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Deviance and Crime

I n the early 1970s, an airplane carrying forty members of an amateur rugby team crashed in the Andes Mountains in South America. The twenty-seven survivors were stranded at 12,000 feet in freezing weather and deep snow. There was no food except for a small amount of chocolate and some wine. A few days after the crash, the group heard on a small transistor radio that the search for them had been called off.

Scattered in the snow were the frozen bodies of dead passengers. Preserved by the freezing weather, these bodies became, after a time, sources of food. At first, the survivors were repulsed by the idea of eating human flesh, but as the days wore on, they agonized over the decision about whether to eat the dead crash victims, eventually concluding that they had to eat if they were to live.

In the beginning, only a few ate the human meat, but soon the others began to eat too. The group experimented with preparations as they tried different parts of the body. They developed elaborate rules (social norms) about how, what, and whom they would eat.

After two months, the group sent out an expedition of three survivors to find help. The group was rescued, and the world learned of their ordeal. Their cannibalism (the eating of other human beings) generally came to be accepted as something they had to do to survive. Although people might have been repulsed by the story, the survivors' behavior was understood as a necessary adaptation to their life-threatening circumstances. The survivors also maintained a sense of them-selves as good people even though what they did profoundly violated ordinary standards of socially acceptable behavior in most cultures in the world (Henslin 1993; Read 1974).

Was the behavior of the Andes crash survivors socially deviant? Were the people made crazy by their experience, or was this a normal response to extreme circumstances?

Compare the Andes crash to another case of human can-nibalism. In 1991, in Milwaukee, Wisconsin, Jeffrey Dahmer pled guilty to charges of murdering at least fifteen men in his home. Dahmer lured the men to his apartment, where he murdered and dismembered them, then cooked and ate some of their body parts. For those he considered most handsome, he boiled the flesh from their heads so that he could save and

in this chapter, you will learn to:

- Present a sociological definition of deviance as a social construction
- Compare and contrast theoretical approaches to understanding deviant behavior
- Explain the importance of labels in determining deviant behavior
- Relate the social structure associated with deviant identities and deviant communities
- Examine the race, class, and gender disparities within the criminal justice system

admire their skulls. Dahmer was seen as a total social deviant, someone who violated every principle of human decency. Even hardened criminals were disgusted by Dahmer. In fact, he was killed by another inmate in prison in 1994.

Why was Dahmer's behavior considered so deviant when that of the Andes survivors was not? The answer can be found by looking at the situation in which these behaviors occurred. For the Andes survivors, eating human flesh was essential for survival. For Dahmer, however, it was murder. From a sociological perspective, the deviance of cannibalism resides not just in the act itself but also in the social context in which it occurs. The exact same behavior—eating other human beings—is considered reprehensible in one context and acceptable in another. That is the essence of the sociological explanation. The nature of deviance is not simply about the deviant act itself, nor is deviance just about the individual who engages in the behavior. Instead, social deviance is socially constructed and a product of social structure.

Defining Deviance

Sociologists define **deviance** as behavior that is recognized as violating expected rules and norms. Deviance is more than simple nonconformity—most of us may "break the rules" now and again. Behavior that departs significantly from social expectations is deviant. In the sociological perspective on deviance, there are four main identifying characteristics:

- Deviance emerges in a social context, not just in the behavior of individuals; sociologists see deviance in terms of group processes and judgments. Deviance, therefore, can change overtime, or from one setting to another.
- Groups judge behaviors differently. What is deviant to one group may be normative to another.
- Established rules and norms are socially created, not just morally decided or individually imposed.
- Deviance lies not just in behavior itself but also in the social responses to behavior and people engaged in the behavior.

Sociological Perspectives on Deviance

Strange, unconventional, or nonconformist behavior is often understandable in its sociological context. Consider suicide. Are all people who commit suicide suffering with mental illness? Might their behavior instead be explained by social factors? Think about it. There are conditions under which suicide may well be acceptable behavior—for example, someone who voluntarily receives a lethal dose of medicine to end her life in the face of a terminal illness, compared to a despondent person who jumps from a window.

Sociologists distinguish two types of deviance: formal and informal. *Formal deviance* is behavior that breaks laws or official rules. Crime is an example. There are formal sanctions against formal deviance, such as imprisonment and fines. *Informal deviance* is behavior that violates customary norms. Although such deviance may not be specified in law, it is judged to be deviant by those who uphold the society's norms.

The study of deviance includes both the study of why people violate laws or norms and the study of how society reacts. *Labeling theory* is discussed in detail later, but it recognizes that deviance is not just in the breaking of norms or rules but it includes how people react to those behaviors. Sociologists consider the social context of the behavior, the social construction of that behavior as deviant, and the response to the behavior (Becker 1963).

DEBUNKING Society's Myths ←

Myth: Deviance is bad for society because it disrupts normal life.
Sociological Perspective: Deviance tends to stabilize society. By defining some forms of behavior as deviant,

what would a sociologist say?

Drugs as Deviance or Crime

Many people consider all drug use to be criminal or deviant behavior, but "drugs" includes a broad spectrum of substances. Alcohol, tobacco, caffeine, and prescription drugs are all legal drugs. Let's consider prescription drugs. Most people would agree that using a medication that has been prescribed to you by a medical doctor for a legitimate illness is neither deviant nor criminal. The same drug used by someone who does not have an illness or a prescription to use the medication would be considered deviance. Sociological research shows that the nonmedical use of prescription drugs is increasingly a problem on college campuses and among high school adolescents.

So-called "study drugs" are used to help students maintain focus on their academics. The drugs, like Adderall or Ritalin, are intended to aid those with diagnosed ADHD, but other students are using them to help improve academic performance. There are health risks and criminal consequences, yet most students do not consider using these study drugs as deviant (Nargiso et al. 2015).

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people are affirming the social norms of groups. In this sense, society actually *creates* deviance to some extent (Durkheim 1951/1897).

The Social Context of Deviance. Even the most unconventional behavior can be understood if we know the context in which it occurs. Behavior that is deviant in one circumstance may be normal in another, or behavior may be ruled deviant only when performed by certain people. For example, people who break gender stereotypes may be judged as deviant even though their behavior is considered normal for the other sex. Women who have painted fingernails, shaved legs, and wear eye makeup are feminine and "normal." Except for those who are on stage or on camera, men who wear nail polish and makeup are usually regarded as "deviant."

Another example regards the consumption of alcohol, a legal drug. Whether someone who drinks is judged to be an alcoholic depends in large part on the social context in which one drinks, not solely on the amount of alcohol consumed. Drinking wine from a bottle in a brown bag on the street corner is considered highly deviant. Having martinis in a posh bar is perfectly acceptable among adults. The act of drinking alcohol is not intrinsically deviant. The societal reaction to it determines deviance.

The definition of deviance can also change over time. Acquaintance rape (also called "date rape"), for example, was not considered social deviance until fairly recently. Women have been presumed to mean yes when they said no, and men were expected to "seduce" women through aggressive sexual behavior. Even now, women who are raped by someone they know may not think of it as rape. If they do, they may find that prosecuting the offender is difficult because others do not think of it as rape, especially under certain circumstances, such as the woman being drunk.

Understanding the context in which deviance occurs and the context in which it is punished reveals much about the norms of society. The sociologist Emile Durkheim argued that one reason acts of deviance are publicly punished is that the social order is threatened by deviance. Judging those behaviors as deviant and punishing them confirms general social standards. Therein lies the value of widely publicized trials and public executions. The punishment affirms the collective beliefs of the society, reinforces social order, and inhibits future deviant behavior, especially as defined by those with the power to judge others.

The Influence of Social Movements. The perception of deviance may also be influenced by *social movements*, which are networks of groups that organize to support or resist changes in society (see Chapter 16). With a change in the social climate, formerly acceptable behaviors may be newly defined as deviant. Cigarette smoking, for instance, was once considered glamorous, sexy, and "cool." The social climate toward smoking, however, has changed. In 1987, only 17 percent of people thought that smoking should be banned in public places. Recent estimates are that over half (56 percent) supported a ban on smoking cigarettes in public spaces (Riffkin 2014). The increase in public disapproval of smoking results as much from social and political movements as it does from the known health risks.

The antismoking movement was successful in articulating to the public that smoking is dangerous. The ability of people to mobilize against something, in this case cigarette smoking, is just as important to creating the context for deviance as is any evidence of risk of harm from cigarettes. In other words, there has to be a social response for deviance to be defined as such; scientific evidence of harm in and of itself is not enough.

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The Social Construction of Deviance

Perhaps because it violates social conventions or because it sometimes involves unusual behavior, deviance captures the public imagination. Commonly, however, the public understands deviance as the result of individualistic or personality factors. Many people see deviants as crazy, threatening, "sick," or in some other way inferior, but sociologists see deviance as influenced by society—the same social processes and institutions that shape all social behavior.

Deviance, for example, is not necessarily irrational or "sick" and may be a positive and rational adaptation to a situation. Think of the Andes survivors discussed in this chapter's opener. Was their action (eating human flesh) irrational, or was it an inventive and rational response to a dreadful situation? To use another example, is marijuana use part of a deviant subculture, or are some people using marijuana as a rational response to personal circumstances, such as illness?

