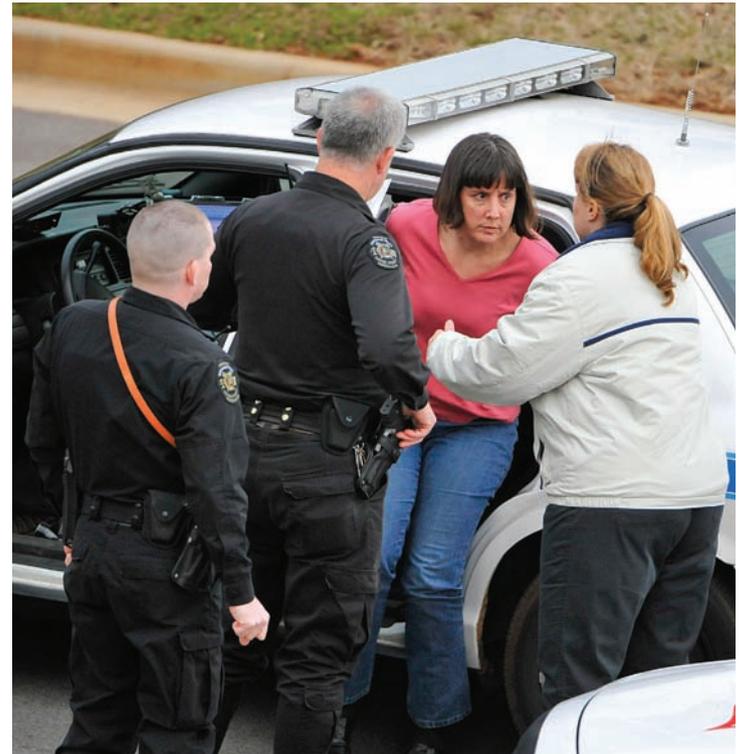
A number of studies confirm the idea that young people are more likely to engage in delinquent behavior if they believe that members of their peer group encourage such activity (Akers et al., 1979; Miller & Matthews, 2001). One recent investigation focused on sexual activity among eighth-grade students. Two strong predictors of such behavior in young girls were having a boyfriend who encouraged sexual relations and having girlfriends they believed would approve of such activity. Similarly, boys were encouraged to become sexually active by friends who rewarded them with high status in the peer group (Little & Rankin, 2001).

### Hirschi's Control Theory

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

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

1. **Attachment.** Strong social attachments encourage conformity. Weak family, peer, and school relationships leave people freer to engage in deviance.
2. **Opportunity.** The greater a person's access to legitimate opportunity, the greater the advantages of conformity. By contrast,



In 2010, Amy Bishop, a biology professor with a Harvard Ph.D., was denied tenure by her colleagues at the University of Alabama Huntsville. Soon after that, she took a gun to a campus faculty meeting and killed three colleagues, wounding three others. What effect does the social standing of the offender have in our assessment of her as “crazy” or “sick” as opposed to simply “evil”?

someone with little confidence in future success is more likely to drift toward deviance.

3. **Involvement.** Extensive involvement in legitimate activities—such as holding a job, going to school, or playing sports—inhibits deviance (Langbein & Bess, 2002). By contrast, people who simply “hang out” waiting for something to happen have the time and energy to engage in deviant activity.
4. **Belief.** Strong beliefs in conventional morality and respect for authority figures restrain tendencies toward deviance. By contrast, people with a weak conscience (and who are left unsupervised) are more open to temptation (Stack, Wasserman, & Kern, 2004).

Hirschi's analysis calls to mind our earlier discussions of the causes of deviant behavior. Here again, a person's relative social privilege and family and community environment affect the risk of deviant behavior (Hope, Grasmick, & Pointon, 2003).

## ● Seeing Sociology in Everyday Life

Why do you think that politicians and other well-known people who get into trouble with the law often claim they have a problem with alcohol or other drugs and check into “rehab”?



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

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

Yet labeling theory has several limitations. First, because it takes a highly relative view of deviance, labeling theory ignores the fact that some kinds of behavior—such as murder—are condemned just about everywhere. Therefore, labeling theory is most usefully applied to less serious issues, such as sexual promiscuity or mental illness. Second, research on the consequences of deviant labeling does not clearly show whether deviant labeling produces further deviance or discourages it (Smith & Gartin,

## ● Making the Grade

Students often have difficulty clearly defining secondary deviance and distinguishing it from primary deviance. Carefully review these concepts.

1989; Sherman & Smith, 1992). Third, not everyone resists being labeled as deviant; some people actively seek it (Vold & Bernard, 1986). For example, people engage in civil disobedience and willingly subject themselves to arrest in order to call attention to social injustice.

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

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

## Deviance and Inequality: Social-Conflict Analysis

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

### Deviance and Power

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

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

Second, even if their behavior is called into question, the powerful have the resources to resist deviant labels. The majority of the corporate executives who were involved in the corporate scandals of recent years were not arrested, and only a small number ever went to jail.

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

## Seeing Sociology in Everyday Life

How would a Marxist analysis explain the fact that hundreds of miners have died in coal mines in West Virginia and other states in recent decades without anyone being charged with any crime?

**white-collar crime** crime committed by people of high social position in the course of their occupations

**corporate crime** (p. 184) the illegal actions of a corporation or people acting on its behalf

**organized crime** (p. 184) a business supplying illegal goods or services

### Deviance and Capitalism

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

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

Third, because the operation of the capitalist system depends on respect for authority figures, people who resist authority are likely to be labeled deviant. Examples are children who skip school or talk back to parents or teachers and adults who do not cooperate with employers or police.

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

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

The capitalist system also tries to control people who don't fit into the system. The elderly, people with mental or physical disabilities, and Robert Merton's “retreatists” (people addicted to alcohol or other drugs) represent a “costly yet relatively harmless burden” to society. Such people, claims Spitzer, are subject to control by social welfare agencies. But people who openly challenge the capitalist system, including the inner-city “underclass” and revolutionaries—Merton's “innovators” and “rebels”—are controlled by the criminal justice system and, if necessary, military forces such as police SWAT teams and the National Guard.

