CHAPTER SIX

Deviant Behavior and Social Control

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Summary
Soprano Florence Foster Jenkins believed she was the “goddess of song.” Unfortunately she had no singing talent. She sang wildly out of tune and her voice was quivering and colorless. She was, however, a wealthy New York socialite and did not hesitate to use her money to let the world know that she should be considered a world-class diva.

Several times a year she would rent out the Ritz Carlton Hotel and give stunningly inept renditions of standard opera arias and songs specifically written for her, which she would proceed to mangle with her appalling voice. She would create lavish costumes for these performances and her pianist Cosme McMoon treated her with the utmost respect as he accompanied her with the appropriate music.

Eventually her reputation produced a following and tickets to her bizarre performances, which could only be purchased from her directly, were sold out months in advance and were as difficult to get as those for the Metropolitan Opera. Her following continued to build, and her final performance took place at Carnegie Hall. When she died a month later, she left the following epithet on her grave stone; “Some people say I cannot sing, but no one can say that I didn’t sing.”

Florence Foster Jenkins was certainly an eccentric, but is that different than being a deviant?

Defining Normal and Deviant Behavior

What determines whether a person’s actions end up being seen as eccentric, creative, or deviant? Why will two men walking hand-in-hand in downtown Minneapolis cause raised eyebrows but pass unnoticed in San Francisco or in
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The group in question (Durkheim, 1960a). Therefore, when we try to assess an act as being normal or deviant, we must identify the group by whose terms the behavior is judged. Moral codes differ widely from one society to another. For that matter, even within a society there exist groups and subcultures whose moral codes differ considerably. Watching television is normal behavior for most Americans, but it would be seen as deviant behavior among the Amish of Pennsylvania.

Making Moral Judgments

As we stated, sociologists take a culturally relative view of normalcy and deviance and evaluate behavior according to the values of the culture in which it takes place. Ideally, they do not use their own values to judge the behavior of people from other cultures. Even though social scientists recognize that there is great variation in normal and deviant behavior and that no science can determine what acts are inherently deviant, there are certain acts that are almost universally accepted as being deviant. For example, parent-child incest is severely disapproved of in nearly every society. Genocide, the willful killing of specific groups of people—as occurred in the Nazi extermination camps during World War II—also is considered to be wrong even if it is sanctioned by the government or an entire society. The Nuremberg trials that were conducted after World War II supported this point. Even though most of the accused individuals tried to claim they were merely following orders when they murdered or arranged for the murder of large numbers of Jews and other groups, many were found guilty. The reasoning was that there is a higher moral order under which certain human actions are wrong, regardless of who endorses them. Thus, despite their desire to view events from a culturally relative standpoint, most sociologists find certain actions wrong, no matter what the context.

The Functions of Deviance

Émile Durkheim observed that deviant behavior is “an integral part of all healthy societies” (1895, 1958). Why is this the case? The answer, Durkheim suggested, is that in the presence of deviant behavior, a social group becomes united in its response. In other words, opposition to deviant behavior creates opportunities for cooperation essential to the survival of any group. For example, let us look at the response to a scandal in a small town as Durkheim described it:

[People] stop each other on the street, they visit each other, they seek to come together to talk of
the event and to wax indignant in common. From all the similar impressions which are exchanged, from all the temper that gets itself expressed, there emerges a unique temper... which is everybody’s without being anybody’s in particular. That is the public temper. (1895)

When social life moves along normally, people begin to take for granted one another and the meaning of their social interdependency. A deviant act, however, reawakens their group attachments and loyalties, because it represents a threat to the moral order of the group. The deviant act focuses people’s attention on the value of the group. Perceiving itself under pressure, the group marshals its forces to protect itself and preserve its existence.

Deviance also offers society’s members an opportunity to rededicate themselves to their social controls. In some cases, deviant behavior actually helps teach society’s rules by providing illustrations of violation. Knowing what is wrong is a step toward understanding what is right. Deviance, then, may be functional to a group in that it (1) causes the group’s members to close ranks, (2) prompts the group to organize in order to limit future deviant acts, (3) helps clarify for the group what it really does believe in, and (4) teaches normal behavior by providing examples of rule violation. Finally, (5) in some situations, tolerance of deviant behavior acts as a safety valve and actually prevents more serious instances of nonconformity. For example, the Amish, a religious group that does not believe in using such modern examples of contemporary society as cars, radios, televisions, and fashion-oriented clothing, allows its teenagers a great deal of latitude in their behaviors before they are fully required to follow the dictates of the community. This prevents a confrontation that could result in a major battle of wills.

The Dysfunctions of Deviance

Deviance, of course, has a number of dysfunctions as well, which is why every society attempts to restrain deviant behavior as much as possible. Included among the dysfunctions of deviant behavior are the following: (1) It is a threat to the social order because it makes social life difficult and unpredictable. (2) It causes confusion about the norms and values of that society. People become confused about what is expected, what is right and wrong. The variety of social standards compete with one another, causing tension among the different segments of society. (3) Deviance also undermines trust. Social relationships are based on the premise that people will behave according to certain rules of conduct. When people’s actions become unpredictable, the social order is thrown into disarray. (4) Deviance also diverts valuable resources. To control widespread deviance, vast resources must be called upon and shifted from other social needs.

The forms of dress and the types of behavior that are considered deviant depend on who is doing the judging and what the context might be.
Mechanisms of Social Control

In any society or social group, it is necessary to have mechanisms of social control, or a way of directing or influencing members’ behavior to conform to the group’s values and norms. Sociologists distinguish between internal and external means of control.

Internal Means of Control

As we already observed in Chapters 3 and 5, people are socialized to accept the norms and values of their culture, especially in the smaller and more personally important social groups to which they belong, such as the family. The word accept is important here. Individuals conform to moral standards not just because they know what they are, but also because they have internalized these standards. They experience discomfort, often in the form of guilt, when they violate these norms. In other words, for a group’s moral code to work properly, it must be internalized and become part of each individual’s emotional life as well as his or her thought processes. As this occurs, individuals begin to pass judgment on their own actions. In this way the moral code of a culture becomes an internal means of control—that is, it operates on the individual even in the absence of reactions by others.

External Means of Control: Sanctions

External means of control consist of other people’s responses to a person’s behavior—that is, rewards and punishments. They include social forces external to the individual that channel behavior toward the culture’s norms and values.

Sanctions are rewards and penalties used by a group’s members to regulate an individual’s behavior. Thus, all external means of control use sanctions of one kind or another. Actions that encourage the individual to continue acting in a certain way are called positive sanctions. Actions that discourage the repetition or continuation of the behavior are negative sanctions.

Positive and Negative Sanctions

Sanctions take many forms, varying widely from group to group and from society to society. For example, an American audience might clap and whistle enthusiastically to show its appreciation for an excellent artistic or athletic performance, but the same whistling in Europe would be a display of strong disapproval. Or consider the absence of a response. In the United States, a professor would not infer public disapproval because of the absence of applause at the end of a lecture—such applause by students is the rarest of compliments. In many universities in Europe, however, students are expected to applaud after every lecture (if only in a rhythmic, stylized manner). The absence of such applause would be a horrible blow to the professor, a public criticism of the presentation.

Most social sanctions have a symbolic side to them. Such symbolism has a powerful impact on people’s self-esteem and sense of identity. Consider the positive feelings experienced by Olympic gold medalists or those elected to Phi Beta Kappa, the national society honoring excellence in undergraduate study. Or imagine the negative experience of being
given the “silent treatment,” such as that imposed on cadets who violate the honor code at the military academy at West Point (to some, this is so painful that they drop out).

Sanctions often have important material qualities as well as symbolic meanings. Nobel Prize winners receive not only public acclaim but also a hefty check. The threat of loss of employment may accompany public disgrace when an individual’s deviant behavior becomes known. In isolated, preliterate societies, social ostracism can be the equivalent of a death sentence.

Both positive and negative sanctions work only to the degree that people can be reasonably sure that they actually will take place as a consequence of a given act. In other words, they work on people’s expectations. Whenever such expectations are not met, sanctions lose their ability to mold social conformity.

It is important to recognize a crucial difference between positive and negative sanctions. When society applies a positive sanction, it is a sign that social controls are successful: The desired behavior has occurred and is being rewarded. When a negative sanction is applied, it is due to the failure of social controls: The undesired behavior has not been prevented. Therefore, a society that frequently must punish people is failing in its attempts to promote conformity. A school that must expel large numbers of students or a government that frequently must call out troops to quell protests and riots should begin to look for the weaknesses in its own system of internal means of social control to promote conformity.

Formal and Informal Sanctions Formal sanctions are applied in a public ritual—as in the awarding of a prize or an announcement of expulsion—and are usually under the direct or indirect control of authorities. For example, to enforce certain standards of behavior and protect members of society, our society creates laws. Behavior that violates these laws may be punished through formal negative sanctions. Not all sanctions are formal, however. Many social responses to a person’s behavior involve informal sanctions, or actions by group members that arise spontaneously with little or no formal direction. Gossip is an informal sanction that is used universally. Congratulations are offered to people whose behavior has approval. In teenage peer groups, ridicule is a powerful, informal, negative sanction. The anonymity and impersonality of urban living, however, decreases the influence of these controls except when we are with members of our friendship and kinship groups.

A Typology of Sanctions Figure 6-1 shows the four main types of social sanctions, produced by combining the two sets of sanctions we have just discussed: informal and formal, positive and negative. Although formal sanctions might appear to be strong influences on behavior, informal sanctions actually have a greater impact on people’s self-images and behavior. This is so because informal sanctions usually occur more frequently and come from close, respected associates.

1. Informal positive sanctions are displays people use spontaneously to express their approval of another’s behavior. Smiles, pats on the back, handshakes, congratulations, and hugs are informal positive sanctions.

2. Informal negative sanctions are spontaneous displays of disapproval or displeasure, such as frowns, damaging gossip, or impolite treatment directed toward the violator of a group norm.

3. Formal positive sanctions are public affairs, rituals, or ceremonies that express social approval of a person’s behavior. These occasions are planned and organized. In our society, they include such events as parades that take place after a team wins the World Series or the Super Bowl, the presentation of awards or degrees, and public declarations of respect or appreciation (banquets, for example). Awards of money are a form of formal positive sanctions.

4. Formal negative sanctions are actions that express institutionalized disapproval of a person’s behavior. They usually are applied within the context of a society’s formal organizations—schools, corporations, the legal system, for example—and include expulsion, dismissal, fines, and imprisonment. They flow directly from decisions made by a person or agency of authority, and frequently there are specialized agencies or
personnel (such as a board of directors, a government agency, or a police force) to enforce them.

**Theories of Crime and Deviance**

Criminal and deviant behavior has been found throughout history. It has been so troublesome and so persistent that much effort has been devoted to understanding its roots. Many dubious ideas and theories have been developed over the ages. For example, a medieval law specified that “if two persons fell under suspicion of crime, the uglier or more deformed was to be regarded as more probably guilty” (Wilson and Herrnstein, 1985). Modern approaches to deviant and criminal behavior can be divided into the general categories of biological, psychological, and sociological explanations.

**Biological Theories of Deviance**

The first attempts to provide “scientific” explanations for deviant and criminal behavior centered around the importance of inherited factors and downplayed the importance of environmental influences. From this point of view, deviant individuals are born, not made.

Cesare Lombroso (1835–1901) was an Italian doctor who believed that too much emphasis was being put on “free will” as an explanation for deviant behavior. While trying to discover the anatomical differences between deviant and insane men, he came upon what he believed was an important insight. As he was examining the skull of a criminal, he noticed a series of features, recalling an apish past rather than a human present:

> At the sight of that skull, I seemed to see all of a sudden, lighted up as a vast plain under a flaming sky, the problem of the nature of the criminal—an atavistic being who reproduces in his person the ferocious instincts of primitive humanity and the inferior animals. (Taylor et al., 1973, p. 4)

According to Lombroso, criminals are evolutionary throwbacks whose behavior is more apelike than human. They are driven by their instincts to engage in deviant behavior. These people can be identified by certain physical signs that betray their savage nature. Lombroso spent much of his life studying and dissecting dead prisoners in Italy’s jails and concluded that their criminality was associated with an animal-like body type that revealed an inherited primitiveness (Lombroso-Ferrero, 1972). He also believed that certain criminal types could be identified by their head size, facial characteristics (size and shape of the nose, for instance), and even hair color. His writings were met with heated criticism from scholars who pointed out that perfectly normal-looking people have committed violent acts. (Modern social scientists would add that by confining his research to the study of prison inmates, Lombroso used a biased sample, thereby limiting the validity of his investigations.)