Marijuana use, especially by smoking a "joint" or inhaling through a "bong," although legal in some states, is considered deviant behavior. Most Americans do not use it and consider marijuana use undesirable behavior. Using medical marijuana, though, to help with the pain and nausea from cancer treatments is a rational choice and blurs the lines of deviant and "normative" behavior. In fact, if marijuana is distributed to patients in pill form, consistent with other types of medication, most people think marijuana use is acceptable. The actual *use* of marijuana is only seen as deviant in the context of how it is administered. Taking a marijuana pill is not considered as deviant as smoking a joint or

High-risk drinking of alcohol is acceptable behavior among students on many college campuses. This same behavior among adults outside of the college culture is considered problematic and possibly alcoholism.

Smoking for recreational purposes and using pipes or bongs is considered more deviant than using marijuana for medicinal purposes.

inhaling marijuana smoke through a bong (Rudski 2014). The social context in which marijuana use takes place includes both how it is used and why.

Also, in some subcultures or situations, deviant behavior is encouraged and praised. Have you ever been egged on by friends to do something that you thought was deviant, or have you done something you knew was wrong? Many argue that the reason so many college students drink excessively is that the student subculture encourages them to do so—even though students know it is harmful. High-risk drinking is characterized by drinking to the point of vomiting, blacking out, and possibly even dying from alcohol poisoning. Still, a college campus with a culture of drinking will encourage people to drink heavily, despite the known risks.

The Medicalization of Deviance

Commonly, people will say that someone who commits a very deviant act is "sick." This common explanation is what sociologists call the **medicalization of deviance** (Conrad and Schneider 1992). Medicalizing deviance attributes deviant behavior to a "sick" state of mind, where the solution is to "cure" the deviance through therapy or other psychological treatment.

As an example, some evidence indicates that alcoholism may have a genetic basis, and certainly alcoholism must be understood at least in part in medical terms, but viewing alcoholism *solely* from a medical perspective ignores the social causes that influence the development and persistence of this behavior. Practitioners know that medical treatment alone does not solve the problem. The social relationships, social

conditions, and social habits of those with alcoholism must be altered, or the behavior is likely to recur.

Consider the problem of domestic violence and discuss it with friends. How do they explain it? Is there evidence that the *medicalization of deviance* exists in your friends' answers?

Sociologists criticize the medicalization of deviance for ignoring the effects of social structures on the development of deviant behavior. From a sociological perspective, deviance originates in society, not just in individuals. Changing the incidence of deviant behavior requires changes in society, in addition to changes in individuals. Deviance, to most sociologists, is not a pathological state but an adaptation to the social structures in which people live. Factors such as family background, social class, racial inequality, and the social structure of gender relations in society produce deviance, and these factors must be considered to explain it.

The point is that deviance is both created and defined within a social context. It is not just weird, pathological, or irrational behavior. Sociologists who study deviance understand it in the context of social relationships and society. They define deviance in terms of existing social norms and the social judgments people make about one another—deviance is socially constructed. Indeed, deviant behavior can sometimes be indicative of changes that are taking place in the cultural folkways. Whereas body piercing and tattooing were associated with gangs and disrespectable people only a few years ago, it is now considered fashionable among young, middle-class people.

In sum, a sociological perspective on deviance asks: Why is deviance more common in some groups than others? Why are some more likely to be labeled deviant than others, even if they engage in the exact same behavior? How is deviance related to patterns of inequality in society? Sociologists do not ignore individual psychology, or the medicalization argument, but integrate it into an explanation of deviance that focuses on the social conditions surrounding the behavior, going beyond explanations of deviance that root it in the individual personality.

Sociological Theories of Deviance

Sociologists have drawn on several major theoretical traditions to explain deviant behavior, including functionalism, conflict theory, and symbolic interaction theory.

Functionalist Theories of Deviance

Recall that functionalism is a theoretical perspective that interprets all parts of society, even those that may seem dysfunctional, as contributing to the stability of the whole. At first glance, deviance seems to be dysfunctional for society. Functionalist theorists argue otherwise (see ◆ Table 7.1). They contend that deviance is functional because it creates social cohesion. Branding certain behaviors as deviant provides contrast with behaviors that are considered normal, giving people a heightened sense of social order. Norms are meaningless unless there is deviance from them; thus, deviance is necessary to clarify society's norms. Group coherence then comes from sharing a common definition of legitimate, as well as deviant, behavior. The collective identity of a group is affirmed when group members ridicule or condemn others they define as deviant. To give an example, think about how many people define transgender people. Although lesbian, gay, and transgender people reject this label of deviance, the label affirms the presumed normality of biological sex matching gender identity. Labeling someone else an "outsider" is, in other words, a way of affirming one's "insider" identity (Becker 1963).

Durkheim: The Study of Suicide. The functionalist perspective on deviance stems originally from the work of **Emile Durkheim** (1858–1917). One of Durkheim's

◆ **Table 7.1** Sociological Theories of Deviance

Functionalist Theory	Symbolic Interaction Theory	Conflict Theory
Deviance creates social cohesion.	Deviance is a learned behavior, reinforced through group membership.	Dominant classes control the definition of and sanctions attached to deviance.
Deviance results from structural strains in society.	Deviance results from the process of social labeling, regardless of the actual commission of deviance.	Deviance results from social inequality in society.
Deviance occurs when people's attachment to social bonds is diminished.	Those with the power to assign deviant labels themselves produce deviance.	Elite deviance and corporate deviance go largely unrecognized and unpunished.

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central concerns was how society maintains its coherence (or social order). Durkheim saw deviance as functional for society because it produces solidarity among society's members. He developed his analysis of deviance in large part through his analysis of suicide. Through this work, he discovered a number of important sociological points. First, he criticized the usual psychological interpretations of why people commit suicide, turning instead to sociological explanations with data to back them up. Second, he emphasized the role of social structure in producing deviance. Third, he pointed to the importance of people's social attachments to society in understanding deviance. Finally, he elaborated the functionalist view that deviance provides the basis for social cohesion.

Durkheim was the first to argue that the causes of suicide were to be found in social factors, not individual personalities. Observing that the rate of suicide in a society varies with time and place, Durkheim looked for causes linked to these factors other than emotional stress. Durkheim argued that suicide rates are affected by the different social contexts in which they emerge. He looked at the degree to which people feel integrated into the structure of society and their social surroundings as social factors producing suicide.

Durkheim analyzed three types of suicide: anomic suicide, altruistic suicide, and egoistic suicide. **Anomie**, as defined by Durkheim, is the condition that exists when social regulations in a society break down: The controlling influences of society are no longer effective, and people exist in a state of relative normlessness. The term *anomie* refers not to an individual's state of mind, but instead to social conditions.

Anomic suicide occurs when the disintegrating forces in the society make individuals feel lost or alone. Teenage suicide is often cited as an example of anomic suicide. Feelings of depression and hopelessness can lead to suicide. The rate of suicide among returning veterans may well constitute anomic suicide, for example, if they return from war feeling as if no one understands them (Finley et al. 2015). Suicide is more likely committed by those who have been sexually abused as children and who may feel they can talk to no one (Jakubczyk et al. 2014).

Altruistic suicide occurs when there is excessive regulation of individuals by social forces. An example is someone who commits suicide for the sake of a religious or political cause. For example, after hijackers on September 11, 2001 ("9/11") took control of four airplanes—crashing two into the World Trade Center in New York, one into the Pentagon, and despite the intervention of passengers, one into a Pennsylvania farm field—many wondered how anyone could do such a thing, killing themselves in the process. Although sociology certainly does not excuse such behavior, it can help explain it. Terrorists and suicide bombers are so regulated by their extreme beliefs that they are willing to die and kill as many people as possible to achieve their goals. As Durkheim argued, altruistic suicide results when individuals are excessively dominated by the expectations of their social group. People who commit altruistic suicide subordinate themselves to collective expectations, even when death is the result.

Egoistic suicide occurs when people feel totally detached from society. Ordinarily, people are integrated into society by work roles, ties to family and community, and other social bonds. When these bonds are weakened through retirement, loss of family and friends, or socioeconomic hardship, the likelihood of egoistic suicide increases.

Egoistic suicide is also more likely to occur among people who are not well integrated into social networks. Thus it should not be surprising that women have lower suicide rates than men (Centers for Disease Control and Prevention 2013).

Durkheim's major point is that suicide is a social, not just an individual, phenomenon. Durkheim sees sociology as the discovery of the social forces that influence human behavior. As individualistic as suicide might seem, Durkheim uncovered the influence of social structure on suicide.

Applying Durkheim's Theory of Suicide: School Shootings. Durkheim's analysis of suicide can help you understand the horrific acts of mass murder rampages that have occurred in schools, movie theaters, and other places. Why would someone go into a public place, kill many people and then shoot themselves? Adam Lanza, as just one example, killed twenty first-grade children and six teachers at the Sandy Hook Elementary School in Newtown, Connecticut, on Friday morning, December 14, 2012. Lanza then shot and killed himself with a semiautomatic weapon immediately after killing the children and teachers. Before he shot the children, he also shot his own mother four times in the head, killing her at her home, using her guns. In 2007, Seung-Hui Cho, a college student at Virginia Tech University, shot and killed thirty-two students, wounded fourteen others, and then killed himself. James Eagan Holmes shot and killed twelve people and injured seventy others in a movie theater in Aurora, Colorado, in 2012, except in this case, he did not kill himself. How would Durkheim explain these and, sadly to say, likely other murder/suicide tragedies?

