

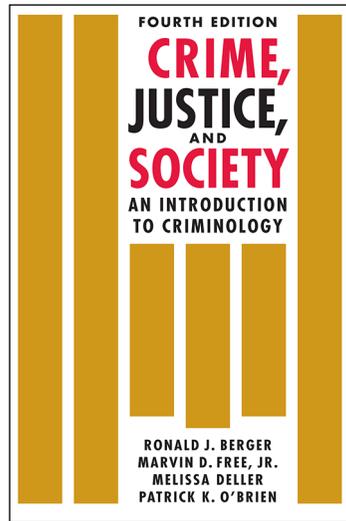
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Crime, Justice, and Society: An Introduction to Criminology

FOURTH EDITION

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1

The Social Problem of Crime

President Franklin Roosevelt famously said that “the only thing we have to fear is fear itself.” When it comes to the problem of crime, however, this observation is both true and untrue. It is true that Americans have considerable fear of crime, but this fear does not always comport with reality. For example, studies indicate that a large portion of the public believes that crime rates in their communities or the country at large have been rising, even when they have actually been on the decline (Kappeler & Potter 2005; Roberts & Stalans 2000). Moreover, this fear of crime is often about the wrong things. Take the case of economic inequality, which has increased markedly in the United States over the past few decades (Domhoff 2013; Johnston 2014). Although societies marked by high levels of inequality also experience more social ills, including education and health disparities, as well as crime, the paradox is that we continue to do little to remedy (and in fact we often exacerbate) the very economic conditions that give rise to the social problems we abhor (Glassner 1999).

Criminologist John Hagan (2010) also notes a related change in US crime policy that occurred during the presidential administration of Ronald Reagan in the 1980s, when a more punitive approach to street crime was undertaken, fueled in large part by a “war on drugs,” at the same time that a more lenient approach to corporate misconduct was initiated through a policy of business deregulation. The former had a disproportionate impact on racial minorities and the poor, an impact that may be viewed as discriminatory (in result if not intent), insofar as blacks do not use more illegal drugs than whites (Alexander 2010; Tonry 1995). And at the same time that people in the lower economic stratum of society were being incarcerated in increasingly large numbers, fueling a historically unprecedented “incarceration boom” (see Chapter 12), the deregulation of the economy that continued under subsequent presidential administrations resulted in a series of corporate scandals—from the collapse of the savings and loan industry in the late 1980s to the corrupt investment and banking practices that gave rise

to the worst financial crisis since the Great Depression in the late 2000s (Madrick 2011).

In his aptly titled book *The Rich Get Richer and the Poor Get Prison*, Jeffrey Reiman (2007) illuminates this paradox by noting that more people are physically harmed, even killed, by exposure to workplace hazards and environmental pollution—some of which is legal, and some of which is illegal—than are harmed by all the assaults and homicides associated with the conventional street crimes that are the priority of the criminal justice system; and more money is stolen through “white-collar” crimes like corporate fraud and illegal price-fixing than from crimes of theft like burglary and robbery. Stephen Rosoff and colleagues observe, for instance, that the cost of the taxpayer bailout of even one corrupt, federally insured savings and loan in the late 1980s “surpassed the total losses of *all* the bank robberies” in the entire history of the United States (2007:xi, emphasis added).

In this book we aim to introduce students to the exciting field of criminology, and in particular sociological criminology, in the hopes of encouraging readers to step outside of conventional understandings of crime. **Criminology*** is a multidisciplinary field of inquiry that involves theoretical explanation and empirical research regarding the process of lawmaking and lawbreaking, and the societal reaction to lawbreaking (Sutherland 1947). The discipline of sociology has occupied a special place among the disciplinary components of criminology, which include biology, psychology, and economics, among others (Guarino-Ghezzi & Treviño 2005), and we agree with Ronald Akers in thinking that **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 was 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 more than a thousand such programs in the United States offering undergraduate degrees, and nearly a hundred offering graduate degrees (Akers 1992; Sorensen et al. 1994).

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

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 correctional 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).

In this first chapter of *Crime, Justice, and Society*, we begin our examination by considering the role of the media and politics in shaping public attitudes and opinions about crime and crime policy. We then provide further introduction to a sociological perspective that places issues of inequality at the center of criminological inquiry.

The Media

Our view of reality is drawn not just from personal experience, but also from representations of events that we do not directly experience ourselves. Research indicates that the mass media, politicians, and law enforcement officials are major sources of our opinions about crime. They play a definitive role in generating, shaping, and reinforcing viewpoints 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 behavior, and apply ready-made solutions to the problem at hand (Beckett 1994; Kappeler & Potter 2005; Surette 2011).

Let us first consider the **mass media**, which may be defined as an institutionalized system of communication that conveys information and symbolic messages to audiences through print and technology. The formative influence of the mass media is pervasive, and there is arguably no single subject matter that provides more content for media communication than crime. As an example, a study called “Dying to Entertain,” sponsored by the Parents Television Council, found that violent content (including sexual violence) in prime time was prevalent in about half of all prime-time television programs (Schulenburg 2007). Moreover, most people report relying 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 2011).

In the late 1980s, a new genre of television crime programming emerged: the tabloid-style **infotainment** shows such as *Cops*, *America's Most Wanted*, *Unsolved Mysteries*, and many similar programs. These shows represent “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; Fox et al. 2007).

