7 Deviance, Crime, and Social Control

Figure 7.1 Washington is one of several states where marijuana use has been legalized, decriminalized, or approved for medical use. (Photo courtesy of Dominic Simpson/flickr)

Learning Objectives

7.1. Deviance and Control
- Define deviance, and explain the nature of deviant behavior
- Differentiate between methods of social control

7.2. Theoretical Perspectives on Deviance
- Describe the functionalist view of deviance in society through four sociologist's theories
- Explain how conflict theory understands deviance and crime in society
- Describe the symbolic interactionist approach to deviance, including labeling and other theories

7.3. Crime and the Law
- Identify and differentiate between different types of crimes
- Evaluate U.S. crime statistics
- Understand the three branches of the U.S. criminal justice system

Introduction to Deviance, Crime, and Social Control

Twenty-three states in the United States have passed measures legalizing marijuana in some form; the majority of these states approve only medical use of marijuana, but fourteen states have decriminalized marijuana use, and four states

approve recreational use as well. Washington state legalized recreational use in 2012, and in the 2014 midterm elections, voters in Alaska, Oregon, and Washington DC supported ballot measures to allow recreational use in their states as well (Governing 2014). Florida's 2014 medical marijuana proposal fell just short of the 60 percent needed to pass (CBS News 2014).

The Pew Research Center found that a majority of people in the United States (52 percent) now favor legalizing marijuana. This 2013 finding was the first time that a majority of survey respondents supported making marijuana legal. A question about marijuana's legal status was first asked in a 1969 Gallup poll, and only 12 percent of U.S. adults favored legalization at that time. Pew also found that 76 percent of those surveyed currently do not favor jail time for individuals convicted of minor possession of marijuana (Motel 2014).

Even though many people favor legalization, 45 percent do not agree (Motel 2014). Legalization of marijuana in any form remains controversial and is actively opposed; Citizen's Against Legalizing Marijuana (CALM) is one of the largest political action committees (PACs) working to prevent or repeal legalization measures. As in many aspects of sociology, there are no absolute answers about deviance. What people agree is deviant differs in various societies and subcultures, and it may change over time.

Tattoos, vegan lifestyles, single parenthood, breast implants, and even jogging were once considered deviant but are now widely accepted. The change process usually takes some time and may be accompanied by significant disagreement, especially for social norms that are viewed as essential. For example, divorce affects the social institution of family, and so divorce carried a deviant and stigmatized status at one time. Marijuana use was once seen as deviant and criminal, but U.S. social norms on this issue are changing.

7.1 Deviance and Control

Figure 7.2 Much of the appeal of watching entertainers perform in drag comes from the humor inherent in seeing everyday norms violated. (Photo courtesy of Cassiopeija/Wikimedia Commons)

What, exactly, is deviance? And what is the relationship between deviance and crime? According to sociologist William Graham Sumner, **deviance** is a violation of established contextual, cultural, or social norms, whether folkways, mores, or codified law (1906). It can be as minor as picking your nose in public or as major as committing murder. Although the word "deviance" has a negative connotation in everyday language, sociologists recognize that deviance is not necessarily bad (Schoepflin 2011). In fact, from a structural functionalist perspective, one of the positive contributions of deviance is that it fosters social change. For example, during the U.S. civil rights movement, Rosa Parks violated social norms when she refused to move to the "black section" of the bus, and the Little Rock Nine broke customs of segregation to attend an Arkansas public school.

"What is deviant behavior?" cannot be answered in a straightforward manner. Whether an act is labeled deviant or not depends on many factors, including location, audience, and the individual committing the act (Becker 1963). Listening to your iPod on the way to class is considered acceptable behavior. Listening to your iPod during your 2 p.m. sociology lecture is considered rude. Listening to your iPod when on the witness stand before a judge may cause you to be held in contempt of court and consequently fined or jailed.

As norms vary across culture and time, it makes sense that notions of deviance change also. Fifty years ago, public schools in the United States had strict dress codes that, among other stipulations, often banned women from wearing pants to class. Today, it's socially acceptable for women to wear pants, but less so for men to wear skirts. In a time of war, acts usually considered morally reprehensible, such as taking the life of another, may actually be rewarded. Whether an act is deviant or not depends on society's response to that act.

Making Connections: Sociology in the Real World

Why I Drive a Hearse

When sociologist Todd Schoepflin ran into his childhood friend Bill, he was shocked to see him driving a hearse instead of an ordinary car. A professionally trained researcher, Schoepflin wondered what effect driving a hearse had on his friend and what effect it might have on others on the road. Would using such a vehicle for everyday errands be considered deviant by most people?

Schoepflin interviewed Bill, curious first to know why he drove such an unconventional car. Bill had simply been on the lookout for a reliable winter car; on a tight budget, he searched used car ads and stumbled upon one for the hearse. The car ran well, and the price was right, so he bought it.

Bill admitted that others' reactions to the car had been mixed. His parents were appalled, and he received odd stares from his coworkers. A mechanic once refused to work on it, and stated that it was "a dead person machine." On the whole, however, Bill received mostly positive reactions. Strangers gave him a thumbs-up on the highway and stopped him in parking lots to chat about his car. His girlfriend loved it, his friends wanted to take it tailgating, and people offered to buy it. Could it be that driving a hearse isn't really so deviant after all?

Schoepflin theorized that, although viewed as outside conventional norms, driving a hearse is such a mild form of deviance that it actually becomes a mark of distinction. Conformists find the choice of vehicle intriguing or appealing, while nonconformists see a fellow oddball to whom they can relate. As one of Bill's friends remarked, "Every guy wants to own a unique car like this, and *you* can certainly pull it off." Such anecdotes remind us that although deviance is often viewed as a violation of norms, it's not always viewed in a negative light (Schoepflin 2011).

