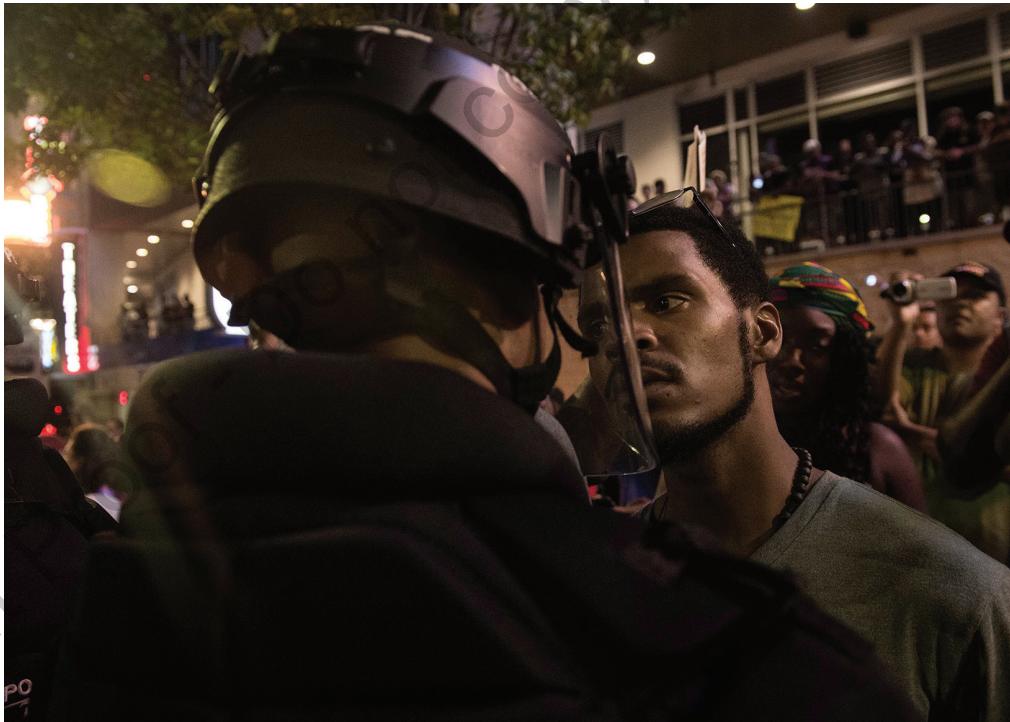


CRIME, LAW, AND DEVIANCE



Nicholas Kamm / AFP / Getty Images

Blacks are more than twice as likely than Whites to be victims of police violence, a fact that has prompted numerous protests and confrontations between citizens and police.

CHAPTER OUTLINE

A History of Race, Crime, and Deviance

Building a Foundation of Whiteness
A Legacy of Racial Profiling

Sociological Stock Theories of Crime and Deviance

Biosocial Theories of Deviance
Ecological Perspectives on Crime

Applying the Matrix Perspective to Crime and Deviance

The Spaces and Places of Crime and Deviance

The Structure and Context of Crime and Deviance
Identifying Types of Crime

Transforming the Narrative of Race, Crime, and Deviance

Scientific Advances
Alternatives to Incarceration
Emphasizing Choice
Adjusting the Narrative

LEARNING OBJECTIVES

- LO 7.1 Examine the history of race, crime, and deviance.
- LO 7.2 Analyze stock theories of race, crime, and deviance.
- LO 7.3 Apply the matrix lens to the relationships among race, crime, and deviance.
- LO 7.4 Formulate transformative narratives of crime and deviance.

In September 2016, concerned bystanders called police when Terence Crutcher, a 40-year-old Black man, abandoned his vehicle in the middle of the road in Tulsa, Oklahoma. When officers arrived, they found Crutcher, who was unarmed, approaching his vehicle with his hands in the air. He was shot dead by one of the responding police officers. Video taken from a police helicopter and by a police cruiser dashboard camera showed Crutcher standing next to the driver's side door of his car when he dropped to the ground, blood saturating his white shirt. The Tulsa police officer who fired the fatal shots, 5-year veteran Betty Shelby, claimed that Crutcher was acting erratically and that she suspected he was high on PCP. The officer stated that she feared for her life when she fired the shot that killed Crutcher. She was arrested and charged with first-degree manslaughter.

Blacks are more than twice as likely as Whites to be victims of police violence, and Hispanics are one-third more likely than Whites to be involved in violent incidents with police. Each day across the United States, an average of slightly more than two people are shot by police, and the victims are more likely to be persons of color than to be White (Guardian 2016).

If you turn on the television, go to the movies, or check out your social media feed, you might quickly conclude that the most significant stories of our time involve crime, law, and deviance. Are these issues deservedly prominent in our media, or are they socially constructed to reproduce the matrix of race? The way we frame deviance and label behavior and how these responses are shaped by the matrix of race are central questions in sociology.

Our stock stories teach us that laws protect us; they are created to preserve peace, promote tranquility, and allow us to pursue our collective best interests. The deviants who violate laws are committing crimes and must be punished accordingly. In the pursuit of justice, democracy is preserved and enhanced and freedoms are procured and embraced. Our stock stories assume that the law is color-blind—enforced the same way everywhere, for everyone, and without concern for race, class, or other differences. Using the matrix approach, we can reveal the concealed stories of crime and deviance in the United States, stories that have always been complicated by race, ethnicity, gender, and class. Historically, crime and punishment have been associated with attempts to preserve the racial order. In this chapter we will examine this and other narratives and observe how the matrix has influenced both our perceptions and the realities of crime, deviance, and the law.

■ A HISTORY OF RACE, CRIME, AND PUNISHMENT

What happens when being different defines criminal behavior and deviance? The historical record demonstrates that in the early days of the United States, high-status White males (e.g., ministers, merchants, landowners) were rarely the subjects of criminal proceedings. Punishments were most frequently meted out to Native Americans, African slaves, single women (particularly servants), poor White males, and unruly children (Patrick 2010). **Deviance** encompasses all actions or behaviors that defy social norms, from crimes to social expectations. Deviance can be as mild as wearing the wrong colors to a high school football game or as extreme as not wearing anything at all. When deviance takes forms that violate moral and ethical standards, like murder or theft, it may be covered under law and become a **crime**. Deviance in many ways defines a significant portion of the American “national character.” We will discover that as the social construction of “Whiteness” came into being, it also became the normative, or standard, structure by which our laws are constructed and deviance is defined.

Building a Foundation of Whiteness

Long before they ventured across the oceans to settle the Americas, Europeans were formulating the foundations of Whiteness. English colonists arrived in America with decidedly racist stereotypes about Africans, Native Americans, and others, assuming that members of these groups were savage, indolent, and sexually promiscuous (Jordan 1968). In fact, the Europeans who settled the Americas believed it was their destiny to extend Christian civilization and White supremacy around the globe.

Elite European males institutionalized, or established, Whiteness in an effort to control Blacks, Native Americans, women, and others. Women, across all socioeconomic statuses and racial groups, typically received harsher punishments than their male counterparts for violating sexual or marriage taboos. Gender-specific laws affecting all racial, ethnic, and class groups helped to sustain White privilege and White normative structures. **White privilege**, as we discussed briefly in Chapter 1, results from laws, practices, and behaviors that preserve and (re)create societal benefits for those people identified as White. **White normative structures** are those norms and institutions that obscure the racial intent of such laws, practices, and behaviors, creating the illusion that White privilege is natural and normal.

One of the first recorded instances in the Americas in which judicial processes decreed differential judgments along both racial and gender lines occurred in 1630 in Jamestown, when colonist Hugh Davis was ordered to be “soundly whipt” for dishonoring God and shaming Christianity by sleeping with a Black woman (Bernasconi 2012, 215). Ten years later, also in Jamestown, another White man was ordered to do penance for impregnating an African female, while the African female was sentenced to whipping. So, even though the interracial relationship was condemned, the more extreme punishment was shifted to the Black female (Bernasconi 2012, 216).

Over the next few decades of the 17th century, the pattern of race, gender, and status inequities was replicated repeatedly. While all women experienced unique discrimination and bias, racial hierarchies were also gendered. White women, given authority over all other women through their connection to White males, were given authority over Blacks. White women could lose their status if they married or had intercourse with African, Native American, or Asian men. Colonial laws did not protect either Black or Native American women from rape. Laws also precluded them from defending themselves, either directly against their attackers or through the courts. Females of color were often cast as seducers (Browne-Marshall 2002).

Legislating White Privilege

Racial consciousness and fear have shaped our views of law and deviance since colonial times. **Racial consciousness** is the awareness of race shared by

members of a racial group and the wider society. This consciousness perpetuates, legitimates, and normalizes racial hierarchies by making the notions of Whiteness, White privilege, and White supremacy real at the expense of people of color. The linking of White racial consciousness with notions of normalcy was first engraved into our national laws as early as 1790, with the passage of the U.S. Naturalization Law. This law limited citizenship to those immigrants who were “free white persons of good character.” And when we look further into this law, we note that of children born abroad, only those whose fathers were U.S. residents were granted citizenship. The exclusion of children whose mothers might have been residents points to the gender bias of these early laws as well. We can only conclude that this process not only justified but also served to perpetuate White male privilege.

White privilege in the United States has its foundations in sets of rules created and preserved through a series of laws, mores, and beliefs that guaranteed White personal privilege over Blacks, Native Americans, Asians, Hispanics, and others. Privilege encouraged all Whites, including those of lower status, to identify with the ruling White elite, often at the expense of Black slaves. Whiteness and its privilege provided the illusion of elite status and control of the economic, political, and judicial systems, the ultimate arbiters of White privilege. More punishment could be meted out to Blacks than to Whites; Whites, not Blacks, could own and bear arms; Whites, not Blacks, had the right to self-defense. The lowliest of White servants could chastise, correct, and testify against Blacks (either free or enslaved). And the ultimate forms of degradations were reserved for Blacks, often at the hands of Whites. Only Blacks could be whipped naked; Black slave women could be raped, and any offspring that resulted would be slaves. Further, any White woman or free woman of color who, forgetful of her status, elected to have sex with or marry a Black male slave could be forced into slavery herself.

These laws were codified into what came to be called **slave codes** throughout the southern colonies. Under these laws White males were further empowered when they joined **slave patrols** (Durr 2015)—organized groups of White men with police powers who systematically enforced the slave codes. The first slave patrols began in 1757 in Georgia, where White landowners and residents were required to serve. A patrol, usually consisting of no more than seven men, would ride throughout the night, challenging any slaves they encountered and demanding proof that they were not engaging in unlawful activities (Cooper 2015). Slave patrols were active throughout the South until slavery’s abolishment at the end of the Civil War.

With the end of the Civil War came a great many new laws aimed at controlling the now freed Blacks. These laws, known as **Jim Crow laws**, held sway across the United States from the 1880s onward, with some surviving into the 1960s.

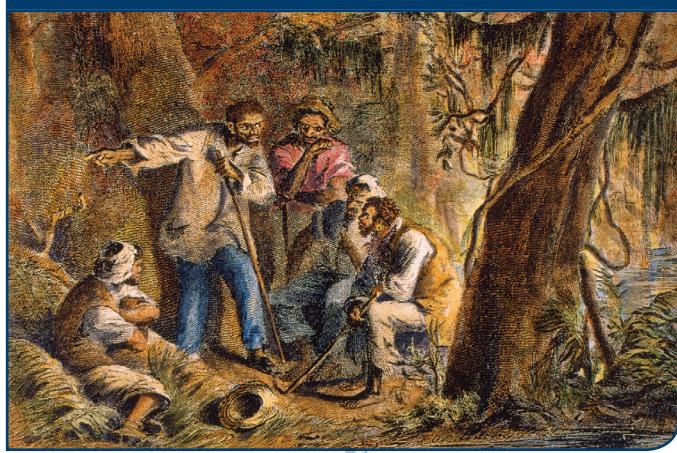
Reservations and treaties served the same function for Native Americans. For many other racial and ethnic minority Americans, Whiteness and the laws were also effectively used for social control and the construction of deviance.