Today, in all sources of news reporting, the distinction between news and entertainment is blurred. Television news emphasizes the sordid details of individual crimes, often packaged in 30- to 60-second time spots, and rarely discusses crime as a social issue. There is 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 television news, as well as entertainment media, 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 2011).

The heroes in crime entertainment—in literature, television, and film—are the crime fighters who work both within and, when necessary, outside the formal rules and institutional authority of the legal system. Take the genre of the private eye or private detective, for instance, originally popularized in nineteenth-century print media. Here the “good guy” oddly resembles the criminal 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. The heroics of fictional “super” crime fighters—like Batman, Superman, and Spider-Man—also underscore the need to work outside the official legal order (Newman 1993; Surette 2011).

Dirty Harry, the classic film of the 1970s that spawned several sequels, best illustrates the popular media image of the crime fighter, an image that continues to be relevant to this very day. Harry, played by Clint Eastwood, is a maverick police officer who feels little obligation to abide by “due process” formalities. He 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 Eastwood a film star—“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).

Another iconic figure of Hollywood film lore is Paul Kersey, played by Charles Bronson in the series of *Death Wish* films, also released in the 1970s. Kersey is an average, law-abiding citizen whose wife and daughter are brutally raped by criminal evildoers; his wife is killed and his daughter

is left in a catatonic state. The police tell Kersey that the prospect of catching the assailants is slim. But Kersey also witnesses other violent crimes and, frustrated with the ineffectiveness of the police, decides to take matters into his own hands and become a vigilante killer. The message we are left with is that law-abiding citizens need to arm themselves to protect themselves and their families against bloodthirsty criminals.

Crime Waves and Moral Panics

Another way in which the media influence our perceptions of crime is through the construction of 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

FURTHER EXPLORATION

Stand Your Ground: George Zimmerman vs. Trayvon Martin

On February 26, 2012, Trayvon Martin, a 17-year-old black male, was fatally shot by George Zimmerman, a 28-year-old male of white and Hispanic descent, as Martin was walking home from a convenience store while visiting his father in Sanford, Florida. Zimmerman was the coordinator of the neighborhood-watch program in the gated community in which the shooting took place, and just prior to the shooting he called the police to report a “real suspicious” individual after observing a teenager wearing a black hoodie who was “just walking around looking about.” The dispatcher told him not to pursue Martin, but Zimmerman did so anyway, telling the dispatcher, “These assholes . . . always get away” (Law Center to Prevent Gun Violence 2013).

Zimmerman had been issued a license to carry a gun, even though he had previously been arrested for assaulting a police officer and was the subject of a restraining order related to a domestic violence dispute. Following the shooting, he was taken into custody and questioned for several hours but subsequently released. Although Martin was unarmed at the time of his death—he was found carrying only a bag of Skittles and a bottle of ice tea—and was not engaged in any illegal activity, the police said they had no evidence to disprove Zimmerman’s claim of self-defense under Florida’s **stand-your-ground** law, which relieves an individual who feels threatened by another of the obligation to retreat in order to avoid harm (Law Center to Prevent Gun Violence 2013).

Martin’s death resulted in intense media coverage and much public outcry, in which Zimmerman was portrayed as a “police wannabe” of sorts or even a *Death Wish*-type vigilante figure. Forty-five days passed before Zimmerman was finally charged for Martin’s murder and a criminal trial ensued. The jury was presented with evidence that Zimmerman had incurred

continues

continued

a bloody nose and cuts on his head, but Martin was not alive to dispute Zimmerman's claim that it was Martin, not Zimmerman, who had instigated the altercation. If Zimmerman had never approached Martin, as the police dispatcher advised, Martin would be alive today. Nevertheless, Zimmerman was acquitted of all charges under the terms of Florida's stand-your-ground statute.

The racial overtones of the Martin shooting did not go unnoticed, especially in the wake of other incidents in which white shooters have used stand-your-ground statutes, which have been enacted in more than 20 states, to justify their actions (Cheng & Hoekstra 2013; Yancy & Jones 2013). In another Florida case in 2012, for example, Michael Dunn, a 47-year-old white man, fired multiple shots into a car parked at a convenience store occupied by four black teenagers, killing 17-year-old Jordan Davis. Dunn had apparently asked the youths to turn down their "thug music," as he later described it, and when they refused, an argument ensued. The teenagers were unarmed, but Dunn fired multiple shots into the vehicle, even after the youths were driving away. Unlike Zimmerman, Dunn was convicted of first-degree murder and three counts of attempted murder (Younge 2014).

Gary Younge (2014), commenting on the Zimmerman, Dunn, and similar cases, wonders whether the very presence of "free Black men" remains a threat to gun-carrying white men in certain times and places. As such, Younge would not be surprised by a study conducted by the *Tampa Bay Times*, which found that defendants using stand-your-ground defenses in Florida have been more likely to be acquitted for killing black defendants than white defendants (Hundley et al. 2012). Additionally, a nationwide study of the impact of stand-your-ground laws found that these laws have led to a net increase in the number of homicides (Cheng & Hoekstra 2013).