Figure 7.3 A hearse with the license plate "LASTRYD." How would you view the owner of this car? (Photo courtesy of Brian Teutsch/flickr)

Social Control

When a person violates a social norm, what happens? A driver caught speeding can receive a speeding ticket. A student who wears a bathrobe to class gets a warning from a professor. An adult belching loudly is avoided. All societies practice **social control**, the regulation and enforcement of norms. The underlying goal of social control is to maintain **social order**, an arrangement of practices and behaviors on which society's members base their daily lives. Think of social order as an employee handbook and social control as a manager. When a worker violates a workplace guideline, the manager steps in to enforce the rules; when an employee is doing an exceptionally good job at following the rules, the manager may praise or promote the employee.

The means of enforcing rules are known as **sanctions**. Sanctions can be positive as well as negative. **Positive sanctions** are rewards given for conforming to norms. A promotion at work is a positive sanction for working hard. **Negative sanctions** are punishments for violating norms. Being arrested is a punishment for shoplifting. Both types of sanctions play a role in social control.

Sociologists also classify sanctions as formal or informal. Although shoplifting, a form of social deviance, may be illegal, there are no laws dictating the proper way to scratch your nose. That doesn't mean picking your nose in public won't be punished; instead, you will encounter **informal sanctions**. Informal sanctions emerge in face-to-face social interactions.

For example, wearing flip-flops to an opera or swearing loudly in church may draw disapproving looks or even verbal reprimands, whereas behavior that is seen as positive—such as helping an old man carry grocery bags across the street—may receive positive informal reactions, such as a smile or pat on the back.

Formal sanctions, on the other hand, are ways to officially recognize and enforce norm violations. If a student violates her college's code of conduct, for example, she might be expelled. Someone who speaks inappropriately to the boss could be fired. Someone who commits a crime may be arrested or imprisoned. On the positive side, a soldier who saves a life may receive an official commendation.

The table below shows the relationship between different types of sanctions.

Table 7.1 Informal/Formal Sanctions Formal and informal sanctions may be positive or negative. Informal sanctions arise in social interactions, whereas formal sanctions officially enforce norms.

	Informal	Formal
Positive	An expression of thanks	A promotion at work
Negative	An angry comment	A parking fine

7.2 Theoretical Perspectives on Deviance

Figure 7.4 Functionalists believe that deviance plays an important role in society and can be used to challenge people's views. Protesters, such as these PETA members, often use this method to draw attention to their cause. (Photo courtesy of David Shankbone/flickr)

Why does deviance occur? How does it affect a society? Since the early days of sociology, scholars have developed theories that attempt to explain what deviance and crime mean to society. These theories can be grouped according to the three major sociological paradigms: functionalism, symbolic interactionism, and conflict theory.

Functionalism

Sociologists who follow the functionalist approach are concerned with the way the different elements of a society contribute to the whole. They view deviance as a key component of a functioning society. Strain theory, social disorganization theory, and cultural deviance theory represent three functionalist perspectives on deviance in society.

Émile Durkheim: The Essential Nature of Deviance

Émile Durkheim believed that deviance is a necessary part of a successful society. One way deviance is functional, he argued, is that it challenges people's present views (1893). For instance, when black students across the United States participated in sit-ins during the civil rights movement, they challenged society's notions of segregation. Moreover, Durkheim noted, when deviance is punished, it reaffirms currently held social norms, which also contributes to society (1893). Seeing a student given detention for skipping class reminds other high schoolers that playing hooky isn't allowed and that they, too, could get detention.

Robert Merton: Strain Theory

Sociologist Robert Merton agreed that deviance is an inherent part of a functioning society, but he expanded on Durkheim's ideas by developing **strain theory**, which notes that access to socially acceptable goals plays a part in determining whether a person conforms or deviates. From birth, we're encouraged to achieve the "American Dream" of financial success. A woman who attends business school, receives her MBA, and goes on to make a million-dollar income

as CEO of a company is said to be a success. However, not everyone in our society stands on equal footing. A person may have the socially acceptable goal of financial success but lack a socially acceptable way to reach that goal. According to Merton's theory, an entrepreneur who can't afford to launch his own company may be tempted to embezzle from his employer for start-up funds.

Merton defined five ways people respond to this gap between having a socially accepted goal and having no socially accepted way to pursue it.

1. *Conformity*: Those who conform choose not to deviate. They pursue their goals to the extent that they can through socially accepted means.

2. *Innovation*: Those who innovate pursue goals they cannot reach through legitimate means by instead using criminal or deviant means.

3. *Ritualism*: People who ritualize lower their goals until they can reach them through socially acceptable ways. These members of society focus on conformity rather than attaining a distant dream.

4. *Retreatism*: Others retreat and reject society's goals and means. Some beggars and street people have withdrawn from society's goal of financial success.

5. *Rebellion*: A handful of people rebel and replace a society's goals and means with their own. Terrorists or freedom fighters look to overthrow a society's goals through socially unacceptable means.

Social Disorganization Theory

Developed by researchers at the University of Chicago in the 1920s and 1930s, **social disorganization theory** asserts that crime is most likely to occur in communities with weak social ties and the absence of social control. An individual who grows up in a poor neighborhood with high rates of drug use, violence, teenage delinquency, and deprived parenting is more likely to become a criminal than an individual from a wealthy neighborhood with a good school system and families who are involved positively in the community.

Figure 7.5 Proponents of social disorganization theory believe that individuals who grow up in impoverished areas are more likely to participate in deviant or criminal behaviors. (Photo courtesy of Apollo 1758/Wikimedia Commons)

Social disorganization theory points to broad social factors as the cause of deviance. A person isn't born a criminal but becomes one over time, often based on factors in his or her social environment. Research into social disorganization theory can greatly influence public policy. For instance, studies have found that children from disadvantaged communities who attend preschool programs that teach basic social skills are significantly less likely to engage in criminal activity.