Defining Whiteness in the West

During the latter half of the 19th century, Whiteness was also being defined on the western frontier, this time at the expense of Native Americans. Formal U.S. policies and laws were explicitly formulated to aid White settlers and railroad

corporations in the forcible expulsion of Native Americans from their tribal lands. The U.S. Army supplied the force whereby thousands of acres of land were acquired. No new treaties were ratified, as “raid” replaced “trade” in White-Indian treaties (DiLorenzo 2010).

As the result of battles with the army, hundreds of Native Americans were held as prisoners and subjected to military “trials.” Most of the adult male prisoners were quickly found guilty and sentenced to death. This presumption of guilt had nothing to do with whether or not they were actually warriors; rather, their mere presence at the scene of the fighting was enough. In the largest mass execution in U.S. history, 38 members of the Dakota tribe were hanged in 1862 in Mankato, Minnesota, on orders of the president of the United States, Abraham Lincoln. They were accused of killing 490 White settlers, including women and children, during the Santee Sioux uprising earlier in the year. The story that rarely gets told is that these Sioux were angered by repeated broken treaties and the failure of the United States to live up to its promises of food, supplies, and reparations. Enraged and starving, the Native Americans attempted to take back their lands by force. After the execution, the remaining Native Americans were resettled on “reservations” under a presidential executive order. From this period through the next few decades, Native Americans were consistently vilified as criminals, deviants, and savages, and their lands were systematically taken as Whites and Whiteness marched westward. Even a bloody civil war did



Slave rebellions demonstrate that deviance can be both deliberate and political. In the pre-Civil War United States, several rebellions and insurrections fanned the flames of White anxiety and fears, while legitimating the humanity of those considered slaves. During the 1831 rebellion led by Nat Turner, slaves went from plantation to plantation, freeing other slaves and killing Whites. A total of 55 to 65 Whites died. In retaliation, White militias and mobs killed more than 200 Blacks.

not stop the U.S. attack on Native Americans. In 1867, General William Sherman, who was tasked with securing western lands and dealing with the Native Americans, wrote to Ulysses S. Grant, then commanding general of the U.S. Army, “We are not going to let a few thieving, ragged Indians check and stop our progress” (quoted in Goldfield 2011, 450). The consolidation of Native American lands, along with the end of the Civil War, marshaled a new period of Whiteness and social control.

The Effects of Immigration

During the California gold rush of 1848–52, Chinese immigrants began arriving in the United States to work as laborers on large construction projects. They helped construct the first transcontinental railroad, and they were quite successful at mining. As gold became scarce and the competition for good jobs increased, anti-Chinese bigotry intensified. Judicial decrees and legislative actions increasingly targeted not only Chinese but also other immigrants for increased police scrutiny and criminalization. As early as 1862 the state of California passed the Act to Protect

Free White Labor against Competition with Chinese Coolie Labor, and to Discourage the Immigration of the Chinese into the State of California, or the Anti-Coolie Act. This law was a clear reaction to the fears of White laborers about competition for jobs. It imposed special taxes on Chinese miners and restrictions on immigration that ultimately led to the forced segregation of Chinese immigrants, resulting in the creation of what came to be known as Chinatowns. Chinese were stereotyped as criminals and prostitutes and thus were excluded from entry into the country. Other ethnic groups also deemed “undesirable” included Middle Easterners, Hindus, East Indians, and Japanese. Anti-Chinese laws, in various forms, held sway until 1943, when Chinese immigrants were finally made eligible for U.S. citizenship.

At the beginning of the 20th century the United States experienced



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Chinese immigration to the U.S. began in earnest around 1850, when “coolies” came to the country to work on major construction projects. Legislation aimed at preventing Chinese immigration, driven by fears of innate criminality, could not entirely stem the flow and by the 1920s Chinese laborers had branched out into other industries, like salmon canning in Oregon.

massive immigration of Southern Europeans, and a new set of White fears were launched. Southern Europeans, including the Irish, Italians, and Jews, now joined Blacks, Native Americans, and Asians as collectively perceived as the principal sources of criminality in the United States, particularly within urban communities. Associated with these concerns, the new science of sociology provided a scientific facade, assuaging White fears while explaining recently transplanted Europeans, Asians, Native Americans, and Blacks and their supposed criminality and deviance. Recently, we have developed a new terminology to use in the exploration of how laws, law enforcement, and courts racially profile various groups.

A Legacy of Racial Profiling

Crime, laws, and perceptions of deviance create, (re)produce, and reinforce status hierarchies based on race and ethnicity. At the intersections of these racial hierarchies are both gender and class. Consequently, as we look at how deviance is both constructed and enforced, we find that people of color, and males of color in particular, are most likely to be racially profiled by police, receive the stiffest sentences from the courts, are incarcerated at higher levels than Whites, and increasingly face the death penalty.

Imagine that one day a flyer appears in your mailbox. It declares that nowhere in North America is safe from “criminal Gypsies.” According to the flyer, training is going to be provided that will help participants understand the “world of criminal Gypsies and Travelers,” including their “fortune-telling frauds.” The flyer mentions Polish Gypsies, Yugoslavian Gypsies, and other Romani groups. In fact, the Romani people have for decades been racially profiled across the United States. But they are not alone.

Racial profiling is the targeting of particular racial and ethnic groups by law enforcement and private security agencies, resulting in their subjection to ridicule, detention, interrogation, and search and seizure, often with no evidence of criminal activity. Racial profiling is based on the perception that certain racial, ethnic, religious, and national-origin groups are guilty until proven innocent. And while racial profiling violates the U.S. Constitution’s guarantees of equal protection of the laws and freedom from unreasonable searches and seizures, it continues to be utilized.

Racial profiling has been a law enforcement tool in the United States since the establishment of slave patrols. From the beginning to the middle of the 19th century, it focused on the Irish, Italians, and other Southern European groups. Today, the most significant forms of racial profiling are aimed at Blacks, Hispanics, the Romani, Muslims, and Native Americans.

Slightly more than half of all adults in the United States believe that racial profiling is widespread. Some 53% believe that racial profiling plays a role in which motorists police pull over, and many believe that security personnel use racial profiling at airport security checkpoints (42%) and when deciding which shoppers to watch at stores and malls (49%). The majority of Blacks (67%) and Hispanics (63%), compared to only 50% of non-Hispanic Whites, feel that racial profiling is widespread (Bergner 2014).

The New York Police Department's so-called stop-and-frisk policy, once hailed as a marvel of modern policing, demonstrates the dangers of racial profiling. Since it was instituted in 2004, as many as 4 million citizens have been stopped and frisked by police. At least 83% of these have been Black and Latino, and 9 out of 10 have been completely innocent of any wrongdoing (Bergner 2014).

Law-abiding citizens have not been apathetic about being racially profiled. Governments, law enforcement officials, and corporations have been effectively sued for maintaining the practice. These suits have filled the media and highlight modern resistance stories. For example, a U.S. district court found that Joe Arpaio, then sheriff of Maricopa County in Arizona, had overseen a department that had systematically targeted Latinos during traffic operations. The suit alleged that the sheriff's office had violated constitutional guarantees of free speech, unlawful searches, and due process. Largely Hispanic neighborhoods were aggressively and regularly patrolled by Maricopa sheriff's deputies. A federal monitor was established to prevent continued misconduct and to safeguard the constitutional rights of the community (Osman 2015).

Racial profiling is both caused and affected by the criminal justice system. So in addition to being targeted with more aggressive policing, people of color often find that the scales of justice are not always evenly balanced. When it comes to race, class, and gender, justice, as we will see in the next section, is anything but blind. Differential policing and law enforcement not only stigmatize marginalized people of color but also socially construct them as deviants. For example, the chief of police of Homer, Louisiana, once commented:

If I see three or four young Black men walking down the street, I have to stop them and check their names. . . . I want them to be afraid every time they see the police that they might get arrested." (quoted in American Civil Liberties Union 2009, 52)

The urban poor have been systematically targeted by national and local law enforcement agencies since the founding of the United States. The urban unrest now rocking many U.S. cities reflects the increased stress fostered by a political climate that targets the poor and racial minorities.

CRITICAL THINKING

1. How did Whiteness and deviance become the basis of criminalization, and what impact does this have on our perceptions of crime and deviance?
2. Racial profiling by police has consistently been demonstrated to lead to the increased surveillance and criminalization of both Blacks and Hispanics. How might similarly types of racial profiling affect not only these groups but others within major institutions such as education, the military, and the economy? While we have concentrated on the negative aspects of racial profiling, could such profiling have positive aspects for Whites or females? Speculate on how these may manifest, not only in crime but also in other institutions.
3. Are there some individuals that we assume to be more violent, criminal, or deviant simply because of the groups to which they belong? What does this say about the social construction of deviance?
4. Consider your hometown or university. Does it include certain groups that are more likely to be associated with crime and deviance? Does this behavior surface in specific ways, at particular times, or in specific situations? Has this behavior been evidenced across several different periods?

■ SOCIOLOGICAL STOCK THEORIES OF CRIME AND DEVIANCE

The disciplines of sociology and criminology have, from their inception, been concerned with crime and deviance. These concerns have mirrored society's attempts to justify racial, gendered, and class hierarchies. As such, the standard theories within sociology and criminology may be considered as stock stories. The theoretical orientations of these stock stories may be separated into two broad categories: bio-social theories of deviance and ecological perspectives on crime.

These standard stories have a common thread—they place the source of deviance at the micro, or personal, level. Therefore, either the individual or his or her community, culture, or environment is at odds with societal norms. And, by implication, if the individual or his or her community, culture, or environment could just be reformed, fixed, adjusted, or rehabilitated, then the deviance would be reduced or would cease to exist. Finally, as we shall see, these stock stories all fail to account adequately for the macro, or structural, factors that at best intervene in and at worst are the primary contributors to the social construction of deviance. As we will see later in the chapter, after a troubled start, sociologists armed with an intersectional or matrix perspective have been more adept at unraveling the discourse regarding race, class, gender, and crime and deviance. Let us now turn to these theories.

Biosocial Theories of Deviance

Classical sociological theories of crime and deviance represent a portion of our stock stories. The earliest and most systematic attempts to understand deviance linked it to biology. In the 19th century, Cesare Lombroso, viewed as the founder of modern criminology, ascribed crime and deviance to both ethnicity and race. He held that Africans, Asians, and American Indians were especially prone to crime and deviance (Greene and Gabbidon 2012, 96). Lombroso argued that so-called biological indicators such as a particular body type, a certain shape of face, high cheekbones, large ears, and small brain were all associated with a more primitive form of human being. These genetically determined characteristics were all external signs that marked individuals as potential criminals. According to Lombroso, all non-Europeans were more likely to be criminals because they were lower on the evolutionary scale. He argued that crime and deviance are biologically determined. This theory, based in **biological determinism**, holds that an individual's behavior is innately related to components of his or her physiology, such as body type and brain size. Lombroso's theory was later criticized for being too simplistic and highly ethnocentric. The samples he relied upon for his studies were unrepresentative of the population as a whole, because he focused primarily on Italian criminals who were convicted of crimes, comparing them with Italian soldiers. A whole range of structural, economic, and cultural factors were ignored or subsumed under these differences.

By the time Lombroso's research became known in the United States at the beginning of the 20th century, biological determinism was the dominant explanation for crime and deviance. Within the United States, the overrepresentation of African Americans and some immigrants in crime statistics caused many to link race and ethnicity to crime and deviance (Gould 1981). With time, the leading arguments regarding deviance and crime were linked to IQ and race.