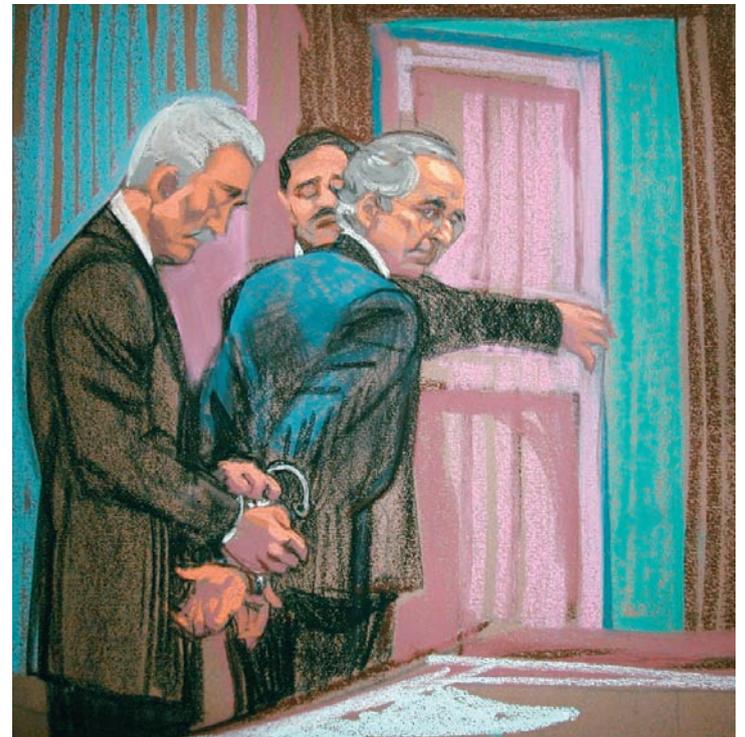
Note that both the social welfare and criminal justice systems blame individuals, not the system, for social problems. Welfare recipients are considered unworthy freeloaders, poor people who rage at their plight are labeled rioters, anyone who actively challenges the government is branded a radical or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

### White-Collar Crime

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

Milken engaged in **white-collar crime**, defined by Edwin Sutherland in 1940 as *crime committed by people of high social position in the course of their occupations*. White-collar crime does not involve violence and rarely brings police with guns drawn to the scene. Rather, white-collar criminals use their powerful offices illegally to enrich themselves or others, often causing significant public harm in the process. For this reason, sociologists sometimes call white-collar offenses “crime in the suites” as opposed to “crime in the streets.”

The most common white-collar crimes are bank embezzlement, business fraud, bribery, and violating antitrust laws that



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

## Seeing Sociology in Everyday Life

Imagine police holding a street gang, but not its individual members, responsible for an outbreak of violence. This is what happens in the case of corporate crime. What does this fact suggest about the link between crime and power?

## Making the Grade

White-collar crime and corporate crime are similar concepts, and there is not always a clear line separating the two. White-collar criminals are *individuals* of high social position who commit crimes while doing their jobs. Corporate crime occurs when a *company* acts in violation of the law.

require businesses to be competitive. Sutherland (1940) explains that such white-collar offenses typically end up in a civil hearing rather than a criminal courtroom. *Civil law* regulates business dealings between private parties; *criminal law* defines a person's moral responsibilities to society. In practice, someone who loses a civil case pays for damage or injury but is not labeled a criminal. Furthermore, corporate officials are protected by the fact that most charges of white-collar crime target the organization rather than individuals.

In the rare cases that white-collar criminals are charged and convicted, they usually escape punishment. A government study found that those convicted of fraud and punished with a fine ended up paying less than 10 percent of what they owed; most managed to hide or transfer their assets to avoid paying up. Among white-collar criminals convicted of embezzlement, only about half ever served a day in jail. One accounting found that just 57 percent of the embezzlers convicted in the U.S. federal courts served prison sentences; the rest were put on probation or issued a fine (U.S. Bureau of Justice Statistics, 2010). As some analysts see it, until courts impose more prison terms, we should expect white-collar crime to remain widespread (Shover & Hochstetler, 2006).

### Corporate Crime

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

Corporate crime ranges from knowingly selling faulty or dangerous products to deliberately polluting the environment (Derber, 2004). The collapse of a number of corporations in recent years, linked to criminal conduct on the part of company officials, has cost tens of thousands of people their jobs and their pensions.

In addition, companies often violate safety regulations, resulting in injury or death. Between 2006 and 2010, more than 125 people died in underground coal mines in the United States, in many cases amid allegations of safety violations. We might also wonder whether any "safe" mines really exist in light of the fact that hundreds more people died from "black lung" disease resulting from years of inhaling coal dust. The death toll for all job-related hazards in the United States runs into the thousands, and more than 1 million people are injured on the job seriously enough to require time away from work (Jafari, 2008; U.S. Census Bureau, 2009; Mine Safety and Health Administration, 2009).

### Organized Crime

**Organized crime** is *a business supplying illegal goods or services*. Sometimes crime organizations force people to do business with them, as when a gang extorts money from shopkeepers for "protection."

In most cases, however, organized crime involves selling illegal goods and services—often sex, drugs, or gambling—to willing buyers.

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

The Italian Mafia is a well-known example of organized crime. But other criminal organizations involve African Americans, Chinese, Colombians, Cubans, Haitians, Nigerians, and Russians, as well as others of almost every racial and ethnic category. Organized crime today involves a wide range of activities, from selling illegal drugs to prostitution to credit card fraud and selling false identification papers to illegal immigrants (Valdez, 1997; Federal Bureau of Investigation, 2008).

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

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

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

The various sociological explanations for crime and other types of deviance are summarized in the Applying Theory table.

**CHECK YOUR LEARNING** Define white-collar crime, corporate crime, and organized crime.

## Deviance, Race, and Gender

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

**hate crime** a criminal act against a person or a person's property by an offender motivated by racial or other bias

## Making the Grade

The section "Deviance, Race, and Gender" is an extension of the social-conflict approach, which shows how inequality based on race and gender can affect the way we understand deviance.

### APPLYING THEORY

#### Deviance

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

## Hate Crimes

A **hate crime** is a criminal act against a person or a person's property by an offender motivated by racial or other bias. A hate crime may express hostility toward someone based on race, religion, ancestry, sexual orientation, or physical disability. The federal government recorded 7,783 hate crimes in 2008 (U.S. Department of Justice, 2009).

In 1998, people across the country were stunned by the brutal killing of Matthew Shepard, a gay student at the University of Wyoming, by two men filled with hatred toward homosexuals. But such crimes are far from isolated cases. The National Coalition of Anti-Violence Programs reports that 40 percent of lesbians and gay men in the United States say that they have been the victims of hate violence in their adult lifetimes, and about 90 percent of such people report experiencing verbal abuse. People who contend with multiple stigmas, such as gay men of color, are especially likely to be victimized (Dang & Vianney, 2007; National Coalition of Anti-Violence Programs, 2010). Yet hate crimes can happen to anyone: In 2008, more than one of every six hate crimes based on race targeted white people (Federal Bureau of Investigation, 2009).

By 2009, forty-five states and the federal government had enacted legislation that raises penalties for crimes motivated by hatred. Supporters are gratified, but opponents charge that such laws, which increase the penalty for a crime based on the attitudes of the offender, amount to punishing "politically incorrect" thoughts. The Thinking About Diversity box on page 186 takes a closer look at the issue of hate crime laws.

## The Feminist Perspective: Deviance and Gender

Virtually every society in the world tries to control the behavior of women more than men. Historically, our own society has centered women's lives around the home. In the United States even today, women's opportunities in the workplace, in politics, in athletics, and in the military are more limited than men's. In some other parts of the world, the constraints on women are greater still. In Saudi Arabia, women cannot vote or legally operate motor vehicles; in Iran, women who expose their hair or wear makeup in public can be whipped; and not long ago, a Nigerian court convicted a divorced woman of bearing a child out of wedlock and sentenced her to death by stoning; her life was later spared out of concern for her child (Eboh, 2002).