Shortly before World War II, anthropologist E. A. Hooten argued that the born criminal was a scientific reality. Hooten believed crime was not the product of social conditions but the outgrowth of “organic inferiority.”

> Whatever the crime may be, it ordinarily arises from a deteriorated organism. . . . You may say that this is tantamount to a declaration that the primary cause of crime is biological inferiority—and that is exactly what I mean. . . . Certainly the penitentiaries of our society are built upon the shifting sands and quaking bogs of inferior human organisms. (Hooten, 1939)

Hooten went to great lengths to analyze the height, weight, shape of the body, nose, and ears of criminals. Hooten was convinced that people betrayed their criminal tendencies by the shape of their bodies:

> The nose of the criminal tends to be higher in the root and in the bridge, and more frequently undulating or concave-convex than in our sample of civilians. . . . (B)ootleggers persistently have broad noses and short faces and flaring jaw angles, while rapists monotonously display narrow foreheads and elongated, pinched noses. (Hooten, 1939)

Following in Hooten’s footsteps, William H. Sheldon and his coworkers carried out body measurements of thousands of subjects to determine whether personality traits are associated with particular body types. They found that human shapes could be classified as three particular types: endomorphic (round and soft), ectomorphic (thin and linear), and mesomorphic (ruggedly muscular) (Sheldon & Tucker, 1940). They also claimed that certain psychological orientations are associated with body type. They saw endomorphs as being relaxed creatures of comfort; ectomorphs as being inhibited, secretive, and restrained; and mesomorphs as being assertive, action oriented, and uncaring of others’ feelings (Sheldon & Stevens, 1942).

Sheldon did not take a firm position on whether temperamental dispositions are inherited or are the outcome of society’s responses to individuals based on their body types. For example, Americans expect heavy people to be good-natured and cheerful,
the existence of biologically, or at least genetically, determined deviant behavior is still far from proven (Liska, 1991).

**Psychological Theories of Deviance**

Psychological explanations of deviance downplay biological factors and emphasize instead the role of parents and early childhood experiences, or behavioral conditioning, in producing deviant behavior. Although such explanations stress environmental influences, there is a significant distinction between psychological and sociological explanations of deviance. Psychological orientations assume that the seeds of deviance are planted in childhood and that adult behavior is a manifestation of early experiences rather than an expression of ongoing social or cultural factors. The deviant individual therefore is viewed as a “psychologically sick” person who has experienced emotional deprivation or damage during childhood.

**Psychoanalytic Theory**

Psychoanalytic explanations of deviance are based on the work of Sigmund Freud and his followers. Psychoanalytic theorists believe that the unconscious, the part of us consisting of irrational thoughts and feelings of which we are not aware, causes us to commit deviant acts.

According to Freud, our personality has three parts: the id, our irrational drives and instincts; the superego, our conscience and guide as internalized from our parents and other authority figures; and the ego, the balance among the impulsiveness of the id, the restrictions and demands of the superego, and the requirements of society. Because of the id, all of us have deviant tendencies, though through the socialization process we learn to control our behavior, driving many of these tendencies into the unconscious. In this way, most of us are able to function effectively according to our society’s norms and values. For some, however, the socialization process is not what it should be. As a result, the individual’s behavior is not adequately controlled by either the
ego or superego, and the wishes of the id take over. Consider, for example, a situation in which a man has been driving around congested city streets looking for a parking space. Finally he spots a car that is leaving and pulls up to wait for the space. Just as he is ready to park his car, another car whips in and takes the space. Most of us would react to the situation with anger. We might even roll down the car window and direct some angry gestures and strong language at the offending driver. There have been cases, however, in which the angry driver has pulled out a gun and shot the offender. Instead of simply saying, “I’m so mad I could kill that guy,” the offender party acted out the threat. Psychoanalytic theorists might hypothesize that in this case, the id’s aggressive drive took over, because of an inadequately developed conscience.

Psychoanalytic approaches to deviance have been strongly criticized because the concepts are very abstract and cannot easily be tested. For one thing, the unconscious can be neither seen directly nor measured. Also there is an overemphasis on innate drives at the same time that there is an underemphasis on social and cultural factors that bring about deviant behavior.

**Behavioral Theories** According to the behavioral view, people adjust and modify their behavior in response to the rewards and punishments their actions elicit. If we do something that leads to a favorable outcome, we are likely to repeat that action. If our behavior leads to unfavorable consequences, we are not eager to do the same thing again (Bandura, 1969). Those of us who live in a fairly traditional environment are likely to be rewarded for engaging in conformist behavior, such as working hard, dressing in a certain manner, or treating our friends in a certain way. We would receive negative sanctions if our friends found out that we had robbed a liquor store. For some people, however, the situation is reversed. That is, deviant behavior may elicit positive rewards. A 13-year-old who associates with a delinquent gang and is rewarded with praise for shoplifting, stealing, or vandalizing a school is being indoctrinated into a deviant lifestyle. The group may look with contempt at the “straight” kids who study hard, make career plans, and do not go out during the week. According to this approach, deviant behavior is learned by a series of trials and errors. One learns to be a thief in the same way that one learns to be a sociologist.

**Crime as Individual Choice** James Q. Wilson and Richard Herrnstein (1985) have devised a theory of criminal behavior that is based on an analysis of individual behavior. Sociologists, almost by definition, are suspicious of explanations that emphasize individual behavior, because they believe such theories neglect the setting in which crime occurs and the broad social forces that determine levels of crime. However, Wilson and Herrnstein have argued that whatever factors contribute to crime—the state of the economy, the competence of the police, the nurturance of the family, the availability of drugs, the quality of the schools—they must affect the behavior of individuals before they affect crime. They believe that if crime rates rise or fall, it must be due to changes that have occurred in areas that affect individual behavior.

Wilson and Herrnstein contend that individual behavior is the result of rational choice. A person will choose to do one thing as opposed to another because it appears that the consequences of doing it are more desirable than the consequences of doing something else. At any given moment, a person can choose between committing a crime and not committing it.

The consequences of committing the crime consist of rewards and punishments. The consequences of not committing the crime also entail gains and losses. Crime becomes likely if the rewards for committing the crime are significantly greater than those for not committing the crime. The net rewards of crime include not only the likely material gain from the crime, but also intangible benefits such as obtaining emotional gratification, receiving the approval of peers, or settling an old score against an enemy. Some of the disadvantages of crime include the pangs of conscience, the disapproval of onlookers, and the retaliation of the victim.

The benefits of not committing a crime include avoiding the risk of being caught and punished and not suffering a loss of reputation or the sense of shame afflicting a person later discovered to have broken the law. All of the benefits of not committing a crime lie in the future, whereas many of the benefits of committing a crime are immediate. The consequences of committing a crime gradually lose their ability to control behavior in proportion to how delayed or improbable they are. For example, millions of cigarette smokers ignore the possibility of fatal consequences of smoking because those consequences are distant and uncertain. If smoking one cigarette caused certain death tomorrow, we would expect cigarette smoking to drop dramatically.

**Sociological Theories of Deviance**

Sociologists have been interested in the issue of deviant behavior since the pioneering efforts of Émile Durkheim in the late nineteenth century. Indeed, one of the major sociological approaches to understanding this problem derives directly from his work. It is called anomie theory.
Anomie Theory Durkheim published *The Division of Labor in Society* in 1893. In it, he argued that deviant behavior can be understood only in relation to the specific moral code it violates: “We must not say that an action shocks the common conscience because it is criminal, but rather that it is criminal because it shocks the common conscience” (1960a).

Durkheim recognized that the common conscience, or moral code, has an extremely strong hold on the individual in small, isolated societies where there are few social distinctions among people and everybody more or less performs the same tasks. Such *mechanically integrated* societies, he believed, are organized in terms of shared norms and values: All members are equally committed to the moral code. Therefore, deviant behavior that violates the code is felt by all members of the society to be a personal threat. As society becomes more complex—that is, as work is divided into more numerous and increasingly specialized tasks—social organization is maintained by the interdependence of individuals. In other words, as the division of labor becomes more specialized and differentiated, society becomes more *organically integrated*. It is held together less by moral consensus than by economic interdependence. A shared moral code continues to exist, of course, but it tends to be broader and less powerful in determining individual behavior. For example, political leaders among the Cheyenne Indians led their people by persuasion and by setting a moral example (Hoebel, 1960). In contrast with the Cheyenne, few modern Americans actually expect exemplary moral behavior from their leaders, despite the public rhetoric calling for it. We express surprise, but not outrage, when less than honorable behavior is revealed about our political leaders. We recognize that political leadership is exercised through formal institutionalized channels and not through model behavior.

In highly complex, rapidly changing societies such as our own, some individuals come to feel that the moral consensus has weakened. Some people lose their sense of belonging, the feeling of participating in a meaningful social whole. Such individuals feel disoriented, frightened, and alone. Durkheim used the term *anomie* to refer to *the condition of normlessness, in which values and norms have little impact and the culture no longer provides adequate guidelines for behavior*. Durkheim found that anomie was a major cause of suicide, as we discussed in Chapter 1. Robert Merton built on this concept and developed a general theory of deviance in American society.

Strain Theory Robert K. Merton (1938, 1968) believed that American society pushes individuals toward deviance by overemphasizing the importance of monetary success while failing to emphasize the importance of using legitimate means to achieve that success. Those individuals who occupy favorable positions in the social-class structure have many legitimate means at their disposal to achieve success. However, those who occupy unfavorable positions lack such means. Thus, the goal of financial success combined with the unequal access to important environmental resources creates deviance.

As Figure 6-2 shows, Merton identified four types of deviance that emerge from this strain. Each type represents a mode of adaptation on the part of the deviant individual. That is, the form of deviance a person engages in depends greatly on the position he or she occupies in the social structure. Specifically, it depends on the availability to the individual of legitimate, institutionalized means for achieving success. Thus, some individuals, called innovators, accept the culturally validated goal of success but find deviant ways of going about reaching it. Con artists, embezzlers, bank robbers, fraudulent advertisers, drug dealers, corporate criminals, crooked politicians,
cops on the take—each is trying to “get ahead” using whatever means are available.

**Ritualists** are individuals who reject or de-emphasize the importance of success once they realize they will never achieve it and instead concentrate on following and enforcing rules more precisely than was ever intended. Because they have a stable job with a predictable income, they remain within the labor force but refuse to take risks that might jeopardize their occupational security. Many ritualists are often tucked away in large institutions such as governmental bureaucracies.

Another group of people also lacks the means to attain success but does not have the institutional security of the ritualists. **Retreatists** are people who pull back from society altogether and cease to pursue culturally legitimate goals. They are the drug and alcohol addicts who can no longer function—the panhandlers and street people who live on the fringes of society.

Finally, there are the rebels. **Rebels** reject both the goals of what to them is an unfair social order and the institutionalized means of achieving them. Rebels seek to tear down the old social order and build a new one with goals and institutions they can support and accept.

Merton’s theory has become quite influential among sociologists. It is useful because it emphasizes external causes of deviant behavior that are within the power of society to correct. The theory’s weakness is its inability to account for the presence of certain kinds of deviance that occur among all social strata and within almost all social groups in American society: for example, juvenile alcoholism, drug dependence, and family violence (spouse beating and child abuse).

