

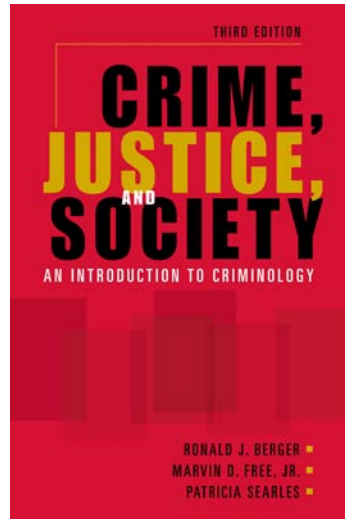
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**Crime, Justice,
and Society:
An Introduction
to Criminology**

THIRD EDITION

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and Patricia Searles

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1

Perspectives on the Problem of Crime

FEAR OF CRIME CAN GRIP A VICTIM—TAKE HOLD, hang on, become part of the fabric of life, even when one has managed to escape harm's way, as Susan Resnick's story poignantly illustrates. Susan, a new arrival in Boston, was riding her bike along the Charles River one afternoon in the spring. It was a beautiful day, and many people were out pushing baby carriages, roller-blading, and sunning themselves. But as she wove along the bike path, Susan began to feel uncomfortable. A teenage boy was riding his bike suspiciously close to hers. She decided to veer off in a different direction, just to be safe, hoping he'd stay on his original path. The next thing Susan heard, however, was the boy barking out an order: "Get off the bike and you won't get hurt!" He had followed her, waiting for the right time to strike. Having reached a spot without a soul nearby, the teen slammed his bike into Susan's, forcing her off the path. Susan screamed loudly for help, somehow managing to remain upright, pedaling with all her might. Although her cries of distress brought no one to her aid, they succeeded in scaring the boy away. "I escaped physically unharmed," Susan says, "but I may never be the same again. Because it happened in the middle of the afternoon in a crowded public place, I realize that I'm not safe anywhere in the city. Suddenly I'm jumpy whenever I'm traveling alone. My stomach flips when I hear footsteps behind me as I walk to work; my entire body tenses when I have to ride the elevator in my apartment building with a strange man" (Resnick 1993:64).

A few weeks later, Susan was again riding along the river when suddenly she heard brakes squeaking behind her. "Before I even turned my head," she recalls, "my heart was beating hard and panic was coursing through my veins." She raced ahead, only to realize that it was just another biker who had braked to avoid colliding with her: "I pulled to the grass and froze for a second. My arms and legs went from shaking to numb. . . . I wondered how many years the fright had taken off my life" (p. 65). The lasting fear that Susan experienced is not uncommon—and the more violent or traumatic the crime, the easier it is for us to understand the suffering of the survivors, the turmoil for their families.



| Fear of crime is an all-too-common feature of contemporary society.

Fear of crime, however, is a complex issue. It grows out of more than just firsthand experience. Studies find that being victimized by crime, or knowing someone who has been victimized, is not necessarily related to fear of crime or to attitudes about the punishment of criminals (Barkan 2006; Warr 2000). Survey research, for example, indicates that the elderly tend to be more fearful of crime than the young, even though they are less likely to be victims. Women are more likely than men to experience sexual assault and domestic violence, yet they express greater fear of other crimes as well, despite being less likely than men to be victims of crime overall (Ferraro 1996; Madriz 1997). African American and inner-city residents experience higher rates of victimization than white, middle-class suburbanites, and they are sometimes more fearful. But they also are more distrustful of the criminal justice system, less supportive of strictly punitive policies, and more supportive of rehabilitative programs for offenders (Browning & Cao 1992; Hagan & Albonetti 1982; McCorkle 1993). Moreover, a large portion of the public believes that crime rates in their communities have been rising, even during times of decline (Kappeler & Potter 2005; Roberts & Stalans 2000).

We think it is important, therefore, to begin our inquiry into the problem of crime by examining the roots of our attitudes and opinions. Our view

of reality is drawn not just from personal experience but also from representations of events that we have not experienced directly. Research indicates that the mass media, politicians, and law enforcement officials are major sources of our knowledge about crime. They play a crucial role in generating, shaping, and reinforcing public opinion about crime and mobilizing support for particular policies. They provide us with a taken-for-granted conceptual framework that helps us identify particular issues as crime-related, interpret the causes of criminal behaviors, and apply ready-made solutions (Beckett 1994; Kappeler & Potter 2005; Surette 1998).

Unfortunately, the picture we get from these sources of information is in many ways misleading. Take, for instance, the simplistic distinction we often make between “good guys” and “bad guys,” between the forces of good and the forces of evil. Typically we think of criminals as persons who are fundamentally different from the rest of us. Few of us, however, are paragons of virtue. Most of us have committed some crime for which we could have been incarcerated. How many of us have consumed alcohol illegally, driven under the influence, or taken illegal drugs? How many of us have engaged in vandalism or shoplifting? How many of us have stolen something of value from an employer? Perhaps we did not think that what we did was serious or even criminal. But ask our employers about this and they will likely disagree, for they lose more money annually from the “good guys”—us—than they do from theft by nonemployees. In his book *The Rich Get Richer and the Poor Get Prison*, Jeffrey Reiman (2007) estimates that employee embezzlement and pilferage, which account for about one-third of all business failures in the United States (Challenger 2004), cost businesses over \$45 billion annually. The costs of “white-collar” offenses more generally, including corporate fraud and illegal price-fixing, exceed \$400 billion annually. Add to these costs the vast array of physical injuries, illnesses, and deaths caused by illegal business activity—through dangerous work conditions, defective consumer products, and environmental pollution—and our simplistic assumptions about crime and criminals quickly break down (see Chapter 6).

Media Constructions of Crime and Crime Fighting

The News and Entertainment Media

The mass media is an institutionalized system of communication that conveys messages to audiences through print and technology. The media are not simply neutral, unobtrusive observers providing news and entertainment. Their influence is pervasive. On average, for example, Americans watch in excess of four hours of television each day, and a large proportion of prime-time programming deals with crime and crime fighting (Surette

1998). A recent study called “Dying to Entertain,” sponsored by the Parents Television Council, found that violent content (including sexual violence) in prime-time programming has increased substantially over the past decade and is now prevalent in about half of all prime-time shows (Schulenburg 2007). Moreover, most people report that they rely on the news media to learn about crime and criminals, and readers of newspapers are more likely to read crime items than any other subject matter (Pollak & Kubrin 2007; Surette 1998).

In the late 1980s a new genre of television crime programming appeared on the scene: the tabloid-style **infotainment*** shows such as *Cops*, *America’s Most Wanted*, *Unsolved Mysteries*, and the various programs shown on Court TV (now truTV). These shows present “true crime” stories (sometimes in documentary-style or as dramatized reenactments) that blur the traditional distinction between news and entertainment. They promote a “shared disgust for anyone alleged to be a criminal” and serve to heighten our fear by suggesting that crime is all-pervasive (Bond-Maupin 1998:33; Fishman & Cavender 1998; Fox et al. 2007).

Today, in all sources of news reporting, the distinction between news and entertainment is becoming less clear. Television news emphasizes the details of individual crimes, often packaged in 30- to 60-second spots, and rarely discusses crime as a social issue. There is a heavy reliance on law enforcement officials as convenient sources of information, and deadlines leave little time for independent investigation or follow-up. The novelty or sensational quality of the crime increases its news value—“if it bleeds, it leads”—although through repetition the extraordinary becomes ordinary. In both television news and entertainment, the crimes portrayed are the ones less likely to occur in real life: violent crimes are overrepresented, while property crimes and white-collar crimes are underrepresented (Fox et al. 2007; Pollak & Kubrin 2007; Surette 1998). Another distortion is the disproportionate representation of African Americans as criminals, especially as violent offenders and drug offenders (Eschholz 2003; Oliver 1994; Pollak & Kubrin 2007).

The criminal trial of football star and Hollywood celebrity O.J. Simpson in the 1990s is arguably the most well-known case of what Ray Surette calls “court news as miniseries,” high-profile crimes that often include elements of “human interest laced with mystery, sex, bizarre circumstances, and famous or powerful people” (1998:72, 74). The Simpson case did not just involve violence; it was a double murder—of Simpson’s ex-wife Nicole Brown and her friend Ronald Goldman. Simpson and Nicole were among the “beautiful people” who enjoyed the lifestyle of the rich and

*Key terms are indicated in **boldface** the first time they appear in the book.

famous, and media accounts of their sexual exploits appealed to the public's prurient interest. There was also the specter of domestic violence, of Simpson's battery and voyeuristic stalking of Nicole (see Chapter 10). Insofar as Simpson claimed to be innocent, it was a "whodunnit" murder mystery as well. And there was race—not just because of Mark Fuhrman, the Los Angeles police detective whose racist background made him vulnerable to allegations that he planted evidence against Simpson, but also because of interracial sex and marriage, which Earl Hutchinson describes as "the last taboo for whites and blacks" in the United States (1996:4). According to Hutchinson, Simpson "became an instant metaphor and warning . . . of the menace posed by the abusive and sexually plundering black male" (p. 7).

Indeed, the image of the black man preying upon the white woman has been one of the most enduring myths of American society, although most rapes are in fact *intra-racial*, committed against persons of the same race (Wriggins 1995). In the 1915 epic film *Birth of a Nation*, director D. W. Griffith portrayed African American men as either docile "faithful souls" or "brutal bucks" (Bogle 1994). This film, one of the most influential of the early twentieth century, conveyed an insidious stereotype: "Bucks are always big, baadddd niggers, over-sexed and savage, violent and frenzied as they lust for white flesh" (p. 13).