Clifford Shaw and Henry McKay: Cultural Deviance Theory

Cultural deviance theory suggests that conformity to the prevailing cultural norms of lower-class society causes crime. Researchers Clifford Shaw and Henry McKay (1942) studied crime patterns in Chicago in the early 1900s. They found that violence and crime were at their worst in the middle of the city and gradually decreased the farther someone traveled from the urban center toward the suburbs. Shaw and McKay noticed that this pattern matched the migration patterns of Chicago citizens. New immigrants, many of them poor and lacking knowledge of the English language, lived in neighborhoods inside the city. As the urban population expanded, wealthier people moved to the suburbs and left behind the less privileged.

Shaw and McKay concluded that socioeconomic status correlated to race and ethnicity resulted in a higher crime rate. The mix of cultures and values created a smaller society with different ideas of deviance, and those values and ideas were transferred from generation to generation.

The theory of Shaw and McKay has been further tested and expounded upon by Robert Sampson and Byron Groves (1989). They found that poverty, ethnic diversity, and family disruption in given localities had a strong positive correlation with social disorganization. They also determined that social disorganization was, in turn, associated with high rates of crime and delinquency—or deviance. Recent studies Sampson conducted with Lydia Bean (2006) revealed similar findings. High rates of poverty and single-parent homes correlated with high rates of juvenile violence.

Conflict Theory

Conflict theory looks to social and economic factors as the causes of crime and deviance. Unlike functionalists, conflict theorists don't see these factors as positive functions of society. They see them as evidence of inequality in the system. They also challenge social disorganization theory and control theory and argue that both ignore racial and socioeconomic issues and oversimplify social trends (Akers 1991). Conflict theorists also look for answers to the correlation of gender and race with wealth and crime.

Karl Marx: An Unequal System

Conflict theory was greatly influenced by the work of German philosopher, economist, and social scientist Karl Marx. Marx believed that the general population was divided into two groups. He labeled the wealthy, who controlled the means of production and business, the bourgeois. He labeled the workers who depended on the bourgeois for employment and survival the proletariat. Marx believed that the bourgeois centralized their power and influence through government, laws, and other authority agencies in order to maintain and expand their positions of power in society. Though Marx spoke little of deviance, his ideas created the foundation for conflict theorists who study the intersection of deviance and crime with wealth and power.

C. Wright Mills: The Power Elite

In his book *The Power Elite* (1956), sociologist C. Wright Mills described the existence of what he dubbed the **power elite**, a small group of wealthy and influential people at the top of society who hold the power and resources. Wealthy executives, politicians, celebrities, and military leaders often have access to national and international power, and in some cases, their decisions affect everyone in society. Because of this, the rules of society are stacked in favor of a privileged few who manipulate them to stay on top. It is these people who decide what is criminal and what is not, and the effects are often felt most by those who have little power. Mills' theories explain why celebrities such as Chris Brown and Paris Hilton, or once-powerful politicians such as Eliot Spitzer and Tom DeLay, can commit crimes and suffer little or no legal retribution.

Crime and Social Class

While crime is often associated with the underprivileged, crimes committed by the wealthy and powerful remain an under-punished and costly problem within society. The FBI reported that victims of burglary, larceny, and motor vehicle theft lost a total of $15.3 billion dollars in 2009 (FB1 2010). In comparison, when former advisor and financier Bernie Madoff was arrested in 2008, the U.S. Securities and Exchange Commission reported that the estimated losses of his financial Ponzi scheme fraud were close to $50 billion (SEC 2009).

This imbalance based on class power is also found within U.S. criminal law. In the 1980s, the use of crack cocaine (cocaine in its purest form) quickly became an epidemic that swept the country's poorest urban communities. Its pricier counterpart, cocaine, was associated with upscale users and was a drug of choice for the wealthy. The legal implications of being caught by authorities with crack versus cocaine were starkly different. In 1986, federal law mandated that being caught in possession of 50 grams of crack was punishable by a ten-year prison sentence. An equivalent prison sentence for cocaine possession, however, required possession of 5,000 grams. In other words, the sentencing disparity was 1 to 100 (New York Times Editorial Staff 2011). This inequality in the severity of punishment for crack versus cocaine paralleled the unequal social class of respective users. A conflict theorist would note that those in society who hold the power are also the ones who make the laws concerning crime. In doing so, they make laws that will benefit them, while the powerless classes who lack the resources to make such decisions suffer the consequences. The crack-cocaine punishment disparity remained until 2010, when President Obama signed the Fair Sentencing Act, which decreased the disparity to 1 to 18 (The Sentencing Project 2010).

Figure 7.6 From 1986 until 2010, the punishment for possessing crack, a "poor person's drug," was 100 times stricter than the punishment for cocaine use, a drug favored by the wealthy. (Photo courtesy of Wikimedia Commons)

Symbolic Interactionism

Symbolic interactionism is a theoretical approach that can be used to explain how societies and/or social groups come to view behaviors as deviant or conventional. Labeling theory, differential association, social disorganization theory, and control theory fall within the realm of symbolic interactionism.

Labeling Theory

Although all of us violate norms from time to time, few people would consider themselves deviant. Those who do, however, have often been labeled "deviant" by society and have gradually come to believe it themselves. **Labeling theory** examines the ascribing of a deviant behavior to another person by members of society. Thus, what is considered deviant is determined not so much by the behaviors themselves or the people who commit them, but by the reactions of others to these behaviors. As a result, what is considered deviant changes over time and can vary significantly across cultures.

