

Chapter 1

Introducing the Sociology of Crime and Deviance

After studying this chapter, you should:

- understand the philosophy underpinning this book
- recognize the problematic nature of the terms 'crime' and 'deviance'
- have reflected on whether there is such a thing as the sociology of deviance and criminology
- be aware of the subject matter of the subsequent chapters in this book

THE PHILOSOPHY BEHIND THE BOOK

We have three aims in writing this book. We wish firstly for you to take an active part in your own education. *Interpretation, application, analysis and evaluation* are the central skills that new sociologists must demonstrate in any examination. Interpretation means that you should be able to look at different types of information, such as that presented in tables and text, and be able to communicate your understanding of them. Application is being able to take sociological and non-sociological material and use it in relevant ways to answer set questions. Analysis means to break down debates and arguments into their constituent parts. Evaluation means being able to assess sociological debates and arguments by examining and evaluating relevant evidence. We are also concerned with providing you with a good solid understanding of sociological knowledge.

The best way of developing these skills is to practise them yourself. Hence we have designed a series of exercises that are tied to these four skills, and if you carry them out you should be able to improve your performance in these

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areas. You will be able to identify the skills that each question is designed to develop by looking out for the following symbols: [I] for interpretation, [A] for application, [An] for analysis and [E] for evaluation. However, we also want you to understand the interconnections between all the information in this book, so you will also find that there are *link exercises* for you to do. These will not only help you to perform skilfully, but will also increase the sophistication of your understanding of the sociology of crime and deviance.

Our second aim is to present you with sociological knowledge that is appropriate and useful for your examination performance. We decided that we did not want to present knowledge that you can glean from other textbooks as it would be pointless to try to cover ground that is more than adequately covered elsewhere. But, we do want you to be as up to date as possible with topics that are familiar to you, so that you can apply the relevant material in your examination. We have therefore focused on developments in sociology during the 1980s, 1990s and 2000s.

We have not attempted to tell you all there is to know about sociology in this period, because to develop your sociological skills you should be finding out for yourself what has been happening in society and sociology during this time. We have, however, tried to give you an overview of the debates that have been going on and the sociologists who have been writing about crime and deviance in this period. You will find that much of the material concerns the theories and ideas of the new right and of the postmodernists, and how other sociologists have responded to these developments. To help you consolidate your knowledge and understanding, activities that test these are included in the exercises. Questions that require you to demonstrate sociological knowledge and/or understanding use the symbols [K] and/or [U].

Our third aim is to help you to pass your examinations in sociology. We have therefore included a series of exam questions for you to do, with some key concepts and critical thinking questions. We believe that if you carry out the activities connected to the questions you will help yourself to pass any examination. You may prefer to conduct the activities with a teacher or lecturer, and she or he may be able to build upon the ideas and activities in order to improve your performance. However, you could also use the examination activities as supplements to your other work in sociology, as you go through your course, or as a revision aid as you near your examination.

The important thing to remember is that we cannot do it all for you. You will gain most from this book if you approach it in an active way and are prepared to apply the information and skills in the examination itself. If you just read the text and miss out the exercises, you will only be doing half of what is necessary to pass any sociology examination.

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WHAT IS DEVIANCE?

Traditionally, sociology has seen deviance as some sort of opposition to the societal consensus on the proper way to behave and think. In the *Rules of Sociological Method*, Durkheim (1973) describes a complex relationship between crime, deviance and difference. He sees these three phenomena as degrees of divergence from the norms (rules) of society, in which crime attracts social censure of an official kind, while deviance is more lightly censured by a social rather than a necessarily official reaction. On the other hand, individual difference is to be celebrated as the essence of human society. Deviance therefore stands between crime and difference, whereby individuals live their lives at the edge of 'normal' society without always attracting legal sanctions. Crime and deviance are therefore inevitable consequences of the range of individual differences that exist in any society. The greater the differences, the greater is the need for the concept of deviance. The definition of what is deviant and what is criminal relies on the scientific analysis of a given set of social circumstances. The need for analysis stems from the fact that what is deviant is not always obvious (see Exercise 1.1 to explore one such distinction). Sensibilities – that is, judgements about what is acceptable and what is not – vary from society to society, and what may be condemned in a traditional society as unacceptable difference (for example homosexuality) may be celebrated in postmodern societies as a lifestyle choice, or at least one to be tolerated because of its difference.