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

According to labeling theory, gender influences how we define deviance because people commonly use different standards to judge the behavior of females and males. Further, because society puts men

## Seeing Sociology in Everyday Life

Why do you think that women are much less likely than men to be arrested for a serious crime?

**crimes against the person** (violent crimes) crimes that direct violence or the threat of violence against others

**crimes against property** (property crimes) crimes that involve theft of money or property belonging to others

**victimless crimes** violations of law in which there are no obvious victims

### THINKING ABOUT DIVERSITY: RACE, CLASS, & GENDER



## Hate Crime Laws: Do They Punish Actions or Attitudes?

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

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

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

As this case illustrates, hate crime laws punish a crime more severely if the offender is motivated by bias against some category of people. Supporters make three arguments in favor of hate crime legislation. First, the offender’s intentions are always important in weighing criminal responsibility, so considering hatred as an intention is nothing new. Second, victims of hate crimes typically suffer more serious injuries than victims of crimes with other motives. Third, a crime moti-

vated by racial or other bias is more harmful because it can inflame an entire community more than a crime carried out, say, for money.

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



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

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

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

#### WHAT DO YOU THINK?

1. Do you think crimes motivated by hate are more harmful than those motivated by, say, greed? Why or why not?
2. Do you think minorities such as African Americans should be subject to the same hate crime laws as white people? Why or why not?
3. On balance, do you favor or oppose hate crime laws? Why?

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

in positions of power over women, men often escape direct responsibility for actions that victimize women. In the past, at least, men who sexually harassed or assaulted women were labeled only mildly deviant and sometimes escaped punishment entirely.

By contrast, women who are victimized may have to convince others—even members of a jury—that they are not to blame for their own sexual harassment or assault. Research confirms an important truth: Whether people define a situation as deviant—and, if they do, who in the situation is defined as deviant—depends on the sex of both the audience and the actors (King & Clayson, 1988).

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

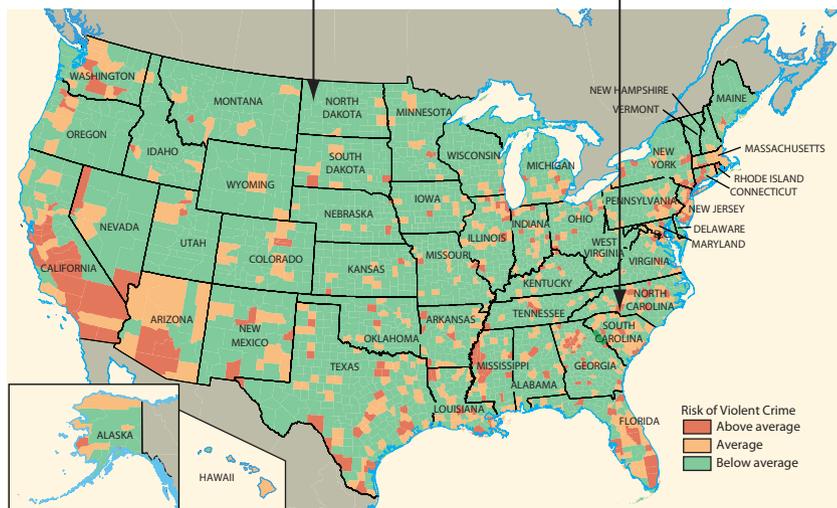
## Crime

Crime is the violation of criminal laws enacted by a locality, a state, or the federal government. All crimes are composed of two distinct

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

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

 **Explore** the share of the population in prison in your local community and in counties across the United States on [mysoclab.com](https://mysoclab.com)



## Seeing Ourselves

### NATIONAL MAP 7-1

#### The Risk of Violent Crime across the United States

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

 **Explore** on [mysoclab.com](https://mysoclab.com)

Source: CAP Index (2009).

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

## Types of Crime

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

**Crimes against the person**, also referred to as *violent crimes*, are *crimes that direct violence or the threat of violence against others*. Violent crimes include murder and manslaughter (legally defined as “the willful killing of one human being by another”), aggravated assault (“an unlawful attack by one person on another for the purpose of inflicting severe or aggravated bodily injury”), forcible rape (“the carnal knowledge of a female forcibly and against her will”), and robbery (“taking or attempting to take anything of value from the care, custody, or control of a person or persons, by force or threat of force or violence and/or putting the victim in fear”). National Map 7-1 shows the risk of violent crime for all the counties in the United States.

**Crimes against property**, also referred to as *property crimes*, are *crimes that involve theft of money or property belonging to others*. Property crimes include burglary (“the unlawful entry of a structure to commit a [serious crime] or a theft”), larceny-theft (“the unlawful

taking, carrying, leading, or riding away of property from the possession of another”), motor vehicle theft (“the theft or attempted theft of a motor vehicle”), and arson (“any willful or malicious burning or attempt to burn the personal property of another”).

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

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

## Criminal Statistics

Statistics gathered by the FBI show crime rates rising from 1960 to 1990 and then declining after that. Even so, police count more than 11 million serious crimes each year. Figure 7-2 on page 188 shows the trends for various serious crimes over the past four decades.

Always read crime statistics with caution, however, because they include only crimes known to the police. Almost all murders are reported, but other assaults—especially between people who know one another—often are not. Police records include an even smaller proportion of property crimes, especially when the losses are small.