Durkheim would see that there are social–structural elements that are common to these school shootings, including the killings at Columbine High School (Colorado) in 1999. In all these cases, the killing, and in some cases suicide, was committed by individuals who could be characterized as extremely socially isolated and utterly outside a network of peers. All of the perpetrators in these shootings were social isolates, and most

This photo shows the makeshift memorial at the Sandy Hook Elementary School in Newtown, Connecticut, in December 2012, after twenty children and six adults died in a shooting by one man.

committed suicide immediately after their carnage. In Durkheim's sense, all of these instances represented examples of egoistic suicide and anomic suicide, given the attributes of social isolation, lack of integration into society, troubled individual histories, and a desire to "make their mark" in history by killing the largest number of individuals possible in a single attack (Newman et al. 2006).

Not only are there personality (psychological) similarities among these mass murderers, but all of these individuals also shared striking common sociological conditions. Each act also took place in the social context of a culture that decidedly permits and encourages gun ownership.

Merton: Structural Strain Theory. The functionalist perspective on deviance has also been elaborated by the sociologist **Robert Merton** (1910–2003). Merton's **structural strain theory** traces the origins of deviance to the tensions caused by the gap between cultural goals and the means people have available to achieve those goals. Merton noted that societies are characterized by both culture and social structure. Culture establishes goals for people in society. Social structure provides, or fails to provide, the means for people to achieve those goals. In a well-integrated society, according to Merton, people use accepted means to achieve the goals society establishes. In other words, the goals and means of the society are in balance. When the means are out of balance with the

goals, deviance is likely to occur. According to Merton, this imbalance, or disjunction, between cultural goals and structurally available means can actually *compel* the individual into deviant behavior (Merton 1968).

To explain further, a collective goal in U.S. society is the achievement of economic success. The legitimate means to achieve such success are education and jobs, but not all groups have equal access to those means. The result is structural strain that produces deviance. According to Merton, poor and working-class individuals are most likely experience these strains because they internalize the same goals and values as the rest of society but have blocked opportunities for success. Structural strain theory therefore helps explain the high correlation that exists between unemployment and crime.

▲ Figure 7.1 illustrates how strain between cultural goals and structurally available means can produce deviance. *Conformity* is likely to occur when the goals are accepted and the means for attaining the goals are made available to the individual by the social structure. If this does not occur, then cultural–structural strain exists, and at least one of four possible forms of deviance is likely to result: innovative deviance, ritualistic deviance, retreatism deviance, or rebellion.

Consider the case of female prostitution: The prostitute has accepted the cultural values of the dominant society—obtaining economic success and material wealth. Yet if she is poor, then the structural means to attain these goals are less available to her, and turning to prostitution may result.

Other forms of deviance also represent strain between goals and means. *Retreatism deviance* becomes likely when neither the goals nor the means are available. Examples of retreatism are those with severe alcoholism or people who are homeless or reclusive. *Ritualistic deviance* is illustrated in the case of college women with eating disorders, such as *bulimia* (purging oneself after eating). The cultural goal of extreme thinness is perceived as unattainable, even though the

	Cultural goals accepted?	Institutionalized means toward goal available?
Conformity	Yes	Yes
Innovative deviance	Yes	No
Ritualistic deviance	No	Yes
Retreatism deviance	No	No
Rebellion	No (old goals) Yes (new goals)	No (old means) Yes (new means)

▲ **Figure 7.1** Merton's Structural Strain Theory

means for trying to attain it are plentiful, for example, good eating habits and proper diet methods. Finally, *rebellion* as a form of deviance is likely to occur when new goals are substituted for more traditional ones, and also new means are undertaken to replace older ones, as by force or armed combat. Many right-wing extremist groups, such as the American Nazi party, "skinheads," and the Ku Klux Klan (KKK), are examples of this type of deviance.

Social Control Theory. Taking functionalist theory in another direction, Travis Hirschi has developed social control theory to explain deviance. **Social control theory**, a type of functionalist theory, suggests that deviance occurs when a person's (or group's) attachment to social bonds is weakened (Gottfredson and Hirschi 1995, 1990; Hirschi 1969). According to this view, people internalize social norms because of their attachments to others. People care what others think of them and therefore conform to social expectations because they accept what people expect. You can see here that social control theory, like the functionalist framework from which it stems, assumes the importance of the socialization process in producing conformity to social rules. When that conformity is broken, deviance occurs.

Social control theory assumes there is a common value system within society, and breaking allegiance to that value system is the source of social deviance. This theory focuses on how deviants are (or are not) attached to common value systems and what situations break people's commitment to these values. Social control theory suggests that most people probably feel some impulse toward deviance at times but that the attachment to social norms prevents them from actually participating in deviant behavior. Sociologists find that high school students who participate on an athletic team and are committed to academic success (like taking Advanced Placement classes and exams) are least likely to engage in any crimes or get suspended from school (Veliz and Shakib 2012). Involvement with sports and academic success are examples of accepted social norms that help prevent deviance.

Functionalism: Strengths and Weaknesses. Functionalism emphasizes that social structure, not just individual motivation, produces deviance. Functionalists argue that social conditions exert pressure on individuals to behave in conforming or nonconforming ways. Types of deviance are linked to one's place in the social structure; thus a poor person blocked from economic opportunities may use armed robbery to achieve economic goals, whereas a Wall Street trader may use insider trading to achieve the same. Functionalists acknowledge that people choose whether to behave in a deviant manner but believe that they make their choice from among socially prestructured options. The emphasis in functionalist theory is on social structure, not individual action. In this sense, functionalist theory is highly sociological.

Functionalists also point out that what appears to be dysfunctional behavior may actually be functional for the society. An example is the fact that most people consider prostitution to be dysfunctional behavior. From the point of view of an individual, that is true. It demeans the women who engage in it, puts them at physical risk, and subjects them to sexual exploitation. From the view of functionalist theory, however, prostitution supports and maintains a social system that links women's gender roles with sexuality, associates sex with commercial activity, and defines women as passive sexual objects and men as sexual aggressors. In other words, what appears to be deviant may actually serve various purposes within society.

Critics of the functionalist perspective argue that it does not explain how norms of deviance are first established. Despite its analysis of the ramifications of deviant behavior for society as a whole, functionalism does little to explain why some behaviors are defined as normative and others as illegitimate. Who determines social norms and on whom such judgments are most likely to be imposed are questions seldom asked by anyone using a functionalist perspective. Functionalists see deviance as having stabilizing consequences in society, but they tend to overlook the injustices that labeling someone deviant can produce. Others would say that the functionalist perspective too easily assumes that deviance has a positive role in society; thus functionalists rarely consider the differential effects that the administration of justice has on different groups. The tendency in functionalist theory to assume that the system works for the good of the whole too easily ignores the inequities in society and how these inequities are reflected in patterns of deviance. These issues are left for sociologists who work from the perspectives of conflict theory and symbolic interaction.

Conflict Theories of Deviance

Recall that conflict theory emphasizes the unequal distribution of power and resources in society. It links the study of deviance to social inequality. Based on the work of Karl Marx, conflict theory sees a dominant class as controlling the resources of society and using its power to create the institutional rules and belief systems that support its power. Like functionalist theory, conflict theory is a *macrostructural* approach; that is, both theories look at the structure of society as a whole in developing explanations of deviant behavior.

Because some groups of people have access to fewer resources in capitalist society, they are forced into crime to sustain themselves. Conflict theory posits

that the economic organization of capitalist societies produces deviance and crime. The high rates of crime among the poorest groups, especially economic crimes such as theft, robbery, prostitution, and drug selling, are a result of the economic status of these groups. Rather than emphasizing values and conformity as a source of deviance as do functional analyses, conflict theorists see crime in terms of power relationships and economic inequality (Grant and Martínez 1997).

The upper classes, conflict theorists point out, can also better hide crimes they commit because affluent groups have the resources to mask their deviance and crime. As a result, a working-class man who beats his wife is more likely to be arrested and prosecuted than an upper-class man who engages in the same behavior. In addition, those with greater resources can afford to buy their way out of trouble by paying bail, hiring expensive attorneys, or even resorting to bribes.

Corporate crime is crime committed within the legitimate context of doing business. Conflict theorists expand our view of crime and deviance by revealing the significance of such crimes. They argue that appropriating profit based on exploitation of the poor and working class is inherent in the structure of capitalist society. **Elite deviance** refers to the wrongdoing of wealthy and powerful individuals and organizations (Simon 2011). Elite deviance includes what early conflict theorists called *white-collar crime* (Sutherland and Cressey 1978; Sutherland 1940). Elite deviance includes tax evasion; illegal campaign contributions; illegal investment schemes that steal money from innocent investors; corporate scandals, such as fraudulent accounting practices that endanger or deceive the public but profit the corporation or individuals within it; and even government actions that abuse the public trust.

