

CRIME AND SOCIAL CONTROL

Learning Outcomes

At the end of this chapter you will be able to do the following:

- Recall definitions of sanctions.
- Define crime.
- Define social control.
- Classify crimes.
- Apply theories of crime and social control to social phenomena.

Sanctions (formal, informal, positive, and negative) are applied to control deviance and also crime. The death penalty is a formal negative sanction applied to those who commit murder in certain ways in specific states. One of the harshest forms of control comes when intense labels are given to a person because of their actions. A **stigma** is *an attribute which is deeply discrediting, reducing the person from a whole, regular person to a tainted or discredited one*. There have been stories of people who have been falsely incarcerated for child molestation. When they have been exonerated, the stigma as child molester is not erased, following them throughout life. Stigmas that are visible are even more damaging to a person. Physical disabilities are examples of visual stigmas. Some people view those with physical disabilities as not as smart as others, but what about Stephen Hawking? He is one of the most renowned theoretical physicists of all time, though he can't speak without the aid of a computer.^{1 2}



ROBERT MERTON ON DEVIANCE AND CRIME

In sum, deviance is a violation of a norm. Simply not behaving in expected ways given the social circumstances, one is seen as a deviant. But what is the difference in conformity, crime, deviance, and both deviance and crime combined? In Table 1 Robert Merton's matrix combining group norms and legal code behaviors illustrates how deviant and criminal behaviors differ.

Table 1. Robert Merton's Deviant and Criminal Behaviors.

	Actor complies with legal code	Actor violates legal code
Actor complies with group norms	Conforming behaviors	Criminal behaviors
Actor violates group norms	Deviant behaviors	Deviant and criminal behaviors

When an actor complies with group norms and the law it's called **conformity**, or an *adherence to the normative and legal standards of a group in society*. An example might be

the clothes you wore to class or work today are legal and normal. When an actor violates group norms but complies with the law, it is deviance. An example might be if you wore your Halloween costume to class in July. If an actor complies with group norms yet breaks the law, it's called crime. **Crime** is *behavior which violates laws and to which governments can apply negative sanctions*. An example of this might be when one drives 10 miles over the speed limit on the freeway. In this case, while speeding is a criminal behavior, if everybody is speeding and you do too, it's normal crime. Over-reporting deductions and under-reporting income on your income tax return is also normal crime.

Like deviance, crime is often found in every society. Why? Functionalists point out that crime exists because members of society find it very difficult to reach total agreement on rules of behavior; no society can force total conformity to its rules or laws. People are normative: we continuously categorize behaviors into "right" or "wrong". Crime/deviance function as a warning light indicating an area that needs attention or consideration. Furthermore, crime/deviance often brings about solidarity or togetherness in society; there is a vital relationship between crime/deviance and societal progress. As mentioned, deviants and criminals make us reassess our values and make new rules and laws.³

Laws are designed and passed to ensure that the state has the power to enforce certain behaviors when morés and folkways are not enough. In other words, laws are a formal system of social control. A **legal code** *consists of formal rules (laws) adopted by a society's political authority*. The rules (laws) are enforced through negative formal sanctions when violated. In sum, when you are caught breaking the law, there are usually consequences. Ideally, laws are passed to promote conformity to those rules of conduct that authorities feel are necessary for the functionality of society. However, it is important to note that some feel that laws are passed to protect special interest groups with political power rather than society at large. Also, laws are constructed for their perspective on how society should function.

THEORIES OF CRIME AND SOCIAL CONTROL

Instead of asking, "What causes deviant behavior?" Control Theory asks, "What causes conformity?" **Control Theory** states that *social control is easier to achieve and maintain if social bonds are stronger*. Control theorists believe that what causes deviance is the absence of what causes conformity. They view conformity as being a direct result of control over the individual. Therefore, absence of social control causes deviance.

