A criminal justice system is a mirror in which a whole society can see the darker outlines of its face. Our ideas of justice and evil take on visible form in it, and thus we see ourselves in deep relief. Step through this looking glass to view the American criminal justice system—and ultimately the whole society it reflects—from a radically different angle of vision.

In particular, entertain the idea that the goal of our criminal justice system is not to eliminate crime or to achieve justice, but to project to the American public a visible image of the threat of crime as a threat from the poor.

In the last 40 years, crime rates have gone up and down, although mostly up until the 1990s. When crime rates increase, politicians never take responsibility for it. They play to voters’ fears by advocating “law-and order” or the many varieties of “getting tough on crime.” The plain fact is that virtually no student of the crime problem believes we can arrest and imprison our way out of the crime problem.

So while politicians claim credit for the recent declines in crime, the real story appears to be this: The enormous growth in our prison population over the last decade, coupled with questionable police tactics, may have contributed in some measure to the decline, but most of the decline can be attributed to factors beyond the criminal justice system: the reduction in unemployment, the stabilization of the drug trade, and the decline in the popularity of crack cocaine.

In my view, it also comes as no surprise that our prisons and jails predominantly confine the poor. This is not because these are the individuals who most threaten us. It is because the criminal justice system effectively weeds out the well-to-do, so that at the end of the road in prison, the vast majority of those we find there come from the lower classes. This means that the criminal justice system functions from start to finish in a way that makes certain that the offender at the end of the road in prison is likely to be member of the lowest social and economic groups in the country.

For the same criminal behavior, the poor are more likely to be arrested; if arrested, they are more likely to be charged; if charged, more likely to be convicted; if convicted, more likely to be sentenced to prison; and if sentenced, more likely to be given longer prison terms than members of the middle and upper classes.¹
At an earlier time in my career, I had an extended practicum in a prison and noticed many of the same things Jeffrey Reiman mentions in *The Rich Get Richer and the Poor Get Prison: Ideology, Class, and Criminal Justice*. Most of the offenders in our overcrowded prisons were poor and did not receive enough help to change their circumstances. Where I worked, we always had three times more applicants than spaces available for treatment programs. To make matters worse, the sheer number of inmates sapped program resources. I worked in a prison designed to house one inmate per cell, yet, within five years, three or more inmates were packed into one cell.

What is the reality of crime in the United States? What are the consequences of crime? What can be done about it? In this chapter, we will investigate these and other questions so we can adequately address these issues.

**get the topic: WHAT IS CRIME?**

**Deviance vs. Crime**

Most prisoners are incarcerated because they've broken a law. But how do we determine which behaviors are criminal? Deviance is the violation of norms that a society agrees upon. For example, teens who dye their hair in neon colors would be considered deviant in some parts of society. However, some acts that may be considered socially deviant, like refusing to bathe, for instance, aren't necessarily illegal, no matter how much you might wish they were. For something to be considered a crime, it has to be a violation of norms that have been written into law. Going above the speed limit is an example of a crime. Sociologists who specialize in criminology scientifically study crime, deviance, and the social policies that the criminal justice system applies.

**Crime and the Legal System**

- Uniform Crime Reports—official police statistics
- The National Crime Victimization Survey—survey that includes reported and unreported crimes
- Gender and Crime—a disproportionate amount of people arrested are men
- Crime trends show
- One major problem with the prison system: Recidivism—refers to inmates who return to prison after release

- Other general theories:
  - Biological Perspective
  - Psychological Perspective
  - Theory of Anomie
  - Differential Association Theory
  - Containment Theory
  - Social Control Theories
  - Labeling Theory
  - Social Conflict Theory

- The Positivist School—people are naturally social; therefore they do not commit crime
- The Classical School—people seek pleasure over pain, so they fear punishment because it is not pleasurable

- Everyday Crime and Deviance
  - Crime Speed 25
  - Stealing a Car
  - Cheating on a Test
  - Deviance
WHAT IS DEVIANCE?

If deviance refers to violating socially agreed upon norms, then how do we determine what is and what isn’t considered deviant? There are four specific characteristics that sociologists use to define deviance:

1. Deviance is linked to time. History changes the definition of deviance, so what is considered deviant today may not be deviant tomorrow. One hundred years ago, it was considered deviant for women to wear trousers. Today, it’s normal for women to dress in pants.

2. Deviance is linked to cultural values. How we label an issue determines our moral point of view. Cultural values come from religious, political, economic, or philosophical principles. For example, in the Netherlands, assisted suicide for the terminally ill, or “mercy killing,” is legal within some circumstances. In the United States, euthanasia is considered murder and is punished accordingly. Each culture defines euthanasia differently.

3. Deviance is a cultural universal. You can find deviants in every culture on the planet. Regardless of what norms a society establishes, you can always find a small number of nonconformists who will break those rules.

4. Deviance is a social construct. Each society views actions differently. If society tolerates a behavior, it is no longer deviant. For example, Prohibition in the 1920s and early ‘30s made drinking alcohol illegal in the United States, but today it’s normal.