The ruling groups in society develop numerous mechanisms to protect their interests according to conflict theorists who argue that law, for example, is created by elites to protect the interests of the dominant class. Thus law, supposedly neutral and fair in its form and implementation, works in the interest of the most well-to-do (Weisburd et al. 2001, 1991; Spitzer 1975).

Conflict theory emphasizes the significance of social control in managing deviance and crime. **Social control** is the process by which groups and individuals within those groups are brought into conformity with dominant social expectations. Social control can take place simply through socialization, but dominant groups can also control the behavior of others through marking them as deviant. An example is the historic persecution of witches during the Middle Ages in Europe and during the early colonial period in America (Ben-Yehuda 1986; Erikson 1966). Witches often were women who were healers and midwives—those whose views were at odds with the authority of the exclusively patriarchal hierarchy of the church, then the ruling institution.

One implication of conflict theory, especially when linked with labeling theory, is that the power to define deviance confers an important degree of social control. **Social control agents** are those who regulate and administer the response to deviance, such as the police and mental health workers. Members of powerless groups may be defined as deviant for even the slightest infraction against social norms, whereas others may be free to behave in deviant ways without consequence. Oppressed groups may actually engage in more deviant behavior, but it is also true that they have a greater likelihood of being labeled deviant and incarcerated or institutionalized, whether or not they have actually committed an offense. This is evidence of the power wielded by social control agents.

When powerful groups hold stereotypes about other groups, the less powerful people are frequently assigned deviant labels. As a consequence, the least powerful groups in society are subject most often to social control. You can see this in the patterns of arrest data. All else being equal, poor people are more likely to be considered criminals and therefore are more likely to be arrested, convicted, and imprisoned than middle- and upper-class people. The same is true of Latinos, Native Americans, and African Americans. Sociologists point out that this does not necessarily mean that these groups are somehow more criminally prone; rather, they take it as partial evidence of the differential treatment of these groups by the criminal justice system.

Conflict Theory: Strengths and Weaknesses.

The strength of conflict theory is its insight into the significance of power relationships in the definition, identification, and handling of deviance. It links the commission, perception, and treatment of crime to inequality in society and offers a powerful analysis of how the injustices of society produce crime and result in different systems of justice for disadvantaged and privileged groups. This theory is not without its weaknesses, however, and critics point out that laws protect most people, not just the affluent, as conflict theorists argue.

In addition, although conflict theory offers a powerful analysis of the origins of crime, it is less effective in explaining other forms of deviance. For example, how would conflict theorists explain the routine deviance of middle-class adolescents? They might point out that consumer marketing drives much of middle-class deviance. Profits are made from the accoutrements of deviance—rings in pierced eyebrows, "gangsta" rap music, and so on—but economic interests alone cannot explain all the deviance observed in society. As Durkheim argued, deviance is functional for the whole of society, not just those with a major stake in the economic system.

Symbolic Interaction Theories of Deviance

Whereas functionalist and conflict theories are *macrosociological* theories, certain *microsociological* theories of deviance look directly at the interactions people have with one another as the origin of social deviance. *Symbolic interaction theory* holds that people behave as they do because of the meanings people attribute to situations. This perspective emphasizes the meanings surrounding deviance, as well as how people respond to those meanings. Symbolic interaction emphasizes that deviance originates in the interaction between different groups and is defined by society's reaction to certain behaviors.

Symbolic interactionist theories of deviance originated in the perspective of the Chicago School of Sociology. **W. I. Thomas** (1863–1947), one of the early sociologists from the University of Chicago, was among the first to develop a sociological perspective on social deviance. Thomas explained deviance as a normal response to the social conditions in which people find themselves. Thomas was one of the first to argue that delinquency was caused by the social disorganization brought on by slum life and urban industrialism. He saw deviance as a problem of social conditions, less so of individual character or individual personality.

Differential Association Theory. Thomas's work laid the foundation for a classic theory of deviance: differential association theory. **Differential association theory**, a type of symbolic interaction theory, interprets deviance, including criminal behavior, as behavior one learns through interaction with others (Sutherland and Cressey 1978; Sutherland 1940). Edwin Sutherland argued that becoming a criminal or a juvenile delinquent is a matter of learning criminal ways within the primary groups to which one belongs. To Sutherland, people become criminals when they are more strongly socialized to break the law than to obey it. Differential association theory emphasizes the interaction people have with their peers and others in their environment. Those who "differentially associate" with delinquents, deviants, or criminals learn to value deviance. The greater the frequency, duration, and intensity of their immersion in deviant environments, the more likely it is that they will become deviant.

Consider the case of cheating on college tests and assignments. Students learn from others about the culture of cheating, namely that because everyone does it, cheating is okay. Students also share the best ways to cheat without getting caught. Students, who would ordinarily not engage in criminal or unethical behavior, are socialized to become cheaters themselves. Sociologists found that students who were told by another student in the room how to cheat on a word memorization experiment were much more likely to do it (Paternoster et al. 2013). Differential association theory offers a compelling explanation for how deviance is culturally transmitted—that is, people pass on deviant expectations through the social groups in which they interact.

Critics of differential association theory have argued that this perspective tends to blame deviance on the values of particular groups. Differential association has been used, for instance, to explain the higher rate of crime among the poor and working class, arguing that this higher rate of crime occurs because they do not share the values of the middle class. Such an explanation, critics say, is class biased, because it overlooks the deviance that occurs in the middle-class culture and among elites. Disadvantaged groups may share the values of the middle class but cannot necessarily achieve them through legitimate means.

Deviance: The Importance of Labels. **Labeling theory** is a branch of symbolic interaction theory that interprets the responses of others as the most significant factor in understanding how deviant behavior is both created and sustained (Becker 1963). The work of labeling theorists such as Becker stems from the work of W. I. Thomas, who wrote, "If men define situations as real, they are real in their consequences" (Thomas and Thomas 1928: 572). A *label* is the assignment or attachment of a deviant identity to a person by others, including by agents of social institutions. People's reactions, not the action itself, produce deviance as a result of the labeling process.

Linked with conflict theory, labeling theory shows how those with the power to label an act or a person deviant and to impose sanctions—such as police, court officials, school authorities, experts, teachers, and official agents of social institutions—wield great power in determining societal understandings of deviance. Furthermore, because deviants are handled through bureaucratic organizations, the workers within these bureaucracies "process" people according to rules and procedures, seldom questioning the basis for those rules.

Once the label is applied, it sticks, and it is difficult for a person labeled deviant to shed the label—namely, to recover a nondeviant identity. To give an example, once a social worker or psychiatrist labels clients as mentally ill, those people will be treated as mentally ill, regardless of their actual mental state. In a kind of "catch-22," when people labeled as mentally ill plead that they are indeed mentally sound, this is taken as evidence that they are, in fact, mentally ill!

A person need not have actually engaged in deviant behavior to be labeled deviant and for that label to stick. Labeling theory helps explain why convicts released

The Rich Get Richer and the Poor Get Prison

Research Question: Jeffrey Reiman and Paul Leighton (2012) have studied U.S. prisons by asking: (1) What happens in prisons? and (2) What are the perceptions of prisons held by those in society?

Research Method: Reiman and Leighton used field research in prisons to answer these questions.

Research Results: The researchers found that the prison system in the United States, instead of serving as a way to rehabilitate criminals, is in effect designed to train and socialize inmates into a career of crime. It is also designed in such a way as to assure the public that crime is a threat primarily from the poor and that it originates at the lower rungs of society. Prisons contain elements that seem designed to accomplish this view.

Conclusions and Implications: One can "construct" a prison that ends up looking like a U.S. prison. First, continue to label as criminal those who engage in crimes that have no unwilling victim, such as prostitution or gambling. Second, give prosecutors and judges broad discretion to arrest, convict, and sentence based on appearance, dress, race, and apparent social class. Third, treat prisoners in a painful and demeaning manner, as one might treat children. Fourth, make certain that prisoners are not trained in a marketable skill that would be useful upon their release. And, finally, assure that prisoners will forever be labeled and stigmatized as different from "decent citizens," even after they have paid their debt to society. Once an ex-con, always an ex-con. One has thus just socially constructed a U.S. prison, an institution that will continue to generate the very thing that it claims to eliminate.

Questions to Consider

1. In your own opinion, how accurate is this "construction" of the U.S. prison? Do you know anyone who is currently in or recently in prison? Interview them and get their opinion.

2. How persistent in the coming years do you think this vision of the U.S. prison system will be?

Sources: Reiman, Jeffrey H., and Paul Leighton. 2012. *The Rich Get Richer and the Poor Get Prison,* 10th ed. Upper Saddle River, NJ: Pearson.

from prison have such high rates of *recidivism* (return to criminal activities). Convicted criminals are formally and publicly labeled wrongdoers. They are treated with suspicion ever afterward and have great difficulty finding legitimate employment: The label "ex-con" defines their future options.

Former inmates struggle to find employment after release from prison, especially if the person is male and Black or Hispanic. Sociologist Devah Pager has shown this clearly through her research. Pager (2007) had pre-trained role-players pose as ex-cons looking for a job. These role-players went into the job market and were interviewed for various jobs; all of them used the same preset script during the interview. The idea of the study was to see how many of them would be invited back for another interview. The results were staggering: Blacks who were *not* ex-cons were *less* likely to be invited back for a job interview than were Whites who *were* ex-cons, even though White ex-cons were not invited back in large numbers. All ex-cons had trouble being invited back, but even more so for Black and Hispanic ex-cons. So the effect of race alone exceeded the effect of incarceration alone. These upsetting differences could not be attributed to differences in interaction displayed during the interview, because everyone used the exact same prepared script.