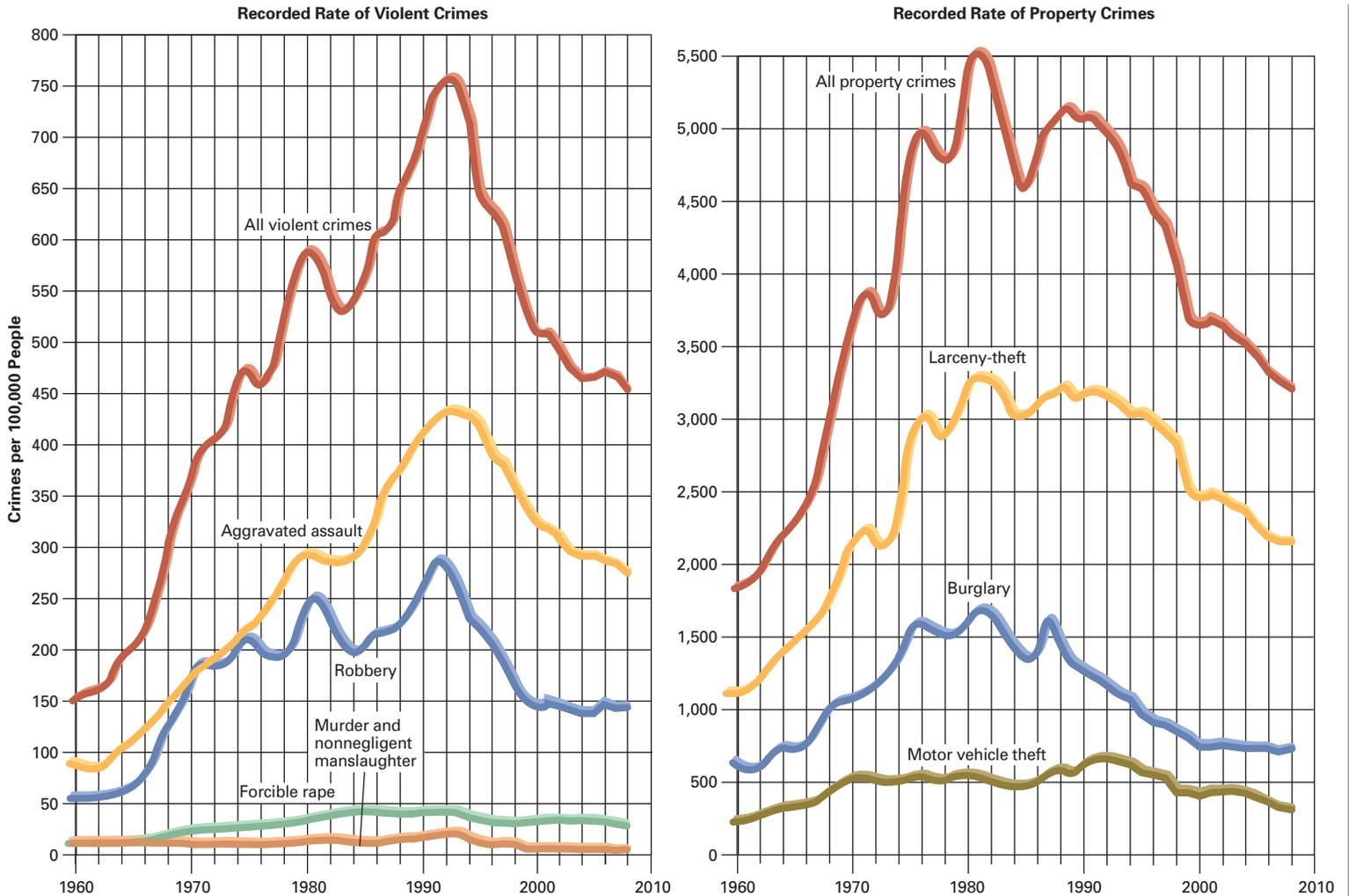
Researchers check official crime statistics by conducting *victimization surveys*, in which they ask a representative sample of

## Seeing Sociology in Everyday Life

Do you think a student who downloads music in violation of the law is guilty of theft? Why or why not?

## Making the Grade

The profile of the street criminal is based on arrest data and not on convictions in a court of law. This is because the data made available by the FBI are based on arrests.



**FIGURE 7-2 Crime Rates in the United States, 1960–2008**

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

Source: Federal Bureau of Investigation (2009).

people about their experiences with crime. Victimization surveys carried out in 2008 showed that the actual number of serious crimes was more than twice as high as police reports indicate (Rand, 2009).

### The Street Criminal: A Profile

Using various government crime reports, we can draw a general description of the categories of people most likely to be arrested for crimes.

### Gender

Although each sex makes up roughly half the population, police col- lared males in 65.2 percent of all property crime arrests in 2008; the other 34.8 percent of arrests involved women. In other words, men are arrested almost twice as often as women for property crimes. In the case of violent crimes, the difference is even greater, with 81.7 percent of arrests involving males and just 18.3 percent females (more than a four-to-one ratio).

Go to the Multimedia Library at [mysoclab.com](https://mysoclab.com) to watch the ABC 20/20 video “Justice and Privilege”

 **Read** “Race and Class in the Criminal Justice System” by David Cole on [mysoclab.com](https://mysoclab.com)

It may be that law enforcement officials are reluctant to define women as criminals. In global perspective, the greatest gender difference in crime rates occurs in societies that most severely limit the opportunities of women. In the United States, the difference in arrest rates for women and men has been narrowing, which probably indicates increasing gender equality in our society. Between 1999 and 2008, there was a 11.6 percent *increase* in arrests of women and a 3.1 percent *drop* in arrests of men (Federal Bureau of Investigation, 2009).

### Age

Official crime rates rise sharply during adolescence, peak in the late teens, and fall as people get older. People between the ages of fifteen and twenty-four represent just 14 percent of the U.S. population, but in 2008, they accounted for 41.5 percent of all arrests for violent crimes and 48.3 percent of arrests for property crimes.

### Social Class

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

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

The connection between social standing and criminality also depends on the type of crime. If we expand our definition of crime beyond street offenses to include white-collar crime, the “common criminal” suddenly looks much more affluent and may live in a \$100 million home.  [Go to mysoclab.com](https://mysoclab.com)

### Race and Ethnicity

Both race and ethnicity are strongly linked to crime rates, although the reasons are many and complex. Official statistics indicate that 69.2 percent of arrests for index crimes in 2008 involved white people. However, arrests of African Americans are higher in proportion to their share of the general population. African Americans make up 12.8 percent of the population of the United States but account for 30.1 percent of the arrests for property crimes (versus 67.4 percent for whites) and 39.4 percent of arrests for violent crimes (versus 58.3 percent for whites) (Federal Bureau of Investigation, 2009).



“You look like this sketch of someone who’s thinking about committing a crime.”  
© The New Yorker Collection 2000, David Sipress from cartoonbank.com. All rights reserved.

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

Second, black and white family patterns differ: Seventy-two percent of non-Hispanic black children (compared with 28 percent of non-Hispanic white children) are born to single mothers. There are two risks associated with single parenting: Children get less supervision, and they are at greater risk of living in poverty. With more than one-third of African American children growing up in poor families (compared with one in nine white children), no one should be surprised at proportionately higher crime rates for African Americans (Courtwright, 1996; Jacobs & Helms, 1996; Hamilton, Martin, and Ventura, 2009; U.S. Census Bureau, 2009).

Third, prejudice prompts white police to arrest black people more readily and leads citizens to report African Americans more willingly, so people of color are overly criminalized (Chiricos, McEntire, & Gertz, 2001; Quillian & Pager, 2001; Demuth & Steffensmeier, 2004).  **Read** on [mysoclab.com](https://mysoclab.com)

Fourth, remember that the official crime index does not include arrests for offenses ranging from drunk driving to white-collar violations. This omission contributes to the view of the typical criminal

## Making the Grade

Remember that the profile of a criminal depends on the type of crime. Street crime involves a larger share of lower-income people; corporate crime involves mostly high-income people. With regard to race, most street crime is committed by whites.

## Seeing Sociology in Everyday Life

Do you think stricter gun control laws would lower the level of deadly violence in the United States? Why or why not?

as a person of color. If we broaden our definition of crime to include drunk driving, business fraud, embezzlement, stock swindles, and cheating on income tax returns, the proportion of white criminals rises dramatically.

Keep in mind, too, that categories of people with high arrest rates are also at higher risk of being victims of crime. In the United States, for example, African Americans are six times as likely to die as a result of homicide as white people (Rogers et al., 2001; Heron et al., 2009).

Finally, some categories of the population have unusually low rates of arrest. People of Asian descent, who account for 4.5 percent of the population, figure in only 1.1 percent of all arrests. As Chapter 11 (“Race and Ethnicity”) explains, Asian Americans enjoy higher than average educational achievement and income. Also, Asian American culture emphasizes family solidarity and discipline, both of which keep criminality down.