Exercise 1.1

A useful distinction is made in sociology between legal and illegal deviance. Legal deviance refers to behaviour that breaks social norms or standards but remains within the law. Illegal deviance (crime) refers to behaviour that contravenes the law and is subject to formal punishment. Bearing this distinction in mind, draw up an extended version of the chart below and classify the following deviant acts into either legal or illegal rule breaking. We have provided two examples to get you started.

Deviant acts

- Murder
- Homosexuality
- Rioting
- Suicide
- Euthanasia
- Rape within marriage
- Smoking marijuana
- Terrorism
- Killing in wartime
- Prostitution
- Alcoholism
- Having a tattoo
- Speeding in a car
- Busking
- Divorce
- Tax evasion
- Vandalism
- Nude sunbathing

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- Road rage
- Mental illness
- Environmental pollution
- Farting
- Single parenthood
- Street begging
- Drinking alcohol
- Smoking in a pub
- Bigamy
- Child abuse
- Transvestism
- Joy riding

Legal deviance

Mental illness

Illegal deviance

Rape within marriage

You may have found it difficult to allocate some of the deviant acts in Exercise 1.1. You may have ended up saying that it depends on the country in which you live, the time period in question or the circumstances in which some of the acts take place. If such thoughts came into your head you were right, because there is no absolute or universal way of defining a deviant act. Rather, deviance is a social construct. It is something that is relative to time, place and social situation.

Moreover the definition of deviance is interwoven with the issue of power, that is, who in society is able to impose their view of what is acceptable and what is not. For example Sumner (1994) argues that it is those who benefit most from the prevailing system who have the means to create ideological censures, that is, the dominant notions of right and wrong in society. It is the activities of the media and the education system that are crucial in determining which behaviours are accepted by the majority as 'normal' and which are considered 'deviant'. Yet the acceptance of social acts as non-deviant can also be determined by society at large, regardless of what the 'official' definitions are.



Exercise 1.2

To illustrate the way in which deviance is a relative concept, draw up a chart like the one below and use the list of deviant acts in Exercise 1.1 to provide four examples of legal or illegal behaviours that vary according to time, place or social situation.

Relative nature of deviance	Example of deviant act
Time	1. Rape within marriage 2. 3. 4.
Place	1. Bigamy 2. 3. 4.

Social situation

1. Nude sunbathing
 - 2.
 - 3.
 - 4.
-

WHAT IS CRIME?

At first glance the definition of crime seems to be deceptively simple, that is, it is what the law declares to be illegal. However, postmodernists such as Henry and Milovanovic (1994) argue that this is just a tautology (saying exactly the same thing in a different way) and does not encompass the complexity of what is meant by crime. For example interactionists have pointed out that an individual act can be defined as crime or not-crime, depending on the circumstances in which it is carried out (see Chapter 4). But a whole range of other factors are neglected in the tautological definition, such as the role of the law enforcement agencies, what the perpetrator and the victim contribute to an action being defined (or not defined) as a crime, and what has been omitted or exaggerated by participants in coming to a definition of an act as a crime or not a crime.

While this is to insist that crime is a socially constructed phenomenon, it is not to accept, as some critics suggest, that crime is somehow not real and that violent behaviour is merely fictional. Henry and Milovanovic argue that crime is about the exercise of power, the inflicting of pain and hurt on individuals caught in an unequal relationship at a particular moment (see Chapter 5). This power may be expressed by denying something to others, by inflicting real pain on others or by making victims out of those with less power. However, the law can only cover some of the ways in which harm is inflicted in the exercise of power. What is also criminal are those governmental and business practices or family interactions that are not formally illegal but result in harm to others. This of course is a very radical position, in that it criminalizes many of the activities of the state that have usually been seen as the normal and legitimate exercise of power.

THE RELATIONSHIP BETWEEN CRIME AND DEVIANCE

The ways in which crime and deviance are conceptualized in sociology are varied, and it is oversimplistic to treat them as the only two possible categories for activities that lie outside the social consensus of 'normal'. Hagan (1994), following Sutherland (1949), argues that there is a continuum of activities ranging from those formally proscribed by the law, to those whose legal

situation is less rigid to those seen as conformist. This would include behaviour that is actually or potentially subject to punishment by society, depending on the contingent circumstances in which the behaviour occurs. A crucial contingent condition for classifying behaviour is the seriousness with which it is viewed, taking into account that not all groups will see the same behaviour as serious to the same extent, and that the social response to any behaviour in terms of penalty will vary (Figure 1.1).