The prison system in the United States also shows the power of labeling theory. Prisons, in effect, *train* and *socialize* prisoners into a career of secondary deviance. (See the box, "Doing Sociological Research: The Rich Get Richer and the Poor Get Prison.") Reiman (2012) argues that the goal of the prison system is not to reduce crime but to impress upon the public that crime is inevitable, originating only from the lower classes. Prisons accomplish this, even if unintentionally, by demeaning prisoners and stigmatizing them as different from "decent citizens," not training them in marketable skills. As a consequence, these people will never be able to pay their debt to society, and the prison system has created the very behavior it intended to eliminate.

Labeling theory suggests that deviance refers not just to something one does but to something one becomes. **Deviant identity** is the definition a person has of himself or herself as a deviant. Most often, deviant identities emerge over time (Simon 2011; Lemert 1972). A person addicted to drugs, for example, may not think of herself as a junkie until she realizes she no longer has nonusing friends. The formation of a deviant identity, like other identities, involves a process of social transformation in which a new self-image and new public definition of a person emerge. This is a process that involves how people view deviants and how deviants view themselves.

A social **stigma** is an attribute that is socially devalued and discredited. Some stigmas result in people being labeled deviant. The experiences of people who are disabled, disfigured, or in some other way stigmatized are studied in much the same way as other forms

Extensive tattooing is regarded by many as deviant, although it may seem perfectly ordinary in the context of some peer groups.

of social deviance. Like other deviants, people with stigmas are stereotyped and defined only in terms of their presumed deviance.

Think, for example, of how people in a wheelchair are treated in society. Their disability can become a **master status** (see Chapter 5), a characteristic of a person that overrides all other features of the person's identity (Goffman 1963). Physical disability can become a master status when other people see the disability as the defining feature of the person. People with a particular stigma are often all seen to be alike. This may explain why stigmatized individuals of high visibility are often expected to represent the whole group.

People who suddenly become disabled often have the alarming experience of their new master status rapidly erasing their former identity. People they know may treat and see them differently. A master status may also prevent people from seeing other parts of a person. A person with a disability may be assumed to have no meaningful sex life, for example, even if the disability is unrelated to sexual ability or desire. Sociologists have argued that the negative judgments about people with stigmas tend to confirm the "usualness" of others (Goffman 1963). For example, when welfare recipients are stigmatized as lazy and undeserving of social support, others are indirectly promoted as industrious and deserving. Stigmatized individuals are thus measured against a presumed norm and may be labeled, stereotyped, and discriminated against.

Sometimes, people with stigmas bond with others, perhaps even strangers. This can involve an acknowledgment of kinship or affiliation that can be as subtle as an understanding look, a greeting that makes a connection between two people, or a favor extended to a stranger who the person sees as sharing the presumed stigma. Public exchanges are common between various groups that share certain forms of disadvantage, such as people with disabilities, lesbians and gays, or members of other minority groups.

The strength of labeling theory is its recognition that the judgments people make about presumably deviant behavior have powerful social effects. Labeling theory does not, however, explain why deviance occurs in the first place. It may illuminate the consequences of a young man's violent behavior, but it does not explain the actual origins of the behavior. Labeling theory helps us understand how some *are considered* deviant while others are not, but it does not explain why some people initially engage in deviant behaviors and others do not.

Deviant Careers and Communities. In the ordinary context of work, a career is the sequence of movements a person makes through different positions in an occupational system (Becker 1963). A **deviant career**—a direct outgrowth of the labeling process—is the sequence of movements people make through a particular subculture of deviance. Deviant careers can be studied sociologically, like any other career. Within deviant careers, people are socialized into new "occupational" roles, and are encouraged, both materially and psychologically, to engage in deviant behavior. The concept of a deviant career emphasizes that there is a progression through deviance: Deviants are recruited, given or denied rewards, and promoted or demoted. As with legitimate careers, deviant careers involve an evolution in the person's identity, values, and commitment over time. Deviants, like other careerists, may have to demonstrate their commitment to the career to their superiors, perhaps by passing certain tests, such as when a gang expects new members to commit a crime, perhaps even shoot someone.

Within deviant careers, rites of passage may bring increased social status among peers. Punishments administered by the authorities may even become badges of honor within a deviant community. Similarly, labeling a teenager as a "bad kid" for poor behavior in school may actually encourage the behavior to continue because the juvenile may take this as a sign of success as a deviant.

The preceding discussion continues to indicate an important sociological point: Deviant behavior is not just the behavior of maladjusted individuals; it often takes place within a group context and involves group response. Some groups are actually organized around particular forms of social deviance; these are called **deviant communities** (Mizruchi 1983; Blumer 1969; Erikson 1966; Becker 1963).

Some deviance develops in deviant communities, such as the neo-Nazis/"skinheads" shown marching here. Such right-wing extremist groups have increased significantly in recent years, as monitored by the Southern Poverty Law Center.

deviant categories. Groups such as Alcoholics Anonymous, Weight Watchers, and various twelve-step programs help those identified as deviant overcome their deviant behavior. These groups, which can be quite effective, accomplish their mission by encouraging members to accept their deviant identity as the first step to recovery.

Crime and Criminal Justice

The concept of deviance in sociology is a broad one, encompassing many forms of behavior—legal and illegal, ordinary and unusual. **Crime** is one form of deviance, specifically, behavior that violates particular criminal laws. Not all deviance is crime. Deviance becomes crime when institutions of society designate it as violating a law or laws.

Criminology is the study of crime from a scientific perspective. Criminologists include social scientists such as sociologists who stress the societal causes and treatment of crime. All the theoretical perspectives on deviance that we examined earlier contribute to our understanding of crime (see ◆ Table 7.2). According to the functionalist perspective, crime may be *necessary* to hold society together. By singling out criminals as socially deviant, others are defined as good. The nightly reporting of crime on television is a demonstration of this sociological function of crime. Conflict theory suggests that disadvantaged groups are more likely to become criminal. Conflict theory also sees the well-to-do as better able to hide their crimes and less likely to be punished. Symbolic interaction helps us understand how people learn to become criminals or come to be accused of criminality, even when they may be innocent. Each perspective traces criminal behavior to social conditions rather than only to the intrinsic tendencies or personalities of individuals.

Like subcultures and countercultures, deviant communities maintain their own values, norms, and rewards for deviant behavior. Joining a deviant community closes one off from conventional society and tends to solidify deviant careers because the deviant individual receives rewards and status from the in-group. Disapproval from the out-group may only enhance one's status within. Deviant communities also create a worldview that solidifies the deviant identity of their members. They may develop symbolic systems such as emblems, forms of dress, publications, and other symbols that promote their identity as a deviant group. Gangs wear their "colors," and skinheads have their insignia and music. Both are examples of deviant communities. Ironically, subcultural norms and values reinforce the deviant label both inside and outside the deviant group, thereby reinforcing the deviant behavior.

Some deviant communities are organized specifically to provide support to those in presumed

◆ **Table 7.2** Sociological Theories of Crime

Functionalist Theory	Symbolic Interaction Theory	Conflict Theory
Societies require a certain level of crime in order to clarify norms.	Crime is behavior that is learned through social interaction.	The lower the social class, the more the individual is *forced* into criminality.
Crime results from social structural strains (such as class inequality) within society.	Labeling criminals and stigmatizing them tends to reinforce rather than deter crime.	Inequalities in society by race, class, gender, and other forces tend to produce criminal activity.
Crime may be functional to society, thus difficult to eradicate.	Institutions with the power to label, such as prisons, actually produce rather than lessen crime.	Reducing social inequality in society is likely to reduce crime.

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Measuring Crime: How Much Is There?

Is crime increasing in the United States? One would certainly think so from watching the media. Images of violent crime abound and give the impression that crime is a constant threat and is on the rise. Data about crime come from the Federal Bureau of Investigation (FBI) based on reports from police departments across the nation. The data are distributed annually in the *Uniform Crime Reports* and are the basis for official reports about the extent of crime and its rise and fall over time. Although media coverage of crime has remained high and about the same, data on crime actually show that violent crime peaked in 1990, but *decreased* through the 1990s and has continued to decline through 2013 (see ▲ Figure 7.2). The officially reported rate of assault and robbery has decreased, although rape and murder have remained roughly the same.