**MAKE CONNECTIONS**

Crime and Media

Real-world police work is nothing like what you see on television shows. Most real-world crime involves public disturbances or missing property, but most news reports are about gang shootings or drug busts. The prime-time shows don’t exactly help either. Marcuson uses the phrase “the dramatic fallacy of crime” to describe how the media, both in news coverage and entertainment shows, paint an unreal picture of the reality of crime. Most officers never shoot their guns. They spend the majority of their time doing tedious tasks such as “driving around a lot, asking people to quiet down, hearing complaints about barking dogs, filling out paperwork, meeting with other police officers, and waiting to be called up in court.”

Most crime is boring and petty, like a teenager getting drunk and stealing money to buy more alcohol. Since that’s not much of a story to broadcast, the media producers prefer something more sensational.

>>> ACTIVITY Spend two or three nights watching different police shows and local newscasts. Record the different types of crimes being described. Then check out the police blotter in your local paper to see what type of crimes are actually being committed. What differences do you see?

Street Crime

Although there are many different types of crime, when most people talk about “crime,” they’re likely talking about street crime, which refers to many different types of criminal acts, such as burglary, rape, and assault. Street crime has been the focus of most criminological research, but you may wonder how much street crime actually exists. The next section will discuss street crime and how it is measured.

**CRIME STATISTICS**

After spending an hour watching a show like CSI, you’d think the police are able to solve crimes like they do on TV. Unfortunately, real life isn’t as convenient as television. For example, when someone stole the tires off my car, I asked the police officer when I might get my wheels back. He said, “Probably never. These kinds of crimes are difficult to solve.”
Uniform Crime Reports and the National Crime Victimization Survey

Another aspect of detective work often omitted from television is the paperwork that officers must file. The information in those files is vital to understand crime statistics. Criminologists use two primary sources of data to measure the amount of street crime: the UCRs and the NCVS. The Federal Bureau of Investigation (FBI) collects Uniform Crime Reports (UCRs), the official police statistics of reported crimes. The National Crime Victimization Survey (NCVS) measures crime victimization by contacting a representative sample of over 70,000 households in the United States.

UCRs only contain data on reported crimes, so when a car is reported as stolen, it becomes a UCR statistic. This report also lists the crime index, which consists of eight offenses used to measure crime. These include four violent offenses: homicide, rape, robbery, and aggravated assault, as well as four property crimes: burglary, larceny-theft, motor vehicle theft, and arson.

Criminologists understand that many crimes go unreported, so they also refer to the NCVS statistics. NCVS data accounts for a more crime than UCR data. For example, in 2008 the UCR showed there were 4.04 violent crimes committed per every 1,000 people. The NCVS showed a rate of violent offenses of 19 per 1,000 people. Property crimes came in at 135 per 1,000 for NCVS, while UCR data suggest a rate of 32.1 per 1,000 people. You can see in these data that a great deal of victimization goes unreported to the police.

CRIME TRENDS

UCR and NCVS data are also used to determine crime trends, and the trend that seems most constant is that crime rates change over time. The vast majority of crime in the United States is property crime. In 2008, these crimes made up almost 88 percent of all reported crimes, whereas violent crimes constituted less than 12 percent of reported crimes. These trends are in stark contrast to the media's portrayal of crime.

Gender and Crime

Throughout history, men have traditionally committed more crime than women. The demographic characteristics of street criminals in the United States have not changed much over time. In fact, 77 percent of people arrested are men. This is a significant statistic because men make up less than 50 percent of the population. However, several other factors also figure in crime trends.

Race and Crime

Although the gender differences in crime statistics are easily visible, discussing a link between race and crime is controversial. The major problem is the long history of racism in the United States. African Americans make up about 12 percent of the population, but they represent about 27 percent of those arrested in the United States. Does this disproportionate representation suggest African Americans commit more crimes, or does the criminal justice system unfairly pursue them?

Some argue that the different enforcement practices of police are responsible for these data. Racial profiling is a controversial police practice focusing on citations based on race. Only shown that traffic police disproportionately stop people of color. Reiman suggests that the police seek out the poor for arrest because the poor are easier to catch and easier to convict of crimes. Wealthy people can hire expensive lawyers; poor people must use the public defender system. This increases the odds that official statistics have an inherent racial bias because racial minorities disproportionately represent the poor in the United States.

Social Class and Crime

Although crime rates are higher in poorer neighborhoods, that doesn't necessarily mean people in lower classes actually commit more crimes. This makes data on the link between social class and crime difficult to interpret. A number of studies have shown that poorer people are arrested at higher rates, but that doesn't mean everyone who lives in poor neighborhoods breaks the law or is more likely to break the law.

On the other side of the spectrum, Reiman shows that the upper classes' crimes are not prosecuted at the same rates. For example, for more than twenty years, getting caught with five grams of crack cocaine gave you the same sentence as someone caught with 500 grams of powder cocaine. In August of 2010, President Obama signed a bill to amend this 100-1 ratio difference. Why did it exist at all? Conflict theorists might ask what social class used crack cocaine versus powder cocaine.

