**Chapter 7**

**Deviance and Crime**

As a culture’s norms and laws shift, so too does its definition of deviance.

1. **Deviance**
   1. Crime and deviance are synonymous with one another; but still very distinct and separate entities. Thus, it is important we explain the difference between the two, while also discussing its similarities.
   2. Most forms of deviance are not crimes; but all crimes are a form of deviance. For a deviant act to become a crime, it has to be negatively sanctioned by the legal system, a process known as **criminalization**. The criminalization process is driven by power structures within a society, who have the ability to legislate behavior – i.e. some interest group in society must seek to have a particular form of deviance criminalized. This power is levied with the intent to maintain the existing power structure and is based on political beliefs and as a means of exerting social control over other groups.
   3. **Deviance** is a socially defined construct and refers to any action, belief, or human characteristic that members of a society or a social group consider a violation of group norms for which the violator is likely to be censured or punished.
   4. Thus if powerful groups want a form of behavior defined as deviant, it is likely to be defined as such. Powerful groups can also deflect deviant labels by resisting. Deviance is always influenced by power relationships.
   5. **Shifting Definitions of Deviance:** Definitions of deviant behavior change over time, from one geographic location to another, one culture to another, and from one group to another. As a culture’s norms and laws shift, so too often does its definition of deviance.
   6. **Global Flows and Deviance**: Deviance can be seen as a global flow – both people and definitions of deviance flow easily from society to society. Global trends toward normalizing that which was defined at one time and in some places as deviant are clear and pronounced. (Figure 7.1)
   7. **Deviance and Consumption:** Definitions of what is deviant consumer behavior are frequently in dispute.
      1. The connection between deviance and consumption revolves first around the use of goods and services that are illegal or considered deviant. It involves committing deviant or illegal acts in order to be able to afford to consume and purchase items.
      2. Poverty drives some to commit illegal / deviant acts in order to be able consume items deemed necessary for survival.
      3. **Defining Deviant Consumption**
         1. Much of the debate about definitions of what is deviant consumer behavior revolves around the fact that the deviant definitions, supported by laws, are not consistently enforced. Violators are rarely arrested and if they are, their punishments are minor at the least. There is some variance: those that consume the “wrong” drugs are more likely to be considered deviant than those that consume the “right” drug (alcohol).
         2. **“Dangerous Consumers”**
            1. Dangerous consumers refer to a population of individuals who do not consume enough. This population includes the unemployed, the poor, dropouts, those seek to simplify their lives, and those who save rather than spend their money.
            2. This population poses a threat to consumer success: their insufficient consumption pose a threat to the success of consumer society and to an economy that had come to depend on high levels of consumption.
            3. More broadly, consuming the wrong product is also identified as dangerous consumption – secondhand merchandise, receiving charity. Similarly, the use of public or welfare services can be viewed as a deviant form of consumption because it constitutes a drain on government monies and on the national economy.
            4. After the Great Recession (2008) those who came to be defined as deviant or dangerous were those who consumed too much, and who went too deeply into debt. Those who consume too much and accumulated large amounts of debt were deemed deviant.
            5. There is also a medicalized view of overconsumption too. This view addresses issues associated with hoarding, compulsive shopping and shopaholics (oniomania). These individuals are criticized for spending more than they can afford to.
2. **Theories of Deviance**
   1. **Explanatory theories of deviance** are concerned with trying to explain why deviance does or does not occur. (Structural-Functional and Social Conflict)
      1. These theories tend to take on a positivistic position, attempting to explain deviant behavior from a scientific perspective through the use of objective reality and empiricism; deviance is an essence that makes deviant people essentially (recognizably different). Focus is on who the deviants are and what they do.
      2. These theories assume that deviant behavior is determined by a wide variety of factors such as biological composition and the structure of the larger society. An example is Cesare Lombroso’s focus on the role of biological factors that led to his atavistic explanation to crime and criminal behavior.
   2. **Constructionist theories** are concerned with achieving a greater understanding of the process by which people define and classify some behaviors as normal and others as deviant. (Interactionist)
      1. From this perspective, deviance is a social construct. Focus on those who are in power and the actions they take to create and define deviance.
      2. Emphasis is placed on those who are in power, those who create and enforce the moral order, and the actions they take to create and define deviance.
   3. **Structural/Functional Theories** 
      1. Structural functional theories (beginning with Durkheim) suggest that because deviance and crime are common in all societies, they are “normal”, and serve positive functions for society and social structures. Without periodic violations of standards of conduct, those standards would become less clear to all concerned, less strongly held, and less powerful.
      2. Deviance and crime are “functional” because it defines and clarifies collective beliefs, reaffirms norms and values, and creates social solidarity among conforming people.
      3. Deviance reaffirms cultural boundaries and is an identifying marker, allowing us to identify those who are “normal” from those deemed “abnormal.”
      4. **Strain Theories**
         1. Strain is said to occur when the culturally prescribed goals of a society are unattainable through legitimate means; i.e. when the culture values one thing, but the structure of society is such that not everyone can realize that value in a socially acceptable way. When all people can’t achieve those culturally prescribed goals through culturally legitimate means, strain occurs. Strain theories are concerned with structures that provide the institutionalized means to cultural goals. Second, it deals with structural relationships between those goals and institutionalized means.
         2. Many of the socially desired goals revolve around material items and successes. The legitimate means to achieve the goals revolve around educational, economic, and occupational structures.
         3. **Adaptations to Strain**
            1. Robert Merton suggests that the way people relate to the institutionalized means needed to achieve cultural goals. This means - ends assessment revolves around economic success. Some adaptations are highly functional – conformity allows the social system to continue to exist without disturbance; innovation is functional because innovations are often adaptations to social change; rebellion is functional because sometimes radical change is necessary. Ritualists and Retreatists can be seen as dysfunctional for society – the unchanging behavior of Ritualists contributes nothing to an ever-changing society and Retreatists are uninvolved in the larger society.
            2. Merton identified 5 ways people adapt to strain:

**Conformists** accept both cultural goals and the traditional means of achieving those goals.

**Innovators** accept the cultural goals, but reject the conventional means of achieving them.

**Ritualists** realize they will not be able to achieve cultural goals, but continue to engage in the conventional means to achieve them.

**Retreatists** reject both cultural goals and the traditional means to achieve them.

**Rebels** reject both cultural goals and the traditional means to achieve them; but they substitute non-traditional goals and means to achieve those goals.

* + 1. **Recent Developments in Strain Theory:**
       1. Robert Agnew: focus on what happens to those who experience strain. Anger and frustration lead people to commit more deviant and even criminal acts. He focused on the strain associated with the failure to achieve positively valued goals such as economic success; added two other types of strain:
          1. The loss of something, such as the termination of a romantic relationship
          2. Experiencing an adverse situation such as living with an abusive parent or spouse.
       2. Stephen Messner and Richard Rosenfeld: macroscopic approach to strain where the concern is with the relationship among large-scale structures. On the one side are cultural and social structural pressures to succeed; on the other are social institutions that are supposed to reduce these pressures. If the latter institutions are weak or exert weak controls, people are more likely to engage in deviant behavior to achieve succeed.
       3. **Social Control**
       4. **Social control theory (Travis Hirschi)** focuses on the reasons why people do *not* commit deviant acts. People are less likely to commit deviant acts if they have a variety of social bonds, and more likely to commit such acts if those bonds are weak or absent. Social control involves the structures of society (families, schools, workplaces) and the people who act on behalf of those structures. The social control mechanisms are social in nature. Social control is a way for a group or society to enforce conformity to its demands and expectations.
          1. **Rule creators** are typically elite members of society who have the power to create societal rules, norms, and laws.
          2. **Rule enforcers** enforce the rules.
          3. Suggests there are two important factors of social control: the degree of social control exercised over people and the stakes that people do or do not have in conforming.
       5. **Sampson and Lamb:** expanded on Hirschi’s control theory to focus more on the formal aspects of social control, while preserving the discussion of informal constraints. They are interested in the interpersonal bonds that serve to control what people do and prevent them from engaging in deviance and crime. They also deal with the relationship between control and deviance over the full course of peoples’ lives, because informal social control also plays an important role in adulthood and influencing whether or not adults engage in deviant and criminal behavior.
       6. **Broken Windows:** (Wilson and Kelling) in public places people tend to be disturbed by a variety of dangerous forms of urban disorder. This disorder is perceived to stem from a variety of types of people beyond muggers and other criminals, such as panhandlers, prostitutes, loiterers, the publicly intoxicated, and other disturbing people. The perception is that authority doesn’t care about order, including the disorder of graffiti and broken windows, and thus crime is allowed to flourish. The goal then becomes making an area more orderly through formal social control.
       7. **Self-Control (Gottfredson and Hirschi):** focus on the self-control instilled in individuals – those with low self-control are more likely to engage in deviant and criminal acts. Self-control is instilled by parenting, and those with low self-control, rather than being able to resist temptation, are unlikely to resist and unlikely to be able to foresee the negative consequences of action on temptation.
  1. **Conflict/Critical Theories** 