## Crime in Global Perspective

By world standards, the U.S. crime rate is high. Although recent crime trends are downward, there were 16,272 murders in this country in 2008, which amounts to one every half hour around the clock. In large cities such as New York, never does a week go by without someone being killed.

The rate of violent crime (but not property crime) in the United States is several times higher than in Europe. The contrast is even greater between our country and the nations of Asia, including India and Japan, where violent and property crime rates are among the lowest in the world.

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

Another factor contributing to violence in the United States is extensive private ownership of guns. About two-thirds of murder victims in the United States die from shootings. The U.S. rate of handgun homicides is about five times higher than in Canada, a country that strictly limits handgun ownership (Federal Bureau of Investigation, 2009; Statistics Canada, 2009).

Surveys show that about one-third of U.S. households have at least one gun. In fact, there are more guns (about 283 million) than adults in this country, and 40 percent of these weapons are handguns, which are commonly used in violent crimes. In large part, gun ownership reflects people’s fear of crime, yet easy availability of guns in this country makes crime more deadly (Brady Campaign, 2008; NORC, 2009).

Supporters of gun control claim that restricting gun ownership would reduce the number of murders in the United States. For example, the number of murders each year in Canada, where the law prevents most people from owning guns, is about the same as the number of murders in just the cities of New York and Newark in this country. But as critics of gun control point out, laws regulating gun ownership do not keep guns out of the hands of criminals, who almost always obtain guns illegally. They also claim that gun control is no magic bullet in the war on crime: The number of people in the United States killed each year by knives alone is three times the number of Canadians killed by weapons of all kinds (J. D. Wright, 1995; Munroe, 2007; Federal Bureau of Investigation, 2009; Statistics Canada, 2009).

By the end of 2008, gun sales to private citizens were up sharply, reflecting the fears on the part of many gun owners that the Obama administration would act to curtail gun ownership. Changes in the law may or may not occur in the next few years, but debate over the consequences of widespread gun ownership will continue (Potter, 2008).



**December 24–25, traveling through Peru.** In Lima, Peru’s capital city, the concern with crime is obvious. Almost every house is fortified with gates, barbed wire, or broken glass embedded in cement at the top of a wall. Private security forces are everywhere in the rich areas along the coast, where we find the embassies, expensive hotels, and the international airport.

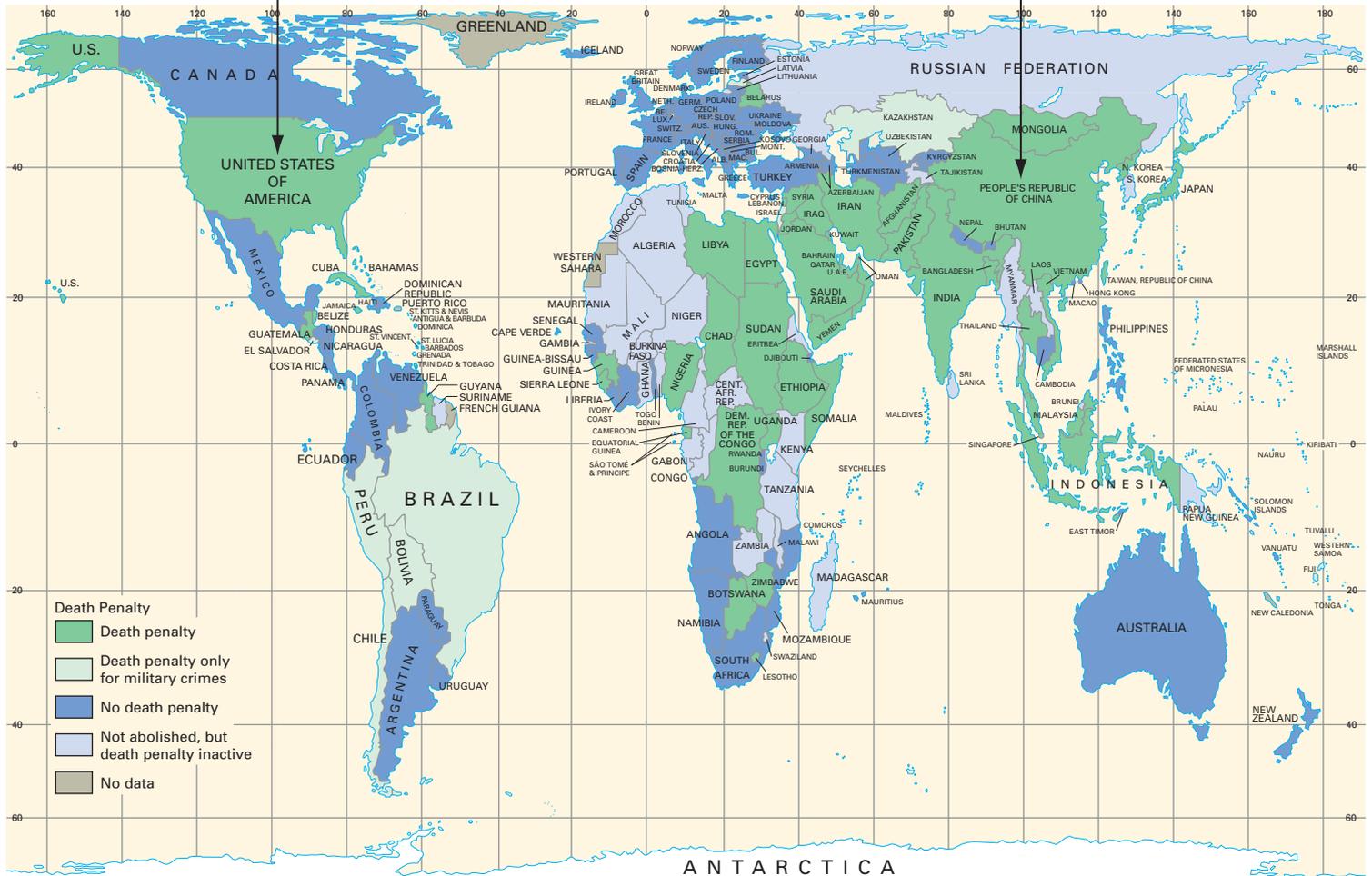
The picture is very different as we pass through small villages high in the Andes to the east. The same families have lived in these communities for generations, and people know one another. No gates or fences here. And we’ve seen only one police car all afternoon.

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

Some types of crime have always been multinational, such as terrorism, espionage, and arms dealing. But today, the globalization we are experiencing on many fronts also extends to crime. A case in point is the illegal drug trade. In part, the problem of illegal drugs in the United States is a *demand* issue. That is, the demand for cocaine and other drugs in this country is high, with high rates of addiction and many young people who are willing to risk arrest or even violent death for a chance to get rich in the drug trade. But the *supply* side of the issue is just as important. In the South American nation of Colombia, at least 20 percent of the people depend on cocaine production

Although the United States remains one of the few high-income nations to carry out executions, only 52 people were put to death in 2009.

China executes thousands of people annually, with about 2½ times the number of executions as the entire rest of the world combined.