Reiman believes that social class makes a huge difference in who gets caught and who goes to prison. He argues that laws are applied differently and that dangerous activities performed by the "elite" are not even considered crimes.

For example, doctors who accidentally kill a patient during an unnecessary surgery are not accused of manslaughter. Similarly, Reiman suggests that white-collar crimes are not reported because people want to avoid a scandal. Furthermore, we do not keep official records of white-collar crimes, so there is no way of knowing exactly how much of this occurs.

Age and Crime

Essentially, crime is a young person's game. This idea is supported by the relationship between age and crime. It indicates that the majority of arrests peak between the ages of 15 to 25. After that point, they follow a slow but steady decrease throughout life. Arrest data from other cultures and times in history also support this claim.

The link between age and crime is very clear in criminology. According to Steffensmeier and Harer, a 60 percent decrease in crime rates in the 1980s is attributable to a decrease in the total number of 15- to 24-year-olds. Clearly, age matters when discussing crime.

International Comparisons of Street Crime

In order to gain a better perspective on crime in the United States, sociologists often make international comparisons. However, making international comparisons of crime data creates certain problems for the researcher. Therefore, for this text, I selected countries that are similar to the United States in a number of ways: They are all generally wealthy, and all keep good crime data. Here is a list of potentially complicating factors:

1. Crime numbers may or may not be accurate. Some countries deliberately skew their data to show lower crime rates in order to keep tourism high.
2. Legal definitions of crimes differ among nations. Some nations do not recognize marital rape as a crime; others have legalized drugs that are illegal in the United States.
3. Different methods of collecting data can result in differences in reported crimes. Some nations have extraordinarily reliable data collection systems, while others do not.
4. Cultures vary, as do programs to prevent, punish, and curb crime.
United States: Number One in Murder, Number One in Prison

Why does the United States have the highest murder rate in the industrialized world? Some blame easy access to guns, and others claim it's our violent history as a nation. Still others argue that it is the level of inequality in our country. Whatever the reasons, one thing is clear: U.S. citizens are three times more likely to be murdered compared to people in other developed nations.¹⁶

However, the tables below present a somewhat different picture of violence with regard to international rates of rape and robbery. The countries selected are similar to the United States and give you a quick way to compare crime in the United States to that of other countries. As you can see from these data, England leads these nations in robbery, and the United States leads in sexual assault. The United States also has high rates of violent crimes but is not the leader in all crimes.

Property crimes present a different picture. The following data give information on car theft and burglary. Generally speaking, Americans are less likely to experience property crimes than are residents of other industrialized nations.

These data leave a mixed picture for the international comparison of crime. Living in the United States increases the odds that one might be murdered, but it also decreases the chance of being a victim of most property crimes.¹⁷ However, prison population statistics show that the United States leads these nations in incarceration rates.

Comparing international crime rates shows that crime is common to all industrial societies. Some suggest this occurs because industrial societies have more high-value, lightweight items, such as iPods or laptops, that are easily stolen and sold.¹⁸

### Criminal Victimization, 2003–2004: An International Perspective
(Percentage of those responding who say that they were victimized)

<table>
<thead>
<tr>
<th>Crime</th>
<th>United States</th>
<th>Canada</th>
<th>England</th>
<th>France</th>
<th>Germany</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault of women</td>
<td>19.4</td>
<td>19.8</td>
<td>19.9</td>
<td>19.3</td>
<td>19.4</td>
<td>19.2</td>
</tr>
<tr>
<td>Assault</td>
<td>4.9</td>
<td>3.6</td>
<td>3.5</td>
<td>3.1</td>
<td>3.7</td>
<td>3.8</td>
</tr>
<tr>
<td>Robbery</td>
<td>0.6</td>
<td>0.8</td>
<td>0.8</td>
<td>0.6</td>
<td>0.6</td>
<td>0.8</td>
</tr>
<tr>
<td>Burglary</td>
<td>2.4</td>
<td>2.0</td>
<td>1.5</td>
<td>1.6</td>
<td>1.9</td>
<td>1.5</td>
</tr>
<tr>
<td>Car theft</td>
<td>1.1</td>
<td>1.8</td>
<td>1.3</td>
<td>0.6</td>
<td>0.2</td>
<td>0.4</td>
</tr>
<tr>
<td>Percentage of population feeling unsafe on the street within the last 12 months</td>
<td>19</td>
<td>17</td>
<td>32</td>
<td>21</td>
<td>30</td>
<td>45</td>
</tr>
</tbody>
</table>


### International Homicide Rates, 2004
(Per 100,000 people)

<table>
<thead>
<tr>
<th>Crime</th>
<th>United States</th>
<th>Canada</th>
<th>England</th>
<th>France</th>
<th>Germany</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homicide</td>
<td>6.9</td>
<td>2.0</td>
<td>4.6</td>
<td>0.8</td>
<td>0.7</td>
<td>0.5</td>
</tr>
</tbody>
</table>


### Prison Populations

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country</th>
<th>Number of incarcerations per 100,000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>United States of America</td>
<td>73</td>
</tr>
<tr>
<td>85</td>
<td>United Kingdom: England &amp; Wales</td>
<td>151</td>
</tr>
<tr>
<td>110</td>
<td>Canada</td>
<td>142</td>
</tr>
<tr>
<td>138</td>
<td>France</td>
<td>86</td>
</tr>
<tr>
<td>143</td>
<td>Germany</td>
<td>80</td>
</tr>
<tr>
<td>178</td>
<td>Japan</td>
<td>66</td>
</tr>
</tbody>
</table>

CONSSENSUS MODEL OF LAW suggests that laws arise because people see a behavior they do not like, and they agree to make it illegal.