**Control Theory** In control theory, social ties among people are important in determining their behavior. Instead of asking what causes deviance, control theorists ask: What causes conformity? They believe that what causes deviance is the absence of what causes conformity. In their view, conformity is a direct result of control over the individual. Therefore, the absence of social control causes deviance. According to this theory, people are free to violate norms if they lack intimate attachments with parents, teachers, and peers. These attachments help them establish values linked to a conventional lifestyle. Without these attachments and acceptance of conventional norms, the opinions of other people do not matter and the individual is free to violate norms without fear of social disapproval. This theory assumes that the disapproval of others plays a major role in preventing deviant acts and crimes.

According to Travis Hirschi (1969), one of the main proponents of control theory, we all have the potential to commit deviant acts. Most of us never commit these acts because of our strong bond to society. Hirschi’s view is that there are four ways in which individuals become bonded to society and conventional behavior:

1. **Attachment to others.** People form intimate attachments to parents, teachers, and peers who display conventional attitudes and behavior.

2. A **commitment to conformity.** Individuals invest their time and energies in conventional types of activities, such as getting an education, holding a job, or developing occupational skills. At the same time, people show a commitment to achievement through these activities.

3. **Involvement in conventional activities.** People spend so much time engaged in conventional activities that they have no time to commit or even think about deviant activities.

4. A **belief in the moral validity of social rules.** Individuals have a strong moral belief that they should obey the rules of conventional society.

If these four elements are strongly developed, the individual is likely to display conventional behavior. If these elements are weak, deviant behavior is likely.

More recently Hirschi and Gottfredson (1993) have proposed a theory of crime based on one type of control only—self-control. They have suggested that people with high self-control will be less likely during all periods of life to engage in criminal acts. Those with low self-control are more likely to commit crime than those with high self-control. The source of low self-control is ineffective parenting. Parents who do not take an active interest in their children and do not socialize them properly produce children with low self-control. Once established in childhood, the level of social control a person has acquired will guide them throughout the rest of their lives.

**Techniques of Neutralization** Most of us think we act logically and rationally most of the time. In order to violate the norms and moral values of society, we must have techniques of neutralization, a process that makes it possible for us to justify illegal or deviant behavior (Sykes & Matza, 1957). In the language of control theory, these techniques provide a mechanism by which people can break the ties to the conventional society that would inhibit them from violating the rules. Techniques of neutralization are learned through the socialization process. They can take several forms:

1. **Denial of responsibility.** These individuals argue that they are not responsible for their actions; forces beyond their control drove them to commit the act, such as a troubled family life, poverty, or being drunk at the time of the incident. In any event, the responsibility for what they did lies elsewhere.
2. **Denying the injury.** The individual argues that the action did not really cause any harm. Who really got hurt when the individual illegally copied some computer software and sold it to friends? Who is really hurt in illegal betting on a football game?

3. **Denial of the victim.** The victim is seen as someone who “deserves what he or she got.” The man who made an obscene gesture to us on the highway deserved to be assaulted when we caught up with him at the next traffic light. Some athletes, when accused of sexual assault on a woman, have claimed the woman consented to sex when she agreed to go to the athlete’s hotel room. (See “Sociology at Work: Public Heroes, Private Felons: Athletes and Sexual Assault.”)

4. **Condemnation of the authorities.** Deviant or criminal behavior is justified since those who are

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**Figure 6-3 Athletes Accused of Sexual Assault**

<table>
<thead>
<tr>
<th>Cases</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>217 cases</td>
<td>complaints brought to police attention</td>
</tr>
<tr>
<td>45 cases</td>
<td>no action taken (insufficient evidence or victim chose not to press charges)</td>
</tr>
<tr>
<td>172 cases</td>
<td>arrest made or charges filed</td>
</tr>
<tr>
<td>55 cases</td>
<td>prosecution not pursued</td>
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<tr>
<td>117 cases</td>
<td>indictment filed</td>
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<tr>
<td>8 cases</td>
<td>charges dropped</td>
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<tr>
<td>43 cases</td>
<td>plea bargain</td>
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<td>66 cases</td>
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<td>10 cases</td>
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</tr>
</tbody>
</table>

in positions of power or are responsible for enforcing the rules are dishonest and corrupt themselves. Political corruption and police dishonesty leave us with little respect for these authority figures, since they are more dishonest than we are.

5. **Appealing to higher principles or authorities.** We claim our behavior is justified since we are adhering to standards that are more important than abstract laws. Acts of civil disobedience against the government are justified because of the government’s misguided policy of supporting a corrupt dictatorship. Our behavior may be technically illegal, but the goal justifies the action.

Using these techniques of neutralization, people are able to break the rules without feeling morally unworthy. They may even be able to put themselves on a higher plane specifically because of their willingness to rebel against rules. They are basically redefining the situation in favor of their actions.

**Cultural Transmission Theory** This theory relies strongly on the concept of learning, growing out of the work of Clifford Shaw and Henry McKay, who received their training at the University of Chicago. They became interested in the patterning of delinquent behavior in that city when they observed that Chicago’s high-crime areas remained the same over the decades—even though the ethnic groups living in those areas changed. Further, they found that as members of an ethnic group moved out of the high-crime areas, the rate of juvenile delinquency in that group fell; at the same time, the delinquency rate for the newly arriving ethnic group rose. Shaw and McKay (1931, 1942) discovered that delinquent behavior was taught to newcomers in the context of peer-group activities. Also, because such behavior occurred mostly in the context of peer-group activities, youngsters gave up their deviant ways when their families left the high-crime areas.

Edwin H. Sutherland and his student Donald R. Cressey (1978) built a more general theory of juvenile delinquency on the foundation laid by Shaw and McKay. This **theory of differential association** is based on the central notion that criminal behavior is learned in the context of intimate groups (see Table 6–1). When criminal behavior is learned, it includes two components: (1) criminal techniques (such as how to break into houses) and (2) criminal attitudes (rationalizations that justify criminal behavior). In this context, people who become criminals are thought to do so when they associate with the rationalizations for breaking the law more than with the arguments for obeying the law. They acquire these attitudes through long-standing interactions with others who hold these views. Thus, among the estimated 70,000 gang members in Los Angeles County, status is often based on criminal activity and drug use. Even arrests and imprisonment are events worthy of respect. A younger exposed to and immersed in such a value system will identify with it, if only in order to survive. In many respects, differential association theory is quite similar to the behavioral theory we discussed earlier. Both emphasize the learning or socialization aspect of deviance. Both also point out that deviant behavior emerges in the same way that conformist behavior emerges; it is merely the result of different experiences and different associations.

**Labeling Theory** Under **labeling theory** the focus shifts from the deviant individual to the social process by which a person comes to be labeled as deviant and the consequences of such labeling for the individual. This view emerged in the 1950s from the writings of Edwin Lemert (1972). Since then, many other sociologists have elaborated on the labeling approach. Labeling theorists note that although we all break rules from time to time, we do not necessarily think of ourselves as deviant—nor are we so labeled by others. However, some individuals, through a series of circumstances, do come to be defined as deviant by others in society. Paradoxically,
this labeling process actually helps bring about more deviant behavior.

Being caught in wrongdoing and branded as deviant has important consequences for one’s further social participation and self-image. The most important consequence is a drastic change in the individual’s public identity. It places the individual in a new status, and he or she may be revealed as a different kind of person than formerly thought to be. Such people may be labeled as thieves, drug addicts, lunatics, or embezzlers and are treated accordingly.

To be labeled as a criminal, one need commit only a single criminal offense. Yet the word carries a number of connotations of other traits characteristic of anyone bearing the label. A man convicted of breaking into a house and thereby labeled criminal is presumed to be a person likely to break into other houses. Police operate on this premise and round up known offenders for questioning after a crime has been committed. In addition, it is assumed that such an individual is likely to commit other kinds of crimes as well, because he or she has been shown to be a person without “respect for the law.” Therefore, apprehension for one deviant act increases the likelihood that this person will be regarded as deviant or undesirable in other respects.

Even if no one else discovers the deviance or endorses the rules against it, the individual who has committed it acts as an enforcer. Such individuals may brand themselves as deviant because of what they did and punish themselves in one way or another for the behavior (Becker, 1963).

There appear to be at least three factors that determine whether a person’s behavior will set in motion the process by which he or she will be labeled as deviant: (1) the importance of the norms that are violated, (2) the social identity of the individual who violates them, and (3) the social context of the behavior in question. Let us examine these factors more closely.

1. The importance of the violated norms. As we noted in Chapter 3, not all norms are equally important to the people who hold them. The most strongly held norms are mores, and their violation is likely to cause the perpetrator to be labeled deviant. The physical assault of an elderly person is an example. For less strongly held norms, however, much more nonconformity is tolerated, even if the behavior is illegal. For example, running red lights is both illegal and potentially very dangerous, but in some American cities it has become so commonplace that even the police are likely to look the other way rather than pursue violators.

2. The social identity of the individual. In all societies there are those whose wealth or power (or even force of personality) enables them to ward off being labeled deviant despite behavior that violates local values and norms. Such individuals are buffered against public judgment and even legal sanction. A rich or famous person caught shoplifting or even using narcotics has a fair chance of being treated indulgently as an eccentric and let off with a lecture by the local chief of police. Conversely, there are those marginal or powerless individuals and groups, such as welfare recipients or the chronically unemployed, toward whom society has little tolerance for nonconformity. Such people quickly are labeled deviant when an opportunity presents itself and are much more likely to face criminal charges.

3. The social context. The social context within which an action takes place is important. In a certain situation an action might be considered deviant, whereas in another context it will not. Notice that we say social context, not physical location. The nature of the social context can change even when the physical location remains the same. For example, for most of the year the New Orleans police manage to control open displays of sexual behavior, even in the famous French Quarter. However, during the week of Mardi Gras, throngs of people freely engage in what at other times of the year would be called lewd and indecent behavior. During Mardi Gras, the social context invokes norms for evaluating behavior that do not so quickly lead to the assignment of a deviant label.

Labeling theory has led sociologists to distinguish between primary and secondary deviance. Primary deviance is the original behavior that leads to the application of the label to an individual. Secondary deviance is the behavior that people develop as a result of having been labeled as deviant (Lemert, 1972). For example, a teenager who has experimented with illegal drugs for the first time and is arrested for it may face ostracism by peers, family, and school authorities. Such negative treatment may cause this person to turn more frequently to using illegal drugs and to associating with other drug users and sellers, possibly resorting to robberies and muggings to get enough money to buy the drugs. Thus, the primary deviant behavior and the labeling resulting from it lead the teenager to slip into an even more deviant lifestyle. This new lifestyle would be an example of secondary deviance.

Labeling theory has proved useful. It explains why society will label certain individuals deviant but not others, even when their behavior is similar. There are, however, several drawbacks to labeling theory. For one thing, it does not explain primary deviance. That is, even though we may understand
how labeling may contribute to future, or secondary, acts of deviance, we do not know why the original, or primary, act of deviance took place. In this respect, labeling theory explains only part of the deviance process. Another problem is that labeling theory ignores the instances when the labeling process may deter a person from engaging in future acts of deviance. It looks at the deviant as a misunderstood individual who really would like to be an accepted, law-abiding citizen. Clearly, this is an overly optimistic view.

It would be unrealistic to expect any single approach to explain deviant behavior fully. In all likelihood, some combination of the various theories discussed is necessary to gain a fuller understanding of the emergence and continuation of deviant behavior.

The Importance of Law

As discussed earlier in this chapter, some interests are so important to a society that folkways and mores are not adequate enough to ensure orderly social interaction. Therefore, laws are passed to give the state the power of enforcement. These laws become a formal system of social control, which is exercised when other informal forms of control are not effective.

It is important not to confuse a society’s moral code with its legal code, nor to confuse deviance with crime. Some legal theorists have argued that the legal code is an expression of the moral code, but this is not necessarily the case. For example, although most states and hundreds of municipalities have enacted some sort of antismoking law, smoking is not an offense against morals. Conversely, it is possible to violate American moral sensibilities without breaking the law.