     1. Structural/functionalists trace the source of deviance to the larger structures of society and the strains they produce or the fact that they do not exercise adequate social control over people. Conflict and critical theories, although they also focus on structures and their effects on people, explain why those in power do not experience the same harsh sanctions for deviant behavior as those with less power. Focus is on the inequality that exists in the larger structures of society and the impact that inequality has on individuals. This perspective suggests inequality causes those with little power to engage in deviant behavior.
     2. From the conflict/critical perspective, the type of crimes committed are based on power
        1. Those with power are more likely to commit corporate crimes due to their positions in corporations.
        2. Those in power create laws and rules that define behaviors as deviant, doing so to maintain their social standing and the status quo.
     3. **Deviance and the Poor**
        1. Some conflict theorists, especially those influenced by Marxist theory, suggest deviance is created by a capitalist economic system. Today’s definitions of deviance serve the interests of the capitalists and they adversely affect the proletariat.
        2. Definitions of deviance are created to serve the interests of the capitalists, and adversely affect the poor. It is because of the laws created by societal elites that the actions of the have-nots are singled out for sanction.
     4. **Deviance and the Elite** 
        1. Great efforts are made to legitimize elite crimes and acts of elite deviance, and, failing that, to pay little or no attention to them. Because the elite, or those in power, create laws and definitions of deviance, there is a suggestion that elites get away with deviant and criminal behavior because they can hide the deviant/criminal act while performing job responsibilities.
        2. Elites can also create scapegoats to blame for their deviant/criminal behavior.
  2. **Inter/actionist Theories:** Focus is placed on the ways (processes by) in which people “do” deviance – a deviant is simply someone to whom a deviant label has been successfully applied. The label can be accepted to some degree, or efforts can be made to resist, reject, or shed the label.
     + 1. **Symbolic interactionism** analyzes deviance through:
          1. The use of **symbols**, or the labels created by those in power to identify deviants. These labels are negative and can tarnish the public image of those receiving that label.
          2. The **interaction** between a person or group and the social control agents doing the labeling and the person or groups receiving the label.
       2. **Key ideas in the labeling process:**
          1. **Social control:** the process by which a group or society enforces conformity to its demands and expectations – often through the creation and application of rules and labels.
          2. **Rule creators:** usually elite members who devise rules, norms and laws. Usually distinct from **rule enforcers** (agents of social control).
          3. **Moral Entrepreneurs -** refers to individuals and or groups who lead campaigns to have certain behaviors defined as deviant and made illegal; thus subjected to law enforcement.

Moral entrepreneurs can cause **moral panics**, which refers to widespread, disproportionate, exaggerated reactions to a form of deviant behavior that has been proposed as a threat by moral entrepreneurs.

* + - 1. **Stigma:** focus is on the symbolic nature of the stigma and the interaction with others, especially those deemed “normal.” A stigma is a term coined by Erving Goffman used to refer to a characteristic that has been defined or labeled as unusual, unpleasant, or deviant.
         1. **Discredited stigma** refers to differences readily visible or evident (symbolic nature of stigma is visible).
         2. **Discreditable stigma** refers to differences not immediately recognizable or unknown to the public, meaning that symbolic nature of stigma is not visible. Passing – deliberately hiding an identity or characteristic that could be discrediting.