Sociologist Edwin Lemert expanded on the concepts of labeling theory and identified two types of deviance that affect identity formation. **Primary deviance** is a violation of norms that does not result in any long-term effects on the individual's self-image or interactions with others. Speeding is a deviant act, but receiving a speeding ticket generally does not make others view you as a bad person, nor does it alter your own self-concept. Individuals who engage in primary deviance still maintain a feeling of belonging in society and are likely to continue to conform to norms in the future.

Sometimes, in more extreme cases, primary deviance can morph into secondary deviance. **Secondary deviance** occurs when a person's self-concept and behavior begin to change after his or her actions are labeled as deviant by members of society. The person may begin to take on and fulfill the role of a "deviant" as an act of rebellion against the society that has labeled that individual as such. For example, consider a high school student who often cuts class and gets into fights. The student is reprimanded frequently by teachers and school staff, and soon enough, he develops a reputation as a "troublemaker." As a result, the student starts acting out even more and breaking more rules; he has adopted the "troublemaker" label and embraced this deviant identity. Secondary deviance can be so strong that it bestows a **master status** on an individual. A master status is a label that describes the chief characteristic of an individual. Some people see themselves primarily as doctors, artists, or grandfathers. Others see themselves as beggars, convicts, or addicts.

Making Connections: Social Policy   & Debate

The Right to Vote

Before she lost her job as an administrative assistant, Leola Strickland postdated and mailed a handful of checks for amounts ranging from $90 to $500. By the time she was able to find a new job, the checks had bounced, and she was convicted of fraud under Mississippi law. Strickland pleaded guilty to a felony charge and repaid her debts; in return, she was spared from serving prison time.

Strickland appeared in court in 2001. More than ten years later, she is still feeling the sting of her sentencing. Why? Because Mississippi is one of twelve states in the United States that bans convicted felons from voting (ProCon 2011).

To Strickland, who said she had always voted, the news came as a great shock. She isn't alone. Some 5.3 million people in the United States are currently barred from voting because of felony convictions (ProCon 2009). These individuals include inmates, parolees, probationers, and even people who have never been jailed, such as Leola Strickland.

Under the Fourteenth Amendment, states are allowed to deny voting privileges to individuals who have participated in "rebellion or other crime" (Krajick 2004). Although there are no federally mandated laws on the matter, most states practice at least one form of *felony disenfranchisement*. At present, it's estimated that approximately 2.4 percent of the possible voting population is disfranchised, that is, lacking the right to vote (ProCon 2011).

Is it fair to prevent citizens from participating in such an important process? Proponents of disfranchisement laws argue that felons have a debt to pay to society. Being stripped of their right to vote is part of the punishment for criminal deeds. Such proponents point out that voting isn't the only instance in which ex-felons are denied rights; state laws also ban released criminals from holding public office, obtaining professional licenses, and sometimes even inheriting property (Lott and Jones 2008).

Opponents of felony disfranchisement in the United States argue that voting is a basic human right and should be available to all citizens regardless of past deeds. Many point out that felony disfranchisement has its roots in the 1800s, when it was used primarily to block black citizens from voting. Even nowadays, these laws disproportionately target poor minority members, denying them a chance to participate in a system that, as a social conflict theorist would point out, is already constructed to their disadvantage (Holding 2006). Those who cite labeling theory worry that denying deviants the right to vote will only further encourage deviant behavior. If ex-criminals are disenfranchised from voting, are they being disenfranchised from society?

Figure 7.7 Should a former felony conviction permanently strip a U.S. citizen of the right to vote? (Photo courtesy of Joshin Yamada/flickr)

Edwin Sutherland: Differential Association

In the early 1900s, sociologist Edwin Sutherland sought to understand how deviant behavior developed among people. Since criminology was a young field, he drew on other aspects of sociology including social interactions and group learning (Laub 2006). His conclusions established **differential association theory**, which suggested that individuals learn deviant behavior from those close to them who provide models of and opportunities for deviance. According to Sutherland, deviance is less a personal choice and more a result of differential socialization processes. A tween whose friends are sexually active is more likely to view sexual activity as acceptable.

Sutherland's theory may explain why crime is multigenerational. A longitudinal study beginning in the 1960s found that the best predictor of antisocial and criminal behavior in children was whether their parents had been convicted of a crime

(Todd and Jury 1996). Children who were younger than ten years old when their parents were convicted were more likely than other children to engage in spousal abuse and criminal behavior by their early thirties. Even when taking socioeconomic factors such as dangerous neighborhoods, poor school systems, and overcrowded housing into consideration, researchers found that parents were the main influence on the behavior of their offspring (Todd and Jury 1996).

Travis Hirschi: Control Theory

Continuing with an examination of large social factors, **control theory** states that social control is directly affected by the strength of social bonds and that deviance results from a feeling of disconnection from society. Individuals who believe they are a part of society are less likely to commit crimes against it.

Travis Hirschi (1969) identified four types of social bonds that connect people to society:

1. *Attachment* measures our connections to others. When we are closely attached to people, we worry about their opinions of us. People conform to society's norms in order to gain approval (and prevent disapproval) from family, friends, and romantic partners.

2. *Commitment* refers to the investments we make in the community. A well-respected local businesswoman who volunteers at her synagogue and is a member of the neighborhood block organization has more to lose from committing a crime than a woman who doesn't have a career or ties to the community.

3. Similarly, levels of *involvement*, or participation in socially legitimate activities, lessen a person's likelihood of deviance. Children who are members of little league baseball teams have fewer family crises.

4. The final bond, *belief*, is an agreement on common values in society. If a person views social values as beliefs, he or she will conform to them. An environmentalist is more likely to pick up trash in a park, because a clean environment is a social value to him (Hirschi 1969).