## Window on the World

### GLOBAL MAP 7-1 Capital Punishment in Global Perspective

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

Source: Amnesty International (2010a).

for their livelihood. Not only is cocaine Colombia's most profitable export, but it outsells all other exports combined, including coffee. Clearly, then, drug dealing and many other crimes are closely related to social conditions both in this country and elsewhere.

Different countries have different strategies for dealing with crime. The use of capital punishment (the death penalty) is one

example. According to Amnesty International (2010b), five nations account for 93 percent of the world's executions carried out by governments. Global Map 7-1 shows which countries currently use capital punishment. The global trend is toward abolishing the death penalty: Amnesty International (2010a) reports that since 1985, more than sixty nations have ended this practice.

## Making the Grade

Due process—the idea that the criminal justice system should operate under the rule of law—guides the actions of police, court officials, and corrections officers.

**plea bargaining** a legal negotiation in which a prosecutor reduces a charge in exchange for a defendant's guilty plea



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

## The U.S. Criminal Justice System

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

### Due Process

*Due process* is a simple but very important idea: The criminal justice system must operate according to law. Criminal law is grounded in the

first ten amendments to the U.S. Constitution—known as the Bill of Rights—adopted by Congress in 1791. The Constitution offers various protections to any person charged with a crime. Among these are the right to counsel, the right to refuse to testify against oneself, and the right to confront all accusers, as well as freedom from being tried twice for the same crime and freedom from being “deprived of life, liberty, or property without due process of law.” Furthermore, the Constitution gives all people the right to a speedy and public trial by jury and freedom from excessive bail and from “cruel and unusual” punishment.

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

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

### Police

The police generally serve as the point of contact between a population and the criminal justice system. In principle, the police maintain public order by enforcing the law. Of course, there is only so much that 708,569 full-time police officers across the United States can do to monitor the activities of more than 300 million people. As a result, the police use a great deal of personal judgment in deciding which situations warrant their attention and how to handle them. Police also face danger on a daily basis. In most years, more than 100 U.S. police officers are killed in the line of duty.

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

## Four Justifications for Punishment

**retribution** an act of moral vengeance by which society makes the offender suffer as much as the suffering caused by the crime

**deterrence** the attempt to discourage criminality through the use of punishment

**rehabilitation** (p. 194) a program for reforming the offender to prevent later offenses

**societal protection** (p. 194) rendering an offender incapable of further offenses temporarily through imprisonment or permanently by execution

## Courts

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

In practice, however, about 90 percent of criminal cases are resolved before court appearance through **plea bargaining**, a legal negotiation in which a prosecutor reduces a charge in exchange for a defendant's guilty plea. For example, the state may offer a defendant charged with burglary a lesser charge, perhaps possession of burglary tools, in exchange for a guilty plea.

Plea bargaining is widespread because it spares the system the time and expense of trials. A trial is usually unnecessary if there is little disagreement as to the facts of the case. Moreover, because of the high number of cases entering the system, prosecutors could not possibly bring every case to trial even if they wanted to. By quickly resolving most of their work, then, the courts can devote their resources to the most important cases.

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

## Punishment

In 2009, a man with a long criminal record who was out on bail on charges of raping a child walked into a coffee shop in Parkland, Washington, and shot and killed four uniformed police officers as they were doing “paperwork” on their laptops. Two days later, a massive manhunt ended when the man was killed in a confrontation with another police officer (MSNBC, 2009).

Such cases force us to wonder about the reasons that drive some people to deadly violence and also to ask how a society should respond to such acts. In the case of the Parkland shootings, the crime was resolved through gunfire. But typically, of course, a suspect is apprehended and put on trial. If found guilty, the next step is punishment.

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



Many of our most popular television shows, including *The Good Wife*, show dedicated and skillful people moving our judicial system forward. We like to think that the court system carefully weighs the guilt and innocence of every person accused of a crime. As explained below, however, only 10 percent of criminal cases are actually resolved through a formal trial.

### Retribution

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

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

### Deterrence

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

Deterrence emerged as a reform measure in response to harsh punishments based on retribution. Why put someone to death for stealing if theft can be discouraged by a prison sentence? As the concept of deterrence gained acceptance in industrial societies, execution

## Making the Grade

Carefully review the Summing Up table below to ensure that you understand the four justifications for punishment.

Go to the Multimedia Library at [mysoclab.com](http://mysoclab.com) to watch the ABC *Primetime* video “Juvenile Corrections”

## SUMMING UP

### Four Justifications for Punishment

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

and physical mutilation of criminals were replaced by milder forms of punishment such as imprisonment.

Punishment may deter crime in two ways. *Specific deterrence* convinces an individual offender that crime does not pay. Through *general deterrence*, punishing one person serves as an example to others.

### Rehabilitation

The third justification for punishment, **rehabilitation**, is a *program for reforming the offender to prevent later offenses*. Rehabilitation arose along with the social sciences in the nineteenth century. Since then, sociologists have claimed that crime and other deviance spring from a social environment marked by poverty or lack of parental supervision. Logically, then, if offenders learn to be deviant, they can also learn to obey the rules; the key is controlling the environment. *Reformatories* or *houses of correction* provided a controlled setting where people could learn proper behavior (recall the description of total institutions in Chapter 3, “Socialization: From Infancy to Old Age”).

Like deterrence, rehabilitation motivates the offender to conform. In contrast to deterrence and retribution, which simply make the offender suffer, rehabilitation encourages constructive improvement. Unlike retribution, which demands that the punishment fit the crime, rehabilitation tailors treatment to each offender. Thus identical crimes would prompt similar acts of retribution but different rehabilitation programs. ● Go to [mysoclab.com](http://mysoclab.com)

### Societal Protection

A final justification for punishment is **societal protection**, *rendering an offender incapable of further offenses temporarily through imprisonment or permanently by execution*. Like deterrence, societal protection is a rational approach to punishment intended to protect society from crime.

In 2010, some 2.4 million people were in prison in the United States. Although the crime rate has gone down since 1980, the number of offenders locked up has increased nearly fivefold. This rise in the prison population reflects both tougher public attitudes toward crime and an increasing number of arrests for drug-related crimes. As a result, the United States now imprisons a larger share of its population than any other country in the world (Pew Center on the States, 2008; Sentencing Project, 2008; U.S. Bureau of Justice Statistics, 2010).

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

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

## Seeing Sociology in Everyday Life

Although there has been little change in public support for the death penalty as recorded in surveys, the long-term trend is toward fewer executions. Can you suggest reasons for this pattern?

**criminal recidivism** later offenses by people previously convicted of crimes

Does punishment deter crime? Despite our extensive use of punishment, our society has a high rate of **criminal recidivism**, *later offenses by people previously convicted of crimes*. A government study reported that two-thirds of state prison inmates released from jail in 1994 were rearrested for a serious crime within three years. Other research tells us that about three-fourths of state prisoners have been incarcerated before (DeFina & Arvanites, 2002; Langan & Levin, 2002). So does punishment really deter crime? Fewer than one-half of all crimes are known to police, and of these, only about one in five results in an arrest. Most crimes, therefore, go unpunished, leading us to conclude, perhaps, that the old saying “crime doesn’t pay” may not be entirely true.