While some recent scholars have revived the discourse linking crime and biology, they have stressed that a person's behavior is influenced by both biology and environment. Critiques of this approach have quickly pointed out the implicit race, gender, and class biases inherent in it, and that it fails to take into consideration social environment, a failure that can lead to the biological and social determinism of previous periods (Gould 1981).

If crime is related to environment, what does that say about the environment in which you live? If we were, for example, to do a measure of crime on many college campuses, we might conclude that offenders are likely to be White, male, and educated. This is primarily because most college campuses are predominantly White and presumably more educated than the general population. And it recognizes that males are most likely to be risk takers, hence more likely than females to be associated with deviance. Alternatively, while White Americans are more likely to use

illegal drugs, including cocaine, marijuana, and LSD, Blacks are more likely to go to prison for drug offenses (Fellner 2009). Clearly, something more is happening.

Ecological Perspectives on Crime

From its inception, sociology in the United States was concerned with solving the myriad problems associated with industrialization, urbanization, slums, poverty, and crime that were rapidly transforming the nation at the beginning of the 20th century (Orcutt 1983). Sociologists attempted to explain the apparent links between crime and social location (including ethnicity, race, class, and gender). Some believed that members of minority communities received much more scrutiny from criminal justice professionals and thus were more likely to be prosecuted by the legal system (Tonry 1995). Others argued that Blacks and other minorities were simply more likely than Whites to commit serious crimes (Hindelang 1978).

For almost half of the 20th century, the ecological approach dominated the discourse on deviance within American sociology. This approach situates human behavior (norms, social control, deviance, and nondeviance) within the social structures external to the individual. The causes of crime, these theorists posited, are found in the community structures in which people live and interact. Community members interact to socially (re)create the conditions that account for criminal and noncriminal behavior. Several theoretical strands have been derived from the ecological approach to crime and deviance. The four most important of these are social disorganization, the culture of poverty, cultural conflict, and broken windows theory.

Social Disorganization

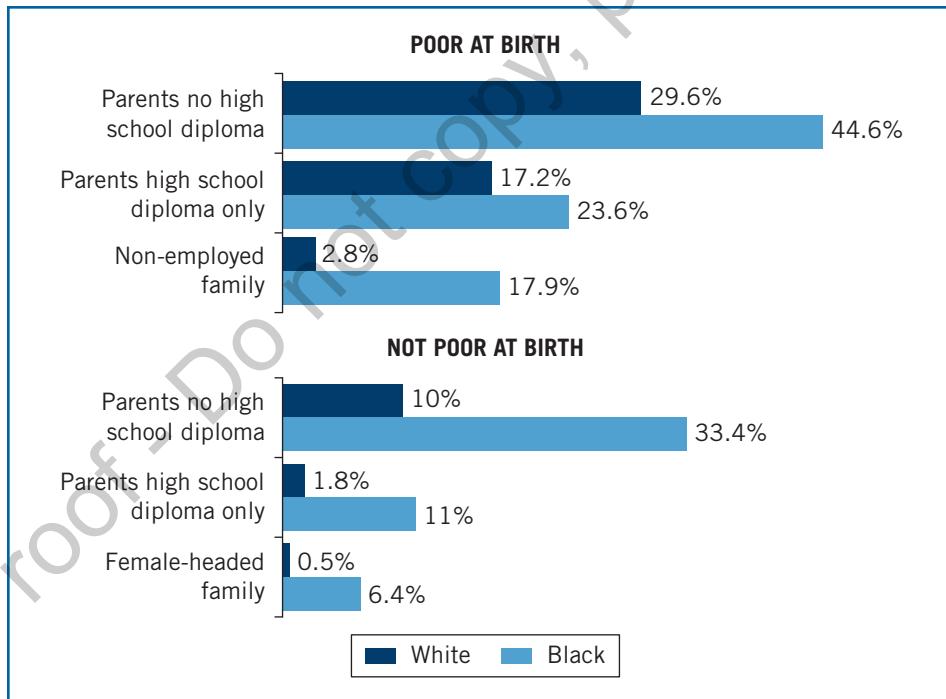
Social disorganization, one of the first derivatives of the ecological approach, links crime to neighborhood ecological patterns. Place matters, and the apparent ecological differences in levels of crime are explained by the structural and cultural factors that shape, distort, or encourage social order within communities. For example, high levels of immigration and migration often produce rapid community changes. These rapid changes may then lead to either the disruption or the breakdown of the structure of social relations and values, resulting in the loss of social controls over individual and group behavior. During the period of stress, social disorganization prevails and crime, which is thus situational and not group specific, develops and persists.

Culture of Poverty

Rather than the community, some theorists began to conceive of culture as the nexus for deviance. It was argued that different levels of crime among various

groups arose from differences in morality (Wirth 1931). Theorist Louis Wirth (1931, 485) wrote, “Where culture is homogeneous and class differences are negligible, societies without crime are possible.” **Differential association theory** elaborates on this perspective, proposing that differences in criminal involvement among groups result from their different definitions of criminality. Those groups that normalize crime essentially develop a “culture of poverty,” accounting not only for their lack of success but also for their continued leaning toward criminal lifestyles (Moynihan 1965; Lewis 1961, 1966a, 1966b). The **culture of poverty** approach views poverty as a set of choices made by unwed mothers that perpetuate crime, deviance, and other pathologies across generations. The process produces children who are both morally deficient and more apt to commit crime; in addition, they produce more unwed mothers with unwanted children. This self-perpetuating cycle

Figure 7.1 ■ Children are More Likely to Be Born Into Poverty When Parents Lack Education



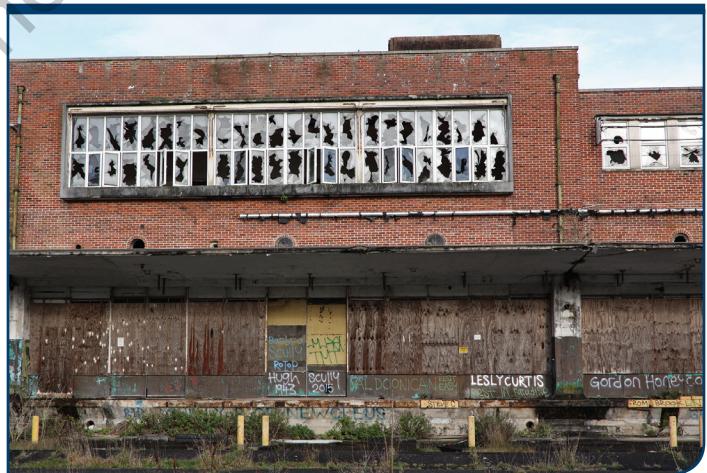
Source: Caroline Ratcliffe and Signe-Mary McKernan, “Child Poverty and Its Lasting Consequence,” Low-Income Working Families Paper 21, Urban Institute, September 2012, <http://www.urban.org/UploadedPDF/412659-Child-Poverty-and-Its-Lasting-Consequence-Paper.pdf>.

of dependencies, it has been argued, is associated with poor families, and specifically with poor families of color. This perspective has been criticized as essentially blaming the victim—that is, holding the injured party entirely or partially responsible for the harm suffered. Such a perspective ignores the structural inequities that underlie poverty.

Recent research has documented that the most significant factor associated with growing up poor is low educational attainment (Figure 7.1). Other factors that are also important are single motherhood, family unemployment, young age of parents, and living in inner-city neighborhoods (Ratcliffe and McKernan 2012). So rather than a culture of poverty, there are definite structural conditions that lead to a cycle of poverty. We shall return to these structural conditions below.

Broken Windows Theory

Beginning in the early 1980s, criminologists began to speculate on the relationship between urban disorder and vandalism. Could cities fix their crime problems by simply fixing up the neighborhoods, picking up the litter, and, yes, fixing broken windows? **Broken windows theory** (Wilson and Kelling 1982) argues that stopping vandalism can lead to a significant decrease in serious crime. Police surveillance may be a means of controlling crime, but it does not eliminate or even curtail it. The presence of abandoned properties, vandalism, litter, and filth not only demoralizes community residents but also produces a form of nihilism (i.e., an extreme form of fatalism) that leaves people feeling overwhelmed, hopeless, and apt to give up. But while fixing broken windows and sprucing up neighborhoods may lead to increasing pride in a community, these actions do not sufficiently explain lower levels of crime and deviance. Combatting fear, making citizens feel empowered, and establishing partnership relations between community members and police are among the factors that lead to decreased crime levels (Xu, Fiedler, and Flaming 2015). Similar arguments have linked crime with the prevalence of lead in the environment.



plipix / Alamy Stock Photo

The broken windows theory holds that addressing minor crimes like vandalism and jaywalking reinforces social norms around lawfulness and thus reduces crime.

CRITICAL THINKING

1. What does the acceptance of stock stories suggest regarding the natural, cultural, biological, or community basis of crime?
2. How might stock stories influence the way that crime is both perceived and prosecuted? How might such beliefs affect jury members in cases involving suspects who are members of racial minorities?
3. How do stock stories mirror our assumptions about racial and ethnic differences?
4. Have you experienced being categorized according to others' conceptualizations of how you should or should not act based on the group(s) with which you identify? If so, in what ways did this experience affect your choices? How did you ultimately deal with the characterizations of others? What does this suggest about your individual agency and stereotypical assumptions about you?

■ APPLYING THE MATRIX TO CRIME AND DEVIANCE

The matrix approach posits that powerful elites construct and enforce laws that protect their interests. Du Bois (1904) was the first to theorize and document the intersectional or matrix approach to crime and deviance. He began by dismissing the biological basis of crime and pointing out how social structures influence crime and deviance. Du Bois argued that crime and racial status are definitely linked, with the linkage most obvious among African Americans. He pointed out that in the United States, race, class, and gender are manipulated to maximize profits.

The matrix perspective helps us interrogate our assumptions about what is deviant and what is normal, or what is considered criminal and what is noncriminal. Even casual observation reveals that a given behavior might be rewarded in one context and penalized in another. Space often determines the appropriateness of specific acts. Consider war and contact sports: In both settings the use of certain forms of violence is considered legitimate, but that same behavior at a party or in a college classroom would not be appropriate. The matrix approach also reveals that certain persons occupying certain social spaces or identities, such as racial, class, and gender identities, may similarly find their actions differentially circumscribed and labeled deviant. When various physical spaces interact with social identities, different types and definitions of deviance can be identified.

The Spaces and Places of Crime and Deviance

Have you ever wondered when and where crime is most prevalent? The matrix approach focuses our attention on how individual behavior interacts with larger social structures. Issues of race and racism produce stress. One important theory helps us understand how this stress influences deviance.

General Strain Theory

One of the seminal theoretical approaches observes that the spaces and places where stress is greatest are also likely to have the highest levels of deviance. **General strain theory** (Agnew 1992) proposes that racism produces stressful events and environments, which in turn lead to “negative emotions such as anger, fear, depression, and rage, and these emotional reactions lead to crime either directly or indirectly depending upon other contingencies such as coping mechanisms, peer and familial support, and self-esteem” (Piquero and Sealock 2010, 171). Thus it is suggested that African Americans view the United States from a particularly racialized perspective, where “race matters” because it significantly alters their chances for survival and success (Unnever and Gabbidon 2011). Systemic racism—that is, a system of inequality based on race, often within institutional settings, such as law enforcement and the criminal justice system—is often associated with differential outcomes in crime and deviance. Because of systemic racism, people of color are more likely than Whites to be victims of police abuse, racial profiling, and differential criminal sanctioning under get-tough policies associated with the war on crime and drugs. Systemic racism is at the root of the current mass incarceration of Blacks, who then experience a lifetime of legal and employment discrimination, housing segregation, and diminished opportunities (Alexander 2010).