To those who believe Simpson is guilty, the criminal trial epitomized the failures of the criminal justice system in the United States, a common theme in crime news and entertainment. While the media tend to portray the police more favorably than the courts and corrections system, the message often conveyed is one of a criminal justice system unable to apprehend, convict, and punish criminals (Fox et al. 2007; Surette 1998).

The heroes in crime entertainment—literature, television, and motion picture films—are the crime fighters working either within the system or outside of it. Take, for example, the genre of the private eye or private detective, popularized originally in nineteenth-century print media. Here the "good guy" oddly resembles the criminals he is pursuing: a highly individualistic loner who may be on the side of justice, but who is not bound by the conventional rules of society. And the heroics of fictional super crime fighters like Batman, Superman, Spider-Man, and the Lone Ranger also underscore the failures of the official legal order (Newman 1993; Surette 1998).

Dirty Harry, the classic 1971 film that spawned several sequels, best illustrates the popular media image of the crime fighter. Harry, who was played by film star Clint Eastwood, is a maverick police officer who feels little obligation to abide by "due process" formalities. Harry is a man of action who has no patience for the Bill of Rights, the constitutionally protected liberties that he holds responsible for allowing scores of dangerous criminals to go free. In the "Dirty Harry" films, the qualities that made

FURTHER EXPLORATION

Race-Based Perceptions of the O.J. Simpson Case

On October 3, 1995, an estimated 100 million people worldwide witnessed the O.J. Simpson jury verdict, announced live on television and radio (Dershowitz 1996). This moment ranks with the 1963 assassination of John F. Kennedy, the 1986 *Challenger* space shuttle disaster, and the September 11, 2001, terrorist attacks as moments in history when people remember exactly where they were when the news broke. However, Jeffrey Toobin, whose July 1994 article in the *New Yorker* disclosed the Simpson defense team's intent to paint Mark Fuhrman as a racist cop, believes that years from now, one of the main reasons "anyone will care about this case . . . is because of what it illuminates about race in America" (quoted in Dershowitz 1996:118).

Many people remember the media images of black college students cheering jubilantly over the "not guilty" verdict, while whites stood stunned in disbelief. Indeed, there was a racial divide over the case (Abramson 1996; Elias & Schatzman 1996). Early on, national polls indicated that 60 percent of blacks thought that Simpson had been framed or set up by the police (*Newsweek*, August 1, 1994). Only 23 percent of whites agreed. Just following the jury verdict, 66 percent of blacks but only 26 percent of whites believed that Simpson had probably *not* committed the murders; and 85 percent of blacks but only 32 percent of whites agreed with the "not guilty" verdict (*Newsweek*, October 16, 1995).

These poll numbers reflect attitudes that stem from the different experiences blacks and whites have had in the United States, experiences that have not surprisingly led African Americans to be more distrustful of the criminal justice system, experiences that we will explore more fully in this book. It is important to point out, however, that since there are more whites in the population than blacks, the number of whites who agree with the verdict or who think Simpson did not commit the murders may actually be larger than the number of blacks who hold these sentiments (Russell 1998).

Eastwood a Hollywood icon—"the quiet one with the painfully bottled-up capacity for violence"—break loose, as Harry challenges criminals to resist and "make my day" (Ebert 1986:193). The Andy Sipowitz character in the syndicated *NYPD Blue* television series exhibits a similar mentality, always on the edge, ready to bust a criminal upside his head.

On the other side of the battle of good against evil, the media's passion for the sensational and bizarre is best exemplified by the proliferation of the increasingly graphic R-rated "slasher" movies such as *Texas Chainsaw Massacre*, *I Know What You Did Last Summer*, *Scream*, and the popular series of *Halloween*, *Friday the 13th*, and *Saw* films. In her book *The Age of Sex Crime*, Jane Caputi (1987) argues that the targeting of female victims is a common theme in this genre and that the killers believe their victims deserve punishment for their assertiveness or display of sexuality. Caputi

describes these films as **gorenography** due to their tendency to eroticize violence against women through juxtaposition with images of nudity or sex. The films often use the “point of view shot,” whereby the camera “is used to encourage audience identification with the sex murderer” (p. 84). Caputi offers a scene from *Halloween* as an example:

The sex killer is first introduced as a five-year-old boy who is, nevertheless, man enough to slaughter his teenage sister for having sex with her boyfriend while their parents are out. It is Halloween night and the boy is wearing a clown costume and mask. The murder scene is shot through the mask; members of the audience see the action through two eyeholes, as if they were behind the mask too. (p. 84)

Experimental media research suggests that repeated exposure to such films can desensitize viewers to the problem of violence against women (Donnerstein et al. 1987; Strasburger & Wilson 2002; see Chapters 2 and 10).

By the early 1990s, criminologists also noted the emergence of a genre of films featuring pathological female murderers, or “deadly dolls,” as in *Fatal Attraction*, *Basic Instinct*, *The Hand That Rocks the Cradle*, and *Single White Female*. In these films, the spectacle of protracted, bloody murder often takes a backseat to the erotic aura and dangerously alluring quality of the sensual female killer, “white, lithe and lovely” (Holmlund 1994:128). There is a decidedly antifeminist theme in this genre, as the protagonist is portrayed as obsessively driven to “take what she wants at any cost” (Faith 1993:265). Often embedded within such narratives is the message that “a woman without a home and family is desperate and deviant” (Thompson 1998:69).

In the genre of organized crime films like *The Godfather*, *Goodfellas*, and *Casino*, as well as *The Sopranos* television series, the glamorization of violence is reserved for those who employ it for economic ends. The hot-head is portrayed negatively, as prone to irrational violent outbursts that disrupt the orderly business of crime. Better to carefully plan and choose “the appropriate level and timing of violence” so as to maximize its effect on one’s enemies. Yet violence, when juxtaposed with scenes of camaraderie or the family dinner table, is made to seem like a positive force and “a natural part of everyday life” (Newman 1998:43). Tony Soprano, like the Robert De Niro character in the comedy *Analyze This*, is even depicted as “so uncomfortable with the ramifications of his job” that he sees a therapist on a regular basis (Jones 2007:57).

The world of ruthless, even predatory, white-collar businessmen has also found its way into the media through movies like *Wall Street*, *A Civil Action*, *Michael Clayton*, and *The Constant Gardener*, as well as films based on John Grisham’s novels. At the same time, media images of white-collar criminals are not as pervasive as the more common depictions of street

criminals from the lower (especially minority) strata of society, nor have they “produced a fundamental change in popular understandings of crime” (Nichols 1999:61; Boyd 1997).

Crime Waves and Moral Panics

The concept of a **crime wave** is used by criminologists to refer to a sudden rise (and eventual fall) of a particular type of crime. Crime waves may or may not be related to actual fluctuations in criminal behavior. Typically, media-reported crime waves are not. In a classic study of crime waves, Mark Fishman (1978) examined a seven-week media-reported crime wave in New York City in 1976 involving an alleged surge in what was labeled “crimes against the elderly.” Police statistics, however, did not indicate any particular singling out of the elderly. Crimes increased for people of *all ages* during this period; for some crimes the increases were greater for the elderly and for some they were not. While 28 percent of news stories during this media-reported crime wave were about elderly victims of homicide, including several gruesome murders, such homicides actually made up less than 1 percent of crimes against the elderly. “Crimes against the elderly” was a convenient theme that allowed journalists to cast particular incidents as instances of something threatening and pervasive, something with greater news value.

Fishman also found that the New York City Police Department (NYPD) was receptive to the media’s claims about crimes against the elderly. In fact, the NYPD used the purported crime wave to justify expansion of its Senior Citizens Robbery Unit (SCRU), whose undercover officers—dressed as old people—provided attractive subjects for news-camera crews when making arrests. One newspaper reporter, whose feature articles broke the “crimes against the elderly” story, acknowledged that SCRU officers contacted him with information about muggings or murders of elderly persons and repeatedly complained that the SCRU was unappreciated, understaffed, and in need of more resources.

Importantly, the New York City crime wave had a nationwide impact on the public’s perception of the crime problem, as the story was disseminated through the wire services and nationally read newspapers like the *New York Times* and *Washington Post*. The Harris polling organization also began to include a new category—crimes against the elderly—in its survey questionnaire, and the majority of polled respondents in a national sample indicated that they believed that such crimes had been increasing in their communities when, in fact, they had not.

Marjorie Zatz’s study (1987) of the “gang problem” in the city of Phoenix yielded results that paralleled Fishman’s research. In the late 1970s and early 1980s, newspaper accounts relying primarily on information provided by the Phoenix Police Department suggested that the city had experi-

enced a dramatic rise in Chicano (Mexican American) youth gang activity. Police claims that the problem might escalate even further were coupled with well-publicized requests for additional local and federal funding for specialized gang-related law enforcement. The reality was, in fact, more complicated.

The term “gang” evokes threatening social imagery that has the symbolic power to transform occasional or sporadic acts of delinquency into more purposeful systematic activity. In Phoenix, the police department provided its officers with a “Latin Gang Member Recognition Guide,” which included cartoon caricatures of youths in gang attire, a glossary of relevant Spanish words and expressions, and other criteria that could be used to identify gang members. Increased police surveillance of the Chicano community then yielded an identifiable population of offenders who provided the raw material for media reporting on the gang problem. Zatz found, however, that the police and media claims were disputed by knowledgeable social service workers and counselors who worked with Chicano youths, as well as by representatives of the Chicano community. As one juvenile probation officer noted, “It’s fair to say there is some violence and destruction going on. But maybe there is also a bit of an injustice when kids in cowboy hats and pickups, drinking beer and cruising . . . aren’t thought of as a gang. But when you have Chicano kids driving lowriders, wearing bandannas, and smoking marijuana they are singled out as being gangs” (p. 136).