waves are not. In a classic study that was instrumental in developing the crime wave concept, Mark Fishman (1978) examined a seven-week media-reported crime wave in New York City in the mid-1970s 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 the media began their coverage of crimes against the elderly with reports of several gruesome murders, and 28 percent of the news stories were about homicides, homicides actually made up less than 1 percent of crimes against the elderly. This theme of "crimes against the elderly" conveniently allowed journalists to cast a particular incident as an instance 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), and images of SCRU officers dressed as elderly people arresting muggers provided attractive subjects for news-camera crews. 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 unit 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, Arizona, 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 experienced a dramatic rise in Chicano (Mexican-American) youth gang activity. The claims of the police 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 a threatening social imagery that has the symbolic power to transform occasional or sporadic acts of delinquency into more purposeful activity. In Phoenix, the police department provided its officers with the *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 claims of the police and the media 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 and to have been referred 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 threat and an actual threat that, when reported in the media, generates public support for doing something dramatic about a particular problem (McCorkle & Miethe 2002). In Phoenix, Zatz observed, the more ordinary inclinations of adolescents to congregate in public spaces took on a more ominous appearance and fueled unwarranted fears about Chicano youths as an inherently lawless population. Zatz did not deny that youth gangs existed or that they could pose a serious problem for communities. Nor did she claim that the media always portrayed law enforcement in a positive light. Rather, she cautioned against uncritically accepting police and media accounts of social problems.

However, Fishman (1978) found that there are times in which public officials downplay media stories about crime, being concerned that media reporting causes 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).

But more often than not, media and law enforcement interests converge in finding mutual benefit from portrayals of escalating crime. Philip Jenkins’s study (1994) of the serial murder problem is a case in point. The media, as noted earlier, are attracted to the unusual. During the 1980s, media accounts began to describe serial murder as reaching epidemic proportions. 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 in 1984 that suggested serial murders accounted for about 20 percent (about 4,000) of all the homicides committed in the United States each year. Over the next two years, this estimate was repeated in numerous other news reports. The data in these reports were based on Fed-

eral 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 (the *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 still accounted for no more than 2 to 3 percent of all homicides.

Jenkins observed that officials in the US Justice Department and in particular 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. (quoted in 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 part of the twentieth century. Drug scares typically involve an association between an allegedly “dangerous drug” and a “dangerous class” of individuals: working-class immigrants, racial or ethnic minorities, youths, or some combination thereof. Historically this has been true for the Chinese and opium, African Americans and cocaine, and Mexicans and marijuana (see Chapter 7). During drug scares, antidrug crusaders often receive extended media coverage, which helps mobilize public opinion in support of new drug laws and increased law enforcement against drug offenders. In the 1930s, for example, Harry Anslinger, commissioner

of the federal Department of the Treasury's Bureau of Narcotics, led a national campaign against the sale and use of marijuana (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 crimes. 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 powder 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 powder cocaine is consumed primarily by middle-class and affluent individuals, crack can be sold in small, inexpensive quantities to low-income people (four ounces of powdered cocaine can serve a thousand).

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 had only appeared 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. Even the federal Drug Enforcement Administration (DEA) announced in 1986 that "crack was not a major problem in most areas of the country" (cited in Brownstein 1996:41).

In his research, Brownstein (1996) was especially concerned with media claims, echoed by politicians and law enforcement officials, that crack cocaine was linked to 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 that suggested 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).

Reinarman and Levine (1989) acknowledge that crack is a very dangerous drug. They believe, however, that exaggerated drug scares are an ineffective way to solve the drug problem and may even increase interest in drug use.

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 era claimed, as they do today, that crime could be prevented through social policies aimed at ameliorating the underlying “root causes” associated with economic inequality and poverty, especially with regard to racial and ethnic minorities, for whom discrimination is a persistent problem. Government-supported social programs that promote economic and educational opportunities and 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 the role of personal responsibility in refraining from criminal behavior. Unfavorable life conditions are no excuse. Criminal behavior is a choice, and those who choose to commit crime must be held accountable. We must resign ourselves to the fact that “wicked people exist” and 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 opportunities. The government can do little to solve these prob-

lems 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 reducing crime. The commission acknowledged the liberal agenda when it wrote in 1967: "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—that is, strategies that involved "policemen, prosecutors, judges [and] correctional authorities." Even so, in the 1968 presidential campaign, Republican candidate Richard Nixon and right-wing American Independent candidate George Wallace accused the Democrats of being "soft on crime" (Hagan 2010).

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 of a burglary that had been committed on behalf of his reelection campaign at the Democratic National Committee headquarters in the Watergate hotel/office complex (see Chapter 10). 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 administration of President Jimmy Carter, a Democrat, in the late 1970s (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 (Gordon 1994a). Domestically, 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" (p. 33). The war on drugs, in Reagan's words, was "our national crusade" (p. 34). To accomplish this goal, the Reagan administration diverted millions of federal dollars from drug education, treatment, and research to law enforcement. To be sure, the Reagan administration's antidrug agenda was a bipartisan effort, as

Democrats in Congress also favored passage of punitive drug laws in order to curry votes and ward off being perceived by the public as soft on crime (Hagan 2010).