CONFLICT MODEL OF LAW proposes that powerful people write laws to protect their own interests while punishing the actions of those they wish to control.

SHAMING is a deliberate effort to attach a negative meaning to a behavior.

SOCIETAL RESPONSES TO CRIME AND DEVIANCE

Why are certain things illegal and not others? There are two primary models as to how laws are created: the consensus and conflict models. The consensus model of law suggests that laws arise because people see a behavior they do not like, and they agree to make it illegal. For example, virtually everyone thinks child abuse is wrong. Laws against it arise out of a general agreement about the treatment of children.

The conflict model of law proposes that powerful people write laws to protect their own interests while punishing the actions of those they wish to control. Jerald Sanders, a small-time felon from Alabama, stole a $60 bicycle. Alabama has a three-strikes law, and because this was Sanders' third minor felony, he received a life sentence. However, when Martha Stewart committed perjury, she received a sentence of less than two years, despite the fact that her perjury related to an amount worth several thousand dollars.

Punishment

All societies must deal with rule breakers. Historically, punishments were often harsh and included physical torture, exile, forced slavery, or death. Alternative punishments included shaming an offender by placing him in the pillory and stocks in the town square.

Shaming is a deliberate effort to attach a negative meaning to a behavior. John Braithwaite suggests shame can either stigmatize or

Martha Stewart spent five months in prison. With the help of an attorney, Jerald Sanders, a small-time felon from Alabama, was finally released after spending 12 years behind bars. Why is there a difference?
Reintegrative Justice in New Zealand

Criminal justice programs throughout the world are experimenting with the ideas of reintegrative shaming. In New Zealand, police officers use family conferencing with young offenders and their parents instead of juvenile detention. The goal is to heal the problems in the family and avoid labeling the teen. Teens return to the community as teens who have made a mistake, and not young offenders. Although the effectiveness of this program is still being measured, a preliminary sample of police officers involved shows they strongly support the program. Using reintegrative justice philosophies in their work provides them with a sense that they are making a difference in the lives of families and youth. Furthermore, they report that this method discourages repeat offending.

Corrections

The correctional system is the last leg of the criminal justice system. It supervises those who are convicted of crimes. In the last two decades, there has been a steady increase in the total number of inmates in the United States.

PRISON AND THE CHARACTERISTICS OF PRISON INMATES

Prison is a last resort in the criminal justice system. The guilty party is locked in a facility for a period of time depending on the crime. Of today’s prison inmates, 64 percent belong to racial or ethnic minorities, an estimated 57 percent of inmates are under age 35, and about 21 percent are serving time for a drug offense. According to the Bureau of Justice Statistics Correctional Surveys, one of every 15 people in the United States (6.6 percent) will be incarcerated in his or her lifetime. However, the chances of going to prison are higher for certain populations. As discussed earlier, 11.3 percent of men will go to prison, whereas only 1.8 percent of women will serve time, and 32 percent of black males will enter state or federal prison during their lifetime.

Regional Incarcerations

Ever wonder why your favorite crime dramas are rarely set in Maine? Other than the Academy Award-winning film Fargo, the Northern United States is poorly represented in the crime genre. Meanwhile, television shows like CSI: Miami, and The Wire find Southern states a useful backdrop for their stories.

The map on page 234 shows the incarceration rates for each state. Notice that the highest rates are in the South, while the lowest rates are in the North. For example, the rate of incarceration in Minnesota is six times lower than the rate for Louisiana. Does that mean Louisiana has six times the rate of crime as Minnesota?

According to 2008 UCR data, the violent crime and property crime rates for Louisiana were 669 and 3,823 per 100,000 people, respectively. Meanwhile, in Minnesota, violent crime rates were 263 and property crime rates were 2,850.6 per 100,000 people. As you can see, the Minnesota rates are lower, particularly in relation to violent crimes, but not six times lower. So, why is there a discrepancy?

Some evidence shows that Southern states have higher incarceration rates because they are "tougher" on crime and assign longer sentences for offenders, whereas Northern states are somewhat more lenient in sentencing. There is almost no evidence that these tougher policies actually have the desired effect. Preman suggests that as crime rates go up, politicians often use a "tough on crime" strategy to entice voters. However, this ignores the higher rates of poverty and lower educational attainment more common in the South.

Prisons in America

Departments of corrections direct most states’ prison systems. The title infers that prisons are supposed to correct the offender and assist in successful reintegration into society. Since most inmates are eventually released from prison, what will happen to them? Unfortunately, the most likely outcome for inmates released from prison is to return to prison. This is called recidivism. If a return to prison is a failure of the prison system,
"clearly the system is failing. More than 50 percent of all inmates turn to prison within three years of release. Over time, the recidivism rates are getting worse."