In addition, Zatz analyzed juvenile-court records and found that while youths who were officially labeled as gang members were more likely than nongang youths to have been arrested in larger groups and for fighting offenses, they were less likely than nongang youths to have had prior court referrals, particularly for drug offenses. Zatz concluded that gang members “typically engaged in relatively minor squabbles, and not in . . . serious violent crimes that would be dangerous to . . . anyone outside of the gang world” (pp. 140, 143).

Zatz characterized claims about the Phoenix gang problem as a **moral panic**—that is, a discrepancy or disjuncture between a perceived and an actual threat that, when reported in the media, generates public support for doing something dramatic about a particular problem (Cohen 1980; McCorkle & Miethe 2002). In Phoenix, she observed, the more ordinary inclinations of adolescents to congregate took on a more ominous appearance and fueled unwarranted fears about Chicano youths as an inherently lawless population. Zatz does not deny that youth gangs exist or that they can pose a serious problem for communities. Nor does she claim that the media are servants of the police or that they always portray law enforcement in a positive light. Rather, she cautions us against uncritically accepting police and media accounts of social problems.

However, Fishman (1978) found that there are times when public offi-

cialists downplay media stories about crime, being concerned that media reporting will cause the public to panic unnecessarily or to believe that the police are ineffective. Thus, for instance, officials from the New York City Transit Authority (NYTA) stopped an emergent theme involving “crimes on the subways” from becoming a media-reported crime wave. In this case, the NYTA police chief told one reporter that there was no such crime wave, and three senior NYTA officials called a news conference to assure the public that “the subways were safer than the city streets” (Fishman 1978:541). (Business interests also fear that publicity about crime will hurt tourism and make it difficult to attract new commerce [Hagedorn 1988].)

More often than not, however, it seems that media and law enforcement interests converge in finding mutual benefit from portrayals of escalating crime. Philip Jenkins’s study (1994) of the serial homicide problem is a case in point. The media, as noted previously, are attracted to the unusual. During the 1980s, media accounts began to describe serial homicide as reaching epidemic proportions. In 1984 the **serial murderer**—typically described as a psychotically compulsive offender capable of extreme violence who selects multiple victims at random, often while traveling from state to state—was featured in a front-page *New York Times* article suggesting that serial murders accounted for about 20 percent (about 4,000) of all the homicides committed in the United States each year. During the next two years, this estimate was repeated in numerous other news reports. The data in these reports were based on Federal Bureau of Investigation (FBI) statistics on “motiveless” and “unsolved” murders, and on interviews with law enforcement officials.

In his research, Jenkins was interested in ascertaining whether these numerical estimates were accurate and whether serial murders had, in fact, been on the rise. Jenkins compiled a list of cases that were reported between 1940 and 1990 in three well-indexed and highly regarded newspapers (*New York Times*, *Los Angeles Times*, and *Chicago Tribune*), and he supplemented this data with other sources. Jenkins concluded that there had been a significant increase in this type of offense since the late 1960s, but that serial murders accounted for no more than 2–3 percent of all homicides.

Jenkins observed that officials in the US Justice Department, particularly in the FBI’s Behavioral Sciences Unit (BSU), were the primary sources of information for the exaggerated media claims about the serial murder problem. He also noted that in 1983, concerns about serial murder became a central justification for the development of a new program, the Violent Criminal Apprehension Program (VICAP), at the FBI Academy in Quantico, Virginia, and for an expanded federal role in law enforcement regarding repeat killers as well as rapists, child molesters, arsonists, and bombers. According to BSU agent Robert Ressler:

There was somewhat of a media feeding frenzy, if not a panic, over [the serial murder] issue in the mid-1980s, and we at the FBI and other people involved in urging the formation of VICAP did add to the general impression that there was a big problem and that something needed to be done about it. We didn't exactly go out seeking publicity, but when a reporter called, and we had a choice whether or not to cooperate on a story about violent crime, we gave the reporter good copy. In feeding the frenzy, we were using an old tactic in Washington, playing up the problem as a way of getting Congress and the higher-ups in the executive branch to pay attention to it. (Ressler & Schachtman 1992:203)

Drug scares. Craig Reinerman and Harry Levine (1989) identify **drug scares** as a perennial type of crime wave and moral panic that in the United States goes back at least to the early twentieth century. Drug scares typically involve an association between an allegedly “dangerous drug” and a “dangerous class” of individuals: working-class immigrants, nonwhite racial/ethnic groups, youths, or some combination thereof. This has been true, for example, of the Chinese and opium, African Americans and cocaine, and Mexicans and marijuana (Helmer 1975; Musto 1987). During drug scares, antidrug crusaders often receive extended media coverage, which helps mobilize public opinion in support of new drug laws and increase law enforcement against drug offenders. In the 1930s, for instance, Harry Anslinger, commissioner of the Federal Department of Treasury's Bureau of Narcotics, led a national campaign against the sale and use of marijuana (Becker 1963; Gray 1998). Under Anslinger's leadership, the bureau prepared a number of “educational” articles for distribution to magazines and newspapers. These articles included a number of outrageous atrocity stories such as the following incident reported in *American Magazine* in 1937:

An entire family was murdered by a youthful [marijuana] addict in Florida. When officers arrived at the home they found the youth staggering about in a human slaughterhouse. With an ax he had killed his father, mother, two brothers, and a sister. He seemed to be in a daze. . . . He had no recollection of having committed the multiple crime. The officers knew him ordinarily as a sane, rather quiet young man; now he was pitifully crazed. They sought the reason. The boy said he had been in the habit of smoking something which youthful friends called “muggles,” a childish name for marijuana. (cited in Becker 1963:142)

In the 1980s, crack cocaine emerged in the media as the preeminent dangerous drug (Reeves & Campbell 1994). Crack is a smokable form of cocaine that can be easily manufactured by boiling powdered cocaine (cocaine hydrochloride) with additives like novocaine and baking soda and placing the boiled mixture in ice water until it hardens. In his book *The Rise*

and Fall of a Violent Crime Wave: Crack Cocaine and the Social Construction of a Crime Problem, Henry Brownstein (1996) attributes the rise of crack cocaine to the overproduction of coca leaves (the source of powdered cocaine) in the three countries that are the greatest source of cocaine imported into the United States (Bolivia, Colombia, and Peru) and to the consequent opportunity for drug traffickers to expand the cocaine market. Whereas powdered cocaine had been consumed primarily by middle-class and more affluent individuals, crack could be sold in small, inexpensive quantities to low-income segments of the population. (Four ounces of powdered cocaine equates to about a thousand doses in crack form.)

Media stories about crack cocaine first appeared in a November 1984 *Los Angeles Times* article and in the *New York Times* a year later. At that time, crack was known to have appeared only in the impoverished neighborhoods of a few large cities. But by the spring of 1986, drug coverage reached a virtual feeding frenzy in the national media, which claimed that crack cocaine and a “coke plague” had spread to the suburbs and America’s heartland and now constituted a “national crisis.” Existing crime data, however, suggested that this simply was not true (see Chapter 2). Even the federal Drug Enforcement Administration (DEA) announced in 1986 that “crack was not a major problem in most areas of the country” (Brownstein 1996:41; Orcutt & Turner 1993; Reinerman & Levine 1989).

In his research, Brownstein (1996) was especially concerned with media claims, echoed by politicians and law enforcement, that crack cocaine was linked with an epidemic of violent criminal behavior. According to Brownstein, when crack was first introduced, the market was in fact “dominated by young . . . well-armed . . . entrepreneurs who operated independently of established drug trafficking organizations . . . [and who] turned to violence over such things as market share and product quality.” But over time, this disorganized and rather violent market evolved into “confederations of independent dealers . . . [and] a more highly structured and less violent business-like industry” (p. 40). Moreover, research indicated that while almost all crack users had previously used other illegal drugs, their involvement with crack was for the most part unrelated to increased nondrug or violent criminality (Johnson et al. 1995). Nevertheless, the media constructed a moral panic suggesting that crack-related violence could affect anyone, anywhere. According to *Time* magazine, “A growing sense of vulnerability has been deepened by the belief that deadly violence, once mostly confined to crime-ridden ghetto neighborhoods that the police once wrote off as free-fire zones, is now lashing out randomly at anyone, even in areas once considered relatively safe” (Attinger 1989:38).

Reinerman and Levine (1989) acknowledge that crack is a very dangerous drug. They believe, however, that exaggerated drug scares are an inf-

fective way to solve the drug problem and may even increase interest in drug use (see Chapter 5).

The Politics of Crime Control

In many ways the 1960s defined the terms of the contemporary political debate over what to do about crime (Miller 1973). **Liberals** of that period claimed, as they do today, that crime could be prevented through social policies aimed at ameliorating the underlying “root causes” of crime associated with poverty and unequal opportunities, especially for racial and ethnic minorities, for whom discrimination is a persistent problem. Government-supported social programs that promote economic and educational opportunities and that provide needed social services are the prescribed cure. For those already caught up in the cycle of crime, rehabilitation rather than punishment per se is the preferred objective, with those accused and convicted of crimes being guaranteed rights of due process while under the control of the criminal justice system.

Conservatives, on the other hand, emphasized personal responsibility to refrain from criminal behavior. Unfavorable life conditions are no excuse. Criminal behavior is a choice; those who choose to commit crime must be held accountable. We must resign ourselves to the fact that “wicked people exist” and that we have no recourse but to set them apart from the rest of us (Wilson 1975:235). To the extent that there are root causes of crime, these reside in the decay of moral values, not in the absence of economic opportunities. The government can do little to solve these problems and should get out of people’s lives. We need to liberate our criminal justice system from undue restraint so that punishment can be more certain, swift, and severe.