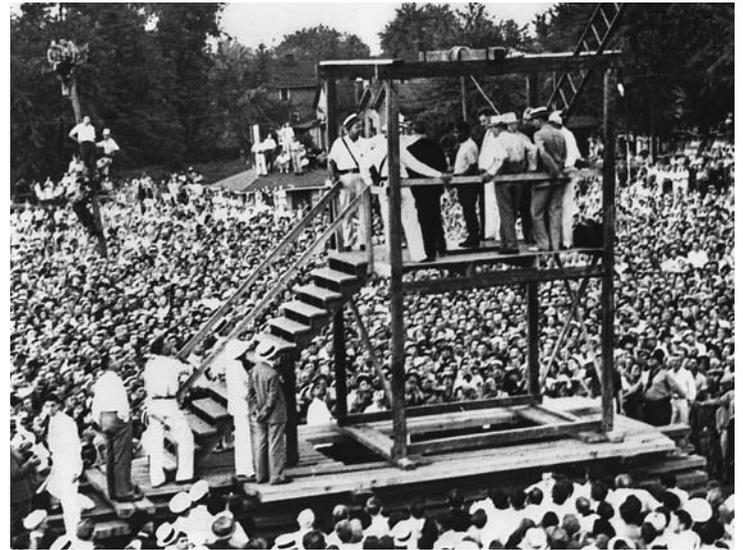
Prisons provide short-term societal protection by keeping offenders off the streets, but they do little to reshape attitudes or behavior in the long term (Carlson, 1976; R. A. Wright, 1994). Perhaps rehabilitation is an unrealistic expectation, because according to Sutherland’s theory of differential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

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

### The Death Penalty

Perhaps the most controversial issue involving punishment is the death penalty. From 1993 through 2009, more than 3,500 people were sentenced to death in U.S. courts; 1,000 executions were carried out. In thirty-six states, the law allows the state to execute offenders convicted of very serious crimes such as first-degree murder. But while a majority of states do permit capital punishment, only a few states are likely to carry out executions. Across the United States, half of the 3,207 people on death row at the end of 2008 were in just four states: California, Texas, Florida, and Pennsylvania (U.S. Bureau of Justice Statistics, 2010).

Opponents of capital punishment point to research suggesting that the death penalty has limited value as a crime deterrent. Countries such as Canada, where the death penalty has been abolished, have not seen a rise in the number of murders. Critics also point out that the United States is the only Western, high-income nation that routinely executes offenders. As public concern about the death penalty has increased, the use of capital punishment declined from as many as ninety-eight executions in 1999 to thirty-seven in 2008 but rising again in 2009 to fifty-two.



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

Public opinion surveys reveal that the share of U.S. adults who claim to support the death penalty as a punishment for murder remains high (62 percent) and has been fairly stable over time (NORC, 2009:214). College students hold about the same attitudes as everyone else, with about two-thirds of first-year students expressing support for the death penalty (Pryor et al., 2008).

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

A second reason is public concern that the death penalty may be applied unjustly. The analysis of DNA evidence—a recent advance—from old crime scenes has shown that many people were wrongly convicted of a crime. Across the country, between 1975 and 2010, at least 137 people who had been sentenced to death were released from death row after new DNA evidence demonstrated their innocence. Such findings were one reason that in 2000, the governor of Illinois stated that he could no longer support the death penalty, leading him to commute the death sentences of every person on that state’s death row (S. Levine, 2003; Death Penalty Information Center, 2010).

**community-based corrections** correctional programs operating within society at large rather than behind prison walls

## Making the Grade

“Community-based corrections” refers to ways of dealing with offenders without sending them to prison.

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

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

Organizations opposed to the death penalty are challenging this punishment in court. In 2008, for example, the U.S. Supreme Court upheld the use of lethal injection against the charge that this procedure amounts to cruel and unusual punishment, which would be unconstitutional. There is no indication at present that the United States will end the use of the death penalty. But the trend is away from this type of punishment.

## Community-Based Corrections

Prison is at the center of our system of corrections. Prisons keep convicted criminals off the streets. The thought of prison probably deters many people from committing serious crime. But the evidence suggests that locking people up does little to rehabilitate most offenders. Further, prisons are expensive, costing more than \$25,000 per year to support each inmate, in addition to the high cost of building the facilities.

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

## Probation

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

## Shock Probation

A related strategy is *shock probation*, a policy by which a judge orders a convicted offender to prison for a short time and then suspends the remainder of the sentence in favor of probation. Shock probation is thus a mix of prison and probation that is intended to impress on the offender the seriousness of the situation while still withholding full-scale imprisonment. In some cases, shock probation takes place in a special “boot camp” facility where offenders might spend up to three months in a military-style setting intended to teach discipline and respect for authority (Cole & Smith, 2002).

## Parole

*Parole* is a policy of releasing inmates from prison to serve the remainder of their sentences in the local community under the supervision of a parole officer. Although courts may sometimes sentence an offender to prison without the possibility of parole, most other inmates become eligible for parole after serving a certain portion of their sentence. At this time, a parole board evaluates the risks and benefits of an inmate’s early release from prison. If parole is granted, the parole board then monitors the offender’s conduct until the sentence is completed. Should the offender not comply with the conditions of parole or be arrested for another crime, the board can revoke parole, returning the offender to prison to complete the original sentence.

**CRITICAL REVIEW** Evaluations of probation and parole have been mixed. There is little question that community-based programs are much less expensive than conventional imprisonment; they also free up room in prisons for people who commit more serious crimes. Yet research suggests that although probation and shock probation do seem to work for some people, they do not significantly reduce criminal recidivism. Similarly, parole is useful to prison officials as a means to encourage good behavior among prison inmates who hope for early release. Yet levels of crime among those released on parole are so high that

## Seeing Sociology in Everyday Life

Community-based corrections save both money and avoid the stigma of incarceration. Does your local community make use of this strategy?

## Seeing Sociology in Everyday Life

Do you consider prison overcrowding to be a problem? Why do you think our society is tolerant of such conditions?

### CONTROVERSY & DEBATE



## Violent Crime Is Down—but Why?

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

**SANDY:** I'm a sociology major. As for combating crime, I'm not sure it's quite that simple....

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

Yet in the 1990s, serious crime rates began to fall so that in recent years they have returned to levels not seen in more than a generation. Why? Researchers point to several reasons:

1. **A reduction in the youth population.** It was noted earlier that young people (particularly males) are responsible for much violent crime. Between 1990 and 2000, the share of the population aged fifteen to twenty-four dropped by about 5 percent (in part because of the legalization of abortion in 1973).
2. **Changes in policing.** Much of the drop in crime (like the earlier rise in crime) has taken place in large cities. In New York City, the number of murders fell from 2,245 in 1990 to 475 in 2009, the lowest figure since the city started keeping reliable records in 1963. Part of the reason for the decline is that the city adopted a policy of *community policing*, which means that police are concerned not just with making arrests but with preventing crime. Officers get to know the areas they patrol and frequently stop

young men for jaywalking or other minor infractions so they can check them for concealed weapons (the word is out that you can be arrested for carrying a gun). In addition, there are more police at work in large cities. For example, Los Angeles added more than 2,000 police in the 1990s, and it, too, saw its violent crime rate fall during that period.