Travis Hirschi (1969) identified four elements of social bonds. **Attachments** are strong, mutual social bonds that encourage society's members to conform. Close attachments to others and to society prevent individuals from committing a crime, and being deviant in general. Without these intimate attachments and acceptance of conventional norms, the opinions of others do not matter and the individual is free to violate norms without fear of social disapproval. The stronger a person's **commitment**, *loyalty to legitimate opportunity*, the greater the chance of conforming. The more a person *participates in legitimate activities*, her **involvement**, the greater the inhibition towards deviance. Lastly, a strong

belief or *understanding in values of conventional morality* promotes conformity. In sum, control theory explains that the fear of the disapproval of others plays a major role in preventing deviant behavior.

Biological Theories of Criminality

In the 1800s, an Italian criminologist, Cesare Lombroso, thought that criminals were atavistic beings, or people who were less developed as humans. While examining the skulls of criminals, he noticed a series of features that were common. For example, Lombroso found that they had large jaws and ears, small chins, and asymmetrical faces. Lombroso referred to criminals as “evolutionary throwbacks” whose behaviors were more apelike than human. In addition, Lombroso argued these lesser beings weren’t responsible for their deviant behavior since they were born this way. Lombroso’s criminal anthropology presumed you could identify a member of the criminal race by certain visual signs or stigmas. Much research has been done on this idea as well as on body type as a determinant of criminal behavior with mixed results. Today, the majority of the sociological world has discounted Lombroso’s findings, as Lombroso’s imputed inferiority of the criminal permits treating him or her without moral or ethical considerations. Remember, sociologists do not assign value to social statuses such as “criminals”, rather we report, explain, or predict current social trends and phenomena. In sum, Lombroso’s biological theory of criminality was full of biased ideology and has since been largely dismissed by most of the scientific community.⁴

Cultural Deviance Theory

In the early 20th century Clifford Shaw and Henry McKay investigated the migration of southern African Americans and eastern European Americans to Chicago and other cities. Most of these immigrants were poorly educated and many did not speak English. Then cities expanded to accommodate this influx of people and many of the more affluent citizens moved out to the suburbs. The poor citizens were left in the run down cities. Shaw and McKay thought that *social conditions in neighborhoods caused delinquency* (**Cultural Deviance Theory**). They found that in Chicago crime was at its worst in the center of the city and the area immediately surrounding it. It decreased as they looked further away from the city center. Thirty years later, the same findings occurred even though most of the residents from 30 years ago had moved, but the poverty stayed.

Based on their findings, Shaw and McKay made four assumptions: 1) Run down areas create social disorganization. The diversity of cultures and languages fosters frictions based on these differences; 2) Social disorganization fosters cultural conflict. Rapid social change creates normative ambiguity (**anomie**); 3) Cultural conflict allows delinquency to flourish; children observe both conventional and criminal values. Criminals who are successful pass their knowledge on to their children, who then pass it along to others; 4) Allowed to flourish, delinquency becomes a career. Children as young as five engage in minor acts of deviance, progressing to more serious offenses as they age.⁵

Differential Association Theory

Differential Association Theory looks at the process of *learning deviance from others with whom they have close relationships, who provide role models of and opportunities for deviance*. Edwin Sutherland conducted his work during the 1930s to the 1970s. His assumptions are: 1) Delinquent behavior is learned, and biology has no role in this behavior; 2) Delinquent behavior is learned through verbal and non-verbal communication (watching your dad steal a TV, your peers congratulating you on stealing a bicycle); 3) Children learn these behaviors in small groups (primary social groups); 4) Learning involves techniques to commit crime, as well as attitudes about crime; 5) Learning also involves attitudes about the targets of crime; 6) If definitions that favor criminal behavior outnumber definitions that favor conforming to laws, children will learn to be deviant; 7) The frequency, duration, and intensity of the learning experiences determines the learning. Children who are exposed frequently, at a young age, and by someone they respect, are more likely to learn delinquent behavior; 8) Learning criminal behavior occurs in the same way as learning other behaviors; 9) The goals of criminals and non-criminals are the same; the means to achieving those goals are what is different.