**What Is Prison Like?**

Many of my students suggest that recidivism rates would drop if prisons were harsher. Few of these students have ever visited or been to a prison. Prisons in the United States are increasingly overcrowded and dangerous places where violence is a normal part of life. Although the homicide rate in prison is about the same as it is in free society, the frequency of rape and assault are much more common. If that weren't harsh enough, inmates have highly restricted freedoms, no privacy, and limited access to friends and family. To make matters worse, prisons in the United States continue to cut back on medical treatment and educational programs, even though the incarceration numbers continue to rise. In short, prisons are increasingly turning into human storeshouses.  

**Costs of Incarceration**

The actual costs to incarcerate an individual are difficult to determine. Although all states report a dollar amount, there are "hidden" costs associated with the incarcerated—the children left behind in the foster care system or families who must use the welfare system to survive. These social costs can't be factored in the prison budget, so the reported cost of incarceration never includes them. Nevertheless, taxpayers are left to pay for the whole broken system. Criminologists James Austin and John Irwin calculated these hidden costs and determined that it actually costs $30,000 a year to incarcerate a single inmate, a number that is significantly higher than what states report. Using this estimate, Alabarn taxpayers paid roughly $360,000 for the 12-year incarceration of Jared Sanders. Remember, he had no prior violent convictions, but the $60 bicycle he stole counted as his

<<< Prisoners are crammed into makeshift dormitories when overcrowding becomes an issue.
third strike. Had his life sentence been enforced to the full, this amount would have been well over $1 million.

United States Incarceration Rates vs. International Incarceration Rates
Policies like the three-strikes law have contributed to the United States’ much higher incarceration rate in comparison to similar countries’ rates. In fact, the United States incarcerates at a rate six times higher than Canada and 13 times higher than Japan. It’s important to remember that, just as with crime rates, you should use caution when interpreting international data regarding prison populations. Think about what you already know about international crime and murder rates. What factors do you think contribute to the United States’ role as the world’s leader in crime and incarceration?

think sociologically: Why Does Crime Exist?

Historical Roots of Deviance and Crime Theories
Most crime theories arise from two philosophical schools of thought: Positivists ask why people commit crimes, and classicists ask what keeps people from committing them.

THE POSITIVIST SCHOOL
Positivists assume that people are naturally social beings and are not prone to act criminally unless some biological, psychological, or social factor is involved. To a positivist, the world is orderly and follows natural laws. And since natural law dictates that everything must have a cause, positivists are interested in what factors cause people to commit crime.

BIOLOGICAL PERSPECTIVES ON CRIME AND DEVIANCE
Physician Cesare Lombroso (1835–1905) believed that criminals could be distinguished by physical characteristics: big ears, protruding jaws, and deep-set eyes. While this idea is clearly preposterous, scientists believe there might be a biological element to crime. The search for biological causes for criminality continues to this day in recent investigations, including the study of hormonal differences between men and women and how they impact criminal behavior. For example, higher testosterone levels make men more aggressive than women. Could this account for some of the differences between men’s and women’s delinquent behaviors?

Many modern-day positivists continue to seek the biological causes of crime. Some test chemical imbalances in the brain caused by genetic predisposition, low blood sugar, and levels of serotonin. All of these factors are shown to have connections to criminal behavior, but the statistical links are often tenuous. The search for a biological cause for crime is far from complete and often fails to isolate social factors from genetic ones.

THE CLASSICAL SCHOOL
While positivists look for the underlying causes of criminal behavior, classical school assumes all people are self-interested by nature. Classical thinkers also suggest that people are rational and make free will choices of how to behave. Their primary question asks what keeps us from being criminal.

The classical school emphasizes that individuals make rational choices based on pleasure/pain calculations. To a classicist, the reason most people do not commit crime is because they fear being punished. So, if the goal of the criminal justice system is to deter crime, classicists believe that the punishments must be, swift, certain, and severe enough to deter people’s actions.

Cesare Beccaria’s 1764 essay “On Crimes and Punishments” had a great impact on the way the western world looks at justice and crime. Beccaria argued that a legal system must treat everyone equally to protect him or her against excessive government power. In fact, many ideas contained in our Bill of Rights come from Beccaria. He believed that in order to truly deter crime, we needed a fair legal system.

Another classicist, Jeremy Bentham (1748–1832), believed people were inherently hedonistic, seeking pleasure over pain. Being a strong supporter of the idea of deterrence, Bentham felt that people would only avoid the pleasure of crime if they feared the pain of punishment. However, the punishment must be severe enough to deter them, but not so severe as to alienate them from society. In other words, the punishment should fit the crime.
PSYCHOLOGICAL PERSPECTIVES 
ON CRIME AND DEVIANCE

The American Psychiatric Association (APA) claims that criminals suffer from an "antisocial" personality disorder that causes them to "fail to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds for arrest." According to the APA, criminals are impulsive, aggressive, and irritable, and they tend to lie about their behaviors and feel no remorse for their actions.