Table 7.2

Functionalism	Associated Theorist	Deviance arises from:
Strain Theory	Robert Merton	A lack of ways to reach socially accepted goals by accepted methods
Social Disorganization Theory	University of Chicago researchers	Weak social ties and a lack of social control; society has lost the ability to enforce norms with some groups
Cultural Deviance Theory	Clifford Shaw and Henry McKay	Conformity to the cultural norms of lower-class society
Conflict Theory	**Associated Theorist**	**Deviance arises from:**
Unequal System	Karl Marx	Inequalities in wealth and power that arise from the economic system
Power Elite	C. Wright Mills	Ability of those in power to define deviance in ways that maintain the status quo
Symbolic Interactionism	**Associated Theorist**	**Deviance arises from:**
Labeling Theory	Edwin Lemert	The reactions of others, particularly those in power who are able to determine labels
Differential Association Theory	Edwin Sutherlin	Learning and modeling deviant behavior seen in other people close to the individual
Control Theory	Travis Hirschi	Feelings of disconnection from society

7.3 Crime and the Law

Figure 7.8 How is a crime different from other types of deviance? (Photo courtesy of Duffman/Wikimedia Commons.)

Although deviance is a violation of social norms, it's not always punishable, and it's not necessarily bad. **Crime**, on the other hand, is a behavior that violates official law and is punishable through formal sanctions. Walking to class backward is a deviant behavior. Driving with a blood alcohol percentage over the state's limit is a crime. Like other forms of deviance, however, ambiguity exists concerning what constitutes a crime and whether all crimes are, in fact, "bad" and deserve punishment. For example, during the 1960s, civil rights activists often violated laws intentionally as part of their effort to bring about racial equality. In hindsight, we recognize that the laws that deemed many of their actions crimes—for instance, Rosa Parks taking a seat in the "whites only" section of the bus—were inconsistent with social equality.

As you have learned, all societies have informal and formal ways of maintaining social control. Within these systems of norms, societies have **legal codes** that maintain formal social control through laws, which are rules adopted and enforced by a political authority. Those who violate these rules incur negative formal sanctions. Normally, punishments are relative to the degree of the crime and the importance to society of the value underlying the law. As we will see, however, there are other factors that influence criminal sentencing.

Types of Crimes

Not all crimes are given equal weight. Society generally socializes its members to view certain crimes as more severe than others. For example, most people would consider murdering someone to be far worse than stealing a wallet and would expect a murderer to be punished more severely than a thief. In modern U.S. society, crimes are classified as one of two types based on their severity. **Violent crimes** (also known as "crimes against a person") are based on the use of force or the threat of force. Rape, murder, and armed robbery fall under this category. **Nonviolent crimes** involve the destruction or theft of property but do not use force or the threat of force. Because of this, they are also sometimes called "property crimes." Larceny, car theft, and vandalism are all types of nonviolent crimes. If you use a crowbar to break into a car, you are committing a nonviolent crime; if you mug someone with the crowbar, you are committing a violent crime.

When we think of crime, we often picture **street crime**, or offenses committed by ordinary people against other people or organizations, usually in public spaces. An often-overlooked category is **corporate crime**, or crime committed by white-collar workers in a business environment. Embezzlement, insider trading, and identity theft are all types of corporate crime. Although these types of offenses rarely receive the same amount of media coverage as street crimes, they can be far more damaging.

An often-debated third type of crime is **victimless crime**. Crimes are called victimless when the perpetrator is not explicitly harming another person. As opposed to battery or theft, which clearly have a victim, a crime like drinking a beer when someone is twenty years old or selling a sexual act do not result in injury to anyone other than the individual who engages in them, although they are illegal. While some claim acts like these are victimless, others argue that they actually do harm society. Prostitution may foster abuse toward women by clients or pimps. Drug use may increase the likelihood of employee absences. Such debates highlight how the deviant and criminal nature of actions develops through ongoing public discussion.

Making Connections: the Big Picture

Hate Crimes

On the evening of October 3, 2010, a seventeen-year-old boy from the Bronx was abducted by a group of young men from his neighborhood and taken to an abandoned row house. After being beaten, the boy admitted he was gay. His attackers seized his partner and beat him as well. Both victims were drugged, sodomized, and forced to burn one another with cigarettes. When questioned by police, the ringleader of the crime explained that the victims were gay and "looked like [they] liked it" (Wilson and Baker 2010).

Attacks based on a person's race, religion, or other characteristics are known as **hate crimes**. Hate crimes in the United States evolved from the time of early European settlers and their violence toward Native Americans. Such crimes weren't investigated until the early 1900s, when the Ku Klux Klan began to draw national attention for its activities against blacks and other groups. The term "hate crime," however, didn't become official until the1980s (Federal Bureau of Investigations 2011).

An average of 195,000 Americans fall victim to hate crimes each year, but fewer than five percent ever report the crime (FBI 2010). The majority of hate crimes are racially motivated, but many are based on religious (especially anti-Semitic) prejudice (FBI 2010). After incidents like the murder of Matthew Shepard in Wyoming in 1998 and the tragic suicide of Rutgers University student Tyler Clementi in 2010, there has been a growing awareness of hate crimes based on sexual orientation.
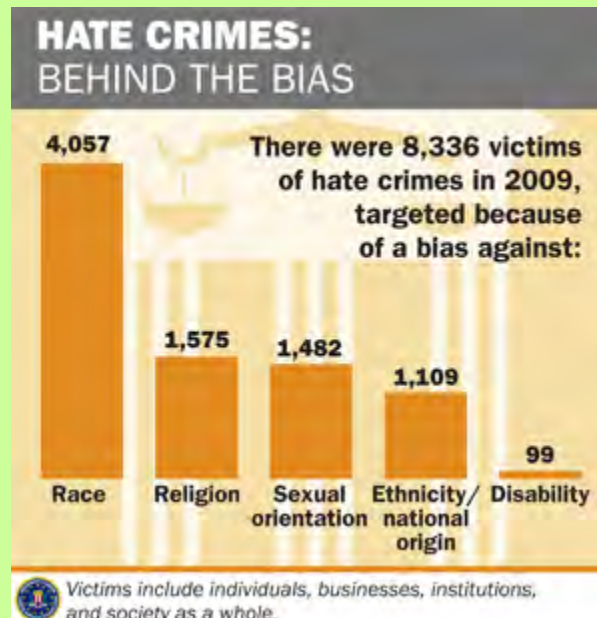