Some criminologists argue that until we understand how race and racism create a hegemonic structure that has historically criminalized people of color, we will not be able to account for the apparent permanence of racial disparities in deviance and incarceration rates. Regardless of levels of crime or historical period, racial disparities in incarceration rates have been relatively constant (Hawkins 2011).

A Climate of Violence

Ethnographers such as Elijah Anderson flip the script by asking how racialization, gender, and disempowerment interact to produce increased surveillance, criminalization, and incarceration. Inner-city Black males find their lives more difficult as police assume they are the neighborhood problems that should be fixed, and detain, search, and often arrest them (Anderson 1990). The increased prevalence of men of color in the criminal justice system is more about this high level of surveillance than it is about these men’s likelihood of criminality. Inner-city communities are surrounded by forces beyond their residents’ control, and challenges to identity and

manhood only intensify perceived problems and uncertainties. The only thing of value many young men can control is their reputation, or “rep.” Losing it means losing credibility. The “code of the street”—the unwritten rules that enforce respect, justice, and rights—insulates community members from a profound sense of alienation from mainstream society, where many institutions seem punitive. Yet while the code helps to check wholesale violence, it actually perpetuates a climate of violence (Anderson 1994, 1999).

Incarceration rates are influenced by the disappearance of work as well as by differential labeling and negative stereotyping of young men of color by those who make and enforce the laws. Rios (2006) shows that these factors lead to increased surveillance by school officials in schools, by police within communities, and by families. At the intersection of race, class, gender, and age, poor young men of color face a “double bind.” Thwarted in their efforts to be identified as “hardworking men,” they choose “hypermasculinity” and deviance as a means of demonstrating their manhood (Rios 2006, 54). This hypermasculinity, with its aggravated aggressiveness and physicality, has been labeled “cool poise” (Anderson 1999). It has been both romanticized and glorified in hip-hop and “gangsta” rap music and linked to increasing levels of interpersonal conflicts, group violence and gang violence, and sexual exploitation of young women of color (Nettleton 2011, 140).



Ira Berger / Alamy Stock Photo

Unable to fulfill the role of “hardworking man,” some turn to hypermasculinity and deviance to express their maleness.

Consequently, associating with violent peers, having a history of violent involvement, experiencing discrimination, and living in a neighborhood characterized by violence and disadvantage are all factors that have been found likely to reproduce violence among young men of color (Stewart and Simons 2009). Anderson (1999, 8) found that those who “internalized the code of the street and actually lived by it were more likely to be involved in later reported acts of violence.”

The continual attention to acts of violence perpetrated by the urban poor is typically masked by the code words “getting tough on crime,” a policy stance that accounts for the

skyrocketing incarceration of persons of color (Alexander 2010). Similarly, the so-called war on drugs has been described as an undeclared war on women in general and Black women in particular (Bush-Baskette 1998). As we will see below, this undeclared war has resulted in an almost fourfold increase in the number of women imprisoned in recent years.

In summary, the matrix approach posits that race is a marker reflecting our social context (Burt, Simons, and Gibbons 2012, 3). Crime and deviance do not operate in a vacuum; they are part of the process by which the racial matrix is maintained and perpetuated. Of particular interest in this formulation is the prison–industrial complex.

The Structure and Context of Crime and Deviance

Over the past couple of decades, sociologists have pointed to structural inequities (i.e., society-wide conditions that result in unequal outcomes for particular groups in comparison with others), such as racism and social isolation, as the causal links to differential outcomes in crime and deviance (Massey and Sampson 2009). These new interpretations argue that racism, differential educational funding, and lack of opportunities may lead to a culture of poverty—not the other way around. All of these factors are structural; they affect the institutions of education, the job market, family formation, and community viability. These structural inequities produce poverty; poverty is not created by individuals, their cultures, or their communities (Cohen 2010). This aspect of the matrix highlights the interactions between micro-level behaviors and the structural systems and processes operating at the macro level.

The matrix informs us that crime and deviance are situational and contextually specific. This means that rather than culture or race, space and place provide the clues to understanding both. The implications that follow are that if we were to look at different situations and contexts, we would find different types of crime. Therefore, spaces and places like urban centers produce different types of deviance possibilities than do spaces and places such as corporations. We would also expect different types of deviance to be associated with different types of institutions. Similarly, the context of deviance is important.

Two Competing Perceptions of Reality

One media report argues that young Black men are 21 times more likely than their White counterparts to die at the hands of police. Another argues that more Whites are killed by police. They can't both be right, right? Wrong! They can. Consider the two reports. According to Gabrielson, Jones, and Sagara (2014), young Black males ages 15 to 19 were killed by police at a rate of 31.27 per million from 2010 through



The U.S. inmate population has grown under the prison-industrial complex, necessitating the construction of enormous new facilities, like this one in Illinois.

2012, compared to a rate of just 1.47 per million for White males in the same age group. Alternatively, Bill O'Reilly (2014), then the popular host of his own program on Fox News, announced that his research concluded that in 2012 just 123 African Americans were shot by police, while 326 Whites were killed by police. When one considers that there are 43 million Blacks in the United States and 200.7 million Whites, the conclusion appears that Whites and Blacks have an almost equal chance of being shot by

police. So, how can both reports be right? The first set of numbers takes into consideration only those young men ages 15 to 19 and covers the period from 2010 to 2012. The second set of numbers does not specify an age range and deals with just one year. The other factor is where the numbers come from, and herein lies the real problem. No consistent data are recorded on police killings of civilians across the country. Gabrielson et al. cite data on fatal police shootings collected by the Federal Bureau of Investigation, but as extensive as their analysis is, it has flaws, in that the FBI relies on self-reported data from a small percentage of the nation's more than 17,000 law enforcement agencies. So, what we are left with are two competing perceptions of reality. These two perceptions have become increasingly evident as we have watched the unfolding of various grand jury deliberations regarding the deaths of Black males at the hands of police and the protests that have followed. In many ways, these constitute two different forms of concealed stories.

The Prison-Industrial Complex

In recent years, policies of aggressive policing targeting specific groups have greatly expanded the U.S. inmate population, helping to create what some have labeled the **prison-industrial complex** (Sudbury 2002). In this system, government and industry uses of surveillance, policing, and imprisonment have been merged in an effort to solve economic, social and political problems. Political support for mass-incarceration policies is influenced by private prison companies and by the businesses that supply goods and services to government prisons. The more recent politicization and racialization of crime and punishment has its roots in the 1968 presidential campaign of Richard Nixon. As jobs disappeared, unemployment skyrocketed, and urban unrest was observed, many

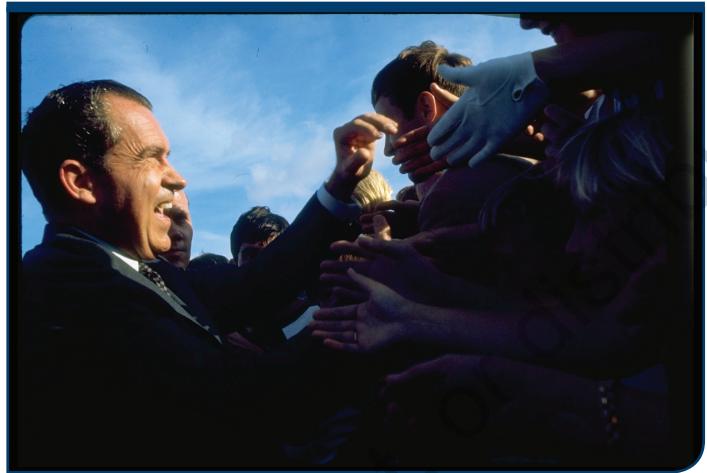
began to call for more “law and order.” This call was loudest from Nixon, who made being tough on crime the hallmark of his presidency.

The most significant increase in the adverse treatment of men of color occurred after the 1980 election of Ronald Reagan. The Reagan administration greatly publicized the drug war, highlighting the epidemic rise of crack cocaine in the inner cities. News stories, originating from White House staffers, began appearing, “publicizing inner-city crack babies, crack mothers, crack whores, and drug-related violence” (Alexander 2012). Racial inequities in

criminalization intensified as voters and politicians decided to “get tough on crime.” Clearly, the so-called war on crime has essentially been a war on race, as laws were passed to stiffen crime control, punishment, and sentencing. In the aftermath, racial disparities were not only worsened but also excused (Tonry 1994, 475–76).

The key force driving mass incarceration in the United States has been the war on drugs, which has led to policies that have resulted in a disproportionate increase in the criminalization of poor, non-White offenders (Alexander 2010; Mauer 2006; Provine 2007). Black and Latino males are disproportionately targeted by police in many major municipalities, including New York (New York Civil Liberties Union 2012), Los Angeles (Ayres 2008), and Chicago (Caputo 2014). In many states, laws concerning undocumented immigrants are in essence thinly disguised means of allowing law enforcement to engage in racial profiling; these states include Arizona, Alabama, Utah, South Carolina, Indiana, Georgia, Missouri, and Oklahoma (Rickerd and Lin 2012). Under the guise of race-neutral crime policies, racial hierarchies are preserved while the presumed criminality of racial minorities is made real. Consequently, while on the surface such laws seem to be nonracial, their effect is to perpetuate racial inequities (Alexander 2010; Tonry 1995).

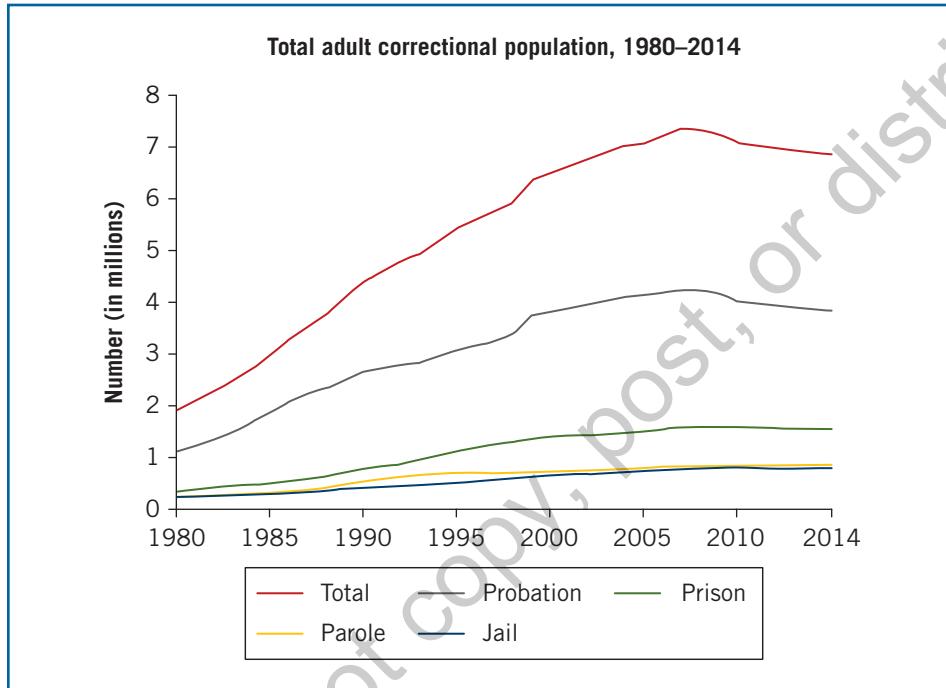
After 1980, the federal prison population increased eightfold, at a cost to U.S. taxpayers of more than \$6 billion a year. Since the mid-2000s, however, the numbers have dipped to 1999 levels; with 2013 admissions, the United States held an estimated 1,574,700 persons in both state and federal prisons (see Figure 7.2). Non-Hispanic



Arthur Schatz / The LIFE Picture Collection / Getty Images

Richard Nixon, in his 1968 bid for the presidency, made “law and order” the linchpin of his southern strategy. In his first State of the Union address, he asserted that “we must declare and win the war against the criminal elements which increasingly threaten our cities, our homes and our lives.” In this call for action, the “war on drugs” became the most visible outcome (Soss, Fording, and Schram 2011, 32–35).