In 1965, President Lyndon Johnson, a Democrat, established the President’s Commission on Law Enforcement and Administration of Justice. Johnson asked the commission to “deepen our understanding of the causes of crime and of how society should respond to the challenge of the present levels of crime” (President’s Commission 1967:2). The commission acknowledged the liberal agenda when it wrote: “Crime flourishes where the conditions of life are the worst. . . . Reducing poverty, discrimination, ignorance, disease and urban blight, and the anger, cynicism or despair those conditions can inspire, is . . . essential to crime prevention” (p. 279). This apparent statement of liberal principles was a mere footnote, however, to the more conservative-oriented criminal justice strategies that dominated the commission’s 17-volume report, strategies that involved “policemen, prosecutors, judges [and] correctional authorities.” Even so, in the 1968 presidential campaign, Republican candidate Richard Nixon and right-wing

Independent candidate George Wallace accused the Democrats of being “soft on crime” (Conklin 2001).

The Reagan-Bush Years

In 1974, less than two years after President Nixon was reelected, he was forced to resign for his involvement in a cover-up (obstruction of justice) of a burglary on behalf of his reelection campaign at the Democratic National Committee headquarters in the Watergate hotel and office complex (see Chapter 7). The Watergate affair focused public attention on the problem of political corruption and encouraged the pursuit of white-collar crime as an investigative priority of the US Justice Department during the Democratic presidency of Jimmy Carter (Katz 1980).

In the 1980s, however, President Ronald Reagan, a Republican, shifted federal law enforcement priorities by moving the drug problem to center stage in the political debate about crime. Reagan declared a **war on drugs**, a war that would require not just a redoubling of conventional law enforcement efforts, but also an unprecedented involvement of the military in international drug interdiction. On the home front, the slogan **zero tolerance** emphasized “the culpability of casual users” and the belief that “the present problem is [due] to past tolerance . . . [for which] nothing short of wiping out all illicit drug use will do” (Gordon 1994a:33). The war on drugs, in Reagan’s words, was “our national crusade” (quoted in Gordon 1994a:34). To accomplish this goal, the Reagan administration diverted millions of federal dollars from drug education, treatment, and research to law enforcement (Kraska 1990).

The Reagan administration, as we shall see, was embroiled in scandals of its own (see Chapters 6 and 7), but this did not stop then-vice president George H. W. Bush from using the “soft on crime” argument against Democratic candidate Michael Dukakis, governor of Massachusetts, in the 1988 presidential campaign. During this campaign, Bush supporters aired a television ad that featured the story of Willie Horton, an African American who had been sentenced to life in prison for his involvement in an armed robbery that resulted in the death of a teenage gas station attendant in Massachusetts. After serving 10 years in prison, he was released for the first of three furloughs (temporary home leaves or community releases). Furlough programs are used by more than half the prison systems in the United States as part of a risk management policy aimed at the gradual reintegration of convicted felons back into the community. To be sure, furloughs are not without risk. But research on furlough programs in the 1970s and 1980s indicates that, on the whole, these programs actually reduced recidivism (return to crime). Horton, however, was not a good candidate for a fourth release. Although prison officials had received complaints about his behavior during his previous furloughs, they released him once again. This

time he escaped and remained free for almost a year until he burglarized the home of a white suburban couple, Angela Miller and Clifford Barnes, and brutally assaulted them. While Horton was raping Miller, Barnes managed to escape and get help. If Barnes had not, he and his wife would likely have been killed (Anderson 1995; Skolnick 1996).

Bush supporters used the Horton tragedy to portray Governor Dukakis as responsible for the release of convicted violent felons. Because Dukakis also opposed the death penalty, Bush was able to portray him as soft on crime. The Democrats, in turn, accused the Bush campaign of exploiting racial stereotypes in an unconscionable way. Nevertheless, the television ad was extremely effective.

As president, Bush continued his predecessor's focus on drugs. During his first year in office, in 1989, Bush addressed the nation in a televised Labor Day speech that illustrates how politicians exploit the crime issue. In a dramatic gesture, Bush held up a bag of crack cocaine that had been purchased by DEA agents at a park across the street from the White House. But we later learned that the arrest had actually been arranged to help dramatize the speech. The Bush administration had asked the DEA to make the drug-buy at the park, but since agents could not find anyone who was selling crack at that location, they lured a dealer to the park in order to make the arrest (Kappeler et al. 2000).

Hal Pepinsky and Richard Quinney (1991) note that the war-making approach to crime entails the belief that threats to our personal and collective security can be traced to identifiable evil people who must be suppressed through intimidation, incarceration, and in some cases execution. In the 1980s, both Republican and Democratic politicians supported this approach and passed draconian drug laws that dramatically lengthened prison terms for persons convicted of even minor drug offenses, leading to an unprecedented explosion in the size of the prison population that is still with us today (see Chapter 12).

The Clinton Years

During the 1992 presidential campaign, it was difficult for President Bush to characterize the Democratic candidate, Arkansas governor Bill Clinton, as soft on crime. As governor, Clinton had demonstrated his support for the death penalty by signing four execution orders, including the order to execute a cognitively impaired African American felon (Kramer & Michalowski 1995). Clinton also favored the expansion of the nation's police forces, a cornerstone of his crime control policy. Clinton did differ from Bush, however, in his support of federal gun control legislation, particularly the **Brady Handgun Violence Prevention Act**, or Brady Bill, which would require a five-day waiting period for the purchase of a handgun. The Brady Bill was named after James Brady, President Reagan's press

secretary, who was shot and seriously disabled in 1981 during John Hinckley's attempted assassination of the president (see Chapter 3).

Politically, gun control has received more support from liberals than from conservatives. Many conservatives feel strongly that the **Second Amendment** to the US Constitution—"A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."—preserves a person's right to own any gun of their choice without government interference. Liberals, on the other hand, interpret these words more narrowly, and in their original historical context, viewing the Second Amendment not as providing a constitutionally protected *individual* right to own a firearm, but as preventing the new national government from interfering with the *collective* right of the citizenry to participate in state-regulated militias (Sunstein 2007; see Chapter 5). As president, Reagan had opposed the Brady Bill, only to endorse it after he left office, perhaps because he no longer needed to worry about incurring the wrath of the National Rifle Association (NRA), a well-funded and influential organization that supports conservative anti-gun control political candidates. Unlike Reagan, Bush continued to oppose the bill. But since it was difficult to characterize Clinton's advocacy of gun control as soft on crime, Bush was unable to use the crime issue to his advantage. After Clinton became president, he signed the Brady Bill into law in December 1993. (The Brady Bill expired in 1998 and was replaced by a national computerized system of background checks operated by the FBI. In 2008 the US Supreme Court ruled that the District of Columbia's ban on handguns to be in violation of the Second Amendment, upholding an individual's right to "keep and bear" a handgun in one's home for the purpose of self-defense.)

During the 1992 campaign and the first year of his presidency, Clinton gave indications that he might also be more liberal than his predecessors on other crime issues. He appointed Lee Brown, a former New York City police commissioner, as director of the Office of National Drug Control Policy. Brown, an advocate of prevention and rehabilitation approaches to drug abuse, defined drug abuse as a "public health problem" that should be addressed through "efforts to grow the economy, to empower communities, to curb youth violence, to preserve families, and to reform health care" (quoted in Gordon 1994a:35). However, when Republicans accused Clinton of "slipping into the old permissiveness," he downplayed this view and Brown eventually resigned in frustration (p. 35). Brown was replaced by Barry McCaffrey, a retired four-star general. Similarly, when Attorney General Janet Reno questioned the existing federal policy of lengthy mandatory sentences for even minor drug offenders (which might necessitate shorter sentences for violent offenders to reduce prison overcrowding), she was removed from the White House policymaking loop. And when Jocelyn Elders, Clinton's surgeon general, expressed interest in examining the expe-

riences of other countries that had decriminalized drugs (and made other controversial statements as well), she was forced to resign (Poveda 1994).

The most significant piece of crime legislation passed during the Clinton administration was the **Violent Crime Control and Law Enforcement Act** of 1994, also called the Federal Crime Bill. The provisions of the bill indicate that the conservative position on crime had prevailed, insofar as (for the time being) law enforcement and punitive measures far outweighed crime prevention and rehabilitation strategies. The bill authorized the spending of over \$30 billion and allocated over three-quarters of this amount to the hiring of more police officers and the building of new prisons. The bill also included a “three strikes and you’re out” provision (life in prison for violent felons and drug felons if the third conviction is for a federal offense), and expanded the death penalty to more than 50 federal crimes (*Milwaukee Journal* 1994b).

The bill was passed in August 1994, while the Democrats were still in control of Congress, and included three provisions that were generally opposed by Republicans. The policing provisions favored by the Clinton administration were those that earmarked federal monies to local police departments that were willing to implement *community policing*—a general term used to describe law enforcement strategies aimed at putting police in closer touch with the community, including foot patrols, community meetings with residents, and an emphasis on solving community problems rather than just making arrests (see Chapter 11). Republicans preferred to allow police departments to define their own priorities—for instance, to use the money to buy more equipment (e.g., squad cars, high-powered weapons) or to expand other law enforcement activities (e.g., specialized crime units).

Republicans also opposed a provision of the bill that banned the manufacture of 19 specific types of “military-style” assault weapons and other firearms having similar characteristics (this ban expired in 2004). Additionally, they opposed the portion of the bill that earmarked money (17 percent of the spending) for social programs aimed at crime prevention, such as youth clubs in housing projects, midnight sports leagues, and drug treatment programs. One Republican congressman characterized the bill as “riddled with social welfare spending that is pork and a cops-on-the-streets program that is a sham” (quoted in *Milwaukee Journal* 1994a:A3).