Using this theory, Mark Warr contends that peer associations are the best predictor of delinquency. Nancy Piquero adds that it is an even better predictor for boys' behavior than for girls'. Dana Haynie extended this research and looked at romantic relationships and found they had a greater affect on girls' behavior than on boys'.⁶

CLASSIFYING CRIME

Corporate crime, or white-collar crime, is *crime committed by persons of respectable and high social status committed in the course of their occupations*. These types of crime are rampant and increasing; they are the underlying cause of the recent economic crises. In white-collar crime, crimes are committed in the elite suites of corporate offices. These could include insider trading, safety violations where employees are injured or killed, environmental destruction, deception and fraud, and inappropriate use of corporate funds, as well as others. When caught, laws (which were created by society's elite), rarely punish the elite criminal with the same type of justice street criminals face, though their actions negatively impact far more people than the latter.

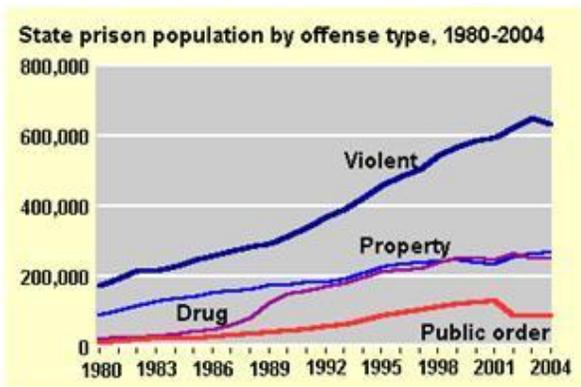
Street crime, or blue-collar crime, is *crime committed by average persons against other average persons, groups, and organizations*. Street crimes typically fall into two sub-categories: misdemeanors and felonies. Misdemeanors tend to be less severe and have less severe punishments associated with them. Felonies, on the other hand, tend to be very serious and often change a citizen's standing, permanently denying rights such as voting, owning a gun, and having social interactions with other felons.

The Federal Bureau of Investigation (FBI) classifies two types of crimes, violent and property. **Violent crimes, or crimes against a person**, are when *force or threat of force is used in the act*. These include rape, murder, robbery, and assault. In 2007, there were

1,408,377 violent crimes reported to police or 467 crimes/100,000 population. **Non-violent crimes**, or **property crimes**, are *unlawful acts committed with the intent of gaining property, but does not involve the use or threat of force against an individual*. These include burglary, larceny, motor vehicle theft, arson, shoplifting, and vandalism. Figure 1 illustrates the increasing trend in violent crimes in comparison to property crimes.

Hate crimes are *acts of racial, religious, anti-immigration, sexual orientation, gender, and disability motivated violence*. Hate crimes have become much more concerning in the U.S. over the last decade. The numbers give the impression that not many occur each year, but the FBI emphasizes that not all hate crimes are reported to police. Race, religion, and sexual orientation continue to dominate the reported hate crime categories (see Table 2).

Figure 1. US Department of Justice Crime Trend Data 1980-2004.⁷



WHAT ABOUT VICTIMLESS CRIME?

Victimless crime is *something that is against the law but has no unwilling victim*, such as illegal gambling, illegal drug use, or prostitution. Activists who want to decriminalize these acts claim that the laws against them are attempts to legislate a moral code. Even though they are called victimless crimes, opponents to decriminalization argue that there are victims. Take the case of illegal gambling, the compulsive gambler may steal to support the habit or might miss mortgage payments and lose the family home. He also might miss work because he needs to be at the track. Many people declare that prostitution reinforces the idea that women are to be treated as objects and their sole purpose is for men's pleasure⁸, however, some others feel that prostitution is an expression of women's agency, and a source of empowerment.