Relatively infrequent but serious crimes such as murder are generally agreed to be very harmful. Other activities may attract some censure from some groups, but there is little consensus about the seriousness or even the normality of the behaviour. This suggests that there is room for movement as the social response to activities changes over time or according to culture. For example the social attitude towards homosexuality has changed from legal censure to relative acceptance during the second half of the twentieth century. We can thus make a distinction between consensus crimes, which are generally seen as truly unacceptable; conflict crimes, which while illegal are not always viewed as such by society and are often seen as ways in which some social groups may establish some advantage by manipulating the law; social deviations, which are activities that are not actually illegal but are subject to some sort of regulation, usually by the state, such as mental illness; and social

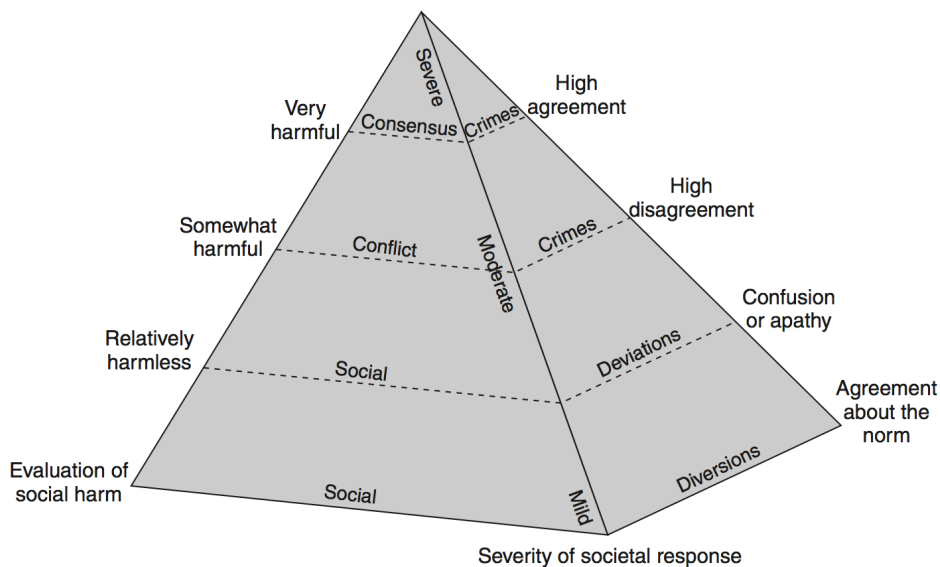


Figure 1.1 Kinds of crime and disrepute

Source: Hagan (1977).

diversions, which are the variations in fashion and lifestyle that frequently occur in society.

IS THERE SUCH A THING AS THE SOCIOLOGY OF DEVIANCE?

Sumner (1994) argues that the sociology of deviance has collapsed under the impact of new social conditions and under the weight of its own contradictions. He draws upon the work of Foucault (1967) and others to suggest that the sociology of deviance is intimately connected to the world of modernity and has no resonance in late modernity (or, as some would have it, postmodernity). The argument rests on the belief that the concept of deviance emerged as part of the scientific search for ways to control populations, leading to the creation of new categories of people such as the insane or the deviant. These new concepts were developed as an attempt to manage social problems and potentially disruptive social behaviours in ways that avoided authoritarian oppression. They were ways in which liberal democracies in the West attempted to establish order through increased surveillance and self-surveillance and without recourse to state violence of the most immediate type.

The development of industrial society resulted in an increase in the numbers of people who were unemployed, sick or mentally unstable, and the elites in liberal democracies sought to manage these problem groups by means of increased administration, with the voluntary consent of the 'victims' of social development. Concepts such as homosexuality, prostitution and illegal drug use, therefore, did not refer to some absolute categories of abnormal behaviour, but were developed through scientific discourse (the ideas, concepts and language used to carry out the activities of science) as elites established new ways of dominating the population. These discourses established that groups such as the unemployed were 'not like we normal people' but were characterized as 'other'. This was an important step in achieving a new hegemony or dominance over the mass of the population without reliance on repression.

The concept of deviance was therefore developed as part of the modernist project, defining as inherently deviant those activities which ran counter to a supposed societal consensus. As the forces of postmodernity gained pace, Sumner argues, the concept of deviance lost all scientific credibility, especially as the consensus that deviance supposedly violated could not be empirically shown to exist. As the boundaries between categories of behaviours blurred, as scientific 'metanarratives' (science as an all-encompassing explanation for everything) began to be rejected, and as the importance of individual difference rather than strict social categories grew, so the concept of deviance was increasingly

abandoned. By the mid-1970s hardly any sociologist employed the concept of deviance to define actions beyond the social consensus – because such a consensus did not exist.