What, then, is the legal code? The legal code consists of the formal rules, called laws, adopted by a society’s political authority. The code is enforced through the use of formal negative sanctions when rules are broken. Ideally, laws are passed to promote conformity to those rules of conduct that the authorities believe are necessary for the society to function and that will not be followed if left solely to people’s internal controls or the use of informal sanctions. Others argue that laws are passed to benefit or protect specific interest groups with political power, rather than society at large (Quinney, 1974; Vago, 1988).

The Emergence of Laws

How is it that laws come into society? How do we reach the point where norms are no longer voluntary and need to be codified and given the power of authority for enforcement? Two major explanatory approaches have been proposed: the consensus approach and the conflict approach.

The consensus approach assumes that laws are merely a formal version of the norms and values of the people. There is a consensus among the people on these norms and values, and the laws reflect this consensus. For example, people will generally agree that it is wrong to steal from another person. Therefore, laws emerge formally stating this fact and provide penalties for those caught violating the law.

The consensus approach is basically a functionalist model for explaining a society’s legal system. It assumes that social cohesion will produce an orderly adjustment in the laws. As the norms and values in society change, so will the laws. Therefore “blue laws,” which were enacted in many states during colonial times, and which prohibited people from working or opening shops on Sunday, have been changed, and now vast shopping malls do an enormous amount of business on Sundays.

The conflict approach to explaining the emergence of laws sees dissension and conflict between various groups as a basic aspect of society. The conflict is resolved when the groups in power achieve control. The conflict approach to law assumes that the elite use their power to enact and enforce laws that support their own economic interests and go against the interests of the lower classes. As William Chambliss (1973) noted:

Conventional myths notwithstanding, the history of criminal law is not a history of public opinion or public interest. . . . On the contrary, the history of the criminal law is everywhere the history of legislation and appellate-court decisions which in effect (if not in intent) reflect the interests of the economic elites who control the production and distribution of the major resources of the society.

The conflict approach to law was supported by Richard Quinney (1974) when he noted, “Law serves the powerful over the weak . . . moreover, law is used by the state . . . to promote and protect itself.”

Chambliss used the development of vagrancy laws as an example of how the conflict approach to law works. He pointed out that the emergence of such laws paralleled the need of landowners for cheap labor in England during a time when the system of serfdom was breaking down. Later, when cheap labor was no longer needed, vagrancy laws were not enforced. Then, in the sixteenth century, the laws were modified to focus on those who were suspected of being involved in criminal activities and interfering with those engaged in the transportation
Conflict theorists believe that laws are used by the state to promote and protect itself. Chambliss (1973) noted, “Shifts and changes in the law of vagrancy show a clear pattern of reflecting the interests and needs of the groups who control the economic institutions of the society. The laws change as these institutions change.”

**Crime in the United States**

**Crime** is behavior that violates a society’s legal code. In the United States what is criminal is specified in written law, primarily state statutes. Federal, state, and local jurisdictions often vary in their definitions of crimes, though they seldom disagree in their definitions of serious crimes.

A distinction is often made between violent crimes and property crimes. A **violent crime** is an unlawful event such as homicide, rape, and assault that may result in injury to a person. Robbery is also a violent crime because it involves the use or threat of force against the person.

A **property crime** is an unlawful act that is committed with the intent of gaining property but that does not involve the use or threat of force against an individual. Larceny, burglary, and motor vehicle theft are examples of property crimes.

Criminal offenses are also classified according to how they are handled by the criminal justice system. In this respect, most jurisdictions recognize two classes of offenses: felonies and misdemeanors. Felonies are not distinguished from misdemeanors in the same way in all areas, but most states define felonies as offenses punishable by a year or more in state prison. Although the same act may be classified as a felony in one jurisdiction and as a misdemeanor in another, the most serious crimes are never misdemeanors, and the most minor offenses are never felonies.

**Crime Statistics**

It is very difficult to know with any certainty how many crimes are committed in the United States each year. There are two major approaches taken in determining the extent of crime. One measure of crime is provided by the FBI through its **Uniform Crime Reporting** (UCR) program. Since 1929, the FBI has been receiving monthly and annual reports from law enforcement agencies throughout the country, currently representing 96% of the national population. The UCR consists of eight crimes: homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Arrests
are reported for 21 additional crime categories also. Not included are federal offenses—political corruption, tax evasion, bribery, or violation of environmental-protection laws, among others.

The UCR has undergone a 5-year redesign effort and will soon be converted to a more comprehensive and detailed program known as the National Incident Based Reporting System (NIBRS).

Sociologists and critics in other fields note that for a variety of reasons, these statistics are not always reliable. For example, each police department compiles its own figures, and definitions of the same crime vary from place to place. Other factors affect the accuracy of the crime figures and rates published in the reports—for example, a law-enforcement agency or a local government may change its method of reporting crimes, so that the new statistics reflect a false increase or decrease in the occurrence of certain crimes. Under some circumstances, UCR data are estimated, because some jurisdictions do not participate or report partial data (Bureau of Justice Statistics, 1997).

A second measure of crime is provided through the National Crime Victimization Survey (NCVS), which began in 1973 to collect information on crimes suffered by individuals and households, whether or not these crimes were reported to the police. The UCR only measures reported crimes.

Six crimes are measured in the NCVS: rape, robbery, assault, household burglary, personal larceny, and motor vehicle theft. The similarity between these crimes and the UCR categories is obvious and intentional. Some crimes are missing from the NCVS that appear in the UCR. Murder cannot be measured through victim surveys, because obviously the victim is dead. Arson cannot be measured well through such surveys because the victim may in fact have been the criminal. An arson investigator is often needed to determine whether a fire was actually arson. Also, due to problems in questioning the victim, crimes against children under 12 are also excluded.

Whereas the UCR depends on police departments’ records of reported crimes, the NCVS attempts to assess the total number of crimes committed. The NCVS obtains its information by asking a nationally representative sample of 49,000 households (about 101,000 people over the age of 12) about their experiences as victims of crime during the previous 6 months. The households stay in the sample for 3 years (Bureau of Justice Statistics, 1997).

Of the 28,800,000 crimes that took place in 1999, the NCVS estimated that only 38% were reported to the police. The specific crimes most likely to be reported were motor vehicle theft (89.7%) and robbery (62%). The crime least likely to be reported was theft of less than $50 dollars (13%).

The particular reason most frequently mentioned for not reporting a crime was that it was not important enough. For violent crimes, the reason most often given for not reporting was that it was a private or personal matter. For an example of the reporting rates for a variety of crimes, see Figure 6-4.

![Figure 6-4](image-url) Percentage of Selected Crimes Reported to the Police

Figure 6-5 for the likelihood that someone will be sent to prison for a known crime.

Each survey is subject to the kinds of errors and problems typical of its method of data collection. Despite their respective drawbacks, they both are valuable sources of data on nationwide crime.

Kinds of Crime in the United States

The crime committed can vary considerably in terms of the impact it has on the victim and on the self-definition of the perpetrator of the crime. White-collar crime is as different from street crime as organized crime is from juvenile crime. In the next section, we shall examine these differences.

Juvenile Crime

Juvenile crime refers to the breaking of criminal laws by individuals under the age of 18. Regardless of the reliability of specific statistics, one thing is clear: Serious crime among our nation’s youth is a matter of great concern. Hard-core youthful offenders—perhaps 10% of all juvenile criminals—are responsible, by some estimates, for two-thirds of all serious crimes. Although the vast majority of juvenile delinquents commit only minor violations, the juvenile justice system is overwhelmed by these hard-core criminals.

Serious juvenile offenders are predominantly male, disproportionately minority group members (compared with their proportion in the population), and typically disadvantaged economically. They are likely to exhibit interpersonal difficulties and behavioral problems, both in school and on the job. They are also likely to come from one-parent families or families with a high degree of conflict, instability, and inadequate supervision.

Arrest records for 1998 show that youths under age 19 accounted for 23.2% of all arrests (Sourcebook of Criminal Justice Statistics, 1999, 2000). Arrests, however, are only a general indicator of criminal activity. The greater number of arrests among young people may be due partly to their lack of experience in committing crimes and partly to their involvement in the types of crimes for which apprehension is more likely, for example, theft versus fraud. In addition, because youths often commit crimes in groups, the resolution of a single crime may lead to several arrests. (See Table 6-2 for arrest rates by age.)

Indeed, one of the major differences between juvenile and adult offenders is the importance of gang membership and the tendency of youths to engage in group criminal activities. Gang members are more likely than other young criminals to engage in violent crimes, particularly robbery, rape, assault, and
CHAPTER 6  Deviant Behavior and Social Control

What used to be a rare occurrence in the United States is now becoming increasingly commonplace. There are now two or three mass murders every month in the United States. In fact, 7 of the 10 largest mass killings in American history took place in the past decade. Many people want to know what makes these individuals kill. Sociologist Jack Levin is one of the nation's best-known authorities on this problem. Levin points out that, contrary to popular assumptions, mass murderers do not just “snap” or “go crazy.” Their killing sprees are methodical and extremely well planned, and the motive usually is to get even. Mass murderers seek revenge against those individuals they feel are responsible for their problems. Levin notes, “The mass killer may be depressed, disillusioned, despondent, or desperate, but not deranged.”

There are two types of multiple homicides. First are the mass killings often in the news. Here the individual kills a number of people within a short period of time. It could take place at the killer’s last place of employment, in a restaurant, or at home. Serial killings differ in that instead of killing in a violent outburst, the murderer kills one victim at a time over a period of days, weeks, years, and even decades.

Mass killers tend to be white, middle-class, middle-aged males. Levin believes it takes a prolonged period of frustration to produce the kind of rage necessary for this type of brutal eruption. Mass killers have seen their lives go downhill for decades. Their relationships with others have fallen apart. Many cannot hold a job. They are trying to survive with their many problems, but then a catastrophic event puts them over the edge.

On the surface, serial murderers seem the same in that they are also likely to be white, middle-aged males. The difference is that serial murderers love to kill. Killing becomes a pleasurable end in itself. Most important, killing gives the serial killer a feeling of power. Levin notes that serial murderers have a great need for dominance and control, which they satisfy by taking the last breath from their victims. Very few will use a gun, because they want physical contact with the victim. They are sadistic.

Levin believes it is incorrect to characterize serial killers as insane. These people know what they are doing is wrong; they simply do not care. Levin notes, “They do not have a defect of the mind, they have a defect of character. They are not mad, they are bad. They are not crazy, they are very crafty. They are not sick, they are sickening.” They do not feel guilty about their actions. The secret to serial murderers’ success lies in the fact that they do not look like the monsters they are. They are thoroughly familiar with the rules of society, but they do not feel the rules apply to them.

When it comes to the issue of whether there should be a death penalty for these killers, Levin points out that in many ways mass murderers are dead already. They want to die and often kill themselves right after their violent binge. For the serial killers, Levin believes we should “lock them up and throw away the key. These people cannot be rehabilitated.”

Mass murders and serial murders are a growing but still rare phenomenon. Levin points out that all told about 500 people die a year at the hand of a mass killer or serial killer. This is quite small compared to the 22,000 single victim homicides a year. Levin reminds us that “You are still more likely to contract leprosy or malaria than you are to be murdered by a serial killer or mass killer.” We cannot suspect everyone around us of being a killer. Our goal should be to understand the basis for mass killings and serial killings so we may one day be able to prevent them.
Juvenile courts have had limited success in dealing with juvenile offenders. The boot camp approach has been tried with some of these individuals, but the success of this method is also questionable.