At the same time, the Reagan administration was embroiled in political scandals of its own. On the domestic front, one scandal involved Anne Gorsuch, an antiregulatory state legislator from Colorado who was Reagan's first choice to head the Environmental Protection Agency (EPA). Gorsuch's appointment was sponsored by Joseph Coors, the archconservative Coors brewery mogul who had founded the Mountain States Legal Foundation, a group dedicated to the evisceration of environmental regulations. During Gorsuch's brief term in office, she increasingly staffed the EPA with people who had previously worked for the very corporations the agency was supposed to be regulating. In 1982 the so-called **Sewergate scandal** erupted, which revealed Gorsuch's assurances to polluting corporations that the EPA would not enforce environmental regulations against them. These assurances included arrangements that allowed polluting companies to avoid full payment of environmental cleanup costs, as well as delays in waste-site cleanup timetables. The scandal forced Gorsuch to resign, and Rita Lavelle, who had been appointed to head the EPA's Superfund environmental cleanup program, was convicted on criminal charges of perjury for lying under oath about her antiregulatory activities (Kennedy 2004; Szasz 1986).

On the foreign policy front, the Reagan administration was also embroiled in a foreign policy controversy—dubbed the Iran-Contra scandal—that was related to its covert actions in the Middle East and Central America, which we will consider later in this book (see Chapter 10). But despite its tainted record, the administration managed to gloss over the apparent hypocrisy that might have undermined its claim to be a champion of “law and order” (Hagan 2010). As such, then-vice president George H. W. Bush was not deterred from using the soft-on-crime argument against Massachusetts governor Michael Dukakis, the Democratic candidate, in the 1988 presidential campaign, infamous in the annals of campaign history for the Willie Horton television commercials aired by Bush supporters.

Horton, an African American, 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 indicated that on the whole these programs actually reduced criminal recidivism (Skolnick 1996). Horton, however, was not a good candidate for a fourth release. Although prison offi-

cials 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 he had not, they likely would have been killed (Anderson 1995).

The Horton incident was a tragedy. But Bush supporters used it 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 ad was extremely effective.

As president, Bush continued his predecessor's focus on drugs. During his first year in office, he addressed the nation in a 1989 televised Labor Day speech that illustrates how politicians exploit the crime issue for political advantage. 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. We learned later that the arrest had actually been arranged to help dramatize the speech! The Bush administration had asked the DEA to make an illegal 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 (Glassner 1999).

The Clinton Years

During the 1992 presidential campaign between the incumbent Bush and Arkansas governor Bill Clinton, it was difficult for Bush to characterize Clinton as a soft-on-crime Democrat. As governor, Clinton had demonstrated his support for the death penalty by signing four execution orders, including the order to execute a mentally 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. On the other hand, Clinton differed from Bush in his support of federal gun control legislation, particularly the Brady Handgun Violence Prevention Act, known simply as the Brady Bill, which required a five-day waiting period for the purchase of a handgun. The Brady Bill was named for James Brady, the press secretary for President Reagan, who had been 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 their 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). 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 pro-gun 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. A decade later, in *District of Columbia v. Heller* (2008), the US Supreme Court ruled that the District of Columbia's ban on handguns was in violation of the Second Amendment, thus upholding an individual's right to "keep and bear" a handgun in one's home for the purpose of self-defense. At the same time, this decision did not preclude gun control measures that stopped short of a ban on home handgun ownership.

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 experiences 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 indicated that the conservative position on crime had prevailed, insofar as law enforcement and punitive strategies far outweighed crime prevention and rehabilitation measures. The bill authorized the spending of more than \$30 billion and allocated 45 percent of this amount to the hiring of more police officers and 33 percent to the building of new prisons. The bill also included a “three strikes and you’re out” provision (life in prison for violent and drug felons if the third conviction is in federal court), 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 earmarked federal monies to local police departments willing to implement community policing—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 would have liked to allow police departments to define their own priorities—for instance, to use the money to buy more equipment, such as squad cars and high-powered weapons, or to expand other law enforcement activities, such as 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 and has not been reauthorized since). In addition, Republicans 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).

Although the Clinton administration was more favorable to environmental regulation than its Republican predecessors had been, its record of **antitrust law** enforcement was more ambiguous. Antitrust law in the United States has its roots in the Sherman Antitrust Act of 1890, which prohibits business combinations that result in a *restraint of trade* (including noncompetitive agreements to fix prices) or the *monopolization* of an industry. Technically speaking, a monopoly refers to one company, whereas the concentration of corporate power in the US economy is best characterized as an **oligopoly**, whereby a few firms dominate basic industries in society. Nevertheless, the Clinton administration approved corporate mega-mergers

that would have been unthinkable a few years earlier and favored the deregulation of the financial industry as well (Berger 2011).

At the same time, the administration did pursue some high-profile antitrust cases. Most notable was the case against Bill Gates's Microsoft Corporation, which was accused of abusing the virtual monopoly it had acquired from its Windows operating system to gain an unfair competitive advantage on sales of other software products. The most egregious action involved Microsoft's pressuring of retailers who sold Windows to also sell its Internet Explorer browser rather than the Netscape Navigator browser, which controlled a larger share of the market at the time. In 1999, a federal judge ruled against Microsoft and suggested that severe sanctions might be in order, including breaking Microsoft into two or more companies and increasing government monitoring of its future acquisitions and its contracts with retailers. Microsoft appealed the ruling, and when the administration of George W. Bush took office, a more modest settlement was reached (Rosoff et al. 2007).

Clinton, like the presidents before him, was embroiled in scandals of his own. But among the many allegations of impropriety that surrounded him, the only one that stuck was the allegation that he had lied under oath about a sexual affair with Monica Lewinsky. Although he was impeached by the US House, he was acquitted by the Senate. And although his transgressions may have been morally discreditable, reasonable people would agree that they pale in comparison to the transgressions that both preceded and followed his administration (see Chapter 10).