Hirschi and Hindelang support the idea that criminals have low IQs because the relationship between IQ and crime to official delinquency is strong. Stanton Samenow proposes that criminals actually have thinking errors, including chronic lying, viewing others' property as their own, unfounded optimism, fear of injury or insult, and inflated self-image.

Psychological theories of criminality tend to be positivistic, placing the blame on something abnormal in the individual, such as a low IQ, or a thinking error. Sociological theories tend to view criminality as a social construct. Let's look at some of these theories of criminality.

Functional Explanations of Crime and Deviance

Functional theories describe crime as a response to some social factor, and theorists look for what causes crime to grow. Emile Durkheim noted that crime and deviance are necessary social realities because they meet one of these three needs:

1. Crime marks the boundaries of morality. Frequently, we do not know what we like until we see something we don't like.
2. Crime promotes social solidarity because it unites people against it. People unify against a common enemy, and criminals are often a common enemy.
3. Deviance can bring about needed change in a social system. Acts of civil disobedience are performed to change laws for the betterment of society.

THEORY OF ANOMIE

Robert Merton's theory of anomie—social instability caused by a wearing away of standards and ethics—questions whether social structures cause deviance. Poor individuals have limited opportunities for success. Merton suggests that Americans have common goals, including wealth, a home, career, cars, and family. Achieving these goals usually involves education, hard work, entrepreneurship, and some luck. Many in the lower classes have blocked access to these goals, so they adapt to their plight in one of five ways:

1. Conformists accept society's goals and use socially acceptable means to try to achieve them. They obey rules and work at low-paying jobs with little chance of advancement. One example is a janitor who works three jobs, but can't get ahead because of low pay.

2. Innovators accept common goals but not the means to get them, using illegal means to achieve those goals instead. For example, a criminal might steal goods and sell them at a pawnshop instead of getting a job.

3. Ritualists accept the traditional means of achieving the goals, but are not as interested in the material goals. Social workers use their advanced degrees to pursue humanitarian efforts rather than monetary benefits.

Retreatists reject both the means and the goals of society. These people often live in isolation or deal with issues of drug and alcohol abuse, mental illness, or homelessness.

Rebels use their own means to create new goals, often seeking major societal changes. Gandhi was a rebel who sought to change society through nonviolent methods.

Few sociologists accept Merton's theory today as it stands; however, it clearly draws a connection between social structures and crime, and it provokes more thinking about the relationships between poverty and crime. The theory is criticized for the assumption of universal goals and its inability to explain violent or white-collar crimes.

Through the acts in which Martin Luther King, Jr., and his followers engaged were considered illegal at the time, these "deviant" acts helped bring about much-needed change to the racist laws of the United States.
Social Interaction Theories

How we interact with people that influences our criminality? Criminals engage in social interactions that influence the likelihood of their violation of the law. Criminologists often divide such theories into social process theories and social reaction theories. Social process theories review how criminal behaviors develop, while social reaction theories examine how societal reactions affect criminal behavior.

DIFFERENTIAL ASSOCIATION THEORY

Edwin Sutherland (1883–1950) proposed the differential association theory, which emphasizes that criminal and deviant behavior is learned. For instance, a teen might sneak out at night to go hang out with friends. If that teen has a younger sibling, the sibling might learn that it is acceptable to sneak out and how to do so. Similarly, criminals pass on their attitudes, values, mechanisms, and beliefs about crime to others. People commit crimes because they learn that criminal activity is acceptable and/or normal. Sutherland makes this theory clear with nine propositions listed below. Clearly he is a positivist, asserting that crime must be learned from others.

Sutherland’s Nine Propositions

1. Criminal behavior is learned, not inherited.
2. Criminal behavior is learned through communication.
3. The principal part of learning behavior occurs within intimate personal groups.
4. The learning includes the techniques of committing the crime and the special direction/motives, drives, rationalizations, and attitudes necessary to carry it out.
5. The specific direction of motives and drives is learned from definitions of the legal codes as favorable and unfavorable.
6. A person becomes delinquent because of an excess of definitions favorable to the violator of the law.
7. Differential associations may vary in frequency, duration, priority, and intensity.
8. The process of learning criminal behavior by association with criminal and noncriminal patterns involves all the same mechanisms that are involved in any other learning.
9. Although criminal behavior is an expression of general needs and values, it is not explained by those general needs and values.

SOCIAL CONTROL THEORIES

Social control theories suggest that people are hedonistic and self-interested. Walter Reckless argued that internal and external factors control behavior. His containment theory argues that criminals cannot resist the temptations that surround them. Everyone has different levels of internal controls, including the ability to withstand temptations, morality, integrity, self-esteem, fear of punishment, and the desire to be and do good. External forces such as the police, our family, and/or our friends also control us. However, it is the internal control that influences criminality; for example, few people speed in front of a police car.

Travis Hirschi agrees that internal controls predict criminality and suggests that four social bonds—attachment, commitment, involvement, and belief—affect our inner controls. Strong bonds indicate less likelihood toward criminality.