Table 6-2
Age Distribution of Arrests, 1998

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percentage* of U.S. Population</th>
<th>Percentage* of Persons Arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age 12 and younger</td>
<td>19.2%</td>
<td>1.6%</td>
</tr>
<tr>
<td>13–15</td>
<td>4.2</td>
<td>7.6</td>
</tr>
<tr>
<td>16–18</td>
<td>4.0</td>
<td>14.0</td>
</tr>
<tr>
<td>19–21</td>
<td>4.1</td>
<td>13.0</td>
</tr>
<tr>
<td>22–24</td>
<td>4.4</td>
<td>9.3</td>
</tr>
<tr>
<td>25–29</td>
<td>7.4</td>
<td>13.3</td>
</tr>
<tr>
<td>30–34</td>
<td>8.5</td>
<td>12.3</td>
</tr>
<tr>
<td>35–39</td>
<td>8.4</td>
<td>11.6</td>
</tr>
<tr>
<td>40–44</td>
<td>7.6</td>
<td>8.1</td>
</tr>
<tr>
<td>45–49</td>
<td>6.4</td>
<td>4.6</td>
</tr>
<tr>
<td>50–54</td>
<td>5.1</td>
<td>2.3</td>
</tr>
<tr>
<td>55–59</td>
<td>4.2</td>
<td>1.1</td>
</tr>
<tr>
<td>60–64</td>
<td>3.9</td>
<td>0.6</td>
</tr>
<tr>
<td>Age 65 and older</td>
<td>12.7</td>
<td>0.6</td>
</tr>
</tbody>
</table>

*Percentages do not equal 100% due to rounding.

deinstitutionalize status offenders. One approach, known as diversion—steering youthful offenders away from the juvenile justice system to nonofficial social agencies—has been suggested by Edwin Lemert (1981).

**Violent Crime**

In 1999, the violent crime rate in the United States reached the lowest level since the Bureau of Justice Statistics (BJS) started measuring it in 1973. There were an estimated 28.8 million violent and property crimes in 1999, compared to 44 million such incidents counted in the first year of the BJS National Crime Victimization survey (Bureau of Justice Statistics, Criminal Victimization 1999, 2000).

Yet even with this decline there were 3,047 violent crimes per 100,000 population reported in Atlanta; 2,557 in Tampa; 2,443 in Detroit; and 2,420 in Baltimore. If we keep in mind that only about 44% of all violent crimes are reported to the police, we can see how high the incidence of violent crime really is (Sourcebook of Criminal Justice Statistics, 1999). Bureau of Justice data show that 54% of all violent crime victims knew their attackers. Nearly 70% of the rape and sexual assault victims knew the offender as an acquaintance, friend, relative, or intimate. Twenty-eight percent of the rape and sexual assault victimizations are reported to the police.

The violent crime rate in the United States also includes the highest homicide rate in the industrialized world. There are more homicides in any one of the cities of New York, Detroit, Los Angeles, or Chicago each year than in all of England and Wales combined. (See “Global Sociology: Is Homicide an American Phenomenon?”)

In addition to homicide and rape, other violent crimes such as aggravated assault and robbery have an impact on American households. Each year there are about 1.6 million aggravated assaults and about 850,000 robberies (Bureau of Justice Statistics, July 1999).

**Property Crime**

Seventy-five percent of all crime in the United States is what is referred to as crime against property, as opposed to crime against the person. In all instances of crime against property, the victim is not present and is not confronted by the criminal.

The most significant nonviolent crimes are burglary, auto theft, and larceny-theft. In 1997, 4,635,000 households reported a burglary, 1,433,000 reported an auto theft, and 25,817,000 reported a property crime. Keep in mind that only about 32.6% of all household thefts are reported (Sourcebook of Criminal Justice Statistics, 1999).

Violent and property crime victimizations disproportionately affected urban residents during 1998. Urbanites accounted for 29% of the United States population and sustained 38% (12 million) of all violent and property crime victimizations.

In comparison, the percentages of suburban and rural residents who were victims of crime were lower than their percentages of the population. Fifty-one percent of the U.S. population were suburban residents who experienced 47% (15 million) of all violent and property victimizations. Rural residents accounted for 20% of the U.S. population but sustained 15% (5 million) of all violent and property crime victimizations, according to National Crime Victimization Survey (NCVS) data (U.S. Department of Justice, Office of Justice Program, Bureau of Justice Statistics Urban, Suburban, and Rural Victimization, 1993–1998, October 2000).

**White-Collar Crime**

The term white-collar crime was coined by Edwin H. Sutherland (1940) to refer to the acts of individuals who, while occupying positions of social responsibility or high prestige, break the law in the course of their work for the purpose of illegal personal or organizational gain. White-collar crimes include such illegalities as embezzlement, bribery, fraud, theft of services, kickback schemes, and others in which the violator's position of trust, power, or influence has provided the opportunity to use lawful institutions for unlawful purposes. White-collar offenses frequently involve deception.

Although white-collar offenses are often less visible than crimes such as burglary and robbery, the overall economic impact of crimes committed by such individuals are considerably greater. Not only is white-collar crime very expensive, it is also a threat to the fabric of society, causing some to argue that it causes more harm than street crime (Reiman, 1990). Sutherland (1961) has argued that because white-collar crime involves a violation of public trust, it contributes to a disintegration of social morale and threatens the social structure. This problem is compounded by the fact that in the few cases in which white-collar criminals actually are prosecuted and convicted, punishment usually is relatively light.

New forms of white-collar crime involving political and corporate institutions have emerged since the 1980s. For example, the dramatic growth in high
technology has brought with it sensational accounts of computerized heists by sophisticated criminals seated safely behind computer terminals. The possibility of electronic crime has spurred widespread interest in computer security, by business and government alike.

**Victimless Crime**

Usually we think of crimes as involving culprits and victims—that is, individuals who suffer some loss or injury as a result of a criminal act. However, a number of crimes do not produce victims in any obvious way, and so some scholars have coined the term *victimless crime* to refer to them.

Basically, *victimless crimes* are acts that violate those laws meant to enforce the moral code. Usually they involve the use of narcotics, illegal gambling, public drunkenness, the sale of sexual services, or status offenses by minors. If heroin and crack cocaine addicts can support their illegal addictions legitimately, then who is the victim? If a person bets $10 or $20 per week with the local bookmaker, who is the victim? If someone staggers drunkenly through the streets, who is the victim? If a teenager runs away from home because conditions there are intolerable, who is the victim?

Some legal scholars argue that the perpetrators themselves are victims: Their behavior damages their own lives. This is, of course, a value judgment, but then the concept of deviance depends on the existence of values and norms (Schur & Bedau, 1974). Others note that such offenses against the public order do, in fact, contribute to the creation of victims, if only indirectly: Heroin addicts rarely can hold jobs and eventually are forced to steal to support themselves, prostitutes are used to blackmail people and to rob them, chronic gamblers impoverish themselves and bring ruin on their families, drunks drive and get into accidents and may be violent at home, and so on.

Clearly, the problems raised by the existence of victimless crimes are complex. In recent years, American society has begun to recognize that at least some crimes truly are victimless and that they should therefore be decriminalized. Two major activities that have been decriminalized in many states and municipalities are the smoking of marijuana (though not its sale) and sex between unmarried, consenting adults of the same gender.

**Victims of Crime**

We have been discussing crime statistics, the types of crimes committed, and who commits them. But what about the victims of crime? Is there a pattern? Are some people more apt to become crime victims than others are? It seems that this is true; victims of crime are not spread evenly across society. Although, as we have seen, the available crime data are not always reliable, a pattern of victimization can be seen in the reported statistics. A person’s race, gender, age, and socioeconomic status have a great deal to do with whether that individual will become a victim of a serious crime.

Statistics show that, overall, males are much more likely to be victims of serious crimes than females are. When we look at crimes of violence and theft separately, however, a more complex picture emerges. Younger people are much more likely than the elderly to be victims of crime. African Americans are more likely to be victims of violent crime than are whites or members of other racial groups. People with low incomes have the highest violent-crime victimization rates. Theft rates are the highest for people with low incomes (less than $7,5000 per year) and for those with higher incomes (more than $30,000 per year). Students and the unemployed are more likely than homemakers, retirees, or the employed to be victims of crime. Rural residents are less often crime victims than are people living in cities (Bureau of Justice Statistics, 2000).

Despite the growing, albeit unfounded, concern about crimes against the elderly, figures show that young people are most likely to be victims of serious crimes. For example, the violent victimization rates for people aged 16 to 19 are 20.3 times higher than for persons 65 and older. Similarly, 1 in 8 people murdered are under age 18 (Bureau of Justice Statistics, 2000).

The reason the elderly are less likely to be the victims of violent crime than the young is related in part to differences in lifestyle and income. Younger people may more often be in situations that place them at risk. They may frequent neighborhood hangouts, bars, or events that are likely places for an assault to take place. About 22 percent of the elderly reported that they never went out at night for entertainment, shopping, or other activities.

The only crime category that affected the elderly at about the same rate as most others (except those ages 12–24) was personal theft, which includes purse snatching and pocket picking.

Criminals may believe that the elderly are more likely to have large amounts of cash and are less likely to defend themselves. As a result, the elderly are still quite vulnerable to crimes such as robbery, purse snatching, or pickpocketing. (Bureau of Justice Statistics, 2000).
Is Homicide an American Phenomenon?

The United States has the dubious distinction of having one of the highest homicide rates of all industrialized and non-industrialized countries in the world. The sharp increase in homicides in the late 1980s and much of the subsequent decline are attributable to a rise and fall in gun violence by juveniles and young adults. The nation’s murder rate was 6.3 per 100,000 population in 1998 compared to 4.6 per 100,000 population in 1950. This number is two to three times that of most European countries.

Russia and other former Eastern-bloc countries have experienced a great deal of social upheaval since the fall of communism causing their homicide rates to increase dramatically. Today these countries also have homicide rates that have been typical of the United States for the past 30 years (see Figure 6-6).

If we look for answers for this phenomenon, we begin to see that in the United States homicide has become less of a domestic nonstranger event and more of an event that grows out of other criminal

**Figure 6-6** Homicide Rates for Selected Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Homicides per 100,000 population</th>
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<tbody>
<tr>
<td>Russia</td>
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<td>Romania</td>
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<td>U.S.</td>
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<td>Spain</td>
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<td>U.K.</td>
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<td>Japan</td>
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<tr>
<td>Ireland</td>
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</table>

situations. With the advent of cocaine and “crack” in the mid 1980s, homicide has become interconnected with drug trafficking and drug use (Parker 1995).

This change has also made it more difficult to solve homicides. When homicide was more likely to be a domestic or intimate relationship event, nearly all were solved. For example, 94% of all homicides in 1954 were solved. As of 1998, the solution rate had dropped to 69% as homicides are increasingly likely to be perpetrated by a larger group of individuals as they commit a variety of crimes (see Figure 6-7). Homicide has the highest resolution rate of all serious crimes.

Homicide is the 10th leading cause of death in the United States and accounts for 1.1% of all deaths. When compared to the death toll from other major causes such as heart disease and cancer, the percentage attributed to homicide seems quite modest. There is another way of looking at it, however. Homicide disproportionately involves young victims without any major diseases. The victims are more like those in fatal automobile accidents than those dying from fatal diseases. In any given year, the median age of death of homicide victims is between 25 and 29. The number of years of life lost to a homicide is usually significantly greater than those lost to a disease. Taken as a whole, the years lost to homicide equal nearly 80% of those lost to heart disease and nearly 70% of those lost to cancer (Zimring & Hawkins, 1997).

Sources:
178  Chapter 6  Deviant Behavior and Social Control

Criminal Justice in the United States

Every society that has established a legal code has also set up a criminal justice system—personnel and procedures for arrest, trial, and punishment—to deal with violations of the law. The three main categories of our criminal justice system are the police, the courts, and the prisons.

The Police

The police system developed in the United States is a highly decentralized one. It exists on three levels: federal, state, and local. On the federal level, the United States does not have a national police system. There are, however, federal laws enacted by Congress. These laws govern the District of Columbia and all states when a federal offense has been committed, such as kidnapping, assassination of a president, mail fraud, bank robbery, and so on. The Federal Bureau of Investigation (FBI) enforces many of these laws and also assists local and state law enforcement authorities in solving local crimes. If a nonfederal crime has been committed, the FBI must be asked by local or state authorities before it can aid in the investigation. If a particular crime is a violation of both state and federal law, state and local police often cooperate with the FBI to avoid unnecessary duplication of effort.

The state police patrol the highways, regulate traffic, and have primary responsibility for the enforcement of some state laws. They provide a variety of other services, such as a system of criminal identification, police training programs, and computer-based records systems to assist local police departments.