The George W. Bush Years

Republican George W. Bush, son of the former president, assumed his presidency amid controversy in the 2000 election over disputed ballots in the state of Florida. In a highly controversial decision, the US Supreme Court stopped a recount vote in Florida, giving Bush a narrow victory in the Electoral College, despite the fact that Vice President Al Gore had won the popular vote nationwide (see Chapter 10).

During the first year of his administration, President Bush and Vice President Dick Cheney's financial and political connections to Enron, a multibillion-dollar energy corporation that went bankrupt due to fraudulent financial practices, were starting to draw attention in the media (Corn 2003; see Chapter 9). 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 cost the lives of more than 3,000 people and spurred the subsequent antiterrorism campaign against Al-Qaida ("The Base") and its leader, Osama bin Laden, as well as the US military invasion of Afghanistan and Iraq, the latter justified on the basis of misleading and partly fraudulent evidence (see Chapter 10). Six

weeks later, the president signed the USA Patriot Act into law amid complaints by civil libertarians that the law went too far in undermining constitutional liberties (*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 warrantless 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 (Masci & Marshall 2003). 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 of 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. The following year, in 2002, the Department of Homeland Security Act was also passed, creating a massive, cabinet-level department to oversee homeland security (Martin 2003; Shenon 2008).

Proponents of these measures claim they have been successful in preventing another 9/11-type attack, while opponents raise concerns about the massive expansion of a government surveillance apparatus that has been monitoring millions of phone calls and e-mails an hour, both international and domestic, including the monitoring of confidential personal and business matters unrelated to national security (Bamford 2008). The full ramifications of this surveillance system, which continued into the administration of Barack Obama, were not made known to the American public until Edward Snowden released previously undisclosed “top secret” documents in 2013. Snowden, a former Central Intelligence Agency (CIA) employee, was at the time of the leaks working for a private company that had been contracted by the National Security Administration (NSA), an agency in the Department of Defense. *Time* magazine described Snowden’s leaks as a revelation about a “massive secret US national security state—\$52.6 billion a year, with more than 30,000 employees at the NSA alone” (Scherer 2013:84).

At the time these measures were enacted, the Bush administration claimed that those who opposed them were 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)

Ironically, despite Ashcroft's indignation against those who opposed his post-9/11 policies, before 9/11 he had 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).

As for the problem of corporate crime, the policies of the George W. Bush administration most resembled those of the Reagan administration. In a cabinet appointment that harkened back to the Sewergate scandal, Gale Norton was selected to head the Department of Interior. Previously, Norton had been a member of an antiregulatory group deceptively called *Wise Use*, whose founder, Ron Arnold, once said: "Our goal is to . . . eradicate the environmental movement. We want . . . to be able to exploit the environment for private gain" (quoted in Kennedy 2004:27). J. Steven Griles, a lobbyist for the mining industry, was appointed to head the Bureau of Mines. Government scientists and inspectors responsible for evaluating risks and enforcing law violations reported being thwarted in their efforts to protect the public from corporate practices that savaged and polluted the environment. As a result, deaths from mining accidents increased during the Bush years (Frank 2007).

The Obama Years

When Barack Obama, a Democrat, was inaugurated as president in 2009, he inherited a financial crisis that was not of his own making. In order to shore up the economy, he supported a taxpayer bailout of the financial industry. At the same time, he also sought regulatory reforms that would help avoid a repeat of this crisis, signing into law the Wall Street Reform and Consumer Protection Act, also known as the Dodd-Frank Act, in 2010. The law created broad federal guidelines to regulate banks, financial speculation, and credit card companies, but it required the writing and implementation of rules that were opposed by Obama's Republican opposition, who called it "an incomprehensively complex piece of legislation that is harmful to our floundering economy and in dire need of repeal" (quoted in Kuhnhenh 2013:A9).

Also on the domestic front, the issue of gun control reemerged due to several high-profile mass shootings. The first of these incidents involved a

shooting by Jared Loughner at a campaign event of Democratic congresswoman Gabrielle Giffords in Tucson, Arizona, in January 2011; Loughner killed six people and seriously injured Giffords and more than a dozen others. The second incident involved a shooting by James Holmes in a movie theater in Aurora, Colorado, in July 2012; Holmes killed 12 people. And the third involved a shooting by Adam Lanza at Sandy Hook Elementary School in Newtown, Connecticut; Lanza killed 20 children and 6 adults. These shootings, especially the Newtown incident, brought forth calls for gun control legislation, especially for a renewal of the assault weapons ban that had expired in 2004, limits on high-capacity magazines, and background checks for gun purchases from unlicensed sellers (not just from licensed dealers). Although the Obama administration and a majority of the public supported these measures, the political clout of the NRA in the US Congress was too strong and no legislation was forthcoming (Fuller 2014). Since Sandy Hook, there have been dozens of other shootings on school grounds, although the calls for gun control reform continue to go unheeded (Frantz et al. 2014).