3. **More prisoners.** Between 1985 and 2009, the number of inmates in U.S. prisons soared from 750,000 to 2.4 million. The main reason for this increase is tough new laws that demand prison time for many crimes, especially drug offenses. As one analyst put it, "When you lock up an extra million people, it's got to have some effect on the crime rate" (Franklin Zimring, quoted in Witkin, 1998:31).
4. **A better economy.** The U.S. economy boomed during the 1990s. With unemployment down, more people were working, reducing the likelihood that some would turn to

crime out of economic desperation. The logic here is simple: More jobs, fewer crimes. By the same token, the recent economic downturn has slowed the downward crime trend.

5. **The declining drug trade.** Many analysts think that the most important factor in reducing rates of violent crime is the decline of crack cocaine. Crack came on the scene around 1985, and violence spread, especially in the inner cities, as young people—facing few legitimate job opportunities and increasingly armed with guns—became part of a booming drug trade.

By the early 1990s, however, the popularity of crack had begun to fall as people saw the damage the drug was causing to entire communities. This realization, coupled with steady economic improvement and stiffer sentences for drug offenses, helped bring about the turnaround in violent crime.

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

### WHAT DO YOU THINK?

1. Do you support the policy of community policing? Why or why not?
2. What do you see as the pros and cons of building more prisons?
3. Of all the factors mentioned here, which do you think is the most important in crime control? Which is least important? Why?

Sources: Winship & Berrien (1999), Donahue & Levitt (2000), Rosenfeld (2002), Liptak (2008), and C. Mitchell (2008).



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

a number of states have ended their parole programs entirely (Inciardi, 2000).

Such evaluations point to a sobering truth: By itself, the criminal justice system cannot eliminate crime. As the Controversy & Debate box explains, although police, courts, and pris-

ons do affect crime rates, crime and other deviance are not just the acts of "bad people" but reflect the operation of society itself.

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

# Seeing Sociology in Everyday Life

## Chapter 7 Deviance

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

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

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



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



Religious organizations, too, use heroes to encourage certain behavior and beliefs. The Roman Catholic Church has defined the Virgin Mary and more than 10,000 other men and women as “saints.” For what reasons might someone be honored in this way? What do saints do for the rest of us?

Most sports have a “hall of fame.” A larger-than-life-size statue of the legendary slugger Babe Ruth attracts these New York City children on their visit to the Baseball Hall of Fame in Cooperstown, New York. What are the qualities that make an athlete “legendary”? Isn’t it more than just how far someone hits a ball?



## Applying SOCIOLOGY in Everyday Life

1. Do athletic teams, fraternities and sororities, and even people in a college classroom create heroes and villains? Explain how and why.
2. Identity theft is a new type of crime that victimizes as many as 10 million people each year in the United States. Research this phenomenon, and explain how this offense differs from property crime that takes place “on the street.” (Consider differences in the crime, the offenders, and the victims.)
3. Watch an episode of a real-action police show such as *Cops*. Based on what you see, how would you profile the people who commit crimes?

# Making the Grade

## CHAPTER 7 Deviance

 Watch on [mysoclab.com](#)

### What Is Deviance?

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

p. 172

### Theories of Deviance

#### BIOLOGICAL THEORIES

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

Lombroso claimed criminals have apelike physical traits; later research links criminal behavior to certain body types and genetics.

pp. 172–73

#### PSYCHOLOGICAL THEORIES

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

Reckless and Dinitz’s *containment theory* links delinquency to weak conscience.

pp. 173–74

✓ *Biological and psychological theories provide a limited understanding of crime and other deviance because most violations are carried out by people who are normal (pp. 173, 174).*

**SOCIOLOGICAL THEORIES** view all behavior—deviant as well as conforming—as products of society. Sociologists point out that

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

pp. 174–75

### Theoretical Analysis of Deviance

#### The Functions of Deviance: Structural-Functional Analysis

Durkheim claimed that deviance is a normal element of society that

- affirms cultural norms and values
- clarifies moral boundaries
- brings people together
- encourages social change

pp. 175–76

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

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

pp. 176–77

#### Labeling Theory: Symbolic-Interaction Analysis

**Labeling theory** claims that deviance depends less on what someone does than on how others react to that behavior. If people respond to primary deviance by stigmatizing a person, secondary deviance and a deviant career may result.

pp. 178–79

The **medicalization of deviance** is the transformation of moral and legal deviance into a medical condition. In practice, this means a change in labels, replacing “good” and “bad” with “sick” and “well.”

pp. 179–81

Sutherland’s **differential association theory** links deviance to how much others encourage or discourage such behavior.

p. 181

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

pp. 181–82

 See the *Applying Theory* table on page 185.

**deviance** (p. 172) the recognized violation of cultural norms

**crime** (p. 172) the violation of a society’s formally enacted criminal law

**social control** (p. 172) attempts by society to regulate people’s thoughts and behavior

**criminal justice system** (p. 172) the organizations—police, courts, and prison officials—that respond to alleged violations of the law

**labeling theory** (p. 178) the idea that deviance and conformity result not so much from what people do as from how others respond to those actions

**stigma** (p. 178) a powerfully negative label that greatly changes a person’s self-concept and social identity

**medicalization of deviance** (p. 179) the transformation of moral and legal deviance into a medical condition

**white-collar crime** (p. 183) crime committed by people of high social position in the course of their occupations

**corporate crime** (p. 184) the illegal actions of a corporation or people acting on its behalf

**organized crime** (p. 184) a business supplying illegal goods or services

**hate crime** (p. 185) a criminal act against a person or a person’s property by an offender motivated by racial or other bias

## Deviance and Inequality: Social-Conflict Analysis

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

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

pp. 182–84

## Deviance, Race, and Gender

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

pp. 184–86

## What Is Crime?

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

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

 Explore on [mysoclab.com](#)

pp. 186–87

### PATTERNS OF CRIME IN THE UNITED STATES

- Official statistics show that arrest rates peak in late adolescence and drop steadily with advancing age.
- About 65% of people arrested for property crimes and 82% of people arrested for violent crimes are male.
- Street crime is more common among people of lower social position. Including white-collar and corporate crime makes class differences in criminality smaller.
- More whites than African Americans are arrested for street crimes. However, more African Americans are arrested than whites in relation to their population size. Asian Americans have a lower-than-average rate of arrest.
- By world standards, the U.S. crime rate is high.

pp. 187–91

**crimes against the person** (p. 187) crimes that direct violence or the threat of violence against others; also known as *violent crimes*

**crimes against property** (p. 187) crimes that involve theft of money or property belonging to others; also known as *property crimes*

**victimless crimes** (p. 187) violations of law in which there are no obvious victims

 Read on [mysoclab.com](#)

## The U.S. Criminal Justice System

### Police

The police maintain public order by enforcing the law.

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

p. 192

### Courts

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

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

p. 193

### Punishment

There are four justifications for punishment:

- retribution
- deterrence
- rehabilitation
- societal protection

pp. 193–95

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

p. 195

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

pp. 196–97

 See the *Summing Up* table on page 194.