The jurisdiction of police officers at the local level is limited to the state, town, or municipality in which the person is a sworn officer of the law. Some problems inevitably result from such a highly decentralized system. Jurisdictional boundaries sometimes result in overlapping, communication problems, and difficulty in obtaining assistance from another law enforcement agency.

Contrary to some expectations, the public has a great deal of confidence in the police. In a year 2000 Gallup Poll, 55% of the public rated the police either “very high” or “high” for honesty and ethics. Only 11% had negative views of the police.

The situation changes, however, once we look at the numbers more closely. African Americans and white Americans differ dramatically on their perceptions of the police. While 63% of whites had a high level of confidence in the police, only 26% of African Americans feel the same way. In fact, 35% of blacks compared to 8% of whites have very little or no confidence in the police (The Gallup Organization, 2000).

People often have unrealistically high expectations of the police. Historically, police in the United States have been young white males with a high school education (or less). Most still come from working-class backgrounds. In the past two decades, attempts have been made to raise the educational levels of the police, as well as produce a more heterogeneous distribution, including women and minorities.

The Courts

The United States has a dual court system consisting of state and federal courts, with state and federal crimes being prosecuted in the respective courts. Some crimes may violate both state and federal
statutes. About 85% of all criminal cases are tried in the state courts.

The state court system varies from one state to the other. Lower trial courts exist for the most part to try misdemeanors and petty offenses. Higher trial courts can try felonies and serious misdemeanors. All states have appeal courts. Many have only one court of appeal, which is often known as the state supreme court. Some states have intermediate appeal courts.

The federal court system consists of three basic levels, excluding such special courts as the United States Court of Military Appeals. The United States district courts are the trial courts. Appeals may be brought from these courts to the appellate courts. There are eleven courts at this level, referred to as circuit courts. Finally, the highest court is the Supreme Court, which is basically an appeals court, although it has original jurisdiction in some cases.

The lower federal courts and the state courts are separate systems. Cases are not appealed from a state court to a lower federal court. A state court is not bound by the decisions of the lower federal court in its district, but it is bound by decisions of the United States Supreme Court (Reid, 1991).

Prisons

Prisons are a fact of life in the United States. As much as we may wish to conceal them, and no matter how unsatisfactory we think they are, we cannot imagine doing without them. They represent such a fundamental defense against crime and criminals that we now keep a larger portion of our population in prisons than any other nation and for terms that are longer than in many counties. Small wonder that Americans invented the prison.

Before prisons, serious crimes were redressed by corporal or capital punishment. Jails existed, but mainly for pretrial detention. The closest thing to the modern prison was the workhouse. This was a place of hard labor designed almost exclusively for minor offenders, derelicts, and vagrants. The typical convicted felon was either physically punished or fined, but not incarcerated. Today’s system of imprisonment for a felony is a historical newcomer.

Goals of Imprisonment Prisons exist to accomplish at least four goals: (1) separation of criminals from society, (2) punishment of criminal behavior, (3) deterrence of criminal behavior, and (4) rehabilitation of criminals.

1. Separation of criminal from society. Prisons accomplish this purpose once felons reach the prison gates. Inasmuch as it is important to protect society from individuals who seem bent on repeating destructive behavior, prisons are one logical choice among several others, such as exile and capital punishment (execution). The American criminal justice system relies principally on prisons to segregate convicts from society, and in this regard they are quite efficient.

2. Punishment of criminal behavior. There can be no doubt that prisons are extremely unpleasant places in which to spend time. They are crowded, degrading, boring, and dangerous. Not infrequently, prisoners are victims of one another’s violence. Inmates are constantly supervised, sometimes harassed by guards, and deprived of normal means of social, emotional, intellectual, and sexual expression. Prison undoubtedly is a severe form of punishment.

3. Deterrence of criminal behavior. The general feeling among both the public and the police is that prisons have failed to achieve the goal of deterring criminal behavior. There are good reasons for this. First, by their very nature, prisons are closed to the public. Few people know much about prison life, nor do they often think about it. Inmates who return to society frequently brag to their peers about their prison experiences in order to recover their self-esteem. To use the prison experience as a deterrent, the very unpleasant aspects of prison life would have to be constantly brought to the attention of the population at large. To promote this approach, some prisons have allowed inmates to develop programs introducing high school students to the horrors of prison life. From the scanty evidence available to date, it is unclear whether such programs deter people from committing crimes. Another reason that prisons fail to deter crime is the funnel effect, discussed later. No punishment can deter undesired behavior if the likelihood of being punished is minimal. Thus, the argument regarding the relative merits of different types of punishment is pointless until there is a high probability that whatever forms are used will be applied to all (or most) offenders.

4. Rehabilitation of criminals. Many Americans believe that rehabilitation—the resocialization of criminals to conform to society’s values and norms and the teaching of usable work habits and skills—should be the most important goal of imprisonment. It is also the stated goal of almost all corrections officials. Yet there can be no doubt that prisons do not come close to achieving this aim. According to the FBI, 63% of all inmates released from prison are arrested again for criminal behavior within 3 years (Bureau of Justice, 1992).

Sociological theory helps explain why rehabilitation is often ineffective. Sutherland’s ideas on cultural
transmission and differential association point to the fact that inside prisons, the society of inmates has a culture of its own, in which obeying the law is not highly valued. New inmates are socialized quickly to this peer culture and adopt its negative attitudes toward the law. Further, labeling theory tells us that once somebody has been designated as deviant, his or her subsequent behavior often conforms to that label. Prison inmates who are released find it difficult to be accepted in the society at large and to find legitimate work. Hence, former inmates quickly take up with their old acquaintances, many of whom are active criminals. It thus becomes only a matter of time before they are once more engaged in criminal activities.

This does not mean that prisons should be torn down and all prisoners set free. As we have indicated, prisons do accomplish important goals, though certain changes are needed. Certainly it is clear that the entire criminal justice system needs to be made more efficient and that prison terms as well as other forms of punishment must follow predictably the commission of a crime. Another idea, which gained some approval in the late 1960s but seems of late to have declined in popularity, is to create “halfway” houses and other institutions in which the inmate population is not so completely locked away from society. This way, they are less likely to be socialized to the prison’s criminal subculture. Labeling theory suggests that if the process of delabeling former prisoners were made open, formal, and explicit, released inmates might find it easier to win reentry into society. Finally, just as new prisoners are quickly socialized into a prison’s inmate culture, released prisoners must be resocialized into society’s culture. This can be accomplished only if means are found to bring ex-inmates into frequent, supportive, and structured contact with stable members of the wider society (again, perhaps, through halfway houses). The simple separation of prisoners from society undermines this goal.

To date, no society has been able to come up with an ideal way of confronting, accommodating, or preventing deviant behavior. Although much attention has been focused on the causes of and remedies for deviant behavior, no theory, law, or social-control mechanism has yet provided a fully satisfying solution to the problem. (See “Remaking the World: Freeing the Innocent.”)

### A Shortage of Prisons

Today’s criminal justice system is in a state of crisis over prison crowding. Even though our national prison capacity has expanded, it has not kept up with demands. The National Institute of Justice estimates

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**Remaking the World**

**Freeing the Innocent**

Merely finishing law school is enough of an accomplishment for most students. Now a few can also claim their studies helped to save someone’s life. Having lost their freedom, livelihood, and often their families, many inmates have turned to the Innocence Project for help. Operating out of the Benjamin N. Cardozo School of Law, the Innocence Project provides free legal assistance to inmates who are challenging their convictions. Founded in 1992 by law professors Barry Scheck and Peter Neufeld, the Innocence Project is currently handling more than 200 cases, and more than 1,000 are pending. Clients are spread throughout the country, many serving life sentences and some on death row. The project receives information about hundreds of additional cases every week.

Forensic DNA evidence is often the deciding factor in these cases. DNA testing has become a powerful tool for prosecutors and police in identifying criminals. More recently, DNA testing has also become a key factor in exonerating the wrongfully convicted. Since the advent of forensic DNA testing in the late 1980s, at least 51 people in the United States have been exonerated and set free. Scheck and Neufeld estimate that there may be thousands of innocent people currently incarcerated. Older type blood tests, mistaken eyewitness identification, and unmonitored laboratory practices have contributed to the wrongful conviction of those who are innocent.

Though DNA testing can mean scientific and irrefutable proof of innocence, there is often resistance on the part of police and prosecutors to reopening cases, whether it be for political reasons or for the sake of the finality of the conviction. Reopening the cases of innocent people in prison has often been quite difficult.

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that we must add 1,000 prison spaces a week just to keep up with the growth in the criminal population.

Compounding the problem is the fact that many states have mandated prison terms for chronic criminals, drunken drivers, and those who commit gun crimes. Yet nearly every community will have an angry uprising if the legislature suggests building a new prison in their neighborhood. Given state financial pressures, community resistance, and soaring construction costs, people face a difficult choice. They must either build more prisons or let most convic ted offenders go back to the community.

A key consideration in sending a person to prison is money. The custodial cost of incarceration in a medium-security prison is $15,000 a year. The cost is closer to $25,000 once you add to this the cost of actually building the prison, and additional payments to dependent families. You can see why judges are quick to use probation as an alternative to imprisonment. People face a difficult choice. They must either build more prisons or let most convicted offenders go back to the community.

The other side of the question, however, is how much does it cost us not to send this person to prison? While it is easy to calculate the cost of an offender’s year in prison, it is considerably more difficult to figure the cost to society of letting that individual roam the streets. One study suggests that it is more expensive to release an offender than to incarcerate him when you weigh the value of crime prevented through imprisonment.

An inmate survey revealed that the average inmate had committed 200 crimes in the year before incarceration. Hardened, habitual criminals can be one-person crime waves. These people are committing nearly four crimes a week. Can there be any doubt in anybody’s mind that it is cheaper to incarcerate these individuals than to let them pursue their trade on society (Bureau of Justice Statistics, 1988; Chaiken & Chaiken, 1982).

How much does each crime cost the public? The National Institute of Justice has come up with a figure of $2,300 per crime. This number undoubtedly overestimates the value of petty larcenies and underestimates the cost of rapes, murders, and serious assaults. It is an average, however, and it does give us some way of comparing the costs of incarceration with the costs of freedom. Using the $2,300 per-crime cost, we find that a typical inmate committing 200 crimes (the low estimate) is responsible for $460,000 in crime costs per year. Sending 1,000 additional offenders to prison, instead of putting them on probation, would cost an additional $25 million per year. The crimes averted, however, by taking these individuals out of the community would save society more than $460 million.

This approach merely gives us a dollars and cents way of making a comparison. It does not in any way account for the personal anguish and trauma to the victims of crimes that would be averted.

Looking at the issue from this perspective overwhelmingly supports the case for more prison space. It costs communities more in real losses, social damages, and security measures than it does to incarcerate offenders who are crowded out by today’s space limitations.

Women in Prison

As prison reform began in this country, the practice was to segregate women into sections of the existing institutions. There were few women inmates, a fact that was used to justify not providing them with a matron. Vocational training and educational programs were not even considered. In 1873, the first separate prison for women, the Indiana Women’s Prison, was opened, with its emphasis on rehabilitation, obedience, and religious education.

In contrast with institutions for adult males, institutions for adult women are generally more aesthetic and less secure. This is an outgrowth of the fact that in the past, women inmates were not considered high security risks, nor have they proved to be as violent as male inmates. Women were more likely to commit property crimes, such as larceny, forgery, and fraud. This trend in crimes has changed, however, and women now commit more violent crimes than property crimes. Still, three-quarters of the violent crimes committed by women are the less serious type known as simple assault. Drug offenses by women have also increased dramatically in recent years (Bureau of Justice Statistics, 1997; Sniffen, 1999).

There are some exceptions, but on the whole, women’s institutions are built and maintained with the view that their occupants are not great risks to themselves or to others. Women inmates also usually have more privacy than men do while incarcerated, and women usually have individual rooms. With the relatively smaller number of women in prison, there is a greater opportunity for the inmates to have contact with the staff, and there is also a greater chance for innovation in programming (Reid, 1991).