As for the war on drugs, during the Obama years a movement for retreating from the punitive policies of the past gained momentum. In 2010, the Fair Sentencing Act reduced the disparity between federal criminal penalties for crack cocaine and powder cocaine that had been in place since the mid-1980s (Cratty 2011). Prior to the Fair Sentencing Act, the penalties for possession of crack cocaine, a less expensive form of cocaine consumed primarily by low-income offenders, were a hundred times greater than penalties for possession of comparable amounts of powder cocaine. Also in 2014, Colorado and Washington state led the way by implementing legislation to legalize the recreational use of marijuana. And US attorney general Eric Holder announced his support for lighter sentences for lower-level drug offenders and an end to mandatory minimum sentences that prevented judges from exercising judicial discretion. Expressing a more liberal approach to the problem of crime, Holder said he hoped to break the “vicious cycle of poverty, criminality, and incarceration that traps too many Americans” (quoted in Schworm 2013).

The Sociology of Crime

Earlier we noted our interest in helping students step outside of conventional understandings by acquiring a view of crime as a social rather than an individual phenomenon. At the same time, we do not wish to suggest that we have no interest in individual behavior. Indeed, as sociologist C. Wright Mills (1959) would remind us, the essence of a **sociological imagination** is to understand the ways in which *personal or private troubles* are related to *public issues*. In other words, we want to understand how individ-

FURTHER EXPLORATION

Right-to-Carry Laws

While opposing expanded gun control measures, the NRA and its supporters have advocated the expansion of concealed carry laws, also known as **right-to-carry** (RTC). Recently, more states have adopted “shall issue” laws, which require states to issue right-to-carry permits to citizens who meet certain minimum eligibility requirements, such as passage of a certified gun-safety course, as opposed to “may issue” laws, which give states broader authority to deny permits unless the applicant can show “good cause” for needing a gun.

There is some controversy in the criminological research literature as to whether lenient right-to-carry laws reduce crime, increase crime, or have no effect on crime. The expectation that these laws would reduce crime is based on the assumption that the more law-abiding citizens are able to defend themselves, the more criminals will be deterred (Lott 1998). The expectation that right-to-carry laws would increase crime is based on the expectation that the more guns there are in circulation in the public sphere, the more they will be used in unwarranted situations by irresponsible permit holders, including criminals themselves (Diaz 1999).

In a widely publicized study about right-to-carry laws, economist John Lott (1998) analyzed data from more than 3,000 counties in the United States and found a statistically significant association between right-to-carry laws and lower crime rates. On the other hand, several follow-up studies that critiqued Lott’s research methodology failed to confirm his findings, with some even showing that crime rates rose rather than fell as a result of easing restrictions on concealed weapons carrying (Ayres & Donahue 2003; Black & Nagin 1998; Fagan 2003).

Overall, the best that can be said about the effect of right-to-carry laws is that the evidence is mixed, with a review of studies by the National Research Council of the Academies concluding there is no reliable evidence that these laws have a causal impact on crime rates one way or the other (Wellford et al. 2004). Additionally, Anthony Braga and Glenn Pierce (2005) note that legal gun ownership itself is an important source of firearms used by criminals. This occurs not only through theft from legal owners, but also from sales from licensed dealers and private parties at gun shows and flea markets, including “straw purchasers” who buy guns for other people. And even after September 11, the United States has remained “a global shopping center” for gun purchases by “terrorists, mercenaries, and international criminals of all stripes” (Bergman & Reynolds 2002:19). Nevertheless, William Vizzard (2000) is arguably correct in his observation that political ideology, not empirical research, will likely remain the ultimate adjudicator of the debate about guns and gun control.

ual lives are influenced by social forces that define and constrain people's choices and opportunities, their sense of the possible, their very sense of themselves. A sociological imagination helps us understand how individual biographies and the biographies of others intersect with broader social conditions and the relationships people have with each other.

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. Or when large numbers of women experience some form of sexual violence or abuse, mostly from people they know, this cannot be understood without sociological insight.

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 (1992) 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. (p. 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 referring to 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. 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 1984; 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 recreated 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). Sociologists refer to this phenomenon as a capacity for **personal agency**—that is, individuals' ability to 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 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 (Bandura 1997; Gecas 1989). 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).

At the same time, many individuals are faced with so many structural deficits that they find it difficult to exercise agency to overcome their social disadvantage. Such circumstances are aptly illustrated by sociologist William Brown's account of his experience with Jimmy, a 15-year-old African-American youth from Detroit. Jimmy was living with his sister, for his mother was in prison and he had never met his father. Brown recalls the day he and his wife took Jimmy out for a birthday celebration:

Where does a white, middle-class couple take a black soon-to-be-15 gang member for his birthday? . . . [W]e decided that the Detroit Zoo, followed by a movie, and perhaps dinner, would be both appropriate and appreciated. . . . It had never occurred to [us that Jimmy] . . . had never visited a city zoo. The day was absolutely perfect. . . . Jimmy was “hanging” outside his apartment . . . [in] “the projects.” Although attempting to maintain the . . . attitude of a streetwise kid, there was a hint of excitement in Jimmy's voice as we exchanged greetings. . . .

I knew that Jimmy had been involved in illegal drug sales . . . [but] he was, as usual, broke. . . . I gave [him] \$20 so that he could have some sense of independence. . . . We walked around the zoo for nearly six hours. It was interesting . . . to watch Jimmy eat cotton candy, ice cream bars, [and] popcorn . . . like a normal kid on an outing. I had seen him navigate around a crack house and . . . he had been taking care of himself on the streets of Detroit for several years now! . . .

Following the zoo . . . we went to a movie. . . . Jimmy ate two more boxes of popcorn and one ice cream sandwich and drank an extra-large drink. . . . After the movie we went to a preselected restaurant. At the restaurant we encountered many stares and subtle examples of disapproval from many of the [white] occupants. There were instances during our visit to this restaurant when I wanted to respond to some of the rude onlookers, but this was Jimmy's Day. . . .