Figure 7.2 ■ The State and Federal Prison Population Has Increased Since 1980



Source: Bureau of Justice Statistics, "Key Statistics," <http://www.bjs.gov/index.cfm?ty=kfdetail&iid=487>.

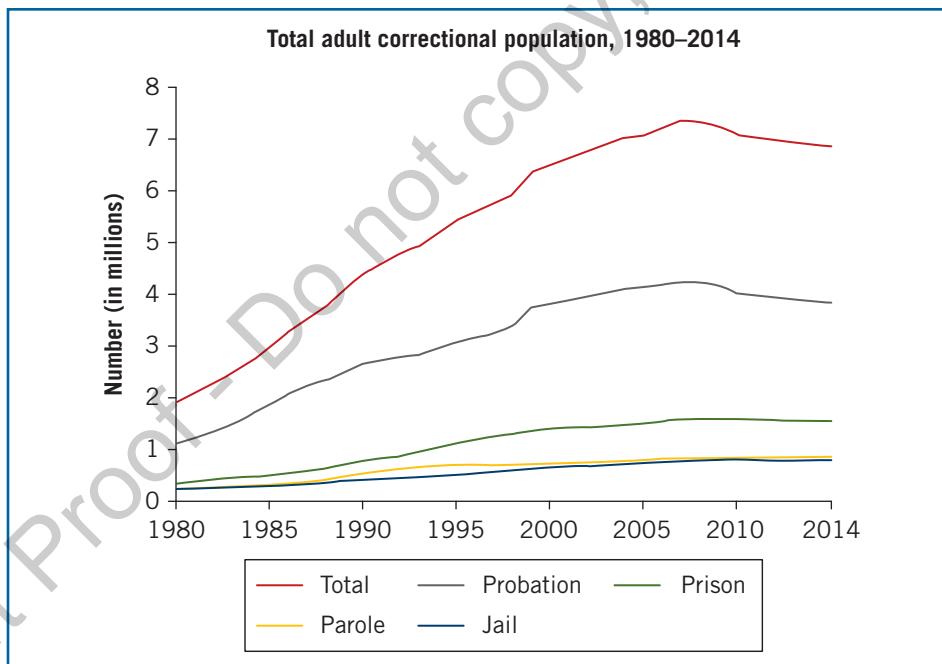
Blacks (37%) made up the largest portion of male inmates, followed by non-Hispanic Whites (32%) and Hispanics (22%) (Carson 2014, 1–2).

In the same period, White women made up close to half (49%) of the female prison population, compared to Black women, who accounted for 22%. If, however, we look at rate of imprisonment, we see that Black women (at 113 per 100,000) are more than twice as likely as White females (51 per 100,000) to be incarcerated. Variations are also observed if we consider gender and age. Close to 3% of Black male U.S. residents, regardless of age, were imprisoned as of December 31, 2014 (2,805 inmates per 100,000 Black male U.S. residents), compared to 1% of Hispanic males (1,134 per 100,000) and slightly less than 0.5% of White males (466 per 100,000). Black males in the 18–19 age group had the highest imprisonment rates. These young men were more than nine times more likely than their White counterparts to be imprisoned (Carson 2014, 8).

The Poverty Link

Poverty lies at the heart of these trends. Poverty, aggravated by racial isolation and coupled with inadequate funding of schools, lack of employment, and aggressive policing, has both immediate and lasting effects. Gaps in income between different racial groups are reflected in some less-than-obvious ways. When we compare incarcerated with nonincarcerated people ages 27–42, stark differences are apparent (Figure 7.3). While the racial gaps remain, males see the greatest declines in average income. This reflects the fact that males, and White males in particular, start off with the highest earnings and so have more to lose. What is not so apparent, and provides further evidence of the effects of the matrix, is that Black women, who have significantly less to lose, are the second-biggest losers in terms of incarceration. Further, the smallest income losses are observed among Hispanic women, who have the lowest wages to start with (Figure 7.3).

Figure 7.3 ■ Incarcerated People Earn Less Prior to Incarceration Than Non-incarcerated People



Source: Bernadette Rabuy and Daniel Kopf, "Prisons of Poverty: Uncovering the Pre-incarceration Incomes of the Imprisoned," Prison Policy Initiative, July 9, 2015, <https://www.prisonpolicy.org/reports/income.html>.

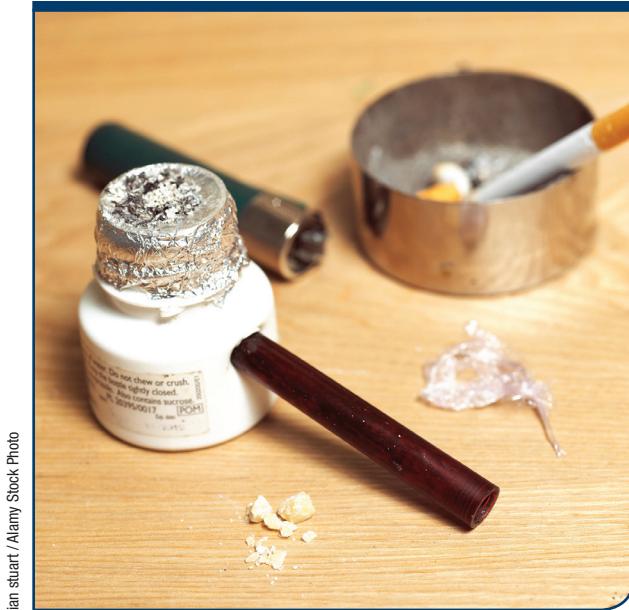
Among Black males without college educations, about 12% of those born after World War II are incarcerated, compared to 36% of those who reached their 30s in 2005. Even higher incarceration rates are observed among Black males born in the mid-1960s who dropped out of school. Of this group, between 60% and 70% are incarcerated. During this period, while the rate of incarceration for those without college more than tripled, it less than doubled among those with college. Consequently, a Black male dropping out of high school has an incarceration rate almost 50 times greater than the national average (Western 2006, 18). Ultimately, it is the community that bears the cost of so much imprisonment. As reported by Gonnerman (2004), this has produced “million-dollar blocks”—urban areas where \$1 million or more has been spent to incarcerate the residents.

Different Sentencing Outcomes

Race, ethnicity, gender, and class disparities in sentencing outcomes have also been identified. Men are 15 times more likely than women to be convicted of crimes, and on average they receive sentences that are about 63% longer than those received by women. Women are also about twice as likely as men to avoid incarceration, even when convicted. Prosecutorial decisions regarding women might be influenced by such statistics, as well as by other elements. One of these might be that women simply commit less severe crimes and thus warrant less severe punishment. Another factor, labeled the “girlfriend theory,” suggests that women are minor players caught up in the criminal actions of their boyfriends. Third, prosecutors might be lenient toward female defendants because of their family status—for instance, they may have young children, and incarceration would lead to family hardships. Fourth, women may be more likely to cooperate with prosecutors, and thus be granted plea deals (Starr 2012). Black women have been found to be three times more likely, and Hispanic women 69% more likely, than their White counterparts to be incarcerated (Sentencing Project 2005).

While inner-city drug use is highlighted on the front pages of tabloids across the country, drug use among middle-class youth is often ignored. Such drug abuse typically is more hidden and more likely to involve prescription medications, and thus is less likely to be criminalized. Middle- and upper-class young people are more likely to have access to both health insurance and prescription medications. Drugs such as oxycodone, hydrocodone, and codeine are now outpacing heroin and cocaine combined among substance abusers. Death rates from prescription drug overdoses nearly tripled between 1998 and 2006. White males ages 35–54 accounted for the highest proportion of deaths (Warner, Chen, and Makuc 2009).

Depending on the type of offense, most research finds that greater leniency is shown in sentencing when the victim is either Black or Hispanic. This is particularly true in sexual assault cases. When charged with crimes, Whites are more likely to receive



Ian Stuart / Alamy Stock Photo



Science History Images / Alamy Stock Photo

Abuse of prescription drugs, like oxycodone, is now outpacing that of street drugs like crack cocaine.

lower bail, thus suggesting a higher likelihood of prison time for Blacks and Hispanics. Hispanics, followed by Blacks, are also more likely to be denied release options. Regionally, Blacks charged with felonies in the South are least likely to have their cases dismissed. White males are also significantly more likely than either Hispanics or Blacks to have their charges reduced (Warner et al. 2009). Most research has found that Hispanic and Black males are more likely than their White counterparts to be singled out for severe punishment (Kutateladze, Lynn, and Liang 2012). And those with the least income and education are the most disadvantaged (Mustard 2001).

Capital Punishment

The United States is the only industrialized Western democracy that still allows capital punishment. Since 2009, Hispanics have constituted almost 20% of the new admissions to death rows across the United States (Snell 2010). Phillips (2008) has documented that Black defendants are 1.75 times more likely than White defendants to face the death penalty, and 1.5 times more likely than White defendants to actually be sentenced to death. Currently, 54% of prisoners on death rows in the United States are either Black or Latino, yet Blacks and Latinos make up only 27.9% of the total U.S. population (IndexMundi 2016).

The disparities in the application of the death penalty constitute an obvious indicator of more deeply ingrained inequalities across many institutional structures that maintain and perpetuate higher levels of violence in Black and Latino communities. When work disappears, there is an increase in ghetto-related behaviors, including the criminal activities associated with what some call an underground economy (Wilson 1996). Finally, what is the impact of structural inequality? For example, homicide rates over the past few decades point to obvious racial gaps. Black males are eight times more likely than their White counterparts to be homicide victims or offenders. They are also about five times more likely to be incarcerated for violent offenses. Comparatively, Hispanics also are more likely to be involved in violent crimes. Homicide continues to be the leading cause of death for Black males and the second leading cause of death for Latino males between the ages of 15 and 24 (Phillips 2002). These racial gaps can be explained only by structural inequalities. More specifically, almost the entire Hispanic–White gap and at least half of the Black–White gap could be eliminated by a reduction in residential mobility, improvements in education, and an increase in employment opportunities (Phillips 2002).

Identifying Types of Crime

Some types of crimes, victims, and criminals have become closely associated with particular races, classes, and genders. Dominant racial and ethnic groups, because they are better positioned than others, are more able to avoid criminal sanctions and being labeled deviant. The systemic linking of deviance with difference has much to do with both who is doing the linking and where the observations are being conducted. In most cases the assignment of deviance serves to legitimate both the status and the privileges of those in power. Deviance typically has been associated with young males who are members of racial and/or ethnic minorities. The fact that these youth also tend to be concentrated within urban areas, on reservations, or in rural enclaves has given rise to a long history of linking deviance to specific kinds of communities and groups. Crimes targeting women in all of these situations have tended to be either ignored or marginalized.

Differential Labeling

Differential labeling occurs when some individuals and groups are systematically singled out and declared deviant by virtue of their being in those particular groups. This labeling derives from the social construction of crime, law, and deviance by those who have power. Differential labeling underlies a persistently held belief within the United States that Blacks, Hispanics, and other disadvantaged groups are more prone to crime, violence, and disorder; more likely to receive support from welfare programs; and more likely to live in undesirable communities. Such stereotypes may also lead members of the stigmatized groups to respond in ways that

confirm the beliefs. Women of all groups have also experienced differential labeling. Women of color in particular bear the historic scars of being labeled whores and gold diggers (Farrell and Swigert 1988, 3).