From the 1970s onwards sociologists increasingly turned to the concepts of crime and law, rather than what they saw as a romanticized ‘deviance’, which had been stripped of its scientific usefulness by its adoption by various political positions, from the right to the left. Rather than being scientific, the concept had now become ideological and therefore of little scientific use. The development of approaches by the new right to crime and disorder hastened the demise of the concept of deviance as the new right rediscovered harsher social censures and attitudes towards criminal behaviour (see Chapter 6). The new right’s overtly ideological approach to social order has been paralleled by the left in that they have turned away from their attempt to establish overarching theories of crime and moved towards the development of pragmatic strategies for the management of antisocial behaviour.

Rather than the concept of deviance, Sykes (1992) suggests that the concept of the victim is now the defining idea in the field of social difference. Concern for the victim arose from the interest that left realists (see Chapter 6) and feminists (see Chapter 8) began to show in populations of people who most experienced crime, often in an invisible way. In the postmodern world the dominant majorities feel increasingly threatened by a society that is seemingly out of control – previously quiet minorities are now asserting their rights as full citizens; immigration seems to be undermining the ‘way of life’; the traditional moral order seems to be breaking down.

In these uncertain circumstances, citizens are increasingly resorting to litigation to resolve their grievances, real or imagined – or, as Sykes puts it, ‘the National Anthem has become The Whine’ (ibid.). Postmodern societies are characterized by an aggressive individualism, which fancies itself the victim of discrimination and constantly complains about its lot. Sykes calls this the privatization of discipline, which has produced a new social grouping of those who profit from the litigatory instincts of the victims – counsellors, lawyers, antidiscrimination advisers, human rights experts, and so on. The result, as Sumner (1994) puts it, is that ‘the politics of blaming has now become a very big business’.

IS THERE SUCH A THING AS CRIMINOLOGY?

During the 1990s a heated debate took place within the field of criminology (the study of crime, criminals and victims from a variety of approaches, including sociology) as to whether such a discipline can be said to exist in

the conditions of postmodernity. This was not just a dispute between different perspectives on crime – or a fundamental division between those criminologists who adopted a theoretical approach and tried to produce a general theory of crime and deviance and those who saw themselves as agents of the criminal law agencies with a practical focus, producing policies to control the criminal population – but was a condition of most academic disciplines in the 1990s. Part of the problem lay in the fact that many criminologists came from other academic disciplines. For example many sociologists became interested in crime, and some claimed that it is the sociological input that was most fruitful in the examination of crime (see, for example, Hagan, 1989).

But the influence of external factors on criminology was much wider than just other academic disciplines. Crime is still a matter of great concern to the public and to institutions such as the media and the police. These institutions generate ‘discourses’ that reflect the knowledge, activities and social, cultural and economic relations within those institutions. Discourses are therefore ‘ways of speaking’ about something that create a ‘reality’ about it. For example media discourses about social security fraud often deploy an image of the ‘scrounger’ and apply it to all claimants, whether legitimate or not. The discourses of the claimants themselves, which might present a different reality, are not given the same prominence.

There are many discourses that seek to influence the course of criminal justice, ranging from the criminal law agencies themselves, to the world of medicine – which offers input into the theoretical causes of criminal behaviour (for example the category of ‘criminally insane’) – to the media, whose output is the main way in which most people ‘experience’ crime (for example see Sparks, 1992). Clearly, many political organizations seek to influence the public debate on crime, and Gusfield (1989) suggests that for some organizations the control and regulation of ‘crime’ is the very reason for their existence, for example the opposing sides in the abortion debate. An interesting discourse that has permeated law enforcement is the military discourse, with the army-like organization of the police and the adoption of warlike metaphors such as the ‘fight against drugs’ (see McGaw, 1991). This ‘militarization’ came into its own after the hijacking of aeroplanes by al-Qaeda terrorists and their crashing them into the World Trade Center in New York. President Bush declared a ‘War on Terror’, which is carried out not just by the military. Cottle (2006) has argued that control of information (the ‘image war’) is a crucial issue in the fight against terrorism, as politicians and terror groups seek to have their own discourses dominate an increasingly diverse media.