The George W. Bush Years

President Clinton was embroiled in a well-publicized scandal of his own that focused on his sexual relations with White House intern Monica Lewinsky and allegations that he had lied about this relationship under oath. In 1998 he was impeached by the House of Representatives; although he was acquitted by the Senate, the scandal tarnished the remainder of his administration. In turn, in the 2000 election, George W. Bush, son of former

president George H. W. Bush, became the 43rd president amid controversy over disputed ballots in the state of Florida. The US Supreme Court, in a highly controversial decision, stopped a recount vote in Florida, giving Bush a narrow victory in the electoral college, despite the fact that Democratic candidate Al Gore, US vice president at that time, had won the popular vote nationwide (see Chapter 7).

During the first year of their administration, President George W. Bush and Vice President Dick Cheney started to draw attention in the media for their financial and political connections to Enron, a multibillion-dollar energy corporation that went bankrupt due to fraudulent financial practices (Baker 2002; Corn 2003; Sloan 2001; see Chapter 6). But what seemed to be emerging as an ongoing story was moved off the front pages following the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon, which resulted in the deaths of over 3,000 people and spurred the subsequent antiterrorism campaign against **Al-Qaida** (“The Base”) and its leader, Osama bin Laden, as well as the wars against Afghanistan and Iraq. Six weeks later, the president signed the **USA Patriot Act** into law, amid complaints by civil libertarians that the act went too far in undermining constitutional freedoms (*Patriot* is an acronym for “Providing Appropriate Tools Required to Intercept and Obstruct Terrorism”).

The most controversial elements of the Patriot Act included provisions that allowed for “secret” (without notification) residential searches of individuals deemed a risk to national security, searches of computer files and tracing of Internet communications and library transactions, and detainment of noncitizens without charge for up to six months prior to deportation (Anderson 2003; McCaffrey 2003; Williams 2003b). Controversial as well was the fact that the law did not contain any “new provisions for the monitoring or control of firearms” (Bergman & Reynolds 2002:21). In fact, Attorney General John Ashcroft did not even allow federal law enforcement investigators to use the national background check system to track potential terrorists. Prior to his appointment as attorney general, as a senator from Missouri, Ashcroft had received thousands of dollars in political campaign contributions from the NRA; and one of his main objectives as attorney general was to eliminate delays in the federal system of background checks for gun buyers (Shenon 2008).

The following year, in 2002, the **Department of Homeland Security Act** was passed, creating a large, cabinet-level department to oversee homeland security. Although the purpose of the department was to centralize intelligence and security operations and to reduce duplication of functions among agencies, two key organizations—the FBI and Central Intelligence Agency (CIA)—were excluded from this reorganization scheme (Martin 2003).

Proponents of these reforms claim they have been successful in thus far

preventing another 9/11 type act, while opponents point to the ongoing vulnerability of our chemical and nuclear plants (Kennedy 2004). Over 140 local governments have passed resolutions objecting to the Patriot Act's infringement on civil liberties, indicating a growing rift between local and federal authorities (Isikoff & Klaidman 2003). Anthony Romero, executive director of the American Civil Liberties Union, asserted that the FBI has been "dangerously targeting Americans who are engaged in nothing more than lawful protest and dissent" (quoted in Lichtblau 2003:A3). In a recent exposé of the National Security Agency, "the largest, most costly, and most technologically sophisticated spy organization" in the world, James Bamford (2008) documented the warrantless (and illegal) eavesdropping operation that has been secretly monitoring "millions of phone calls and e-mails an hour," both domestic and international, including the monitoring of confidential personal and business matters unrelated to national security (pp. 1–2).

Bush administration officials, on the other hand, claimed that those who oppose these measures are playing into the hands of terrorists. As Attorney General Ashcroft opined: "To those who scare peace-loving people with phantoms of lost liberty; my message is this: Your tactics only aid terrorists—for they erode our national unity and diminish our resolve. They give ammunition to America's enemies, and pause to America's friends" (quoted in Kappeler & Potter 2005:364). Additionally, Ashcroft linked the **war on terror** to the war on drugs, as if even common drug users were responsible for the spread of terrorism:

The lawlessness that breeds terrorism is also a fertile ground for the drug trafficking that supports terrorism. And the mutually reinforcing relationships between terrorism and drug trafficking should serve as a wake-up call for all Americans. When a dollar is spent on drugs in America, a dollar is made by America's enemies. The Department of Justice is committed to victory over drug abuse and terrorism, and the protection of the freedom and human dignity that both drug abuse and terrorism seek to destroy. (quoted in Kappeler & Potter 2005:354)

All this is made more disconcerting by the fact that in the months before 9/11, Ashcroft ignored FBI warnings about the threat of terrorism. As former acting FBI director Thomas Pickard reported, prior to 9/11 Ashcroft told him, "I don't want to hear about al-Qaida anymore. . . . There's nothing I can do about that" (quoted in Shenon 2008:247; see also Bamford 2008).

The war on terror took a dramatic turn with the US military invasion of Afghanistan, the country that had provided Al-Qaida with a safe haven and base of operations, and with the preemptive war against Iraq. Iraq was arguably the more controversial of these two military campaigns. The Bush administration claimed that Iraqi dictator Saddam Hussein was implicated

in the 9/11 attacks and also possessed **weapons of mass destruction** (WMD)—biological, chemical, and nuclear weapons—that posed a direct threat to the security of the United States. For the most part, the media capitulated to these claims, which were later proven to be false (see Chapter 7). *New York Times* journalist Judith Miller was noteworthy for her articles that cited anti-Hussein Iraqi defectors who testified about Hussein’s WMD capabilities. Vice President Cheney then cited the *New York Times* in his statements to the press as an authoritative source of the administration’s justification for launching the war against Iraq (Isikoff & Corn 2006).

The clandestine background to Miller’s reporting and Cheney’s remarks, however, was that the Iraqi defectors were part of an organized propaganda campaign, or program of **strategic disinformation**—that is, the intentional dissemination of false information for the purpose of achieving political goals (Altheide & Grimes 2005; Judis 2002). Indeed, the Iraqi defectors belonged to a group led by Ahmad Chalabi, the **Iraqi National Congress**, that was funded by the CIA and Pentagon and used to “sell” the war to the American people (Bamford 2005). John Rendon, a public relations specialist in the Rendon Group, was hired to organize and disseminate these stories to the media. Rendon described his role this way: “I am an information warrior and a perception manager . . . a person who uses communication to meet public-policy or corporate-policy objectives” (quoted in Bamford 2005:3).

Criminology and the Sociological Imagination

In this book we aim to provide you with an alternative to the media and political constructions of crime that have been discussed in this chapter. By exploring the exciting field of criminology, we hope to encourage you to step outside of such conventional understandings and learn to exercise your sociological imagination.

Criminology is an interdisciplinary field of study that involves theoretical explanation and empirical research regarding the process of lawmaking, lawbreaking, and the societal reaction to lawbreaking (Sutherland 1947). The discipline of sociology has occupied a special place among the interdisciplinary components of criminology (e.g., anthropology, biology, economics, political science, psychology), and according to Ronald Akers, **sociological criminology** still constitutes the field’s “intellectual center of gravity” (1992:4). For much of the twentieth century, criminology in the United States was most often taught in departments of sociology and its most widely used textbooks were written by sociologists. Hence the study of criminology came to be defined as an attempt to understand crime as a social rather than an individual phenomenon—that is, as a consequence of social relationships and the organization of society.

In the late 1960s, however, sociology began to lose its hold on the field. The federal government provided funds that enabled law enforcement agencies to upgrade their educational requirements and encourage their personnel to obtain postsecondary education degrees. This resulted in an expansion of college and university **criminal justice** programs outside of sociology departments, which became readily apparent by the 1980s. By 1990 there were over a thousand such programs in the United States offering undergraduate degrees and nearly a hundred offering graduate degrees (Akers 1992; Sorensen et al. 1994).

The terms *criminology* and *criminal justice* suggest different orientations. Criminology tends to focus on the phenomena of crime and criminals, while criminal justice tends to focus on the agencies that respond to criminal law violation: the police, courts, and corrections systems. Criminology tends to be more theoretical and research-oriented, while criminal justice is more practical or applied. But in many respects the division between criminology and criminal justice is artificial, and the two are so closely interwoven that a convergence has been under way for some time. As Jonathan Sorensen and colleagues noted, “criminal justice programs often include criminology in the curriculum . . . [and] criminologists often teach in criminal justice programs . . . and conduct research on the criminal justice system. . . . As criminal justice develops further as a discipline, the methodology employed in criminal justice research will become comparable to that used in criminology” (1994:152–153).

Cultivating a Sociological Imagination

Whether you are reading this book as part of a course in sociology, criminal justice, or another related curriculum, you now have the opportunity to cultivate a **sociological imagination** for thinking about crime. According to C. Wright Mills (1959), a sociological imagination helps us see the ways in which personal or private troubles are related to public issues. It helps us understand how our lives are impacted by social forces that define and constrain our choices and opportunities, our sense of the possible, our very sense of ourselves. It helps us understand how our individual biographies and the biographies of others intersect with both broader historical and social conditions and the relationships we have with one another.

Victimization from crime, for example, is an unfortunate and often traumatic private experience. But when victimization falls disproportionately on a certain group or groups, such as the poor or economically disadvantaged, there is a nonrandom patterning to this problem that requires sociological explanation (see Chapters 2 and 8). Or when large numbers of women experience some form of sexual violence or abuse, mostly from nonstrangers, this cannot be understood without sociological insight (see Chapter 10).