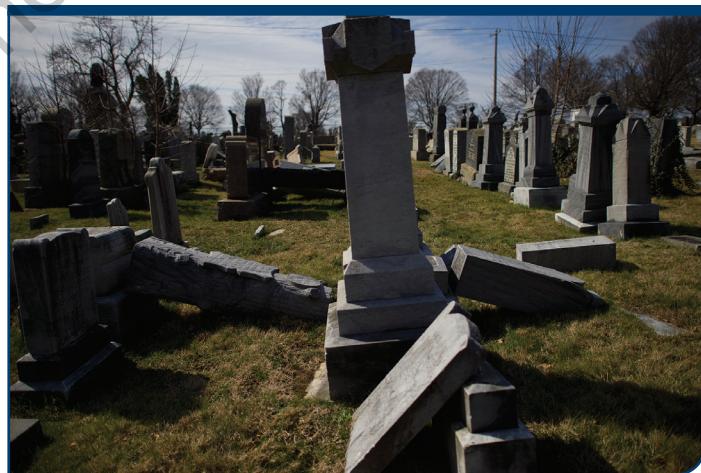
Differential labeling makes us more likely to associate racial minorities with crime. Deviance is in the eye of the observer. If we expect to see crime, then we will see it (Thomas and Thomas 1928, 571–72).

Differential labeling highlights the significance of the perceptions and social construction of deviance and crime. All too often, it can have devastating consequences. Over the past 7 years, the U.S. Department of Justice has been increasingly asked to evaluate incidents of the use of lethal force by local police. While it has identified 14 municipal law enforcement agencies suspected of engaging in a “pattern or practice” of violating civil rights through the use of excessive force, these findings have resulted in few lasting reforms (Weichselbaum 2015). Some have gone so far as to suggest that law enforcement has developed a warrior mind-set rather than a guardian mind-set (Stoughton 2015).

Hate Crimes

Crimes targeting individuals because of their group membership fall under the classification of hate crimes. The perpetrators of such crimes use violence and intimidation to further stigmatize and marginalize disenfranchised individuals and groups (Figure 7.4). These offenses are intended to protect and preserve hegemonic hierarchies associated with race, gender, sexuality, and class (Perry and Alvi 2011). The first federal legislation in the United States concerning hate crimes was the 1990 Hate Crime Statistics Act (Perry 2001, 2–3).

In 2014, the FBI reported that law enforcement agencies across the country reported a total of 5,850 hate crimes. Just over half were racially motivated crimes. Others targeted sexual orientation, religion, ethnicity, gender identity, disability, and gender. Almost two-thirds (65.1%) were crimes against persons; the rest were property crimes (FBI 2015). While Blacks remain



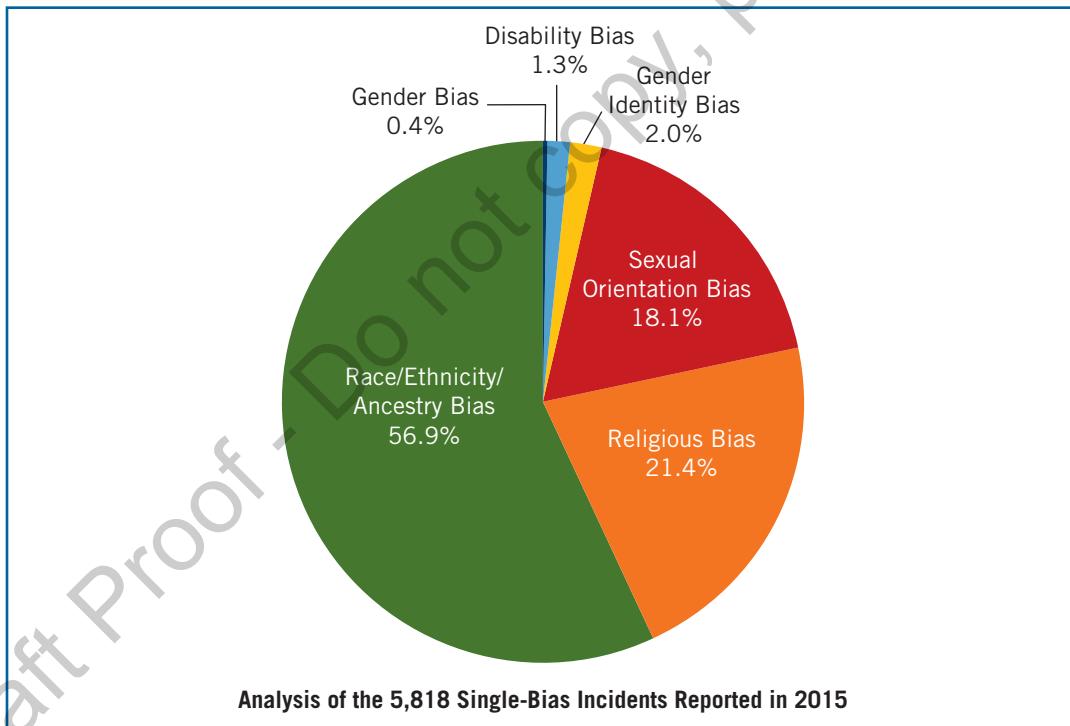
Mark Makela / Getty Images News / Getty Images

In early 2017, a string of hate crimes were recorded in which Jewish cemeteries were targeted. Roughly one-third of hate crimes target property.

the most targeted group, the number of incidents aimed at Blacks has steadily decreased, from about 6,000 per year in 1995 to 2,201 in 2015. Similarly, violence against lesbian, gay, bisexual, and transgender persons has been decreasing, but the number of crimes targeting LGBT people of color remains constant. LGBT people of color are more likely than their White counterparts to be the victims of hate crimes (Ahmed and Jindasurat 2014).

Most hate crime offenders are motivated either by a desire for excitement (66%) or by the belief that they are protecting their neighborhoods from perceived outsiders (25%). Few hate crime perpetrators commit these crimes in retaliation for being victimized (8%) or are motivated exclusively by bigotry (1%) (McDevitt, Levin, and Bennett 2002).

Figure 7.4 ■ Over Half of All Hate Crimes Reported in 2015 Were Racially Motivated



Source: Bill Dedman, Mike Bruner, and Monica Alba, "Hate Crime in America, by the Numbers," NBC News, April 16, 2014, <http://www.nbcnews.com/storyline/jewish-center-shootings/snapshot-hate-crime-america-numbers-n81521>.

Violence against Women

Throughout history, race, class, and gender have been elements in the selection of particular groups for victimization. Among women of color, sexual abuse has been used as a means of social control and to buttress a system that upholds both racial and masculine superiority. One in six women reports being the victim of attempted or completed rape. Of the 17.7 million women who fall into these categories, Native American and mixed-race women are by far the largest groups (34.1% and 24.4%, respectively). Since many rapes go unreported, these figures could be much higher. The leading causal factors associated with rape victims are high levels of poverty, unemployment, and hopelessness. Among all groups, persons in the poorest households experience violent victimizations at more than double the rate of persons in higher-income households (Harrell, Langton, Berzofsky, Couzens, and Smiley-McDonald 2014).

Across the United States, 1 in 5 women and 1 in 71 men will be raped at some point in their lives. Bisexual women report the highest rates of rape (74.9%), followed by lesbians (46.4%) and then heterosexual women (43%). The most common violent crime on U.S. college campuses is rape (Sampson 2002). By the time they graduate, at least a quarter of female college students have experienced sexual assault. Only 4% of these incidents are reported to law enforcement and 7% to any school official. A significant proportion of sexual assaults on college campuses involve LGBT students (9%) (National Sexual Violence Research Center 2015).

Many domestic workers and farmworkers, particularly those who are undocumented immigrants, may be hidden victims of sexual abuse. These victims, isolated physically, legally, or both, are least likely to report or to be able to prove charges of rape or abuse. An exhaustive 2006 study in New York found that 33% of domestic workers had experienced either verbal or physical abuse or were made to feel uncomfortable by their employers. Of these, one-third felt that their race/ethnicity or immigration status contributed to their employers' behavior (Domestic Workers United and DataCenter 2006). In fact, the rape of domestic workers is a worldwide problem. In 2012, the United Nations announced the ratification of a new treaty to protect domestic workers' rights. In many ways, crimes against immigrants and other so-called undocumented workers are forms of hate crimes.

Organized Crime

Gangs range in type from more or less informal groups whose members frequently commit crimes to more formal groups with clear hierarchies, histories, and cultures. These latter types of gangs participate in what can only be classified as **organized crime**.

Urban gangs associated with organized crime over the past decade have expanded their operations to include alien smuggling, human trafficking, and prostitution. These groups have also been highly integrated within specific communities. Urban gangs associated with the Irish, Italians, Jews, and Poles emerged in four major U.S. gang

regions associated with European ethnic migration during the period 1880–1920. These almost exclusively consisted of street gangs operating in New York City and Chicago. During the 1960s and 1970s, the demographics of urban gangs shifted, reflecting changes in the U.S. population. Latino and Black gangs began to dominate in both of these cities. Significant differences in history can be identified between gangs in the western United States and those in the Northeast and the Midwest. Western gangs, for example, were never associated with White ethnics. Rather, for nearly half a century, Mexicans have dominated these gangs (Howell and Moore 2010).

The earliest gangs originating in New York and Chicago were dominated by adults engaged in criminal activity. Organized crime figures and political operatives created complex webs of criminal activity that controlled the streets in both cities. Gangs with younger members emerged and copied the styles of the earlier gangs, flourishing over time. These gangs tended to be associated with urban decay, unemployment, and overwhelmed social agencies (Howell and Moore 2010).

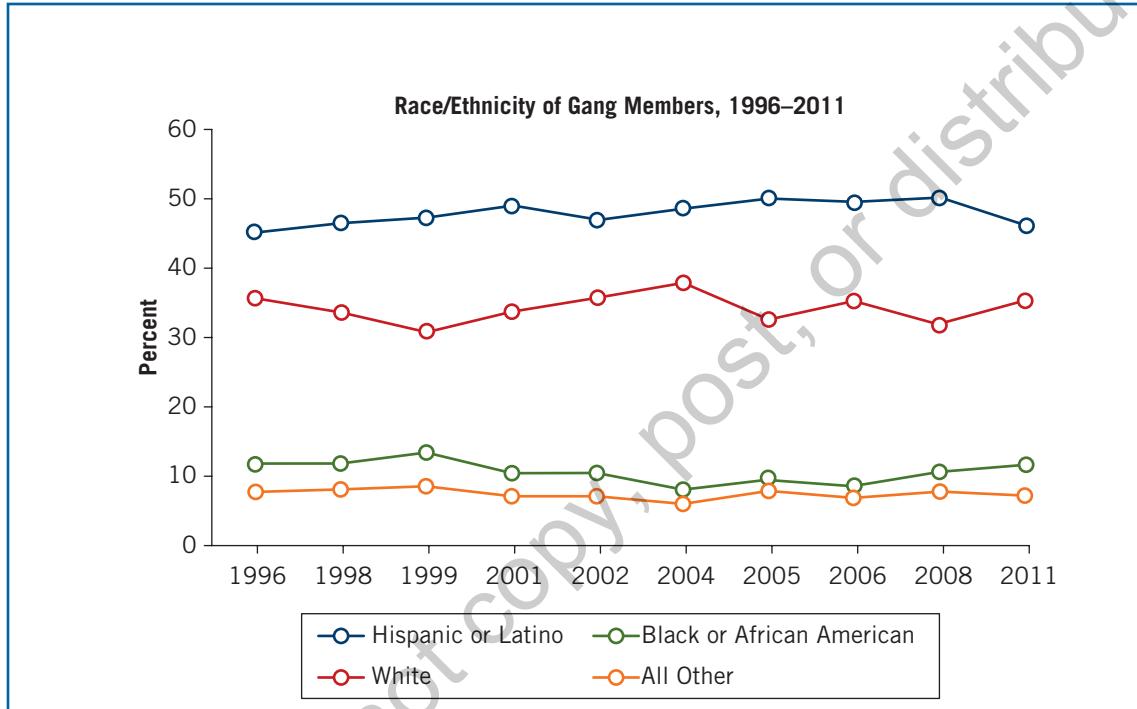
Today, four major gang regions can be identified in the United States. U.S.-based gangs operate behind prison walls (where they also recruit), in the military (where there are at least 53 separate gangs), and internationally, in Central America, Mexico, Africa, Europe, China, and the Middle East.