<<< According to Sutherland, crime must be taught. Only then will criminal behaviors develop.```
ATTACHMENT is the social bond that refers to our relationship to others. COMMITMENT is the social bond that refers to our dedication to live a socially acceptable life. INVOLVEMENT is the social bond that refers to the level of activity in conventional things. BELIEF is the social bond that refers to a person's conviction of truth. PRIMARY DEVIANCE is the initial deviant act itself. SECONDARY DEVIANCE refers to the psychological reorientation that occurs when the system catches a person and labels him or her as a deviant.

The first bond, attachment, refers to our relationship to others. If a teen hangs out with conformists, friends who do not drink, smoke, or use illegal drugs, they are less likely to engage in these behaviors themselves. Commitment refers to our dedication to live a socially acceptable life. By attending school, you are committed to a socially acceptable behavior. Thus, as we age, we are often more committed to responsible behavior. Could this explain the age-crime connection? Involvement refers to the level of activities in conventional things. Teens who are involved in their schools or have extracurricular activities are less likely to be delinquent. This is in part because they have less time for deviance. The final bond, belief, refers to a person's conviction of truth. If we believe that living a conventional life is good, then we are unlikely to deviate from that path.

Each of these bonds can act together or independently to influence a person's inner control. For example, the theory would say that cross-dressing occurs because people attach themselves to nonconformists (other cross-dressers). They involve themselves in nonnormative behaviors by cross-dressing, and believe this is normal and okay. Involvement in conforming activities may raise the level of attachment to conventional that could increase a person's belief. Likewise, low levels on these bonds might increase the likelihood that a person will engage in nonconventional activity.

Symbolic Interactionist Theory

LABELING THEORY

Some theorists believe that certain punishments can actually contribute to future deviance or crime. Edwin Lemert proposes two types of deviance: primary and secondary. Primary deviance refers to the initial deviant act itself, such as when a group of teenagers decides to buy beer illegally. Many people can be primarily deviant, but not get caught in the act. When they get caught, they are secondarily deviant. Secondary deviance refers to the psychological reorientation that occurs when the system catches a person and labels him or her. The beer-buying teens become "delinquents" when they are sent to juvenile hall. Their friends' and family's perceptions of them have changed, making them secondarily deviant. According to Lemert, secondary deviance often encourages future misconduct.

Social Conflict Theory

Reiman states that "the rich get richer and the poor get prison," meaning if you are part of the upper class, you can get away with criminal acts. Social conflict theories usually focus on issues of social class, power, capitalism, and their relation to crime. For instance, William Bonger argues that capitalism causes crime by emphasizing selfishness in individuals. Capitalism pits people against each other in a struggle for possessions. It also doesn't help that wealthy criminals often face more lenient punishment than poor criminals. Income and wealth inequality lead to abuses of the system, and this structural inequality leads to crime.

Modern conflict criminologists agree with Bonger's stance, that power and wealth inequality leads to crime: Reiman suggests that the inequalities of the justice system are rooted in social class. Although conflict theories focus on the structural reasons for crime, they don't explain why certain individuals commit them.

General Theories of Crime Causation

Figuring out the motivation behind criminal behavior is the job of causation theorists. General theories of crime causation attempt to explain a broad range of criminal behaviors. Some integrate concepts from various theories such as Robert Agnew's general strain theory or Gottfredson and Hirschi's general theory of crime.

The General Strain Theory takes the basic concepts of Merton's anomie and adds a more psychological bent. According to Agnew, a person experiences strain from three sources. First, a person can suffer from a failure to achieve positively valued goals, such as proposed by Merton. Second, individuals experience strain from unpleasant life events such as losing a job or loved one. The third source of strain results from negative events such as abuse, punishment, and pain. All or any of these strains can lead a person to behave criminally. Agnew believes that everyone experiences strain, but criminality is linked to the individual's coping skills. By learning to cope with stress, people are less likely to turn to crime.

Michael Gottfredson and Travis Hirschi propose a general theory of crime, which states that self-control, the ability to delay gratification, affects all criminality. Those who trade short-term rewards for long-term consequences have low self-control. Most crimes and other criminal-like behaviors involve spur-of-the-moment decisions; this demonstrates their lack of self-control.

These people often engage in excessive drinking, speeding, drug use, crime, accidents, marital infidelity, and a host of other risky behaviors. Thus, the solution to crime is to teach children self-control.
Crime Control: The Criminal Justice System

The U.S. criminal justice system has three parts: police, courts, and corrections. Each of these parts of the system responds to violations of the law and each reflects the social policies of our country toward crime.

Police

Every day, there are more than 18,000 law enforcement agencies in the United States. Police are on the front line against crime. This requires police officers to have the initial discretion, or ability to make decisions, which often involves whether or not they will enforce the law. If you've ever received a warning instead of a ticket for speeding through a school zone, you've aped the benefit of a police officer's discretion.

Courts

The courts are the second part of the criminal justice system. Judges and district attorneys use discretion in their work as well. District attorneys decide whether to prosecute a crime, and under what charge they will take the case to court. For example, about 89 percent of cases in this country end with a guilty plea, often called a plea bargain. This is an out-of-court agreement between the prosecutor and the defense attorney, some concession, usually a reduced sentence.