A second major source of crime data is the *National Crime Victimization Surveys* published by the Bureau of Justice Statistics in the U.S. Department of Justice. These data are based on surveys in which national samples of people are periodically asked if they have been the victims of one or more criminal acts. These surveys clearly show that the likelihood of being a victim of crime is influenced by one's race, gender, and social class.
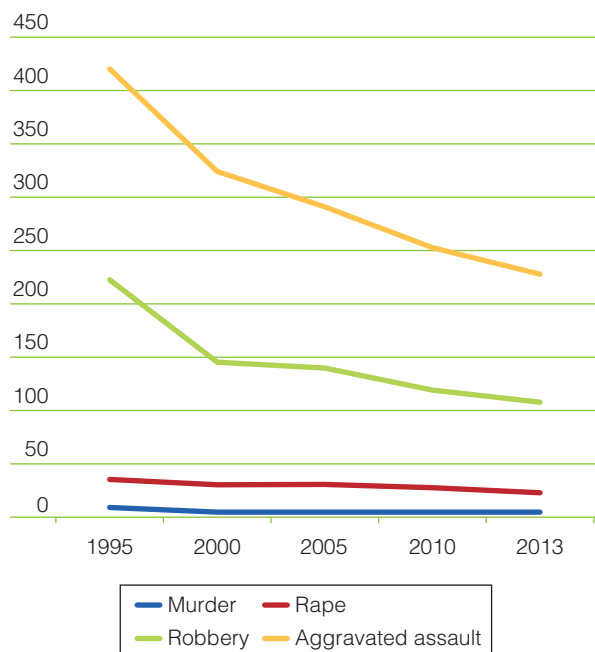
▲ **Figure 7.2** Violent Crime in the United States, 1995–2013 This graph shows that, despite many news stories about violent crime, the rates of violent crimes have gone down since 1995.

Source: Federal Bureau of Investigation. 2013. *Crime in the United States 2013*. Washington, DC: Federal Bureau of Investigation. **www.fbi.gov**

Both of these sources of data—the *Uniform Crime Reports* and the *National Crime Victimization Surveys*—are subject to the problem of underreporting. About half to two-thirds of all crimes may not be reported to police, meaning that much crime never shows up in the official statistics. Rape is particularly known to be vastly underreported. Victims may be reluctant to report for a variety of reasons, including that the police will not take the rape seriously, especially if the assailant was known to the victim. Also, the victim may not want to undergo the continued stress of an investigation and trial.

A Problem with Official Statistics. Official statistics on crime are important for describing the extent of crime and various patterns in the perpetration and victimization by crime. You have to be cautious, however, in relying on these official reports because of the logic of labeling theory. Recall that labeling theorists would see crime statistics as produced by those with the power to assign labels. Reported rates of deviant behavior are, like crime itself, the product of social behavior.

Official statistics are produced by people in various agencies (police, courts, and other bureaucratic organizations). These people define, classify, and record certain behaviors as falling into the category of crime—or not. Labeling theorists think that official rates of crime (and deviance) do not necessarily reflect the actual commission of crime; instead, the official rates reflect social judgments.

In an interesting example, in the aftermath of the terrorist attacks on the World Trade Center in 2001, officials debated whether to count the deaths of thousands as murder or as a separate category of terrorism. The decision would change the official murder rate in New York City that year. In the end, these deaths were not counted in the murder rate. That is a unique example, but an ongoing example is the official reporting of rape. Research finds that the police are less likely to "count" some rapes, such as those in which the victim is a prostitute, was drunk at the time of the assault, or had a previous relationship with the assailant. Rapes resulting in the victim's death are classified as homicides and thus do not appear in the official statistics on rape.

Types of Crime

When people think of crime, they may imagine a stereotypical criminal—someone who is a stranger, someone who randomly assaults you, or someone who commits a quick street crime, like a mugging. Stereotypes about crime, however, hide the many different kinds of crime committed—and the characteristics of those who commit them. The different types of crime reveal various social patterns in the commission of crime and victimization by crime, little of which is random as the stereotype suggests.

Images of Violent Crime

The media routinely drive home two points to the consumer: Violent crime is always high and may be increasing over time, and there is much random violence constantly around us. The media bombard us with stories of "wilding," in which bands of youths kill random victims. Many of us think road rage is extensive (which it is not) and completely random. The media vividly and routinely report such occurrences as pointless, random, and probably increasing.

The evidence shows that although violent crime in the United States increased during the 1970s and 1980s, it nonetheless began to decrease in 1990 and continues to decrease nationally through the present. For example, both robbery and physical assaults have declined dramatically since 1990. Yet, according to research (Best 2011, 2008, 1999; Glassner 1999), the media have consistently given a picture that violent crime has increased during this same period and, furthermore, that the violence is completely unpatterned and random.

No doubt there are occasions when victims are indeed picked at random. But the statistical rule of randomness could not possibly explain what has come to be called random violence, a vision of patternless chaos that is advanced by the media. If randomness truly ruled, then each of us would have an equal chance of being a victim—and of being a criminal. This is assuredly not the case. The notion of random violence, and the notion that it is increasing, ignores virtually everything that criminologists, psychologists, sociologists, and extensive research studies know about crime: It is highly patterned and significantly predictable, beyond sheer chance, by taking into account the social structure, social class, location, race and ethnicity, gender, labeling, age, whom one's family members are, and other such variables and forces in society that affect both criminals and victims.

The correct central picture, then, is clearly not conveyed in the media. Some have speculated that the picture maintained in the media of increasing crime is simply a tool to increase viewer ratings. Criminal violence is not increasing though, but decreasing, and it is not random, but highly patterned and predictable.

Personal and Property Crimes. The *Uniform Crime Reports* report something called the *crime index*. The crime index includes the violent crimes of murder, manslaughter, rape, robbery, and aggravated assault, plus property crimes of burglary, larceny theft, and motor vehicle theft. The crime index includes both *personal crimes* (violent or nonviolent crimes directed against people, including murder, aggravated assault, forcible rape, and robbery) and *property crimes* (those involving theft of property without threat of bodily harm, such as burglary, larceny, auto theft, and arson). Property crimes are the most frequent criminal infractions.

DEBUNKING Society's Myths ◀

Myth: Crimes, especially very violent ones, are committed by people who are mentally ill.

Sociological Perspective: People are often shocked when someone who may live near them commits a violent crime; "He seemed so normal," they typically say. This reaction shows how much the public believes crime and deviance to be the behavior of poorly adjusted people, but sociologists find clear patterns in the commission of crime. Violent crime, for example, is most likely committed by someone who knows the victim, probably well. Most crime is not random (Best 1999).

Hate Crimes. Hate crime is a relatively new official category of crime, although hate crimes have certainly been committed throughout the nation's history. Lynching, vandalism of synagogues, and the assault of gay people are not new, but the formal reporting of hate crime did not begin until 1980. Now the U.S. Congress, via the FBI, defines **hate crime** as a criminal offense that is motivated in whole or part by bias against a "race, religion, disability, ethnic origin, or sexual orientation" (www.fbi.gov). This form of crime has been increasing in recent years, especially against gays and lesbians, but also because of the ability now to report and then track such heinous acts. The vast majority of hate crimes are committed by White offenders—or, in many cases, unknown offenders. More than half of all reported hate crimes are committed against people because of race or ethnicity; 20 percent are based on sexual orientation of the victim; and another 20 percent are based on religion (Federal Bureau of Investigation 2012).

Human Trafficking. Human trafficking has long played a role in the national and international economy. Slavery, for example, is a pernicious example of human trafficking, but this is a crime that continues in various forms. The FBI defines *human trafficking* as compelling or coercing a person to engage in some form of labor, service, or commercial sex. Sometimes

the coercion is overtly physical, but it can also be psychological and subtle, such as a pimp who recruits prostitutes into a network of sex work by initially seeming to be a boyfriend. Undocumented immigrants are particularly prone to trafficking as they are a very vulnerable population. Children are also among some of the most vulnerable, especially when coming from war-torn regions. Estimates of the extent of human trafficking are difficult to come by, but in 2013, the U.S. State Department identified nearly 45,000 victims. One of the problems in getting accurate data is not only the covert nature of this crime, but also lack of uniformity in how nations tabulate known cases (U.S. Department of State 2014).

Gender-Based Violence. **Gender-based violence** is the term used to describe the various forms of violence that are associated with unequal power relationships between men and women. Gender-based violence takes many forms, including, but not limited to rape, domestic violence, sexual abuse and incest, stalking, and more. Although both men and women can be victims of gender-based violence, it far more frequently victimizes women and girls (Bloom 2008).

For all women, victimization by rape is probably the greatest fear. Although rape is the most underreported crime, even with underreporting, the FBI estimates that one rape occurs in the United States every 6.6 minutes (Federal Bureau of Investigation 2013).

Recently, the nation has focused its attention on the widespread phenomenon of campus rape, also referred to as sexual assault. *Acquaintance rape* is that committed by an acquaintance or someone the victim has just met. The extent of acquaintance rape is difficult to measure. The Bureau of Justice Statistics finds that 3 percent of college women experience rape or attempted rape in a given college year, and 13 percent report being stalked (Fisher et al. 2000). Acquaintance rape is linked to men's acceptance of various rape myths, such as believing that a woman's "no" means "yes." Excessive drinking also increases one's chances of being raped during campus parties. Some campus cultures and environments are especially likely to put women at risk of rape, particularly in some all-male groups and organizations, especially those organized around hierarchy, secrecy among "brothers," and loyalty, which create an atmosphere where rape can occur. This can help you understand why different organizations, such as some fraternities, sports teams, churches, and military schools, have high rates of rape (Langton and Sinozich 2014; Martin and Hummer 1989).