This perspective is also well illustrated in the following accounts of the lives of African American gang members. In his book *A Nation of Lords: The Autobiography of the Vice Lords*, David Dawley gives voice to the experiences of Chicago youths growing up in the late 1950s and 1960s:

When we got here, *the pattern was already laid out for us*. We weren't aware of what was going on and what we thought, but we were living in the years when you couldn't walk the streets without somebody telling you they were gonna down you. Much of what we did was bad, but we didn't know why, and there just wasn't anybody who could help us. Now we know something about what made us kill each other, but in 1958 we were crammed so close together that the least little thing could touch something off. (1992:3, emphasis added)

Similarly, in *Monster: The Autobiography of an L.A. Gang Member*, Sanyika Shakur (1993), also known as Monster Kody Scott, writes about his life as a member of the Crips in South Central Los Angeles in the 1970s:

My mind-set was narrowed by the *conditions and circumstances prevailing around me*. Certainly I had little respect for life when practically all my life I had seen people assaulted, maimed, and blown away at very young ages, and no one seemed to care. I recognized early that where I lived, we grew and died in dog years. . . . Where I lived, stepping on someone's toe was a capital offense punishable by death. . . . *I did not start this cycle*, nor did I conspire to create conditions so that this type of self-murder could take place. . . . To be in a gang in South Central when I joined—and it is still the case today—is the equivalent of growing up in Grosse Pointe, Michigan, and going to college: everyone does it. (pp. 102, 138, emphasis added)

When Dawley and Shakur speak of “the pattern . . . already laid out” or the prevailing “conditions and circumstances” that they “did not start,” they are speaking of the influence of **social structure** on their lives. Social structure is a concept used by sociologists to refer to the patterns of social interaction and institutional relationships that endure over time and that enable or constrain people's choices and opportunities. As we shall see, social relations of inequality and power—particularly those based on class, race/ethnicity, and gender—are among the most significant components of social structure. Social structures are, in a sense, external to individuals insofar as they are not of their own making and exist prior to their engagement with the world. At the same time, social structures do not exist independently of **social action**. Rather, they are ongoing accomplishments reproduced by individuals acting in particular ways in specific situations (Giddens 1981; Messerschmidt 1997). The members of the Vice Lords and the Crips did not create the social structures that they confronted in their lives, but through their actions they re-created or reproduced the conditions that were already there.

A sociological imagination does not imply a view of individuals as mere dupes or passive recipients of social structures. Individuals are thinking, self-reflexive beings who are capable of assessing their circumstances and choosing among alternative courses of action (Sandstrom et al. 2006). Through this capacity for **personal agency**, they exercise a degree of control over their lives and at times even manage to transform or reconfigure the social relationships in which they are enmeshed (Berger 2008; Emirbayer & Mische 1998). Social psychologists often describe this as a matter of **self-efficacy**, the ability to experience oneself as a causal agent capable of *acting upon* rather than merely *reacting to* the external environment (Gecas 1989; Bandura 1997). To illustrate this point, we need only recall the actions of Rosa Parks, an African American seamstress who on a December day in 1955 refused to relinquish her seat to a white man on a bus in Montgomery, Alabama, as she was *required by law to do*. Parks had already been actively challenging bus segregation laws, and this incident “sparked a year-long citywide boycott of the public transit system and galvanized the entire civil rights movement of the 1950s and 1960s,” dramatically changing the nature of race relations in the United States (Newman 2000:21).

Challenges to the Legalistic Definition of Crime

Cultivating your sociological imagination also requires reconsidering the **legalistic definition** of crime. Paul Tappan was a prominent proponent of the legalistic definition: “Crime is an intentional action in violation of criminal law . . . committed without defense or justification, and sanctioned by the state as a felony or misdemeanor” (1947:100). Tappan believed that criminologists should narrowly confine their subject matter to behaviors that met this definition. It was inappropriate, he maintained, for criminologists to assert their own values by defining what should or should not be included in the criminal law as crimes.

Edwin Sutherland, one of the most important criminologists of the twentieth century, rejected this approach when he introduced the term **white-collar crime** at his presidential address to the American Sociological Society in 1939 (Friedrichs 2007). Sutherland (1949), who defined white-collar crime as crime committed by persons of respectability and high social status in the course of their occupations, was especially interested in documenting the extent of law violation among the largest corporations in the United States. He did not wish his study to be constrained by the criminal code, and it was his contention that noncriminal *civil* and *regulatory* (or administrative) law violations should also be considered.

All three systems of law—criminal, civil, and regulatory—are concerned with the social control of what has been deemed harmful or injurious conduct by a governmental body. These systems of law all involve proce-

dures set up to adjudicate competing claims and to ascertain responsibility regarding such conduct. **Criminal law** defines harmful conduct as a public matter and mandates the intervention of traditional law enforcement authorities (i.e., police and prosecutors). **Civil law** defines harm as a private matter to be settled by individuals (and their attorneys) as private parties in the courts. **Regulatory law** is concerned with the imposition of rules and standards for business-related activity, and at the federal level involves agencies like the Environmental Protection Agency, the Occupational Safety and Health Administration, and the Securities and Exchange Commission. While the lines of demarcation between these three systems are not always clear, only criminal law allows for the imposition of jail or prison sanctions instead of or in addition to financial penalties, although failure to comply with civil or regulatory rulings may lead to such sanctions. Violation of criminal law carries the greatest moral condemnation, because of the stigma associated with crime (Friedrichs 2007).

In his research, Sutherland (1949) uncovered extensive law violations on the part of corporations in areas such as antitrust (illegal price-fixing and restraint of trade), misrepresentation in advertising, copyright infringement, and unfair labor practices, although only 16 percent of these violations were prosecuted under criminal law. Nevertheless, Sutherland felt justified in calling these violations crimes. In his view, corporations that engaged in harmful conduct were able to avoid the application of criminal law, and the consequent stigma associated with such application, because of their economic and political clout. Sutherland was unwilling to also allow corporations to exert such influence on criminological research.

The legalistic view expressed by Tappan is often associated with the **consensus perspective** on crime. The consensus approach takes the existing criminal law for granted and assumes there is general agreement in society regarding what is right and what is wrong, regarding those behaviors that should be criminalized and those that should not. In contrast, many of Sutherland's followers prefer a **conflict perspective** on crime, viewing definitions of crimes as matters of disagreement, the assertions of economic and political power, and the struggles of competing groups to use the law to their advantage (Chambliss & Seidman 1971; Quinney 1970; Turk 1969; see Chapter 5).

The labeling approach. Thinking about crime with a sociological imagination requires us to move beyond the legalistic-consensus view. **Labeling theory** is a perspective in criminology that does just this. It encourages us to think about crime as “a label that is attached to behavior and events by those who create and administer the criminal law” (Barlow 1996:10). Legislators, for instance, establish legal definitions that label some actions as crimes, and criminal justice officials apply these definitions to particular individuals.

The labeling approach assumes that many (if not most) of us have violated the law at one time or another. If we were never caught, however, we were never officially designated or stigmatized as a criminal. What matters most, then, is the societal reaction to our behavior. Recall the comment of the probation officer whom Marjorie Zatz (1987) cited in her study of the moral panic over Chicano gang violence: “Kids in cowboy hats and pickups, drinking beer and cruising . . . aren’t thought of as a gang. But . . . Chicano kids driving lowriders, wearing bandannas, and smoking marijuana . . . are” (p. 136). This type of bias is also documented by William Chambliss (1973) in his oft-cited study “The Saints and the Roughnecks.” Chambliss found that the delinquent acts of the lower-class Roughnecks brought forth legal sanctions and community condemnation, while the (quite extensive) delinquencies of the upper-middle-class Saints were treated lightly or ignored. From the perspective of labeling theory, being a criminal is an accorded social status that is relatively independent of actual involvement in lawbreaking (Becker 1963; see Chapter 4).

Critical criminology. Sociological thinking about crime encourages us to consider the ways in which social privilege and influence affect the process of **criminalization**—that is, the process by which the criminal law is selectively applied to social behavior, making some individuals and groups more or less vulnerable or immune from legal control (Hartjen 1974). **Critical criminologists** have been the most radical in their critique of the legal system’s bias in the criminalization process, and they have searched for an alternative to the legal definition of crime to broaden the subject matter of criminology. Herman Schwendinger and Julia Schwendinger (1970), for example, advanced a definition of crime as the violation of **human rights**. According to the Schwendingers, egalitarian principles of social justice mandate that all individuals be entitled to certain inalienable rights that are “the fundamental prerequisites for well-being, including food, shelter, clothing, medical services, challenging work and recreational experiences,” as well as security from predatory individuals, corporate transgressions, and governmental repression (p. 145). From this perspective, economic or political systems of injustice that deny these rights or that promote racism, sexism, economic exploitation, or environmental degradation, for instance, are proper topics of criminological inquiry.

This human rights definition of crime has been characterized as so broad as to entail the abandonment of criminology as a distinct field of study (Turk 1975). Hence Raymond Michalowski (1985) proposed an alternative concept, that of **analogous social injury**, as a way to broaden our understanding of crime. Michalowski defined analogous social injuries as “legally permissible acts or sets of conditions whose consequences are similar to those of illegal acts” (p. 317).