My wife and I will never forget Jimmy's 15th birthday. It was a day filled with good intentions . . . [but it] was also filled with cruelty. We removed Jimmy, for a day, from "the projects." . . . We gave him a glimpse of life outside his . . . environment of poverty. . . . The probability of escape for Jimmy, and for the thousands of "Jimmys" like him, is very low—despite all the political rhetoric of "American opportunity." (Shelden et al. 2004:294–297)

Challenges to the Legalistic Definition of Crime

In addition to understanding the relationship between individuals and their society, developing a 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 meet this definition. It is inappropriate, he maintained, for criminologists to assert their own values by defining what should or should not be included in the criminal law as "crime."

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 Association in 1939. 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* law violations should also be considered.

All three systems of law—criminal, civil, and regulatory—are concerned with the social control of actions that are deemed harmful or injurious by a governmental body. These systems of law all involve procedures set up to adjudicate competing claims and to ascertain responsibility

regarding such conduct. Technically speaking, **criminal law** defines harmful conduct as a public matter and mandates the intervention of traditional law enforcement authorities such as the 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, although the government may also invoke civil law to litigate actions that affect the government or its employees, and local municipalities may use civil law to enact and enforce ordinances regarding public safety and behavior. **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 punishments. Violation of criminal law also carries the greatest moral condemnation, because of the stigma associated with crime.

In his research, Sutherland (1949) uncovered extensive law violations on the part of corporations in areas such as antitrust, 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 power. Sutherland was unwilling to also allow corporations to exert such influence on criminological research.

The legalistic view expressed by Tappan is often associated with a **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 crime as matters of disagreement, the assertion of economic and political power, and the struggles of competing groups to use the law to their advantage (Chambliss & Seidman 1971; Quinney 1970).

Labeling theory. Thinking about crime from a sociological perspective requires us to move beyond the legalistic-consensus view. **Labeling theory**, for example, 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). According to this perspective, legislators 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 identified or stigmatized as a criminal. What matters most then is the societal reaction to our behavior. Recall the comment of the probation officer whom Zatz 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” (1987:136). This type of bias was also documented by William Chambliss (1973) in his classic 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).

Critical criminology. Sociological thinking about crime encourages us to consider the ways in which social advantage and influence affect the process of **criminalization**—that is, the process by which criminal law is selectively applied, making some people and groups more or less vulnerable to 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. 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 per-

missible acts or sets of conditions whose consequences are similar to those of illegal acts” (p. 317).

Inequality and Crime

Sociological analysis of social structure and challenges to the legalistic definition of crime merge in efforts to place questions of social inequality at the center of criminological inquiry. Inequality refers to the unequal distribution of valued social resources such as economic, educational, and cultural opportunities; and among the diverse elements of social structure that affect people’s lives, criminologists have increasingly emphasized the pivotal role of **class**, **race/ethnicity**, and **gender**.

Class. Most people understand class as a hierarchical relationship that designates individuals on a continuum of lower to middle to upper class based on financial indicators such as wealth (total assets) or annual income. Viewed in this way, the class structure in the United States is marked by considerable inequality. By the end of the first decade of the twenty-first century, for example, the top 1 percent of the country controlled 35 percent of the nation’s combined net worth (assets minus debt). The richest 400 families alone had a net worth equal to the combined worth of half of all Americans, some 155 million people. The average annual salary of a chief executive officer of a US corporation was 344 times more than the pay of an average factory worker, up from 42 times more in 1960. In a survey of 134 countries, Sweden ranked first as having the most income *equality*, whereas the United States ranked ninety-third, with more *inequality* than even China, Russia, and Iran. **Intergenerational mobility**, the ability of young people to move up the class hierarchy, to do better than their parents, is also lower in the United States than in countries with less inequality (Domhoff 2013; Frank 2013; Howell 2013).

Most Americans accept the fact that some degree of inequality is necessary in order to reward individual initiative and merit, but they do not favor the extreme inequality that marks the country today. A study by Michael Norton and Dan Ariely (2011) found that most Americans have no idea of the wide distribution of wealth, and when asked about their views on the distributive ideal, they favor a far more equitable distribution than is the case today.

The implications of all this are profound, but it suffices to say here that an individual’s class background affects not only their financial status, but also the very nature of their existence. 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 your everyday, mundane decisions, from where you shop, to where you eat, and sometimes, whether you eat at all. (1996:16)

As such, 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 not others) and for avoiding (or not avoiding) official sanctions for your actions. Crime among the affluent, for example, is facilitated by access to the organizational resources of businesses or governments that are for them “what the gun or knife is for the common criminal—a tool to obtain money from victims,” enabling them to perpetrate larger-scale crimes than individuals who act alone (Hagan 1992:9; see also Wheeler & Rothman 1982).

Race and ethnicity. It is arguably true that much progress has been made in the area of race relations in the United States. After all, the country has elected and reelected an African-American president. But the legacy of racial and ethnic discrimination that has marked the history of this country since the days of European colonization—slavery, forcible seizure of land from indigenous peoples, legalized segregation, political disenfranchisement, and lack of economic and educational opportunities—has by no means disappeared, and inequality based on race and ethnicity remains an enduring feature of American life.