Sociologists have argued that the causes of rape lie in women's status in society—that women are treated as sexual objects for men's pleasure. The relationship between women's status and rape is also reflected in data revealing who is most likely to become a rape victim. African American women, Latinas, and poor women have the highest likelihood of being raped, as do women who are single, divorced, or separated. Young women are also more likely to be rape victims than older women (U.S. Bureau of Justice Statistics 2013). Sociologists interpret these patterns to mean that the most powerless women are also most subject to this form of violence.

Identity Theft. A new type of crime has also emerged in the context of the technological revolution that is changing daily habits. *Identity theft* is defined as the use of someone else's personal identifying information, usually for purposes of some kind of fraud (Allison et al. 2005). The cost of such crimes is staggering: Estimates are that financial losses to individual victims total about five billion dollars per year. Corporate losses are even greater—47 billion dollars a year (Holt and Turner 2012; Federal Trade Commission 2003). Not surprisingly, individuals who use the Internet for routine activities, such as banking, email, and instant messaging, are about 50 percent more likely to be victims of identity theft than others. Online shopping increases risk by about 30 percent. Men, older people, and those with higher incomes are most likely to experience victimization from identity theft (Reyns 2013).

Victimless Crimes. Victimless crimes are those that violate laws but where there is no complainant. Victimless crimes include various illicit activities, such as gambling, illegal drug use, and prostitution. Although there is no victim per se, there is clearly some degree of victimization in such crimes: Some researchers see prostitution, in many instances, as containing at least one victim because of the consequences for one's health, safety, and well-being through participation in such activities. Enforcement of these crimes is typically not as rigorous as enforcement of crimes against people or property.

Elite and White-Collar Crime. The term *white-collar* crime refers to criminal activities by people of high social status who commit crime in the context of their occupation (Sutherland and Cressey 1978). White-collar crime includes activities such as embezzlement (stealing funds from one's employer), involvement in illegal stock manipulations (insider trading), and a variety of violations of income tax law, including tax evasion. Until very recently, white-collar crime seldom generated great public concern, far less than the concern about street crime. In terms of total dollars, however, white-collar crime is even more consequential for society. Scandals involving prominent white-collar criminals have come to the public eye more

frequently, such as during the recession of 2008, which many say resulted from very risky financial practices and excessive borrowing by the nation's banks and on Wall Street.

Corporate Crime. *Corporate crime* is wrongdoing that occurs within the context of a formal organization or bureaucracy that is actually sanctioned by the norms and operating principles of the bureaucracy (Simon 2011). This can occur within any kind of organization—corporate, educational, governmental, or religious. Sociological studies of corporate crime show that it is embedded in the ongoing and routine activities of organizations (Ermann and Lundman 2001). Individuals within the organization may participate in the behavior with little awareness that their behavior is illegitimate. In fact, their actions are likely to be defined as in the best interests of the organization—business as usual. New members who enter the organization learn to comply with the organizational expectations or leave.

One of the most upsetting recent examples of massive corporate malfeasance involved a world-famous and time-honored American institution: the Johnson and Johnson Co., manufacturer of medical supplies such as bandages, baby oil, and artificial limbs. The company is the manufacturer of the now infamous DePuy artificial hip joint, adopted by thousands since 2005 to replace their own failing hip joints (Meier 2013). It turns out that Johnson and Johnson executives knew *years before* they officially recalled the faulty DePuy artificial hip joint in 2010 that it had a deadly design flaw. In the interest of maintaining high profits, the company deliberately concealed evidence of the design flaw from physicians, patients, and their families. Evidently, the wish to maintain high profits exceeded the wish to make the patients well and to save their lives. Consultants and medical researchers discovered the flaw several years before Johnson and Johnson recalled the DePuy joint, yet company executives totally ignored these research results. The company eventually reached a settlement with the thousands of victims, having to pay out four billion dollars for damages caused by this corporate crime.

Organized Crime. The structure of crime and criminal activity in the United States often takes on an organized, almost institutional character. This is crime in the form of mob activity and racketeering, known as organized crime. *Organized crime* is crime committed by structured groups typically involving the provision of illegal goods and services to others. Organized crime syndicates are typically stereotyped as the Mafia, but the term can refer to any group that exercises control over large illegal enterprises, such as the drug trade, illegal gambling, prostitution, weapons smuggling, or money laundering. These organized crime syndicates are often based on racial, ethnic, or family ties, with different groups dominating and replacing each other in different criminal "industries," at different periods in U.S. history.

A key concept in sociological studies of organized crime is that these industries are organized along the same lines as legitimate businesses; indeed, organized crime has taken on a corporate form. There are likely senior partners who control the profits of the business, workers who manage and provide the labor for the business, and clients who buy the services that organized crime provides. In-depth studies of the organized crime underworld are difficult, owing to its secretive nature and dangers.

Terrorism. The FBI includes *terrorism* in its definition of crime, defining it as "the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives" (Federal Bureau of Investigation 2011). Terrorism crosses national borders, and to understand it requires a global perspective. Terrorism is also linked to other forms of international crime. It is suspected that profits from international drug trade fund the terrorist organization al Qaeda.

One of the most frightening things about terrorism as a crime is that its victims, unlike most other crime, may be somewhat randomly targeted. Suicide bombers or other armed attackers may select particular groups because of their identification with the West or because they are associated with Jewish people. This is what happened in Paris, in 2015, when terrorists who were possibly associated with the terrorist group ISIS (Islamic State in Iraq and Syria) attacked and slaughtered at least seventeen people in a kosher market and in the offices of a satirical magazine.

Race, Class, Gender, and Crime

Arrest data show a very clear pattern of differential arrests along lines of race, gender, and class. A key question is whether this pattern reflects actual differences in the commission of crime by different groups or whether it reflects differential treatment by the criminal justice system. The answer is "both." Prosecution by the criminal justice system is significantly related to patterns of race, gender, and class inequality. We see this in the bias of official arrest statistics, in treatment by the police, in patterns of sentencing, and in studies of imprisonment.

Arrest statistics show a strong correlation between social class and crime, the poor being more likely than others to be arrested for crimes. Does this mean that

the poor commit more crimes? To some extent, yes, as unemployment and poverty are related to crime (Reiman and Leighton 2012). And the reason is simple: Those who are economically deprived often see no alternative to crime, as Merton's structural strain theory would predict.

Moreover, law enforcement is concentrated in lower-income and minority areas. People who are better off are further removed from police scrutiny and better able to hide their crimes. When and if white-collar criminals are prosecuted and convicted, they tend to receive somewhat lighter sentences. Middle- and upper-income people may be perceived as being less in need of imprisonment because they likely have a job and high-status people to testify for their good character. White-collar crime is simply perceived as less threatening than crimes by the poor. Class also predicts who most likely will be victimized by crime, with those at the highest ends of the socioeconomic scale least likely to be victims of violent crime (Barak et al. 2015).

Bearing in mind the factors that affect the official rates of arrest and conviction—bias of official statistics, the influence of powerful individuals, discrimination in patterns of arrest, differential policing—there remains evidence that the actual commission of crime varies by race. Why? Sociologists find a compelling explanation in social structural conditions. Racial minority groups are far more likely than Whites to be poor, unemployed, and living in single-parent families. These social facts are all predictors of a higher rate of crime. Note, too, as ▲ Figure 7.3 shows, that African Americans and Hispanics are generally more likely to be victimized by crime.

Recently, women's participation in crime has been increasing, the result of several factors. Women are now more likely to be employed in jobs that present opportunities for crimes, such as property theft, embezzlement, and fraud. Violent crime by women has also increased notably since the early 1980s, possibly because the images that women have of themselves are changing, making new behaviors possible. Most significant, crime by women is related to their continuing disadvantaged status in society. Just as crime is linked to socioeconomic status for men, so is it for women (Belknap 2001).

Women are somewhat less likely than men to be victimized by crime, with the exception of gender-based crimes, although this varies significantly by race and age. Black women are more likely than White women to be victims of assault; young Black women are especially vulnerable. Divorced, separated, and single women are more likely than married women to be crime victims.
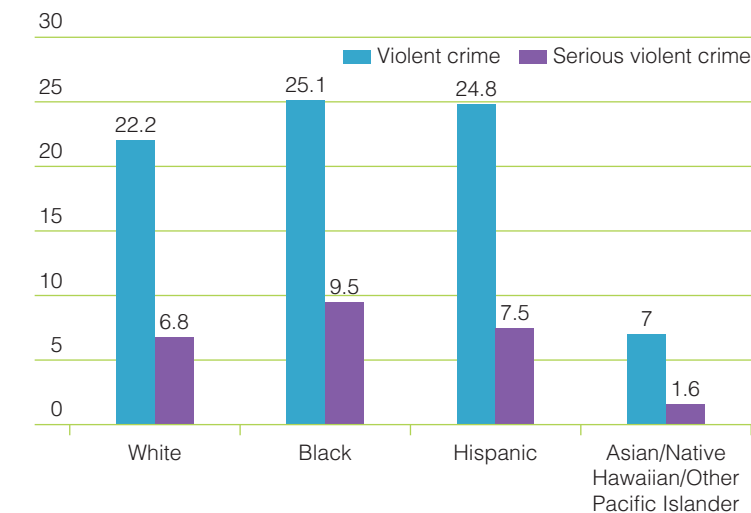
The Criminal Justice System: Police, Courts, and the Law

Whether in the police station, the courts, or prison, the factors of race, class, and gender are highly influential in the administration of justice in this society. Those in the most disadvantaged groups are more likely to be defined and identified as deviant independently of their behavior and, having encountered these systems of authority, are more likely to be detained and arrested, found guilty, and punished.