The controversy over the marketing of infant formula (milk powder) by multinational corporations in underdeveloped countries is an example of the type of behavior that would fall within either the human rights or the analogous social injury definition of crime. Problems associated with the use of infant formula in the poverty-stricken and rural areas of these countries had been reported since the late 1950s. Corporations aggressively marketed the product as a modern alternative to breast-feeding, but illiteracy, lack of clean water, and inadequate refrigeration made use of infant formula more dangerous than mother's milk. Moreover, the cost of infant formula unnecessarily consumed a large portion of a family's income, and parents often diluted the mixture to make it go further. Thus bottle-fed babies in these countries were more likely than breast-fed babies to experience malnutrition, disease, brain damage, and even death. In the late 1970s, public attention to this issue focused on the Swiss-based Nestlé corporation, one of the largest food processors in the world. By the early 1980s, a worldwide protest and boycott finally forced Nestlé to abandon its aggressive marketing techniques, which had included the oversupplying of hospitals with free samples and the bribing of hospital staff to encourage pregnant women to purchase the product (Ermann & Clements 1984; Gerber & Short 1986).

Inequality, Power, and Crime

Sociological analysis of social structure and challenges to the legalistic definition of crime merge in efforts to place questions of **social inequality** and **power** at the center of criminological inquiry. Inequality refers to the unequal distribution of valued social resources such as economic, educational, and cultural opportunities, while power involves the ability to impose one's will on others and to follow a course of action despite attempted resistance or interference from others (Gerth & Mills 1946). According to John Hagan (1989), social relations of power are of great interest to criminologists. "Perhaps this is because crime itself implies a power relationship. To perpetuate crime is often to impose one's power on others, while to be punished for a crime is to be subjected to the power of others. Of course, these power relations are subject to change. Therefore the study of social structure [and crime] often is concerned with changes in power relations . . . over time" (pp. 1–2).

Among the diverse elements of social structure, criminologists have increasingly emphasized the pivotal roles that **class**, **race/ethnicity**, and **gender** play as predominant organizing principles of social life. We have already introduced a number of ways in which these elements of social structure impact on crime. As you read further, their importance will become clearer still.

Class. Concern about the dangerous lower classes threatening the streets of cities can be traced to European social commentaries of the eighteenth and nineteenth centuries (Silver 1974). In 1880, Charles Loring Brace described US cities as consisting of

immigration . . . pouring in its multitudes of poor foreigners who leave . . . young outcasts everywhere in our midst. These boys and girls . . . will soon form the great lower class of our city. They will influence elections; they may shape the policy of the city; they will assuredly, if unreclaimed, poison society all around them. They will help to form the great multitude of robbers, thieves, and vagrants, who are now such a burden upon the law-respecting community. (cited in Platt 1974:373)

Likewise, to this very day, US governmental policy remains focused on the crimes of the lower class. As we have already suggested, however, this is only part of the story of crime, for criminal (or analogous) behavior is prevalent throughout the class structure of society, although the particular form of this criminality tends to vary from class to class (Hagan 1992).

Most people understand social class as a hierarchical relationship that designates individuals on a continuum of lower to middle to upper class based on monetary considerations such as wealth (total assets) or annual income. Viewed in this way, the class structure in the United States is marked by considerable inequality. For example, in 2005 the wealthiest 1 percent of US households owned over one-third of all US wealth, more than the combined assets of the bottom 90 percent of households. Similarly, the top 1 percent earned over 20 percent of all pretax income, about as much as the combined income of the bottom third of the population (Inequality.org 2007; Krugman 2007).

Although economic inequality can be measured in various ways, over the years numerous criminological studies have found that higher levels of inequality are associated with higher levels of predatory street crime among members of the lower stratum of society (see Chapters 4 and 8). On the other hand, crime among the affluent is facilitated by access to organizational resources that are “for white-collar criminals what the gun or knife is for the common criminal—a tool to obtain money from victims” (Hagan 1992:9). Access to these resources enables “individuals operating through formally organized associations and businesses [to] perpetrate larger-scale crimes than individuals acting alone” (Wheeler & Rothman 1982:1406). During the 1980s, for instance, looting by individuals within the savings and loan industry cost taxpayers (who had to bail out insured depositors) billions of dollars. More recently, fraudulent financial activities on the part of Enron and other major corporations cost investors and pension holders countless billions of dollars as well (Reiman 2007; Rosoff et al. 2007; see Chapter 6).

Hagan suggests that classes should be viewed not simply as “‘above’ or ‘below’ one another . . . [but in] relation to one another, with each class representing a common structural position within the social organization of work” (1989:125). One of the earliest proponents of this relational concept of class was Karl Marx, a nineteenth-century German social theorist (see Chapter 4). Marx advanced a view of the class structure of **capitalism** as consisting of a division between the **capitalist class** and the **working class**. Capitalism is an economic system based on the principle of private rather than public ownership of the major means of production (i.e., factories, technology, raw materials). The viability of capitalism depends not merely on the vision, initiative, or risk-taking of capitalist entrepreneurs, but also on a supply of wage laborers who are dependent upon capitalists for employment. According to Marx, the relation between capitalists and workers is one in which capitalists remain dominant and enjoy a disproportionate amount of the economic benefit (and the consequent political power and social privilege) gained from the productive enterprise. David Newman aptly summarizes the advantages that accrue to the capitalist class:

Capitalists have considerable sway over what will be produced, how much will be produced, who will get it, [and] how much money people will be paid to produce it. . . . Such influence allows them to control other people’s livelihoods, the communities in which people live, and the economic decisions that affect the entire society. In such a structure, the rich inevitably tend to get richer, to use their wealth to create more wealth for themselves, and to act in ways that will protect their interests and positions in society. . . . Ultimately the wealthy gain the ability to influence important social institutions such as the government, the media, the schools, and the courts, . . . [all] the means necessary to create and promote a . . . version of reality . . . that justifies their . . . actions. (2004:338–339)

Estimates of population distribution into discrete social classes are difficult to make. In fact, as Paul Sweezy has noted, “it would be a mistake to think of a class as perfectly homogenous internally and sharply marked off from other classes. . . . There is variety within the classes; and one class sometimes shades off very gradually and almost imperceptibly into another” (1953:24). Moreover, in addition to the capitalist and working classes, our contemporary class structure includes a **professional-managerial class** (e.g., corporate managers, doctors, lawyers, politicians, university professors) consisting of individuals who may be employed by others but who maintain a good deal of autonomy over their own work and who may exercise control over the work of others. Nevertheless, statistically speaking, the capitalist class is a minority class, while the working class—including the **working poor** (those who work but who don’t make enough to support a family) and those who are more or less permanently unemployed—compris-

es the majority of the population (Hagan 1989; Newman 2004; Press 2007b; Wright et al. 1982).

The precise statistical distribution of the population into various classes is less important than the observation that class matters. Your class background affects not only your wealth or income but also your entire experience of life—from your manner of speaking to your expectations about the future. As Michael Lynch observes, class “affects where you grow up, how you grow up, and the quality of the schools you attend. . . . It affects your occupational choices, your career path, whom you marry, and . . . even when you have children. It affects your ability to enter politics, and . . . to influence politics. . . . It affects everyday, mundane decisions, from where you shop, to where you eat, and sometimes, whether you eat at all” (1996:16). Class also affects your incentives and disincentives to engage in criminal behavior as well as the resources you have at your disposal for committing certain types of crimes and for avoiding official sanctions for your actions.

Race/ethnicity. In his book *Race Matters*, Cornel West, a distinguished professor of religion and Afro-American studies, recounts the following incidents:

Years ago, while driving . . . to teach at Williams College, I was stopped on fake charges of trafficking cocaine. When I told the police officer I was a professor of religion, he replied, “Yeah, and I’m the Flying Nun. Let’s go nigger!” I was stopped three times in my first ten days in Princeton for driving too slowly on a residential street with a speed limit of 25 miles per hour. . . . [More recently] I left my car . . . in a safe parking lot . . . to catch a taxi. . . . I waited and waited and waited. After the ninth taxi refused me, my blood began to boil. The tenth taxi refused me and stopped for a kind, well-dressed, smiling fellow citizen of European descent. (1994:xv)

Inequality based on race and ethnicity remains an enduring fact of American life and has been a defining feature of our society since European colonization. This inequality has manifested itself in such phenomena as slavery, the forcible seizure of land from the indigenous population, legalized segregation, political disenfranchisement, lack of economic and educational opportunities, and the like (Mann 1993; Newman 2004).

Biological typologies of race most often divide humans into three major groups—Caucasoid, Mongoloid, and Negroid—characterized by various physical traits transmitted through heredity. But distinct racial groups, if they ever did exist, do not exist today due to interracial mixing resulting from migration, exploration, invasions, and involuntary servitude. Speaking of whites and blacks in the United States, for example, Coramae Richy Mann observes:

Euro-Americans are a blend of many ethnic and tribal groups that originated in Africa and Europe . . . [and] many millions of Africans were absorbed into the populations of Mediterranean countries such as Spain, Portugal, Italy, and Greece. . . . Furthermore, when we consider the rapes of African female slaves in the early years of this country, and the resultant millions of mulattoes who were the offspring of these forced alliances, . . . [as well as] those children born as a result . . . of interracial mixing, . . . [and] the millions of African Americans who have “passed for white” in this society, . . . the notion of a “black” race becomes somewhat ambiguous. (1993:5)

The concept of ethnicity further complicates the subject. Ethnicity refers to distinctions among groups according to cultural characteristics such as language, religion, customs, and family patterns. Often we speak of groups according to their country of origin, such as Irish Americans, Polish Americans, or Mexican Americans. Some use the term **minority** to refer to those racial and ethnic groups who experience discriminatory treatment from others in society. Today, the term **people of color** is increasingly used to describe nonwhite racial and ethnic groups. Sociologists, however, regard race and ethnicity as social rather than biological constructs that designate the structural position of a group within a society. A dominant group within a society may even impose a particular racial/ethnic label on another. In the United States, for instance, people of mixed racial background were historically classified as black if they had a single drop of “black blood”—the **one-drop rule**—in their hereditary line (Lerner 1997; Wright 1994).