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 hardly exist today due to interracial mixing resulting from migration, exploration, invasions, and involuntary servitude. Speaking of whites and blacks in the United States, Coramae Richey Mann observes that “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” (1993:5). Additionally, the rape of black female slaves by their white overseers, as well as consensual interracial mixing, have resulted in millions of mixed-race offspring, making the notion of unitary racial categories somewhat obsolete.

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, Italian Americans, or Mexican Americans. Additionally, people of Hispanic origin may be classified in racial terms as either white or black, and in the United

States the large majority of Hispanics are classified as white. According to census data, about 81 percent of the US population is white, although nearly a fifth of this group is Hispanic. Hispanics overall, including whites and nonwhites, compose about 16 percent of the population. Blacks or African Americans compose about 13 percent. Asians compose about 5 percent. And American Indians, Alaskan Natives, and Pacific Islanders combined compose about 1 percent (US Census Bureau 2012).

Sociologists often use the term **minority** to refer to those racial/ethnic groups who are typically a numerical minority and also distinguished by their disadvantaged social status. In the United States, at the end of the first decade of the twenty-first century, the median net worth of black households was just 5 percent that of white households, and the median net worth of Hispanic households was just 1.3 percent that of white households (Domhoff 2013). Moreover, as suggested earlier, some elements of the US criminal justice system, especially the war on drugs, have had a disproportionate impact on African Americans. Nowadays about one-third of black men can expect to spend some time in prison; among black men with less than a high school education, the figure is nearly 70 percent (Lyons & Pettit 2011; Pettit & Western 2004). Michelle Alexander (2010) dubs this policy the “new Jim Crow,” whereby mass incarceration functions as a contemporary legal system of racial control, while Diana Gordon (1994b) believes it reflects a fear of racial minorities and a smokescreen for our inability or unwillingness to address the problems of the inner city.

Gender. In addition to class and race/ethnicity, gender is an element of social structure that is of interest to sociological criminologists. Gender refers to the social statuses and expectations for behavior that are assigned to people who are deemed biologically male and biologically female. The social construction of gender begins at birth (or even before birth) when a child is identified 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.” In turn, children respond to this differential treatment, albeit sometimes with resistance, by coming to feel and behave accordingly. 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” (1997:43). To be sure, Lorber adds, resistance and rebellion have altered gender norms, but thus far they have not erased gender statuses, and most societies continue to rank genders unequally, giving men more social advantages than women.

Sociologists refer to a society that is marked by this kind of inequality between men and women—a society that grants men more power, prestige, and privilege—as a **patriarchy**. In the United States, although women have made great strides over the past few decades, on average they still earn less than men, exercise less authority in the workplace, and exert less economic and political power (Lorber 2012).

Traditionally, boys have been given more freedom than girls to be competitive, aggressive, and risk-takers. Girls have been given less leeway to behave in these ways and have been more closely supervised by their parents. These patterns are mirrored in the generally greater amount of crime committed by boys than girls. Among adults as well, men have higher crime rates than women, not only for conventional crimes of theft and violence, but also for white-collar crimes. To be sure, there are nuances to these patterns that we will explore later in this book. Women are more likely than men to be prostitutes, for instance. But this pattern, too, is consistent with conventional gender norms, given society's tendency to view women as sex objects and men's greater propensity to seek out impersonal sex. At the same time, men are very much in control of the prostitution business, as male pimps act as agents/protectors who live parasitically off women's earnings and often beat them to keep them in their place. More generally, men are more likely to commit sexual violence against women than women are to commit sexual violence against men (see Chapters 2, 6, and 9).

Of course, the social statuses we have been discussing—gender, race/ethnicity, and class—do not exist independently of each other. Rather, they interpenetrate each other in ways that make assumptions about singular statuses tenuous. Sociologists refer to these overlapping domains in terms of the concept of **intersectionalities** (Grabham et al. 2009). The implications of intersectionalities for criminology are illustrated by research conducted by Darrell Steffensmeier and Emilie Allen (1988), who analyzed gender-, race-, and age-specific arrest rates and found that female rates were consistently lower than male rates within the same subgroup, but that subgroup variations indicative of intersectionalities were apparent as well. For example, for crimes against persons, the rate for black females was higher than the rate for white females; for minor property crimes, the rate for urban females approximated or exceeded the rate for rural males; and for both serious and minor property crimes, the rate for younger females was higher than the rate for older males. Other research also finds that gender patterns of crime vary by class and racial status. In a study of urban homicides, for example, Mann (1996) found that over three-fourths of the women arrested for murder were African Americans, and that these women also tended to be unemployed mothers who had not completed high school. Sally Simpson, in her research, too, argued that “race and class

combine to produce uniquely situated populations of females” (such as lower-class black women) who “appear to have unique patterns of criminality . . . when compared with their gender and racial counterparts” (1991:115).

Summary

This chapter introduced readers to the interdisciplinary field of criminology, and to sociological criminology in particular. We considered the role of the media and politics in shaping public attitudes and opinions about crime and crime policy, examining the phenomena of crime waves and moral panics (including drug scares) and the politics of federal crime policy over the past few decades. We then introduced a sociological perspective that contextualizes the criminal actions of individuals in terms of broader patterns of social relationships by placing issues of inequality at the center of criminological inquiry and viewing the problem of crime and criminal law in terms of three axes of inequality: class, race/ethnicity, and gender.