The number of women in state and federal prisons in 1999 reached a record of 90,668. Even though the rate of increase in the number of women going to prison has been greater than that for men, females still make up a relatively small segment of the total prison population—6.6% at the end of 1999. Relative to their number in the U.S. population, men are 15 times more likely than women to be incarcerated. (Bureau of Justice Statistics, “Prisoners in 1999,” August 2000). (See Figure 6-8.)

Female, as compared with male, inmates appear to have greater difficulty adjusting to the absence of their families, especially to the absence of their...
Two-thirds of women in prison are mothers, and the vast majority or their children are under age 18. Some prisons, such as the maximum security women's prison in Bedford Hills, New York, allow inmate mothers to keep their babies with them until the babies are 18 months of age.

children. Two-thirds of women in prison are mothers, and the vast majority (88%) of their children are under 18. In 1996, 96,000 children in the United States had mothers in prison. Only 25% of these children were cared for by the father while the mother was in prison. Most of the children were living with a grandparent (Bureau of Justice Statistics, 1994, 1997).

The Funnel Effect

One complaint voiced by many of those concerned with our criminal justice system is the existence of the funnel effect, in which many crimes are committed, but few people ever seem to be punished. The funnel effect begins with the fact that of all the crimes committed, only 38% are reported to the police (Sourcebook of Criminal Justice Statistics, 1999). Only about 26% lead to an arrest. Further, false arrests, lack of evidence, and plea bargaining (negotiations in which individuals arrested for a crime are allowed to plead guilty to a lesser charge of the crime, thereby saving the criminal justice system the time and money spent in a trial) considerably reduce the number of complaints that actually are brought to trial. To be fair, the situation is not quite as bad as it appears. The number of arrests for serious crimes is considerably higher than it is for crimes in general.

What about punishment? Those who criticize the system’s funnel effect seem to regard only a term in prison as an effective punishment. Yet the usual practice is to send to prison only those criminals whose terms of confinement are set at over one year. The number of prisoners in federal and state prisons, after declining through the 1960s, rose sharply through the 1990s, reaching 1,366,721 inmates in 1999 (Bureau of Justice, August 2000).
Many thousands of other criminals receive shorter sentences and serve them in municipal and county jails. Thus, if the numbers of people sent to local jails as well as to prison are counted, the funnel effect is seen to be less severe than it often is portrayed. The question then becomes one of philosophy: Is a jail term of less than one year an adequate measure for the deterrence of crime? Or should all convicted criminals have to serve longer sentences in federal or state prisons, with jails used primarily for pretrial detention?

**Truth in Sentencing**

The amount of time offenders serve in prison is almost always shorter than the time they are sentenced to serve by the court. For example, prisoners released in 1996 served an average of 30 months in prison and jail, or 44% of their 85-month sentences. The public has been in favor of longer sentences and uniform punishments for prisoners. Prison crowding and reductions in prison time for good behavior have often resulted in the release of prisoners well before they served their assigned sentences. In response to complaints that criminals were not paying for their crimes, many states enacted restrictions on the possibility of early release; these laws became known as “truth in sentencing.” The truth-in-sentencing laws require offenders to serve a substantial portion of the prison sentence imposed by the court before being eligible for release. The laws are based on the belief that victims and the public are entitled to know exactly what punishments offenders are receiving.

Truth in sentencing gained momentum in the 1990s with the help of the U.S. Congress, which authorized grants to build or expand correctional facilities if states would enact such laws. In order to receive the grants, states had to require persons convicted of violent crimes to serve not less than 85% of their prison sentences.
CONTROVERSIES IN SOCIOLOGY

The Continuing Debate Over Capital Punishment: Does It Deter Murderers?

Twenty of the 38 states that have capital punishment laws executed 98 prisoners in 1999, 30 more than in 1998. This was the highest number of executions in a single year since 1951, when 105 were put to death bringing the total number of executions to 638 since 1976, the year the U.S. Supreme Court reinstated the death penalty. Although 98 prisoners were executed in 1999, another 75 were given the death sentence that year, bringing the total to 3,527 prisoners awaiting execution (see Figures 6-9 and 6-10). The average person executed in 1999 had been on death row for 11 years and 11 months. It seems obvious that the vast majority of inmates with a death sentence will not be executed.

The public supports the death penalty. The Gallup Poll has been asking Americans about the death penalty for almost 50 years. As of February 2001, two-thirds (67%) of Americans favor the death penalty in cases of murder, down from its high point of 80% in 1994.

Capital punishment has been opposed for many years and for many reasons. In the United States, the Quakers were the first to oppose the death penalty and to provide prison sentences instead. Amnesty International, U.S.A., calls capital punishment a

![Figure 6-9 Persons Sentenced to Death, 1953–2000](image)

“horrifying lottery” in which the penalty is death and the odds of escaping are determined more by politics, money, race, and geography than by the crime committed. The group bases its impression on the fact that black men are more likely to be executed than white men; southern states, including Texas, Virginia, Missouri, Louisiana, and Florida, account for the vast majority of executions that have taken place since 1977.

It is also no fluke that nearly all death-row inmates are poor. They often had a public defender who might not have been qualified for the task. Even if the inmate’s attorney made errors during the defense, the defendant’s appellate attorney must demonstrate that the defense counsel’s blunders directly affected the jury’s verdict and that without those mistakes, the jury would have returned a different verdict (Prejean, 1993). One study (Radelet, Bedau, & Putnam, 1992), for instance, found that between 1900 and 1991, 416 innocent people were convicted of capital crimes, and 23 actually were executed. The two most frequent causes of errors that produced wrongful convictions were perjury by prosecution witnesses and mistaken eyewitness testimony. At least 48 people have been released from death row since 1973 because of significant evidence of their innocence (Subcommittee on Civil and Constitutional Rights, 1993).

Yet the arguments for capital punishment continue to mount, centering mainly around the issue of deterrence. As Ernest van den Haag has noted, “If by executing convicted murderers there is any chance, even a mere possibility, of deterring future murderers, I think we should execute them. The life even of a few victims who may be spared seems infinitely precious to me. The life of the convicted murderer has negative value. His crime has forfeited it” (van den Haag, 1991).

Which brings us back to the age-old question: Does the death penalty deter homicide? Until the 1970s, social scientists continued to argue that they could find no evidence that it did. Erlich (1975) has presented information based on sophisticated statistical techniques showing that between 1933 and 1965, every execution may have resulted in seven or eight fewer murders. That is, as many as eight people escape being the victims of future murderers every time an execution takes place. Another study by economist Stephen K. Layson (1985) concluded that every execution of a convicted murderer prevents 18 murders. These results are not widely

\begin{figure}[h]
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\includegraphics[width=\textwidth]{inmates-executed-1930-2000.png}
\caption{Inmates Executed, 1930–2000}
\end{figure}

have proposed a variety of theories. Biological theories such as those propounded by Lombroso and Sheldon stressed the importance of inherited factors in producing deviance. Psychological explanations emphasize cognitive or emotional factors within the individual as the cause of deviance. Psychoanalytic theory suggests that criminals act on the irrational impulses of the id because they failed to develop a proper superego, or conscience, in the socialization process. Behaviorists argue that crime is the product of conditioning. Wilson and Herrnstein proposed that criminal activity, like all human behavior, is the product of a rational choice by the individual as a result of weighing the costs and benefits of alternative courses of action.

Sociological theories of deviance rely on patterns of social interaction and the relationship of the individual to the group as explanations. Durkheim argued that, in modern highly differentiated and specialized societies, and particularly under conditions

At this point, two-thirds of the states have established truth-in-sentencing laws. This has limited the powers of parole boards to set release dates, or of prison managers to award good time, earned time, or both (Mackenzie, 2000).

SUMMARY

A culture’s norms and values make up its moral code, or the symbolic system by which behavior is viewed as right or wrong, good or bad within that culture. Thus, normal behavior is behavior that conforms to the norms of the group in which it occurs. Deviant behavior is behavior that fails to conform to the group’s norms.

Criminal and deviant behavior has been found throughout history. To account for this, scholars have proposed a variety of theories. Biological theories such as those propounded by Lombroso and Sheldon stressed the importance of inherited factors in producing deviance. Psychological explanations emphasize cognitive or emotional factors within the individual as the cause of deviance. Psychoanalytic theory suggests that criminals act on the irrational impulses of the id because they failed to develop a proper superego, or conscience, in the socialization process. Behaviorists argue that crime is the product of conditioning. Wilson and Herrnstein proposed that criminal activity, like all human behavior, is the product of a rational choice by the individual as a result of weighing the costs and benefits of alternative courses of action.

Sociological theories of deviance rely on patterns of social interaction and the relationship of the individual to the group as explanations. Durkheim argued that, in modern highly differentiated and specialized societies, and particularly under conditions

of rapid social change, individuals could become morally disoriented. This condition, which he called anomie, can produce deviance.

Control theorists like Hirschi have argued that everyone is a potential deviant. The issue, for them, is not what causes deviance, but what causes conformity. When individuals have strong bonds to society, their behavior will conform to conventional norms. When any of those bonds is weakened, however, deviance is likely. Other sociologists, like Sykes and Matza, have argued that people become deviant as a result of developing techniques of neutralization or rationalizations that make it possible to justify illegal or deviant behavior. Their view is that these techniques are learned as part of the socialization process.

Cultural transmission theory, pioneered by Shaw and McKay, emphasizes the cultural context in which deviant behavior patterns are learned. Sutherland and Cressey suggested the theory of differential association—that is, that individuals learn criminal techniques and attitudes through intimate contact with deviants. Labeling theory shifts the focus of attention from the deviant individual to the social process by which a person comes to be labeled as deviant and the consequences of such labeling for the individual. In all likelihood some combination of these various theories is necessary to gain a fuller understanding of the emergence and continuance of deviant behavior.

Crime is behavior that violates a society’s criminal laws. Violent crime results in injury to a person; property crime is committed with the intent of obtaining property and does not involve the use or threat of force against an individual. While the specific definition varies from state to state, the most serious crimes are termed felonies; less serious crimes are called misdemeanors. The FBI publishes statistics on the frequency of selected crimes in the Uniform Crime Reports. These statistics are not always reliable, however. The National Crime Victimization Survey shows that only a small fraction of all crimes are reported to the authorities.

The U.S. violent crime rate includes the highest homicide rate in the industrialized world. Other violent crimes that have an impact on American households include rape, aggravated assault, and robbery. Ninety percent of all crime in the United States is crime against property, not against a person.

The criminal justice system consists of personnel and procedures for the arrest, trial, and punishment of those who violate the laws. The three main aspects of this system are the police, the courts, and prisons.

The goals of imprisonment include separation of the criminal from society, punishment of criminal behavior, deterrence of criminal behavior, and rehabilitation, or the resocialization of criminals to conform to society’s values and norms and the teaching of usable work habits and skills.
# Chapter Six Study Guide

## Key Concepts

Match each concept with its definition, illustration, or explanation below.