Contrary to popular stereotypes, three out of five gang members are adults (Howell and Moore 2010). Larger cities and suburban counties, with their longer histories of gang presence, are more likely to have older gang members. Most gang members are male, although nearly half of all gangs outside large cities report having some female members. Latinos and African Americans dominate gang membership (Figure 7.5). White gang members tend to be more prevalent in smaller, more rural areas (National Gang Center 2012). Gangs are associated primarily with poorer, urban communities. Their existence is seen as a response to both unemployment and the lack of other services (Egley, Howell, and Harris 2014). Gang membership may serve as a defensive response to perceived or real threats posed by social disorganization, economic disadvantage, and high levels of ethnic and racial conflict (Pyrooz, Fox, and Decker 2010). Racial and ethnic gangs serve a multitude of purposes for their members. They provide a sense of belonging, order, purpose, community, defense, and resources (status, drugs, and money) (Howell and Moore 2010).

White-Collar Crime

When most people think about crime, they might picture a male, typically a person of color, wearing a hoodie and sporting gold teeth, lurking on some dark street corner, just waiting to jump out and molest an innocent passerby. We all know those areas where it is “unsafe” to walk at night. Ironically, our perceptions of crime ignore some of the most significant criminal acts committed, those perpetrated by White professionals working in offices. This kind of crime—known as **white-collar**

Figure 7.5 ■ Latinos and African Americans Have Historically Dominated Gang Membership



Source: National Gang Center, “National Youth Gang Survey Analysis,” 2012, <http://www.nationalgangcenter.gov/survey-analysis/demographics>.

crime—is typically financially motivated and nonviolent, often committed by business or government professionals. It is estimated to cost U.S. citizens and corporations anywhere from \$250 billion to \$1 trillion each year (Friedrichs 2007)—and these criminals, in contrast with other types of offenders, are more likely to be male, White, highly educated, and employed (Wheeler, Weisburd, Waring, and Bode 1988).

White-collar crime has been defined as “crime committed by a person of respectability and high social status in the course of his [or her] occupation” (Sutherland 1949, 9). African Americans and other disadvantaged racial and ethnic groups are extremely unlikely to engage in corporate-level white-collar crimes like antitrust activities, although they are equally as likely as Whites to be charged with low-level white-collar crime such as embezzlement and fraud (Weisburd, Wheeler, Waring, and Bode 1991; Shover and Hochstetler 2006). Women, in general, are less likely to participate in

white-collar crime (Weisburd et al. 1991). These differences manifest the clear structural opportunities that coincide with race, class, and gender. As Hagan (1994, 103) argues, since the opportunity to commit white-collar crime is linked to both class position and power, it makes sense that White males are most likely to engage in these sorts of crimes. In contrast, a particular form of white-collar crime, **welfare fraud** (i.e., the illegal use of state welfare systems to knowingly withhold or make false statements for the purposes of obtaining more funds than allowed) has been historically linked to poor women, especially women of color.

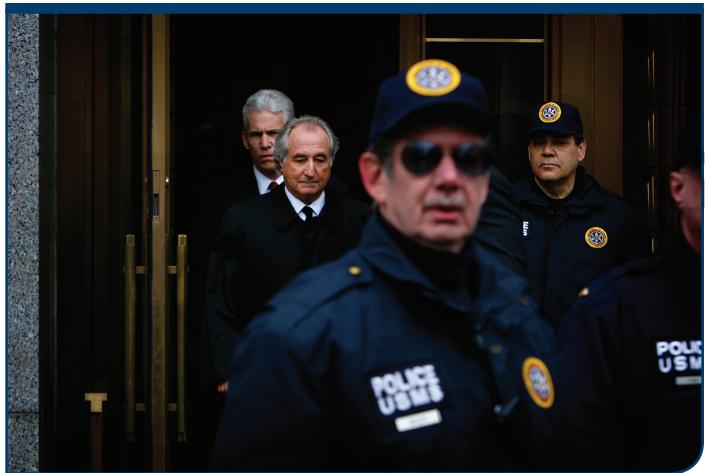
The ideology of the Reagan administration in 1981 linked welfare fraud to the “typical welfare recipient”—a woman of color, often African American, with five or more children by different fathers, who spent most of her days watching soap operas and thinking of more ways to scam the system (Rose 2000, 144). Although this image has repeatedly been shown to have little basis in reality, many people hold firmly to the myth, which is still promoted by right-wing media outlets (Rose 2000).

White-collar crimes are often cast as crimes of opportunity rather than crimes of deviousness. We tend to romanticize these criminals while demonizing other types of offenders. It is interesting to note that we rarely think of white-collar crime as being evidence of a culture of poverty or deviance. Therefore, we are less likely to link white-collar criminals to specific racial, ethnic, class, or gendered groups. Sutherland (1940), who originally coined the term *white-collar crime*, concluded that “the general public was, sadly, simply not aroused by white-collar crime.” Even though as many as one in four U.S. households may be the victims of white-collar crimes, close to 90% of these crimes are not reported to law enforcement (Huff, Desilets, and Kane 2010). In 1968, the President’s Commission on Law Enforcement and Administration of Justice found that U.S. adults tended to be “indifferent” to white-collar crime and in some cases actually sympathized with the perpetrators. More recently, federal judges have been found to be more likely to ignore federal sentencing guidelines and reduce the sentences for certain white-collar crimes, and more likely to follow sentencing guidelines in drug cases. Sentencing judges also tend to be more persuaded toward leniency by highly respectable and privately compensated counsel. In addition, sentencing judges are more likely to be swayed by high-profile defendants’ histories of philanthropy and community service, the potential of long sentences for such defendants to disrupt economic or employment systems, and the defendants’ loss of reputation (Shover and Hochstetler 2006, 98).

White-collar crime has been demonstrated to be as serious as street crime in the harm it produces (Piquero, Carmichael, and Piquero 2007). Among prominent white-collar offenders in recent years have been large corporations such as Halliburton, Lucent, Rite Aid, Cendant, Sunbeam, Waste Management, Enron, Global Crossing, K-Mart, WorldCom, Adelphia, Xerox, and Tyco (Simon 2006).

Imagine the consequences when elected political leaders and major corporations conspire to illegally dump tons of garbage, construction waste, or other pollutants in your community.

Such a scenario played out during the 1990s in Chicago, where local leaders and politicians were bribed to look the other way. The FBI, in a secret investigation dubbed Operation Silver Shovel, documented that construction and remodeling waste from mostly White neighborhoods on the city's North Side and from suburban communities was being dumped primarily into working-class and low-income African American and Latino communities on the West Side. In order to ensure the success of this operation, the perpetrators paid bribes of as much as \$5,000 per month to Black and Latino aldermen beginning in the late 1980s. Black and Latino communities in Chicago account for close to 80% of the illicit trade in waste disposal (Pellow 2004).



Orlin F. Ellingvag / Corbis Historical / Getty Images

Investment adviser Bernie Madoff, utilizing a Ponzi scheme, bilked investors out of \$64.8 billion. Madoff might well be the most famous, if not most successful, white-collar criminal in U.S. history, but he is not alone. Besides costing billions of dollars, corporate crime that exposes the public to environmental risks may endanger untold numbers of lives.

CRITICAL THINKING

1. Examine a school or local newspaper. What types of stories are associated with deviance? Does the matrix help you better understand the types and forms of deviance? What types of deviance seem to be missing? What does this suggest about space and place?
2. Which of the following acts is most deviant: (a) cheating on a test, (b) cheating on your partner, (c) cheating on your taxes, or (d) cheating at cards? What accounts for your selection? Can you identify any situations in which that act would be considered appropriate or excusable?
3. What do you think would be the consequences of excessive policing and stiff punishment for those who engage in the acts listed in question 2? What does this suggest with reference to the interaction of race, class, and gender with different types of crime and deviance?
4. We all have at one time or another been involved with both crime and deviance. Thinking about one specific occurrence in your life, in what ways did this event demonstrate the interaction of race, class, and gender? How might such events affect your perceptions of those within particular groups and the causes of deviance?

■ TRANSFORMING THE NARRATIVE OF RACE, CRIME, AND DEVIANCE

The ways in which people, and youth in particular, perceive themselves are often framed by images in the news and entertainment media. These projections have significant impacts on how individuals see themselves as well as how the public, police, and courts respond to them. We do not often see positive news media portrayals of young people of color or their communities (Waymer 2009), and the effects of a steady stream of negative reporting on crime, poverty, and violence associated with inner-city areas are rarely considered. Without counterstories, the pictures these youths have of themselves, and the pictures others form, are negative, filled with deviance and violence. Thus we may be seeing self-fulfilling prophecies as life begins to imitate its representations. In this section we present some alternative stories, demonstrating that indeed there is hope for the future.

CONCEALED STORY: Keri

Hello, my name is Keri Blakinger. I was a senior at Cornell University when I was arrested for heroin possession. As an addict—a condition that began during a deep depression—I was muddling my way through classes and doing many things I would come to regret, including selling drugs to pay for my own habit. I even began dating a man with big-time drug connections that put me around large amounts of heroin. When police arrested me in 2010, I was carrying six ounces, an amount they valued at \$50,000—enough to put me in prison for up to 10 years. Cornell suspended me indefinitely and banned me from campus. I had descended from a Dean's List student to a felon.

But instead of a decade behind bars and a life grasping for the puny opportunities America affords some ex-convicts, I got a second chance. In a plea deal, I received a sentence of 2½ years. After leaving prison, I soon got a job as a reporter at a local newspaper. Then Cornell allowed me to start taking classes again, and I graduated in 2014. What made my quick rebound possible?

I am white, female, and middle-class.

Source: Keri's story is used by permission of the author and the *Washington Post*, <http://www.washingtonpost.com/posteverything/wp/2015/01/21/heroin-addiction-sent-me-to-prison-white-privilege-got-me-out-and-to-the-ivy-league>.

Keri's story (see "Concealed Story" box) highlights the concealed reality of our justice system. Justice is not blind. Justice presumes that members of the community or society are equally represented in its decisions, judiciously represented by its laws, and treated equitably by its courts. Race riots, civil disobedience, protests, boycotts,

and litigation are all forms of resistance that have been used effectively and continually to highlight racial injustice.

When Michael Brown, a young Black man, was shot and killed by police officer Darren Wilson in a St. Louis suburb in 2014, and the grand jury subsequently decided not to indict Wilson, several thousands of people protested. Police responded with tear gas, rubber bullets, armored vehicles, and helicopters. And even though more than 300 protesters were arrested, demonstrations continued to take place for months after the event. Similar stories have been repeated in dozens of cities across the nation, in such places as Cleveland, Ohio; Charlotte, North Carolina; Tulsa, Oklahoma; and San Diego, California. Other protests resulting from the police use of deadly force against Latinos have also occurred, in Bell and Los Angeles, California; Yuma, Arizona; and Reno, Nevada. Native Americans have also protested what they perceive as racial profiling by police. These events highlight how deviance as resistance can help not only to highlight the abuses of an inequitable system but also to push for the transformation of them. In 2016 alone, more than 24,000 inmates across 12 states and 29 prisons held hunger strikes, labor strikes, and other actions to protest what they perceived as unjust systems (Washington 2016). More than 2,000 military veterans joined Native Americans at Standing Rock Sioux Reservation in North Dakota in their protest against the construction of an oil pipeline, as demonstrators called attention to “assault and intimidation at the hands of the militarized police force” (Mele 2016).