SOCIAL CONTROL

How does society discourage criminal behavior? It does so through **social control** or *mechanisms that regulate behavior*. Social control's first line of defense is **socialization**, that *internalization of society's norms and values (internal means of social control)*. Some theorists contend that this doesn't always work. That's when **external means of social**

control, other people's responses to a person's behaviors, rewards and punishments, take over. This can be as informal as a professor walking around the room as the class takes an exam to the more formal criminal justice system. The **criminal justice system enforces a legal code** that is made up of three parts: the police, the courts, and the prison system. The police can be federal, state, or local. There is no national police system in the U.S., however congress enacts laws at the national level that are enforced by the FBI. State police enforce some state laws and regulate traffic on the highways. Local police only have **authority** (*institutionalized legitimate power*) in the town where they have been sworn in.

Table 2. Incidents, Offenses, Victims, and Known Offenders by Bias Motivation.⁹

Bias Motivation	Incidents	Offenses	Victims¹⁰	Known offenders¹¹
Total	7,722	9,080	9,652	7,330
Single-Bias Incidents	7,720	9,076	9,642	7,324
Race	4,000	4,737	5,020	3,957
Anti-White	890	1,008	1,054	1,074
Anti-Black	2,640	3,136	3,332	2,437
Anti-American Indian/Alaskan Native	60	72	75	72
Anti-Asian/Pacific Islander	181	230	239	181
Anti-Multiple Races, Group	229	291	320	193
Religion	1,462	1,597	1,750	705
Anti-Jewish	967	1,027	1,144	362
Anti-Catholic	76	81	86	44
Anti-Protestant	59	62	65	35
Anti-Islamic	156	191	208	147
Anti-Other Religion	124	140	147	63
Anti-Multiple Religions, Group	73	88	92	49
Anti-Atheism/Agnosticism/etc.	7	8	8	5
Sexual Orientation	1,195	1,415	1,472	1,380
Anti-Male Homosexual	747	881	913	914
Anti-Female Homosexual	163	192	202	154
Anti-Homosexual	238	293	307	268
Anti-Heterosexual	26	28	29	26
Anti-Bisexual	21	21	21	18
Ethnicity/National Origin	984	1,233	1,305	1,209
Anti-Hispanic	576	770	819	802
Anti-Other Ethnicity/National Origin	408	463	486	407
Disability	79	94	95	73
Anti-Physical	17	20	21	17
Anti-Mental	63	74	74	56
Multiple-Bias Incidents¹²	2	4	10	6

The courts consist of state and federal courts; most cases take place at the state level. The prison system has four goals: 1) To separate criminals from society to keep others safe; 2) To punish criminal behavior; 3) To deter criminal behavior; and 4) To rehabilitate criminals. However, looking at the statistics of recidivism in the deviance chapter, we can conclude that the “rehabilitative process” needs to be re-evaluated, at best.

Some claim that the U.S. does not do a very good job of punishing criminals. They claim that prison is not so bad for some, especially for white-collar criminals. Deterrence of criminal behavior is also a shortcoming of the prison system; hence the large number of prisoners. Rehabilitation is also not a strength, as evidenced by high rates of **recidivism**.

The criminal justice system has a high degree of partiality at each stage. Police officers get to decide who to arrest; the district attorney gets to decide who to try and for what crime; the judge and or jury decide who to convict; the prison system gets to decide what type of facility for incarceration, and how to reward or punish prisoners; and the parole authorities decide if parole will be granted and under what conditions.¹³

ALTERNATIVES TO PRISONS AS SOCIAL CONTROL

Some argue that the U.S., specifically California, is suffering from a shortage of prisons, as evidenced by overcrowding. Further, some argue it is cheaper to keep people in prisons than to release them when we factor in how much crime costs the public. It is important to note that, in reality, the average annual operating cost per state inmate in 2001 was \$31,025/year, or \$85/day.¹⁴ On the other hand, others argue that the overcrowding is due to criminalization of victimless crimes, primarily drug-related offenses, and, in California, the Three-Strikes Law.¹⁵ ¹⁶ Remember from the previous chapter that California was found to be #1 in prison-spending and #38 on education spending in a national tally? Many feel that spending more on education would offer impoverished communities better opportunities to pursue the American dream through legitimate means, thereby deterring crime.¹⁷ For these reasons, some have proposed alternatives to prison that would be beneficial in solving the issue of overcrowding:

- 1) The decriminalization of certain behaviors. Today, 51.8% of inmates are locked up for non-violent drug offenses. The development of a constellation of free, community-based programs accessible to all people who wish to tackle their drug problems would decrease this number.
- 2) Instead of having juvenile delinquent centers (youth prisons) for criminally-labeled, non-violent offenders, schools can be used as a powerful alternative. Transforming juvenile detention centers into schools as vehicles for decarceration would allow youth offenders to benefit from a strictly structured educational environment rather than endure an environment which breeds violence and hate.
- 3) There are currently more people with mental health disorders in prisons than in mental health institutions. Some argue that this is because we don't monetarily

benefit from mental health institutions because there is no free labor system in these places.

- 4) Dismantle the current campaigns that call for the criminalization of undocumented citizens. Right now an estimated 20,000 people are sitting in detention centers for violating no law other than being undocumented.

¹ <http://www.hawking.org.uk/index.php/about-stephen>

² Photo retrieved at

http://www.google.com/imgres?imgurl=http://i.telegraph.co.uk/telegraph/multimedia/archive/00441/news-graphics-2007-_441537a.jpg&imgrefurl=http://www.telegraph.co.uk/science/science-news/3350289/Stephen-Hawking-plans-to-see-space.html&h=353&w=380&sz=23&tbnid=DN-pXaIH42PupM:&tbnh=114&tbnw=123&prev=/images%3Fq%3Dstephen%2Bhawking&usg=__4wVbS0FUcYIEHi h8zsmFv0B5irw=&ei=84Y6S4WEBYnuswP03Lm_BA&sa=X&oi=image_result&resnum=9&ct=image&ved=0CCIQ9QEwCA

³ Google Émile Durkheim or Robert K. Merton with functionality of deviance

⁴ Regoli, R. M., Hewitt, J. D., & Delisi, M. (2010). *Delinquency in society* (8th ed.), Boston: Jones and Bartlett.

⁵ Regoli, R. M., Hewitt, J. D., & Delisi, M. (2010). *Delinquency in society* (8th ed.), Boston: Jones and Bartlett.

⁶ Regoli, R. M., Hewitt, J. D., & Delisi, M. (2010). *Delinquency in society* (8th ed.), Boston: Jones and Bartlett.

⁷ Taken from <http://www.ojp.usdoj.gov/bjs/glance/corrtyp.htm> on 17 September, 2008, US Department of Justice

⁸ Regoli, R. M., Hewitt, J. D., & Delisi, M. (2010). *Delinquency in society* (8th ed.), Boston: Jones and Bartlett.

⁹ Taken 17 Sept 2008 <http://www.fbi.gov/ucr/hc2006/table1.html>

¹⁰ The term victim may refer to a person, business, institution, or society as a whole.

¹¹ The term known offender does not imply that the identity of the suspect is known, but only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender.

¹² In a multiple-bias incident, two conditions must be met: (a) more than one offense type must occur in the incident and (b) at least two offense types must be motivated by different biases.¹

¹³ Regoli, R. M., Hewitt, J. D., & Delisi, M. (2010). *Delinquency in society* (8th ed.), Boston: Jones and Bartlett.

¹⁴ Gordon, Avery. 2006, October. "The Prisoner." Presented at UC, Santa Barbara, October 1-November 18, Santa Barbara, CA.

¹⁵ <http://reason.com/blog/2011/05/24/drug-offenders-in-californias>. Accessed on 15 January, 2012.

¹⁶ <http://newsonline.com/nation/newsonestaff4/california-prisons-overcrowded-three-strikes-law/>. Accessed on 15 January, 2012.

¹⁷ http://articles.cnn.com/2011-04-07/opinion/jealous.prison.reform_1_prison-populations-prison-spending-offenders-from-state-prisons?_s=PM:OPINION. Accessed on 15 January 2012.