1. **Crime**
   1. **Crime** is defined as a violation of criminal law – this differentiates crime from general deviance, rather than some quality such as dangerousness or seriousness. A variety of sociological factors are involved in who commits crimes and which crimes they commit. The same sociological factors are involved in who gets caught, prosecuted, and incarcerated, as well as how much of the sentence they actually serve. And such factors are involved in what happens to people after they serve their sentences and whether or not they are likely to end up back in prison.
   2. The study of crime is referred to as **criminology** – contemporary focus is on the social context of the criminal act and the effect of those acts on the larger society
      1. **Sutherland’s Differential Association Theory:** people learn criminal behavior from the people whom they associate with. Family and friends are important sources of attitudes toward crime, knowledge about how to commit crimes, and rationalizations that help one live with being a criminal.
   3. **The Criminal Justice system:** In the US, various loosely connected government agencies and individuals who work in those agencies, who are involved in the apprehension, prosecution, and punishment of those who violate the law. Another goal is preventing violations before they occur, and finally, a more general responsibility to ensure public safety and maintain social order. The main components of the criminal justice system are law enforcement, the courts, and the correctional system. Discretion in decision making is an implicit responsibility embedded, at least in theory, in all parts of the criminal justice system. (Figure 7.1)
      1. **Parole:** the supervised early release of a prisoner.
      2. **Probation:**  release into the community under the supervision of the courts.
      3. **Specific deterrence:** whether the experience of punishment in general, and incarceration in particular, makes it less likely that an ex-prisoner will commit crimes in the future.
      4. **Recidivism:** the repetition of a criminal act by one who has been convicted for an offense.
      5. **General deterrence:** deals with the population as a whole and whether individuals will be less likely to commit crimes because of fear that they might be punished or imprisoned for their crimes.
      6. The ultimate example of both forms of deterrence is capital punishment. There is evidence that capital punishment does not act as a significant deterrent to crime, and the application of capital punishment continues to be highly controversial.
   4. **Types of Crimes:** (Table 7.2)
      1. Two broad types of crime:
         1. **Violent Crimes:** involve the threat of injury or the threat or actual use of force – murder and negligent homicide, forcible rape, robbery, and aggravated assault. In recent years increasing attention has been paid to violent crimes related to terrorism.
         2. **Property crimes:** do not involve injury or force, are offenses that involve gaining or destroying property – shoplifting and forgery, burglary, larceny-theft, motor-vehicle theft, and arson.
      2. Another way of distinguishing crimes is based on the seriousness of the offense:
         1. **Felonies** are serious crimes punishable by 1 year or more in prison.
         2. **Misdemeanors** are minor offenses punishable by imprisonment of less than 1 year.
      3. More specific types of crime that are important to society and to criminologists include:
         1. **White collar crimes** are those committed by persons of high social status during the course of performing job responsibilities.
         2. **Corporate crimes** refer to violations of the law by legal organizations.
         3. **Organized crime** typically refers to violence, or the threat of violence, corruption of public officials, and other illegal activities performed by criminal organizations like the Mafia.
         4. **Political crime** can be either an offense against the state (like an assassination attempt of a government official) or an offense by the state (spying).
         5. **Hate crimes** are those based on race, religion, sexual orientation, gender, national origin, and or disability.
         6. **Cybercrime** targets computers (hacking); uses computers to commit crimes (identity theft); or to transmit illegal information and images (child pornography, cyber-terrorism, etc.).
         7. **Consumer crime** refers to crimes like shoplifting, use of stolen credit cards, etc.
   5. **Globalization and Crime:** Globalization makes cross-border crime possible and more likely. Much of the discussion of global crime is traced back to a decline of the nation-state and its inability to control the flow of criminal activity. Global crime can also be traced back to advances in technology as well.
      1. **Criminalization of Global Activities**
         1. **Criminalization** is a process that revolves around how behavior is defined as criminal. This process is based on morals and rules of behavior.
         2. Much of the issues associated with global criminal activities pertain to issues of supply and demand. Further, those participating in global crimes can participate with little resources; can be a novice to participate; can easily conceal their criminal activity; and are not as likely to report the activities to the police. (Figure 7.3)
      2. **Global Crime Control**
         1. The increase in global crime has been met with increases in international policing and intelligence operations as well; directly challenging individual rights to privacy and civil rights. The US has taken the lead in countering forms of global crime other than drugs and in influencing other nations to work against them, particularly taking up the issues of human trafficking.
         2. Since 9/11, there has been a dramatic erosion of distinctions in the world of criminal justice in an effort to forestall further terrorist attacks and to catch or kill people defined as terrorists – the distinction between law enforcement and intelligence operations has eroded as law enforcement authorities seek to gain intelligence, and between law enforcement and security interests through such legislation as the USA PATRIOT Act.
         3. There are a variety of downsides associated with these efforts:
            1. Democracy and civil rights are often threatened and eroded.
            2. Crime control efforts have generated many new issues:

Tougher border and immigration controls have led to more deaths in the process of crossing.

The global antidrug campaign has generated high levels of crime, violence, corruption, and disease.

Efforts to deal with human trafficking have focused more on criminalizing those people who have been trafficked than on the human rights of those people as victims.