HATE CRIMES: BEHIND THE BIAS

There were 8,336 victims of hate crimes in 2009, targeted because of a bias against:

Race	Religion	Sexual orientation	Ethnicity/ national origin	Disability
4,057	1,575	1,482	1,109	99

Victims include individuals, businesses, institutions, and society as a whole.

Figure 7.9 In the United States, there were 8,336 reported victims of hate crimes in 2009. This represents less than five percent of the number of people who claimed to be victims of hate crimes when surveyed. (Graph courtesy of FBI 2010)

Crime Statistics

The FBI gathers data from approximately 17,000 law enforcement agencies, and the Uniform Crime Reports (UCR) is the annual publication of this data (FBI 2011). The UCR has comprehensive information from police reports but fails to account for the many crimes that go unreported, often due to victims' fear, shame, or distrust of the police. The quality of this data is also inconsistent because of differences in approaches to gathering victim data; important details are not always asked for or reported (Cantor and Lynch 2000).

Due to these issues, the U.S. Bureau of Justice Statistics publishes a separate self-report study known as the National Crime Victimization Report (NCVR). A **self-report study** is a collection of data gathered using voluntary response methods, such as questionnaires or telephone interviews. Self-report data are gathered each year, asking approximately 160,000 people in the United States about the frequency and types of crime they've experienced in their daily lives (BJS 2013). The NCVR reports a higher rate of crime than the UCR, likely picking up information on crimes that were

experienced but never reported to the police. Age, race, gender, location, and income-level demographics are also analyzed (National Archive of Criminal Justice Data 2010).

The NCVR survey format allows people to more openly discuss their experiences and also provides a more-detailed examination of crimes, which may include information about consequences, relationship between victim and criminal, and substance abuse involved. One disadvantage is that the NCVR misses some groups of people, such as those who don't have telephones and those who move frequently. The quality of information may also be reduced by inaccurate victim recall of the crime (Cantor and Lynch 2000).

Public Perception of Crime

Neither the NCVR nor the UCS accounts for all crime in the United States, but general trends can be determined. Crime rates, particularly for violent and gun-related crimes, have been on the decline since peaking in the early 1990s (Cohn, Taylor, Lopez, Gallagher, Parker, and Maass 2013). However, the public believes crime rates are still high, or even worsening. Recent surveys (Saad 2011; Pew Research Center 2013, cited in Overburg and Hoyer 2013) have found U.S. adults believe crime is worse now than it was twenty years ago.

Inaccurate public perception of crime may be heightened by popular crime shows such as *CSI*, *Criminal Minds* and *Law & Order* (Warr 2008) and by extensive and repeated media coverage of crime. Many researchers have found that people who closely follow media reports of crime are likely to estimate the crime rate as inaccurately high and more likely to feel fearful about the chances of experiencing crime (Chiricos, Padgett, and Gertz 2000). Recent research has also found that people who reported watching news coverage of 9/11 or the Boston Marathon Bombing for more than an hour daily became more fearful of future terrorism (Holman, Garfin, and Silver 2014).

The U.S. Criminal Justice System

A **criminal justice system** is an organization that exists to enforce a legal code. There are three branches of the U.S. criminal justice system: the police, the courts, and the corrections system.

Police

Police are a civil force in charge of enforcing laws and public order at a federal, state, or community level. No unified national police force exists in the United States, although there are federal law enforcement officers. Federal officers operate under specific government agencies such as the Federal Bureau of Investigations (FBI); the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); and the Department of Homeland Security (DHS). Federal officers can only deal with matters that are explicitly within the power of the federal government, and their field of expertise is usually narrow. A county police officer may spend time responding to emergency calls, working at the local jail, or patrolling areas as needed, whereas a federal officer would be more likely to investigate suspects in firearms trafficking or provide security for government officials.

State police have the authority to enforce statewide laws, including regulating traffic on highways. Local or county police, on the other hand, have a limited jurisdiction with authority only in the town or county in which they serve.

Figure 7.10 Here, Afghan National Police Crisis Response Unit members train in Surobi, Afghanistan. (Photo courtesy of isafmedia/flickr)

Courts

Once a crime has been committed and a violator has been identified by the police, the case goes to court. A **court** is a system that has the authority to make decisions based on law. The U.S. judicial system is divided into federal courts and state courts. As the name implies, federal courts (including the U.S. Supreme Court) deal with federal matters, including

trade disputes, military justice, and government lawsuits. Judges who preside over federal courts are selected by the president with the consent of Congress.

State courts vary in their structure but generally include three levels: trial courts, appellate courts, and state supreme courts. In contrast to the large courtroom trials in TV shows, most noncriminal cases are decided by a judge without a jury present. Traffic court and small claims court are both types of trial courts that handle specific civil matters.

Criminal cases are heard by trial courts with general jurisdictions. Usually, a judge and jury are both present. It is the jury's responsibility to determine guilt and the judge's responsibility to determine the penalty, though in some states the jury may also decide the penalty. Unless a defendant is found "not guilty," any member of the prosecution or defense (whichever is the losing side) can appeal the case to a higher court. In some states, the case then goes to a special appellate court; in others it goes to the highest state court, often known as the state supreme court.