TRANSFORMATIVE STORY: Redefining Deviance

The matrix lens alerts us to the reality that groups and individuals throughout the American narrative have been quite effective at both resisting and surviving oppressive systems. Resistance consists of the conscious and unconscious attempts by individuals and groups to challenge the dominant values of society. Resistance serves to counter oppression by providing sites and spaces where stereotypes can be challenged and social and cultural hegemonies can be transformed, so while the normative structures define deviance as moral irregularities, resistance redefines it as resilience and moral alternatives (Scott 1985, 1992). Black, Latino, Native American, and other cultures developed in resistance to and negation of the dominant culture that not only racializes them but also serves to define them as deviant. These oppositional cultures reject the often demonized and ostracized racial identities inherent in racialized structures (Gardner 2004). When laws and structures are perceived as arbitrary and unjust, people feel anger, lack of self-control, and less committed to the community and each other. In such a situation deviance is likely (Colvin, Cullen, and Vander Ven 2002)—but deviance can also lead to forms of resistance.

Transformative stories are happening all around us. They are hidden within criminal proceedings and on the back pages of our newspapers, while the stock story is reported in the headlines. During a trial the victim is asked, “Do you see the person who attacked you?” And typically the confident victim points a finger at the handcuffed and nervous defendant. Nothing is more gripping; nothing is more definitive for jurors than that moment. But what happens when there is a case of mistaken identity, when the wrong person is accused, then convicted, then sentenced for a crime he or she did not commit?

Scientific Advances

This story begins in 1984 in Burlington, North Carolina. Jennifer Thompson, a 22-year-old college student, had gone to bed early in her off-campus apartment. As she slept, a man broke the light outside the apartment, cut the phone lines, and broke in. He then raped Thompson at knifepoint. She eventually tricked the rapist into letting her get up to fix him a drink, and she escaped out the back door. The rapist ran out as well, and 30 minutes later, he raped a second woman.

As Thompson recounted the events to the police later at the hospital, she provided all of the clues that she had observed regarding her rapist. Based on her recollections, the police were able to make a composite sketch. The sketch was aired on all the local news media and tips started coming in. One of those tips was about a man named Ronald Cotton, who worked at a restaurant near the scenes of both rapes. He also had a record, having pleaded guilty to breaking and entering, and, as a teenager, to sexual assault. Three days after the rape, police called Thompson to come in and view a photo lineup, out of which she identified Cotton as her attacker. Cotton was able to account for where he was, who he was with, and what he was doing during the time of the rape. The problem was that he confused his weekends, and the alibi that he provided was false. Based on this, he was arrested and arraigned, and ultimately he was convicted of rape. Ten years later, when technology had improved enough to make use of DNA evidence, Cotton asked his attorney to look into having the DNA in his case analyzed as a means of exonerating him. When a sample of sperm taken from one of the victims was tested, Cotton was excluded as a potential donor. Another man, ironically serving time in the same prison, was later proved by this same DNA evidence to be the perpetrator.

Since it was founded in 1992, the Innocence Project has been tracking possible cases of wrongful conviction. By 2016, through its efforts, a total of 344 convictions had been overturned by new DNA evidence. Among these cases, 20 of those convicted had been on death row. Of the 347 prisoners released, 215 were African Americans, 105 were Whites, 25 were Latinos, and 2 were Asian Americans. On average, they had served 14 years. If we were to compute the total years that would have been served by these wrongly convicted men if their innocence had not been established, we would arrive at a staggering 4,730 years. The average age of those exonerated at the time of their wrongful convictions was 26.5 (Innocence Project 2016).

Alternatives to Incarceration

Some state legislators, citing several decades of increasingly harsh laws, have begun proposing alternatives to incarceration, particularly for young offenders. In 2010, the U.S. Supreme Court ruled that sentencing juveniles to life without parole for homicide convictions violates the constitutional ban on cruel and unusual punishment. Judges are looking for creative ways to hold youth responsible for their crimes while at the same diverting them from prison. Community service has replaced incarceration for many youth. In these situations the focus is on repairing the harm the offenders have done, either to their victims or to their communities. This allows the youth to evaluate their behavior and gain a better understanding of how their actions affect others. It also offers a meaningful way to hold the juveniles accountable (Brown 2012).

Over the past few years, Congress and state governments have made significant progress in reducing the burgeoning U.S. prison population by passing legislation to shorten sentences for drug offenses and by offering clemency for certain nonviolent drug crimes. Unfortunately, these efforts may be derailed under the Trump administration, as federal prosecutors nationwide are now being encouraged to seek the strongest possible sanctions for those charged with serious offenses (Ford 2016).

Additional solutions require an investment in alternatives to detention and incarceration. Most criminal acts are related to drug abuse, and such crimes tend to be nonviolent and “victimless.” Many states, such as Maryland, have begun to explore cost-effective approaches to sentencing for offenders in these kinds of cases that divert them from prison. Programs that provide offenders with community-based drug treatment, life skills training, literacy training, education, and job skills training have been highly successful. Many believe that investing in human capital in this way will produce a higher return to society than incarceration (McVay, Schiraldi, and Ziedenberg 2004).

Emphasizing Choice

Any remedy must take into consideration individual agency. People make choices, including the choice to commit crimes, although, as we have learned throughout this chapter, some choices are more constrained than others. Some people’s criminal actions seem to be reactions to their being left out of the American Dream. When agency is denied or circumscribed by race, class, and gender, there is an increased likelihood that deviance will result. This deviance does not reflect a culture of crime or a culture of poverty; rather, it reflects a poverty of opportunities.

When we see that some upper-middle-class White males participate in fraudulent stock, banking, and mortgage schemes, or some poor Whites produce, distribute, and sell methamphetamine, or some Black and Hispanic individuals join gangs and precipitate violence, we must understand these acts as expressions of agency. Neither crime nor deviance is caused by race, ethnicity, gender, or class. People make choices, some good and some bad. These choices are circumscribed by environments,

histories, and structural inequities. The prevalence of one specific type of crime or deviance is determined by the kinds of resources available within a particular community, institution, or situation and the kinds of choices people make.

The overwhelming majority of people in all racial and ethnic groups do not commit crimes—they make other choices. While society cannot force individuals to make different choices, it can both hold them accountable and provide effective alternatives to deviance. Even for those currently caught up in deviance, alternatives to detention have been demonstrated to deter further criminality. These alternatives include suspended sentences, probation, fines, restitution, community service, and deferred adjudication/pretrial diversion.

Adjusting the Narrative of Race and Deviance

Finally, we must shift away from an individualistic approach that defines specific individuals and communities as in need of “fixing.” Using the matrix lens instead of the dominant cultural lens of White middle-class male privilege, we must understand that some differences in life outcomes are rooted in structural inequities. One size does not fit all, and racism, sexism, poverty, and homophobia influence identity, group formation, and community.

The matrix lens does not present people, communities, and groups as victims, though they might have been victimized. Rather, it projects them as agents, who see not only what is available but also what obstacles they must overcome to obtain it. By changing the lens we therefore ask a different set of questions: How do we empower, how do we incorporate, and how do we embrace the power of difference?

CRITICAL THINKING

1. How might prison riots, street protests, and legal actions transform our attitudes toward and the realities of crime and deviance?
2. Why is it difficult to transform our criminal justice system? What types of strategies have been devised? What other kinds of transformations seem likely?
3. What role does intersectionality play in crime and deviance? Identify and explain at least three ways in which this occurs. What does this suggest regarding our construction of crime and deviance?
4. In what ways does your status affect the likelihood that you will be charged with either a crime or being deviant? Are there types of crime or deviance that are strictly related to your being a student? Are there some behaviors that are considered deviant on a college campus that would be considered normal elsewhere?



KEY TERMS

- biological determinism, p. 238
- broken windows theory, p. 241
- crime, p. 257
- culture of poverty, p. 240
- deviance, p. 230
- differential association theory, p. 240
- differential labeling, p. 252
- general strain theory, p. 243
- Jim Crow laws, p. 232
- organized crime, p. 255
- prison–industrial complex, p. 246
- racial consciousness, p. 231
- racial profiling, p. 235
- slave patrols, p. 232
- social disorganization, p. 239
- welfare fraud, p. 258
- White normative structures, p. 231
- White privilege, p. 231
- white-collar crime, p. 256

CHAPTER SUMMARY

L0 7.1 Examine the history of race, crime, and deviance.

Race, gender, and class disparities are represented in who gets defined as either criminal or deviant. Historically these differentials can be traced to the slave codes, immigration policy, and the development of reservations for Native Americans. Taken together, these practices, policies, and laws account for the racially differentiated criminal justice system. Whiteness was created as a means of assuring that the racial state would be preserved. Laws were created to fortify this structure at the expense of people of color. Contemporary trends in scholarship on crime and deviance highlight the racial, gendered, and class differentials in how justice is administered across the United States. These disparities are observed throughout the justice system, in differential policing, racial profiling, and differential sentencing and incarceration rates.

L0 7.2 Analyze stock theories of race, crime, and deviance.

Classical sociological theories of crime and deviance represent a portion of our stock stories. As such, they reflect the dominant view that not only is our system just, but also those who violate the laws are appropriately sanctioned. Most of the theoretical orientations of these stock stories fall into four broad categories: biosocial theories of deviance, ecological perspectives, culture of poverty explanations, and broken windows theory. All of these have a common theme—they place the source of deviance at the micro level. Therefore, the individual or his or her community, culture, or environment is at odds with societal norms. And by implication, if the individual or his or her community, culture, or environment could just be reformed, fixed, adjusted, or rehabilitated, then the deviance would be reduced or nonexistent.

LO 7.3 Apply the matrix lens to the relationships among race, crime, and deviance.

The matrix of crime and deviance starts by recognizing that the assumptions about crime and deviance are intended to ensure that race, gender, and class differentials are preserved. The matrix informs us that certain socially defined people and groups (reflecting the interactions of race, class, and gender) situated in particular spaces and places are more apt to be labeled deviant than others. It also informs us that the nexus of various spaces interacts with social identities to produce different types and definitions of deviance. As we consider the various dimensions of the matrix lens, space and place help us to understand that crime and deviance are situationally and contextually specific. Therefore, urban areas produce different types of deviance possibilities than do corporate spaces. Hate crimes, which constitute a particular type of deviance, are utilized as means of social control. Among the outcomes of the linking of national and corporate policies around crime and deviance have been the militarization of the police and the creation of the prison–industrial complex. These policies have called for increased surveillance, criminalization, and incarceration of the members of designated racial and ethnic groups. Ultimately, this process also accounts for the fact that Blacks, Hispanics, and the poor are more likely to receive the death penalty.

LO 7.4 Formulate transformative narratives of crime and deviance.

Historically individuals and groups have not been complacent when faced with injustice. Rebellions and insurrections, riots, and protests have frequently been instrumental in movements calling for change. Over the past few years, many people have begun to question the racial, gender, and class disparities that dominate every phase of the American criminal justice system. Alternatives to detention and incarceration, particularly for nonviolent criminal acts, are showing promise in several states. And while we must continue to hold individuals responsible for their actions, we also need to recognize that some crimes and forms of deviance are the results of racism, sexism, poverty, and homophobia. The most effective way to reduce crime and deviance would be to decrease all forms of discrimination, increase opportunities, and enhance training and education.



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