For the purpose of data collection by federal agencies, the US government identifies the following racial/ethnic categories: American Indians/Alaskan Natives, Asians, blacks (African Americans), Hispanics/Latinos, Native Hawaiians and other Pacific Islanders, and whites. US Census data for 2006 indicate that non-Hispanic whites constitute about 65 percent of the population, followed by Hispanics (15 percent), blacks (13 percent), Asians (4 percent), American Indians/Alaskan Natives (1 percent), and Native Hawaiians/Pacific Islanders (less than 1 percent). The 2000 census was the first time the government gave respondents the option of checking more than one racial/ethnic category; in 2006, about 1.6 percent of the population identified themselves in this way (US Census Bureau 2008). Unfortunately, criminal justice data are notoriously deficient in reflecting this racial/ethnic diversity. Most offenders are categorized only as black or white, and Hispanics are usually included as white. Moreover, “the criminal justice officials responsible for classifying persons may be poorly trained and may rely on their own stereotypes” about the appearance of different groups (Walker et al. 2004:14).

As we have already suggested, racial/ethnic stereotypes have influenced media representations, public opinion, and governmental policies regarding crime. The war on drugs in particular has unduly targeted African

Americans, whose arrests and sentences for drug offenses, when compared to those of whites, have been disproportionate to their actual rates of law violation (Blumstein 1993; DiMascio 1997; Tonry 1995; see Chapter 8). Thus, by the mid-1990s, criminologists began raising an alarm about the fact that one-third of all African Americans in their twenties were under control of the criminal justice system (Mauer & Huling 1995); and currently, African Americans constitute about 40 percent of the US prison population (Sabol et al. 2007; see Chapter 12).

Michael Tonry (1995) argues that the racial impact of the war on drugs, broadly defined to include lower-level drug users, was deliberate and foreseeable. Even if justified by higher rates of law violation, a similar policy toward whites would not be tolerated; we would find another way to deal with the problem of crime. Diana Gordon (1994b) believes that this policy reflects a fear of racial minorities and is a smokescreen for our inability or unwillingness to address the problems of the inner city. This likely explains why African Americans are more distrustful than European Americans of the criminal justice system.

The war on drugs is but one example of the **institutional racism** that exists in the United States. Whereas the term *prejudice* refers to the unfavorable attitudes or beliefs held by individuals toward other groups in a



African Americans are overrepresented in the criminal justice system in the United States.

society, the term *institutional racism* refers to the racial inequalities that are produced when persons in power act in discriminatory ways (Mann 1993; Newman 2004).

Gender. The position of women in both society and the field of criminology has undergone considerable change over the years. Before the 1970s, criminologists either ignored or gave only passing notice to female offenders or victims. Albert Cohen, well known for his research on male gang delinquency, dismissed females in this way:

For the adolescent girl as well as for the adult woman, relationships with the opposite sex and those personal qualities which affect the ability to establish such relationships are central in importance. . . . “Boys collect stamps, girls collect boys.” . . . Dating, popularity with boys, pulchritude, “charm,” clothes and dancing are preoccupations so central and so obvious that it would be useless pedantry to attempt to document them. (1955:142, 147)

In his influential book *Causes of Delinquency*, Travis Hirschi relegated females to a footnote that said: “In the analysis that follows, the ‘non-Negro’ becomes ‘white,’ and the girls disappear” (1969:35). When female offenders were discussed in criminology, they were described in various disparaging ways, such as childish, ugly, masculine, manipulative, sexually unsatisfied, plagued by penis envy, or inherently deceitful (because they could conceal lack of sexual arousal and fake orgasm) (see Balkan et al. 1980; Klein 1973). Similarly, women as victims of crime were either ignored or blamed for their victimization. According to Menachim Amir, the victim-precipitated rape victim “is the one who is acting out, initiating the interaction between her and the offender, and [who] by her behavior . . . generates the potentiality for criminal behavior of the offender or triggers this potentiality, if it existed before” (1971:259).

With these characterizations, criminologists were reflecting the attitudes and stereotypes of their day, attitudes and stereotypes that have historically existed in society at large. In the legal system, for example, women have experienced considerable **institutional sexism**—that is, discriminatory treatment by virtue of their sex. In the 1873 US Supreme Court case *Bradwell v. Illinois*, a woman was denied the right to practice law. One judge wrote: “Man is, or should be, woman’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life” (cited in Lingren & Taub 1993:29). In an 1862 North Carolina Supreme Court case, a judge wrote: “The wife must be subject to the husband. Every man must govern his household . . . [and] there may be circumstances which will mitigate, excuse, and so far justify the husband in striking his wife” (cited in Bonsignore et al. 1994:10). A century later, in Wisconsin in 1977, a judge remarked: “Given

the way women dress, rape is a normal reaction.” And in 1982, another Wisconsin judge called a five-year-old sexual assault victim “an unusually sexually promiscuous young lady” (cited in Searles & Berger 1995:179).

The bias in these judicial proclamations is obvious to most of us today, although as we shall see, female *offenders* often receive more lenient treatment in the criminal justice system than their male counterparts. They may be the beneficiaries of paternalistic chivalry, simply be taken less seriously, or be deemed less blameworthy for their crimes (Daly 1994; see Chapters 11 and 12). Nonetheless, criminologists have critiqued outdated stereotypes and given serious attention to women’s experience from their point of view (Daly & Chesney-Lind 1988). Understanding this experience, however, requires familiarity with the concept of gender.

Gender refers to the “social statuses and meanings assigned to women and men” (Richardson et al. 1997:31). The social construction of gender begins at birth (or even before birth) when a child is designated as male or female on the basis of its genitalia. The child is named and dressed in such a way as to make this designation evident to observers, who respond to these gender markers by treating those labeled “boys” differently from those labeled “girls.” The children respond to this differential treatment by coming to feel and behave differently. As Judith Lorber observes:

In social interaction throughout their lives, individuals learn what is expected, see what is expected, act and react in expected ways, and thus simultaneously construct and maintain the gender order. . . . Members of a social group neither make up gender as they go along nor exactly replicate in rote fashion what was done before. In almost every encounter human beings produce gender, behaving in the ways they learned were appropriate for their gender status, or resisting or rebelling against these norms. Resistance and rebellion have altered gender norms, but so far they have rarely eroded the statuses. (1997b:43)

Nearly 2 percent of infants are actually born intersexed, with a mixture of male and female biological traits. Those with genitalia considered “ambiguous” are typically assigned at birth as either male or female and treated with surgery and hormonal therapy. This practice has come under criticism by physicians, researchers, and the intersexed themselves (Fausto-Sterling 1993, 2000; Kessler 1998; see Further Exploration, p. 74 and p. 162).

Traditionally, gender socialization has encouraged females to be more supportive, nurturing, and expressive of feelings than males. Girls have been more closely supervised by their families and given less freedom to “sow their wild oats.” Boys, on the other hand, have been encouraged to be more aggressive and competitive and to take risks, both with each other and with females. These gendered norms and expectations have been reflected in patterns of criminality and victimization. Males commit the overwhelm-

ing majority of crimes, particularly crimes of violence. Prostitution, shoplifting, and adolescent running away from home are the only crimes for which females have ever constituted a majority of arrests. In general, men are the primary victims of crimes by men, although women experience more sexual victimization—rape and sexual assault, child sexual abuse (including incest), domestic battery, and sexual harassment—especially from men they already know. This male predominance in criminal offending, previously glossed over by criminologists, is now a central concern of criminological inquiry (Messerschmidt 1993; see Chapters 9 and 10).

According to Lorber, “Most societies rank genders according to prestige and power and construct them to be unequal” (1997b:40). Societies that ensure inequality between men and women—that grant men more power, prestige, and privilege—have been labeled **patriarchal**. In American society, women continue, on average, to earn less than men, exercise less authority in the workplace, and exert less political and legal influence. Even sexual relationships have been wedded to power, for traditionally it has been assumed that “not only should a man be taller and stronger than a female in the perfect love-match, but he . . . [should] demonstrate his superior strength in gestures of dominance, which are perceived as amorous” (Griffin 1981:78). Traditional norms have encouraged men to adopt a “conquest mentality” toward women, to “act aggressively if they are to ‘get’ sex,” and to regard women’s protestations as efforts to appear respectable rather than as indicating disinterest in having sex with them (Schur 1984:148). Hence it has been common and even socially acceptable for men to impose their sexual desires on women. Given the considerable resistance nowadays (especially by women) to traditional sexual scripts, notions of appropriate sexual expression are clearly in flux. But while many women now feel entitled to pursue and initiate sexual activity, criminologists still think that the domain of sexuality remains “a site where gendered oppression” all too often occurs (Messerschmidt 1993:76).

Clearly, many men do not feel more privileged than women. The pressures to be a breadwinner, to be economically successful, and to compete in the workplace not only with other men but now with women as well, suggest a complex relationship between men’s subjective experience and the reality of their institutionalized advantage. It is also clear that not all men, or women, “do gender” according to traditional norms and expectations. Many feel, think, and behave in law-abiding or law-violating ways that defy gender stereotypes. These variations, however, do not defy the pervasiveness of gender. Rather, they speak to the need to recognize that masculinity and femininity are not homogeneous phenomena. There are a variety of masculinities and femininities that are socially constructed in interaction with class, race/ethnicity, sexual orientation, and other social experiences (Messerschmidt 1997).