Exercise 1.3

- ① 1. Suggest two sources other than those mentioned above that shape the public perception of crime.
- ① 2. Identify two factual and two fictitious television programmes that inform the public about crime. Write down any similarities and differences in the ways in which the factual and fictitious programmes depict crime.
- ① 3. Newspaper reports on crime are a major means by which the public perception of crime is formed. To get you to appreciate the types of message that newspapers convey about crime we would like you to carry out a small content analysis. To do this, observe the following instructions and record your findings in a similar chart to the one shown below.
 - (a) Read the same daily newspaper over a five-day period.
 - (b) Cut out any stories to do with crime.
 - (c) For each story, make a note of the crime committed and the social profile of the offender(s) and victim(s) (age, ethnicity, sex, and so on).
 - (d) Record any other relevant points, for example the locality in which the crimes were committed and the column inches devoted to each story.

Day	Crime committed	Social background of offender	Social background of victim	Other relevant points
1				
2				
3				
4				
5				

4. Some sociologists argue that the media present a distorted or selective picture of crime.
 - ① ① (a) In the light of your content analysis results, to what extent do you agree with this viewpoint?
 - ① (b) Suggest one reason why the media might present crime in a distorted or selective way.

More fundamental is the fragmentation that has occurred in all forms of knowledge under the impact of the changes that we call postmodernism. Foucault (1972) argues that human sciences such as sociology and criminology are in a precarious position because they exist 'in the shadow of science' (Lawson, 1986). This position beneath 'proper' sciences, such as economics and biology, leads to a blurring of the boundaries between the human sciences

as they search for explanations of the phenomena under study. The result of this is disciplines that no longer have firm boundaries but are influenced by other disciplines, and which in turn influence others. This is not just a temporary situation, awaiting some unifying theory, but a chronic state of fragmentation, which Ericson and Carriere (1994) argue ought to be celebrated rather than bemoaned. Acceptance of the fragmentation would allow pluralism to flourish, rather than difference being seen as some sort of intellectual crisis. The loss of solid boundaries around the field of criminology also allows new ideas and influences to penetrate criminological discourses (see Exercise 1.4). In the twenty-first century, for example, an increasing interest in the impact of human rights is evident, not only in terms of the legal framework that forms the backdrop for criminology, but also the way that a concern for human rights impacts on criminological theory (Silvestri and Crowther-Dowey 2008).



Exercise 1.4

Identify six academic disciplines that have a contribution to make to the understanding of crime, criminals and victims.

Another critique of the idea of criminology as a discrete subject is that, by establishing finite limits to what might properly be investigated as ‘crime’, many social phenomena that could be of interest to criminologists become ‘invisible’. Hillyard and Tombs (2004) argue that the focus of criminologists should shift from ‘crime’ to the wider concept of ‘social harm’. This would divert attention away from the many petty events that are ‘criminal’, but which do not cause social harm, towards much more harmful activities such as tax evasion that are not traditionally seen as the legitimate objective of criminological investigation.

CONTENT OF THE BOOK

Having introduced you to the sociology of crime and deviance, let us now establish what is to come in the rest of this book. Chapter 2 presents statistical data on crime, offenders and victimization. The usefulness of different types of crime data are discussed. Chapter 3 explores a range of early and recent sociocultural explanations of crime and deviance. In Chapter 4 we address interactionist thought on crime and deviance, and reflect on labelling and phenomenological, ethnomethodological and postmodernist views. Chapter 5

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examines conflict explanations of crime and deviance. The chapter adds to the debate on white-collar crime introduced in Chapter 2. Realist explanations of crime and deviance are dealt with in Chapter 6. Both right and left realist theories are explored, as well as other realist approaches such as routine activities theory and lifestyles theory. Postmodern developments out of realism are also explained. Chapters 7 and 8 draw on recent theoretical developments alongside more established ideas to account for the relationships that exist between ethnicity and crime and gender and crime. Issues regarding victimization are raised in both chapters. Finally, in Chapter 9 we consider a range of theoretical views on the workings of various aspects of the criminal justice system. We then examine different schools of thought in the field of victimology.

Important concepts

Crime • Deviance • Difference • Modernity • Politics of blaming
• Fragmentation of knowledge

Critical thinking

1. What is the distinctive contribution that sociology can make to an understanding of crime and deviance?
2. Is it possible to have an agreed definition of deviance when, as individuals, we hold ethical and moral ideas about the proper way to behave that may or may not be shared with others? Does holding religious beliefs help or hinder reaching such an agreed definition?
3. Is the proper role of criminology to understand crime, to explain crime or to combat crime? Are criminologists just agents of the state?