(a)   **(b)**

Figure 7.11 This county courthouse in Kansas (left) is a typical setting for a state trial court. Compare this to the courtroom of the Michigan Supreme Court (right). (Photo (a) courtesy of Ammodramus/Wikimedia Commons; Photo (b) courtesy of Steve & Christine/Wikimedia Commons)

Corrections

The **corrections system**, more commonly known as the prison system, is charged with supervising individuals who have been arrested, convicted, and sentenced for a criminal offense. At the end of 2010, approximately seven million U.S. men and women were behind bars (BJS 2011d).

The U.S. incarceration rate has grown considerably in the last hundred years. In 2008, more than 1 in 100 U.S. adults were in jail or prison, the highest benchmark in our nation's history. And while the United States accounts for 5 percent of the global population, we have 25 percent of the world's inmates, the largest number of prisoners in the world (Liptak 2008b).

Prison is different from jail. A jail provides temporary confinement, usually while an individual awaits trial or parole. Prisons are facilities built for individuals serving sentences of more than a year. Whereas jails are small and local, prisons are large and run by either the state or the federal government.

Parole refers to a temporary release from prison or jail that requires supervision and the consent of officials. Parole is different from probation, which is supervised time used as an alternative to prison. Probation and parole can both follow a period of incarceration in prison, especially if the prison sentence is shortened.

Chapter Review

Key Terms

conflict theory: a theory that examines social and economic factors as the causes of criminal deviance

control theory: a theory that states social control is directly affected by the strength of social bonds and that deviance results from a feeling of disconnection from society

corporate crime: crime committed by white-collar workers in a business environment

corrections system: the system tasked with supervising individuals who have been arrested for, convicted of, or sentenced for criminal offenses

court: a system that has the authority to make decisions based on law

crime: a behavior that violates official law and is punishable through formal sanctions

criminal justice system: an organization that exists to enforce a legal code

cultural deviance theory: a theory that suggests conformity to the prevailing cultural norms of lower-class society causes crime

deviance: a violation of contextual, cultural, or social norms

differential association theory: a theory that states individuals learn deviant behavior from those close to them who provide models of and opportunities for deviance

formal sanctions: sanctions that are officially recognized and enforced

hate crimes: attacks based on a person's race, religion, or other characteristics

informal sanctions: sanctions that occur in face-to-face interactions

labeling theory: the ascribing of a deviant behavior to another person by members of society

legal codes: codes that maintain formal social control through laws

master status: a label that describes the chief characteristic of an individual

negative sanctions: punishments for violating norms

nonviolent crimes: crimes that involve the destruction or theft of property, but do not use force or the threat of force

police: a civil force in charge of regulating laws and public order at a federal, state, or community level

positive sanctions: rewards given for conforming to norms

power elite: a small group of wealthy and influential people at the top of society who hold the power and resources

primary deviance: a violation of norms that does not result in any long-term effects on the individual's self-image or interactions with others

sanctions: the means of enforcing rules

secondary deviance: deviance that occurs when a person's self-concept and behavior begin to change after his or her actions are labeled as deviant by members of society

self-report study: a collection of data acquired using voluntary response methods, such as questionnaires or telephone interviews

social control: the regulation and enforcement of norms

social disorganization theory: a theory that asserts crime occurs in communities with weak social ties and the absence of social control

social order: an arrangement of practices and behaviors on which society's members base their daily lives

strain theory: a theory that addresses the relationship between having socially acceptable goals and having socially acceptable means to reach those goals

street crime: crime committed by average people against other people or organizations, usually in public spaces

victimless crime: activities against the law, but that do not result in injury to any individual other than the person who engages in them

violent crimes: crimes based on the use of force or the threat of force

Section Summary

7.1 Deviance and Control

Deviance is a violation of norms. Whether or not something is deviant depends on contextual definitions, the situation, and people's response to the behavior. Society seeks to limit deviance through the use of sanctions that help maintain a system of social control.

7.2 Theoretical Perspectives on Deviance

The three major sociological paradigms offer different explanations for the motivation behind deviance and crime. Functionalists point out that deviance is a social necessity since it reinforces norms by reminding people of the consequences of violating them. Violating norms can open society's eyes to injustice in the system. Conflict theorists argue that crime stems from a system of inequality that keeps those with power at the top and those without power at the bottom. Symbolic interactionists focus attention on the socially constructed nature of the labels related to deviance. Crime and deviance are learned from the environment and enforced or discouraged by those around us.

7.3 Crime and the Law

Crime is established by legal codes and upheld by the criminal justice system. In the United States, there are three branches of the justice system: police, courts, and corrections. Although crime rates increased throughout most of the twentieth century, they are now dropping.

Section Quiz

7.1 Deviance and Control

1. Which of the following best describes how deviance is defined?
   a. Deviance is defined by federal, state, and local laws.
   b. Deviance's definition is determined by one's religion.
   c. Deviance occurs whenever someone else is harmed by an action.
   d. Deviance is socially defined.