Judicial discretion exists, but state and federal governments have limited use of judicial discretion by passing laws that mandate sentences. Mandatory minimums make judges give individuals fixed sentences for specific crimes. These rules eliminate discretion from the system, and might impact the sentence. Mandatory sentencing laws vary by state, but they have some things in common. These rules ease the length of time people serve in prison, which creates new challenges for the prison system. Since prisons have an increasingly older population, some states build nursing homes inside prison walls to care for inmates who are too weak and old to care for themselves, but cannot be released due to these laws.

Studies show that mandatory minimum sentencing, the Rand Corporation found mandatory minimum sentences for drug offenders are not an efficient use of tax dollars when compared to drug treatment. Drug treatment actually has a stronger effect than prison, reducing drug consumption and drug-related crime while costing the taxpayers less money. We have already discussed how prisons in the United States work to house criminals, but let's turn our attention to the most serious punishment meted out: the death penalty.

Death Penalty

In the United States, we reserve the death penalty for offenders who commit the most serious crimes, like murder or treason. The United States is the only modern and industrialized democracy on earth that still uses the death penalty.

Supporters of the death penalty argue that it is the ultimate deterrent to crime because potential murderers would fear receiving the death penalty. However, opponents point out that states without the death penalty actually have lower rates of murder. Likewise, the costs of prosecuting and executing offenders are actually higher than lifetime incarceration. Proponents claim that these costs could be cut if appeals were shortened. However, new DNA evidence released in prison, and the costs of the death penalty are primarily due to the cost of trials, not the system of mandatory appeals.

Finally, opponents of the death penalty point out that it is applied in a biased manner. Levine and Montgomery studied 6,000 murder cases in Maryland from 1978 through 1999. They found that when the victim was white, blacks were twice as likely to receive a death sentence as whites. Furthermore, blacks convicted of killing whites are four times as likely to get a death sentence than blacks whose victims were also black.
Functionalists like Merton suggest most people with blocked access to success conform. Have these students chosen society's traditional means to reach their goals of success?

**FUNCTIONALISM**
For functionalists, crime is a part of society. Durkheim notes that crime always exists in society, and therefore must serve some function. For Merton, crime results because the pursuit of the American dream is blocked for some people. Therefore, people must adapt. Only one of these modes of adaptation leads to crime, but all occur because the system blocks some people from the goals to which they aspire.

**CONFLICT THEORY**
Borger argues that capitalism causes crime in society because it teaches people to be selfish and to do what is best for themselves instead of thinking of others. The inherent competition of capitalism results in inequality of wealth and power. This leads some to lash out in criminal ways. Pelman's statement "the rich get richer, the poor get prison" points out that laws are written in the best interest of the wealthy. The wealthy can easily "make bail" when arrested, while the poor may languish in jail awaiting trial, even if they are innocent. Meanwhile, illegal acts of the wealthy are often not considered crimes, and their punishments are often little more than a slap on the wrist.

**SYMBOLIC INTERACTIONISM**
Edwin Lemert's labeling theory clearly shows the power of symbols in people's lives. Although he has no explanation for primary deviance, secondary deviance occurs as a result of the way society reacts to the first act. Thus, people learn that others see them only as criminals and so they behave in that way. Such a self-fulfilling prophecy can be enhanced by differential association theory. Sutherland suggests that we learn criminality from others, through social interactions. If for example, your friends are "gangbangers," you may believe behaving that way is acceptable. Why? Because your friends teach you that committing crimes is no big deal.

**WHAT CAUSES CRIME IN OUR SOCIETY?**

Conflict theorists point out that laws are often written in favor of those with wealth and privilege. How might the bail system benefit the wealthy and exploit the poor?

By defining what is legal and illegal; society creates crime. How might the label of "lawbreaker" become a self-fulfilling prophecy?
Bill was an inmate in a local prison who took a class for college credit via a videoconferencing setup. He could listen to the class and even participate in class discussions from the prison where he was incarcerated. At about the midpoint of the semester, students were offered the chance to earn extra credit by doing community learning. Bill wanted to participate, too. The program had never had an inmate do community service, so the teacher spoke with his educational officer, who agreed that community learning could occur anywhere.

Bill wrote in his paper, "My prison is a community of inmates, most of whom committed no violent offenses like me. I spent my time volunteering to help with the drug and alcohol group, meaning that each day I would set up the chapel for the meetings, and after the meetings I would put it back in order. Initially, I didn't stay for the meetings because it didn't seem to be important: I have no drug addiction, I haven't used since I was incarcerated. But one time the group leader invited me to stay. I was stunned to hear the stories of how alcohol and drugs caused so much damage in these men's lives. Almost all of them were under the influence when they committed their crimes."

"It made me decide that I wanted to be a drug and alcohol counselor when I got out of prison. It also made me see that a lot of inmates are just like me: normal guys trying to do their time without getting hurt, and hoping for a better life on the outside when they get released."

How do you think community service programs, like a support group for alcoholics, could be beneficial to inmates trying to turn their lives around?