DEBUNKING Society's Myths ←

Myth: The criminal justice system treats all people according to the neutral principles of law.
Sociological Perspective: Race, class, and gender continue to have an influential role in the administration

▲ **Figure 7.3** Victimization by Violent Crime: Inequalities by Race This chart shows that the likelihood of victimization by violent crime and serious violent crime varies by racial–ethnic group.

Data Source: Truman, Jennifer L., and Lynn Langton. 2014. *Criminal Victimization, 2013.* Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice. **www.bjs.gov**

NOTE: Rate per 1,000 people.

of justice. For example, even when convicted of the same crime as Whites, African American and Latino male defendants with the same prior arrest record as Whites are more likely to be arrested, sentenced, and to be sentenced for longer terms than White defendants (Brame et al. 2014).

Recent protests highlight the distrust between police and African American communities, especially after young Black men are killed by police officers.

The Policing of Minorities. There is little question that minority communities are policed more heavily than White neighborhoods. For middle-class Whites, the presence of the police is generally reassuring, but for African Americans and Latinos, an encounter with a police officer can be terrifying. African American parents of young boys have to routinely have "the talk" to instruct young boys in protecting themselves from the dangers a police encounter can bring, even when the child is completely innocent of any wrongdoing. This has been vividly seen by the public in the aftermath of the shooting of young Michael Brown by a police officer in Ferguson, Missouri. Brown's death at the hands of a police shooting is not the only example, however, as demonstrations throughout the nation have shown such as the riots that occurred in Baltimore following the police shooting of Freddie Gray.

Police brutality, of which killing is only the most extreme form, refers to the excessive use of force by the police. Most cases of police brutality involve minority citizens, with usually no penalty for the officers involved. Sociologists have tested several hypotheses for why this occurs, reaching two conclusions: (1) The greater the proportion of minority residents in a city, the greater the use of coercive crime control, such as police force; and (2) spatially segregated minority populations are the primary targets of coercive crime control (Smith and Holmes 2014). Both conditions exist in Ferguson, Missouri. This research also suggests that, to protect minority citizens, we should focus on reducing residential segregation, which will require better economic opportunities for Black and Latino citizens.
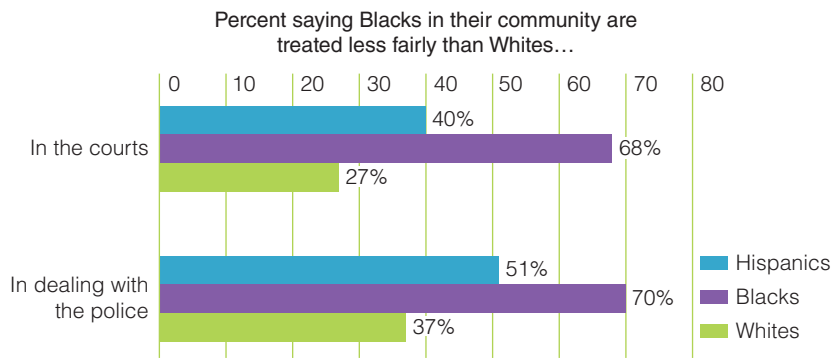
Racial profiling has also come to the public's attention, although it is a practice that has a long history. Often referred to half in jest by African Americans as the offense of "DWB," or "driving while Black," **racial profiling** is the use of race alone as the criterion for deciding whether to stop and detain someone on suspicion of having committed a crime. Police officers often argue that they "have no choice," claiming that racial profiling is justified because a high proportion of Blacks and Hispanics commit crimes. Although the crime rate for Blacks and Hispanics is higher than that of Whites, race is a particularly bad basis for suspicion because the vast majority of Blacks and Hispanics, like the vast majority of Whites,

do not commit any crime at all. As evidence of this, studies have found that eight out of every ten automobile searches carried out by state troopers on the New Jersey Turnpike over ten years were conducted on vehicles driven by Blacks and Hispanics; the vast majority of these searches turned up no evidence of contraband or crimes of any sort (Kocieniewski and Hanley 2000; Cole 1999). ▲ Figure 7.4 highlights that minorities feel they are treated less fairly by police officers.

Race and Sentencing. What happens once minority citizens are arrested for a crime? Bail is set higher for African Americans and Latinos than for Whites, and minorities have less success with plea bargains. Once on trial, minority defendants are found guilty more often than White defendants. At sentencing, African Americans and Hispanics are likely to get longer sentences than Whites, even when they have the same number of prior arrests and socioeconomic background as Whites. Young African American men, as well as Latinos, are sentenced more harshly than any other group, and once sentenced, they are less likely to be released on probation (Western 2007, 2014). Blacks and Hispanics who have already received the death penalty are even more likely to be executed, rather than being pardoned or having the execution postponed, than are Whites who have committed the same crime (Jacobs et al. 2007). Any number of factors influences judgments about sentencing, including race of the judge, severity of the crime, race of the victim, and the gender of the defendant, but throughout

Percent saying Blacks in their community are treated less fairly than Whites…

In the courts: Hispanics 40%, Blacks 68%, Whites 27%

In dealing with the police: Hispanics 51%, Blacks 70%, Whites 37%

▲ **Figure 7.4** A Racial Divide: The Criminal Justice System This figure shows that, when asked if the criminal justice treats Blacks in the community less fairly, Blacks and Hispanics are much more likely than Whites to think so.

Source: Anderson, Monica. 2014. "Vast Majority of Blacks View the Criminal Justice System as Unfair." Pew Research Center. Washington, DC: Pew Research Center. **www.pewresearch.org**

these studies, race is shown to consistently matter—and matter a lot.

Prisons: Rehabilitation or Mass Incarceration?

Racial minorities account for *more t han half* of the federal and state male prisoners in the United States (Carson 2014). Blacks have the highest rates of imprisonment, followed by Hispanics, then Native Americans and Asians. (Native Americans and Asian Americans together are less than one percent of the total prison population.) Hispanics are the fastest-growing minority group in prison. Native Americans, though a small proportion of the prison population, are still overrepresented in prisons. In theory, the criminal justice system is supposed to be unbiased, able to objectively weigh guilt and innocence. The reality is that the criminal justice system reflects the racial and class stratification and biases in society.

The United States and Russia have the highest rate of incarceration in the world. Yet at the same time, although the proportions of individuals in the prison population have increased over time, there has been a recent leveling off. Although it is certainly true that Blacks and Hispanics commit disproportionately more crime than Asians and Native American Indians, it is also true that the structure of the U.S. criminal justice system disproportionately *propels* Blacks and Hispanics into prison at a greater rate than Whites with the same criminal record. This is because unemployment is much higher for Blacks and Hispanics. There is mounting evidence, especially in the aftermath of the Ferguson, Missouri, and other police shootings of young, Black teens that federal and state officials are routinely more hostile to people of color than to Whites, whether or not they have run afoul of the criminal justice system. Moreover, practices of both the police and the court system are highly discriminatory against Black people (U.S. Department of Justice 2015). The situation is so severe and there are so many minority people in prison now that sociologist Bruce Western calls them a *new color caste* in U.S. society—in other words, a society unto itself (Western 2007).

The United States, then, is putting offenders in prison at a record pace. Is crime being deterred? Are prisoners being rehabilitated? Are Black and Hispanic men simply being *warehoused*—put on a shelf? In the end, the mass incarceration of so many citizens challenges the fundamental promise of a democratic society.

Chapter Summary

How do sociologists define deviance?

Deviance is behavior that violates norms and rules of society. The definition of deviance occurs in a social context and is socially constructed, sometimes by the actions of social movements.

What does sociological theory contribute to the study of deviance?

Functionalist theory sees both deviance and crime as functional for the society because it affirms what is acceptable by defining what is not. *Structural strain theory*, a type of functionalist theory, predicts that societal inequalities actually force and compel individuals into deviant and criminal behavior. *Conflict theory* explains deviance and crime as a consequence of unequal power relationships and inequality in society. *Symbolic interaction theory* explains deviance and crime as the result of meanings people give to various behaviors. *Differential association theory*, a type of symbolic interaction theory, interprets deviance as behavior learned through social interaction with other deviants.

What is the importance of labeling in the study of deviance?

Labeling theory argues that societal reactions to behavior produce deviance, with some groups having more power than others to assign deviant labels to people. Some groups suffer from *stigmas* that may define them in a *master status*.

What are deviant careers and communities?

Sometimes people develop *deviant careers*, that is, a sequence of movements people make through a particular subculture of deviance. Deviance can also occur within *deviant communities*, groups that are organized around particular forms of social deviance.

How is the criminal justice system shaped by social factors?

Class disparities exist in both arrest rates and rates of victimization. Despite public fears, middle- and upper-class Americans face lower risk of being victims of crime. Minorities and disadvantaged citizens are more likely to be both offenders and victims. Gender disparities also exist. At all stages of the criminal justice system, from racial profiling to arrest to sentencing to incarceration, Black Americans and Hispanics face a greater risk of prosecution in the criminal justice system.

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