<table>
<thead>
<tr>
<th>Concept</th>
<th>Definition</th>
<th>Illustration</th>
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<tbody>
<tr>
<td>a. Property crime</td>
<td>q. Diversion</td>
<td>gg. Innovators</td>
</tr>
<tr>
<td>b. Formal positive sanctions</td>
<td>r. Labeling theory</td>
<td>hh. Internal means of control</td>
</tr>
<tr>
<td>c. Theory of differential association</td>
<td>s. Violent crime</td>
<td>ii. Sanctions</td>
</tr>
<tr>
<td>d. Negative sanctions</td>
<td>t. Ritualists</td>
<td>jj. Funnel effect</td>
</tr>
<tr>
<td>e. Laws</td>
<td>u. Consensus approach</td>
<td>kk. Misdemeanors</td>
</tr>
<tr>
<td>f. Formal negative sanctions</td>
<td>v. Status offense</td>
<td>ll. External means of control</td>
</tr>
<tr>
<td>g. Victimless crimes</td>
<td>w. Endomorph</td>
<td>mm. Legal code</td>
</tr>
<tr>
<td>h. Informal sanctions</td>
<td>x. Mesomorph</td>
<td>nn. Rehabilitation</td>
</tr>
<tr>
<td>i. Juvenile crime</td>
<td>y. Positive sanctions</td>
<td>oo. Secondary deviance</td>
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<td>j. Normal behavior</td>
<td>z. Anomie</td>
<td>pp. Recidivism</td>
</tr>
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<td>k. Crime</td>
<td>aa. Retreatists</td>
<td>qq. Informal negative sanctions</td>
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<tr>
<td>m. Informal positive sanctions</td>
<td>cc. Rebels</td>
<td>ss. Criminal justice system</td>
</tr>
<tr>
<td>n. Primary deviance</td>
<td>dd. Deviant behavior</td>
<td>tt. Nuremberg Trials</td>
</tr>
<tr>
<td>o. Formal sanctions</td>
<td>ee. Conflict approach</td>
<td>uu. Atavistic being</td>
</tr>
<tr>
<td>p. Techniques of neutralization</td>
<td>ff. Felonies</td>
<td>vv. Ectomorph</td>
</tr>
<tr>
<td>1. The symbolic system in terms of which behavior takes on the quality of being good or bad, right or wrong.</td>
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<tr>
<td>2. Behavior that conforms to the rules or norms of the group in which it occurs.</td>
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<td>3. Behavior that fails to conform to the rules or norms of a group in which it occurs.</td>
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<td>4. Ways of directing or influencing members to conform to the group’s values and norms.</td>
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<td>5. The operation of a group’s moral code on an individual even in the absence of reactions by others.</td>
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<td>6. The responses of other people to an individual’s behavior.</td>
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<td>7. Rewards and penalties by a group’s members that are used to regulate an individual’s behavior.</td>
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<td>8. Actions that encourage an individual to continue acting in a certain way (i.e., rewards).</td>
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<tr>
<td>9. Actions that discourage the repetition or continuation of a behavior (i.e., punishments).</td>
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<td>10. Sanctions applied in a public ritual, usually under the direct or indirect control of authorities.</td>
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<td>11. Sanctions applied spontaneously by group members with little or no formal direction.</td>
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<td>12. Displays people use spontaneously to express their approval of another’s behavior.</td>
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<td>13. Spontaneous displays of disapproval or displeasure.</td>
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<td>14. Public affairs, rituals, or ceremonies that express social approval of a person’s behavior.</td>
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<td>15. Actions that express institutionalized disapproval of a person’s behavior.</td>
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<td>16. A state of normlessness, in which values and norms have little impact and the culture no longer provides adequate guidelines for behavior.</td>
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<tr>
<td>17. Individuals who accept the culturally validated goal of success but find deviant ways of achieving it.</td>
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18. Individuals who reject or de-emphasize the importance of success and instead concentrate on following and enforcing rules more precisely than was ever intended.

19. People who pull back from society altogether and cease to pursue culturally legitimate goals.

20. People who reject both the goals and the institutionalized means to achieve them and who wish to build a different social order with alternative goals and means.

21. A thought process that makes it possible to justify illegal or deviant behavior.

22. The idea that individuals learn criminal techniques and attitudes through intimate contact with deviants.

23. The theory that focuses on the social process by which a person comes to be defined as deviant and the consequences of that definition for the individual.

24. The original behavior that leads to the application of a label to an individual.

25. Behavior that people develop as a result of having been labeled as deviant.

26. The body of formal rules adopted by a society's political authority.

27. Formal rules.

28. Assumes that laws are merely a formal expression of the agreed-upon norms and values of the people.

29. Argues that the elite use their power to enact and enforce laws that support their own economic interests to the exclusion of the interests of others.

30. Any behavior that violates a society's criminal laws.

31. An unlawful event that may result in injury to a person.

32. An unlawful act committed with the intent of gaining property, but that does not involve the use or threat of force against an individual.

33. The most serious crimes, usually punishable by a year or more in prison.

34. Less serious violations of criminal law or minor offenses.

35. The breaking of criminal laws by individuals younger than 18.

36. Evolutionary throwbacks whose behavior is more apelike than human.

37. Behavior that is criminal only because the person involved is a minor.

38. Steering offenders away from the justice system to social agencies.

39. Acts by individuals who, while occupying positions of social responsibility or high prestige, break the law in the course of their work.

40. Acts that violate those laws meant to enforce the moral code.

41. Personnel and procedures for arrest, trial, and punishment.

42. The resocialization of criminals to conform to society's values and norms and the teaching of usable work habits and skills.

43. The fact that, of the many crimes committed, few seem to result in punishment of the offender.

44. Argued that there was a higher moral order under which certain human actions were wrong regardless of who endorsed them.

45. Criminal behaviors that are repeated even after punishments have occurred.

46. A thin and linear body type associated with being inhibited, secretive, and restrained.

47. A round and soft body type associated with being a relaxed person.

48. A ruggedly muscular body type associated with being assertive and action oriented.
KEY THINKERS/RESEARCHERS
Match the thinkers/researchers with their main idea or contribution.

a. Gersham Sykes and David Matza i. William H. Sheldon
b. Robert K. Merton j. Travis Hirschi
c. Sigmund Freud k. Clifford Shaw and Henry McKay
d. James Q. Wilson and Richard Herrnstein l. Cesare Lombroso
e. Edwin H. Sutherland m. Edwin Lemert
f. Émile Durkheim n. Ernst van den Haag
h. Sarnoff Mednick

1. Argued that deviant behavior is an integral part of all healthy societies; developed the concept of anomie.
2. Suggested that criminals were evolutionary throwbacks who could be identified by primitive physical features, particularly with regard to the head.
3. Identified three main body types and suggested that each was responsible for different personality traits.
4. Argued that crime is produced by the unconscious impulses of the individual.
5. Argued that crime is the product of a rational choice by an individual as a result of weighing the costs and benefits of alternative courses of action.
6. Developed a theory of structural strain to explain deviance.
7. Developed control theory, in which it is hypothesized that the strength of social bonds keep most of us from becoming criminals.
8. Argued that deviants learn techniques of neutralization to justify their deviance.
9. Suggested that certain neighborhoods generate a culture of crime that is passed on to residents.
10. Developed the theory of differential association to explain why some people and not others become deviant; coined the term white-collar crime.
11. Pioneered the development of labeling theory.
12. Argued that even if there were only a slim possibility that executing a murderer would deter future murders, society should execute them.
13. Argued that the born criminal was a scientific reality and that crime was not the product of social conditions but the outgrowth of “organic inferiority.”
14. Proposed that some genetic factors are passed along from parent to child, with a susceptibility to criminality or adaptation to normality being inherited.

CENTRAL IDEA COMPLETIONS
Following the instructions, fill in the appropriate concepts and descriptions for each of the questions posed in the following section.

1. As your text notes, “the amount of time offenders serve in prison is almost always shorter than the time they are sentenced to serve by the court.” Respond to (and provide an example for) each of the following questions:
   a. Why is the above statement correct? ____________________________
      ____________________________
b. What is involved in the “truth-in-sentencing” movement of the 1990s?

2. Describe the “Innocence Project.” What is the importance of DNA testing for this project?

3. Describe the pattern (in terms of incidence rates) of violent crime in the United States between 1973 and 1999:

4. List, define, and provide an example for each of Merton’s five categories of individual adaptation to anomie:
   a. 
   Example: 
   b. 
   Example: 
   c. 
   Example: 
   d. 
   Example: 
   e. 
   Example: 

5. Apply Sykes and Matza’s five techniques of neutralization to a situation involving cheating in a college or university community:
   a. 
   b. 
   c. 
   d. 
   e. 

6. What five functions of deviance are discussed in your text?
   a. 
   Example: 
   b. 
   Example: 
   c. 
   Example: 
   d. 
   Example: 
   e. 

7. As a sociologist trained in the general area of social deviance, which specific theory would you use to explain to a layperson each of the following forms of social behavior?
   a. Heroin addiction: ____________________________
   b. Auto theft: ____________________________
   c. Embezzlement of stock securities on the Internet: ____________________________
   d. Joining a militia group: ____________________________
   e. Engaging in forcible rape: ____________________________

8. Compare and contrast the phenomena of serial and mass murders. Be sure to highlight the factor they share in common and the areas in which they differ:
   Mass: ____________________________
   Serial: ____________________________

9. Discuss and provide examples for each of the four dysfunctions of social deviance:
   a. ____________________________
      Example: ____________________________
   b. ____________________________
      Example: ____________________________
   c. ____________________________
      Example: ____________________________
   d. ____________________________
      Example: ____________________________

CRITICAL THOUGHT EXERCISES

1. Part A. Log on to the World Wide Web. Using any available search engine or browser, investigate one or more sites that demonstrate the following:
   a. An example of a behavior you personally would define as both deviant and harmful to society.
   b. An example of a behavior that you would define as deviant, but not socially harmful to society.
   c. One behavior you would define as deviant, yet not illegal.
   d. One behavior you believe many persons older than you might define as deviant, but that you and members of your age cohort would not define as deviant.
   e. One behavior you found so totally, repulsively deviant that you would keep it off the Internet.

Part B. After you have completed Part A, download an example page for each of the sites you visited and discuss the following:
   a. What are the common features of each form of deviance?
   b. What aspects, if any, of these Web sites made you uncomfortable?
   c. Assuming the sites you defined as deviant are similarly defined by others in a similar manner, what is it about the behavior that leads to these definitions?
d. What role might new technologics, such as the Internet, play in a society’s shifting definitions of deviance?

2. Develop a presentation in which you integrate material from two of the supplemental readings in Chapter 6: “Freeing the Innocent” and “The Continuing Debate Over Capital Punishment: Does It Deter Murderers?” Using materials from each reading, discuss the deterrence effects or noneffects of capital punishment on homicide, as well as the relationship between the new technology of DNA testing and the question of an individual’s guilt or innocence. As a sociologist, how do you believe these two phenomena are linked together, both theoretically and practically, in American society?

3. Discuss in detail the issues examined in the reading “Public Heroes, Private Felons: Athletes and Sexual Assault.” Sociologically, what appears to be the relationship between sports and violent behavior? Apply Sutherland’s differential association to the issue of violence and the behavior of athletes.

4. An emerging area of social deviance is road rage. Either through an examination of materials from the Internet or through a review of your library’s holdings, describe and then discuss the phenomenon of the 1990s known as road rage. What theory(ies) of social deviance can be used to account for this behavior? How do the ideas of informal and formal social control relate to the emergence of road rage as a contemporary form of American deviance? Are there examples of road rage in other societies throughout the world? If so, what do those examples share with the American varieties of road rage and in what ways are they idiosyncratic to specific countries?

5. While criminologists are likely to focus on deviance that involves the breaking of societal laws, considerable lower level deviance takes place on a daily basis in every society. Prepare a notebook for your field observations, and spend a week observing behaviors on your campus. Conduct your observations relative to these questions:

a. What acts, if any, of deviant behavior did you observe?

b. How did those acts vary by the actor, the place of the activity, and the audiences that witnessed the behavior?

c. Were any of those acts of deviance sanctioned in any way? If yes, how effective were the sanctions in terms of deterring the behavior?

d. How did the deviant individual(s) react, if at all, to the discovery of the deviance by outsiders?

e. After completing your fieldwork, what conclusions are you able to draw about deviance and everyday life on your campus?

**ANSWERS**

**KEY CONCEPTS**

1. bb 9. d 17. gg 25. oo 33. ff 41. ss
2. j 10. o 18. t 26. mm 34. kk 42. nn
3. dd 11. h 19. aa 27. e 35. i 43. jj
4. l 12. m 20. cc 28. u 36. uu 44. tt
5. hh 13. qq 21. p 29. ee 37. v 45. pp
6. ll 14. b 22. c 30. k 38. q 46. vv
7. ii 15. f 23. r 31. s 39. rr 47. w
8. y 16. z 24. n 32. a 40. g 48. x

**KEY THINKERS/RESEARCHERS**

1. f 4. c 7. j 9. k 11. m 13. g
2. l 5. d 8. a 10. e 12. n 14. h