2. During the civil rights movement, Rosa Parks and other black protestors spoke out against segregation by refusing to sit at the back of the bus. This is an example of _____.
   a. An act of social control
   b. An act of deviance
   c. A social norm
   d. Criminal mores

3. A student has a habit of talking on her cell phone during class. One day, the professor stops his lecture and asks her to respect the other students in the class by turning off her phone. In this situation, the professor used _____ to maintain social control.
   a. Informal negative sanctions
   b. Informal positive sanctions
   c. Formal negative sanctions
   d. Formal positive sanctions

4. Societies practice social control to maintain _____.
   a. formal sanctions
   b. social order
   c. cultural deviance
   d. sanction labeling

5. One day, you decide to wear pajamas to the grocery store. While you shop, you notice people giving you strange looks and whispering to others. In this case, the grocery store patrons are demonstrating _____.
   a. deviance
   b. formal sanctions
   c. informal sanctions
   d. positive sanctions

7.2 Theoretical Perspectives on Deviance

6. A student wakes up late and realizes her sociology exam starts in five minutes. She jumps into her car and speeds down the road, where she is pulled over by a police officer. The student explains that she is running late, and the officer lets her off with a warning. The student's actions are an example of _____.
- a. primary deviance
- b. positive deviance
- c. secondary deviance
- d. master deviance

7. According to C. Wright Mills, which of the following people is most likely to be a member of the power elite?
- a. A war veteran
- b. A senator
- c. A professor
- d. A mechanic

8. According to social disorganization theory, crime is most likely to occur where?
- a. A community where neighbors don't know each other very well
- b. A neighborhood with mostly elderly citizens
- c. A city with a large minority population
- d. A college campus with students who are very competitive

9. Shaw and McKay found that crime is linked primarily to _____.
- a. power
- b. master status
- c. family values
- d. wealth

10. According to the concept of the power elite, why would a celebrity such as Charlie Sheen commit a crime?
- a. Because his parents committed similar crimes
- b. Because his fame protects him from retribution
- c. Because his fame disconnects him from society
- d. Because he is challenging socially accepted norms

11. A convicted sexual offender is released on parole and arrested two weeks later for repeated sexual crimes. How would labeling theory explain this?
- a. The offender has been labeled deviant by society and has accepted a new master status.
- b. The offender has returned to his old neighborhood and so reestablished his former habits.
- c. The offender has lost the social bonds he made in prison and feels disconnected from society.
- d. The offender is poor and responding to the different cultural values that exist in his community.

12. _____ deviance is a violation of norms that _____ result in a person being labeled a deviant.
- a. Secondary; does not
- b. Negative; does
- c. Primary; does not
- d. Primary; may or may not

7.3 Crime and the Law

13. Which of the following is an example of corporate crime?
- a. Embezzlement
- b. Larceny
- c. Assault
- d. Burglary

14. Spousal abuse is an example of a _____.
- a. street crime
- b. corporate crime
- c. violent crime
- d. nonviolent crime

15. Which of the following situations best describes crime trends in the United States?
- a. Rates of violent and nonviolent crimes are decreasing.
- b. Rates of violent crimes are decreasing, but there are more nonviolent crimes now than ever before.
- c. Crime rates have skyrocketed since the 1970s due to lax corrections laws.

d. Rates of street crime have gone up, but corporate crime has gone down.

16. What is a disadvantage of the *National Crime Victimization Survey* (NCVS)?

a. The NCVS doesn't include demographic data, such as age or gender.
b. The NCVS may be unable to reach important groups, such as those without phones.
c. The NCVS doesn't address the relationship between the criminal and the victim.
d. The NCVS only includes information collected by police officers.

Short Answer

7.1 Deviance and Control

1. If given the choice, would you purchase an unusual car such as a hearse for everyday use? How would your friends, family, or significant other react? Since deviance is culturally defined, most of the decisions we make are dependent on the reactions of others. Is there anything the people in your life encourage you to do that you don't? Why don't you?

2. Think of a recent time when you used informal negative sanctions. To what act of deviance were you responding? How did your actions affect the deviant person or persons? How did your reaction help maintain social control?

7.2 Theoretical Perspectives on Deviance

3. Pick a famous politician, business leader, or celebrity who has been arrested recently. What crime did he or she allegedly commit? Who was the victim? Explain his or her actions from the point of view of one of the major sociological paradigms. What factors best explain how this person might be punished if convicted of the crime?

4. If we assume that the power elite's status is always passed down from generation to generation, how would Edwin Sutherland explain these patterns of power through differential association theory? What crimes do these elite few get away with?

7.3 Crime and the Law

5. Recall the crime statistics presented in this section. Do they surprise you? Are these statistics represented accurately in the media? Why, or why not?

Further Research

7.1 Deviance and Control

Although we rarely think of it in this way, deviance can have a positive effect on society. Check out the Positive Deviance Initiative, a program initiated by Tufts University to promote social movements around the world that strive to improve people's lives, at http://openstaxcollege.org/l/Positive_Deviance (http://openstaxcollege.org/l/Positive_Deviance) .

7.2 Theoretical Perspectives on Deviance

The Skull and Bones Society made news in 2004 when it was revealed that then-President George W. Bush and his Democratic challenger, John Kerry, had both been members at Yale University. In the years since, conspiracy theorists have linked the secret society to numerous world events, arguing that many of the nation's most powerful people are former Bonesmen. Although such ideas may raise a lot of skepticism, many influential people of the past century have been Skull and Bones Society members, and the society is sometimes described as a college version of the power elite. Journalist Rebecca Leung discusses the roots of the club and the impact its ties between decision-makers can have later in life. Read about it at http://openstaxcollege.org/l/Skull_and_Bones (http://openstaxcollege.org/l/Skull_and_Bones) .

7.3 Crime and the Law

Is the U.S. criminal justice system confusing? You're not alone. Check out this handy flowchart from the Bureau of Justice Statistics: http://openstaxcollege.org/l/US_Criminal_Justice_BJS (http://openstaxcollege.org/l/US_Criminal_Justice_BJS)

How is crime data collected in the United States? Read about the methods of data collection and take the National Crime Victimization Survey. Visit http://openstaxcollege.org/l/Victimization_Survey (http://openstaxcollege.org/l/Victimization_Survey)

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