"I may be Jesus Christ. I have not yet decided who I am."

--Mass murderer Charles Manson, at his trial.

A study of the criminal justice system of any society is an examination of what has been swept under the cultural rug and ignored. As always, our purpose for this study is to use objective information and an open mind to design a better society.

**Deviance is behavior that violates significant social norms and is disapproved of by society.** Deviance may include criminal activity, mental illness, or just minor quirks in behavior that most people tolerate or ignore. Citizens who are widely regarded as seriously deviant will encounter **stigma, a mark of social disgrace.**

Sociological analysis opens a window into the realm of problematic human behavior. The dramatic variations in *rates* of violence and incarceration from nation to nation are a serious measure of how well - or how poorly - each social system is working. By examining the social characteristics of prisoners (educational achievement, economic status, race, etc) we can learn which groups are at a disadvantage in a given nation.
We can also get an indication of which social disadvantages are most likely to encourage individuals to break the rules of that society. Comparing incarceration rates we can measure personal freedom and tolerance for unusual behaviors across nations. And we can measure each society’s level of social compassion for its rule breakers.

A coca leaf merchant rests her eyes on a street corner in La Paz, Bolivia. Here, the use of coca leaves for a mild stimulant tea is an ancient and respected tradition among the Quechua Indians. But in our society the users of cocaine made from concentrated coca is a business worth billions of dollars and prison time.

CULTURAL BARRIERS TO UNDERSTANDING DEVIANCE

Two controversial topics in deviance must be addressed at the outset.

Western religious themes have suggested for centuries that people - and certain acts - may be categorized as good or evil. Evidence suggests this view of deviance to be profoundly simplistic and counterproductive. But as noted earlier, the effect of many centuries of cultural tradition is a compelling influence on public opinion. Some religious institutions have gradually adopted more tolerant approaches, but these basic “good vs. evil” people categories are still widely accepted in the USA.
Good or Evil People

The doctrines of damnation for "evil-doers" and salvation for "good people" are themes that help to justify imprisonment or even execution of the “evil-doers”. Our present rate of incarceration - the highest of any country in the history of the world - is an outcome of our collective willingness to view people and acts in this simple but crude “good or evil” scheme, a view that has been a distraction from policies that prevent deviance.

Using “self-report” studies, sociologists have repeatedly tested the accuracy of this notion of good or evil citizens. Criminologists often ask college students to fill out surveys - anonymously - regarding their personal crime histories during high school, their juvenile record. The survey includes a long check-off list of deviant behaviors. The results are consistent and conclusive. **Most students have committed deviance that could have led to incarceration by the time they enter college, and many have been repeat violators of one or more crimes.** Most do not get caught, and therefore may believe - partly by self-denial - that they fit squarely into the "good" citizen category. But after participating in a self-report survey, many students are surprised at the scope of their own deviant history.

In fact, deviant behavior is actually so common and widespread that Emile Durkheim suggested that it must be considered "normal" to break norms. You may feel the preceding sentence is an apparent contradiction in terms, but it reflects the inconsistent nature of our culture’s traditional view of deviance.

Just as one example, in over twenty years of assessing self-report surveys of my Criminology students at Central Lakes College, I have found that *most* students report marijuana use during high school (the survey responses are limited to their high school years only). Thus, it is not deviant for high school students within their reference group - teenagers - to have used marijuana, but (until recent legalization) it nevertheless constituted criminal behavior to the larger society. So then, marijuana use was both normal and deviant at the same time, depending on which group’s norms are being evaluated.

If anything, my self-report surveys seriously *understate* the rates of deviance, because students are not usually surveyed regarding really serious crimes (for example, date rape, which is sadly common according to surveys of women). Also, students may not recall - or choose not to admit - some of their deviant behaviors. Furthermore, they have only been surveyed about the brief high school portion of what will make up their lifetimes.

What this and similar research demonstrate is that - in clear contradiction to the simple notion of “good” or “evil” citizens - there exists a very wide range of norm-violating citizens. The range extends from social prudes to mass murderers, with the vast majority of citizens somewhere in the middle. Ironically, the few social prudes that claim to have *never* committed a significant deviant act might be seen as “deviant” by their almost robotic obedience to social rules, for the statistical "norm" of human behavior is to break some rules on occasion, just as Durkheim claimed.
As noted in Chapter 4, the individual's "self" or "personality" is not primarily a creation of the individual by the individual. Each of us is profoundly influenced by our culture's many agents of socialization. This fact explains the enormous differences in patterns of social behavior from culture to culture. We are, after all, mostly its products.

Even the most deranged mass murderers like Charles Manson are better defined as social failures rather than individual failures by evil people. Homicide rates and other serious criminal behaviors vary dramatically from culture to culture, so it is clear that cultural factors are the main determinants. If this is not true, then how else can these consistent variations in worldwide crime rates be explained?

The good news is that crime rates can be reduced by reorganizing a society in ways that encourage better behavior. This can be demonstrated from examples of nations that have redesigned their social policies and have been rewarded with statistically measurable improvements.

**Good or Evil Acts**

A similar misconception occurs with the concept of "acts." Sociologists have determined that no act is inherently deviant; an act becomes deviant only when society labels it deviant. This statement often shocks students, who question how a vicious act (a murder, for example) could be considered anything but deviant. When we think of murder, our thoughts tend to focus once again on infamous people like Charles Manson.

But the actual act of killing people is often highly approved of in several social contexts: in wartime, government-administered executions, self-defense, and – in some nations - euthanasia to end suffering. Thousands of highly respected U.S. citizens are veterans of wars in which they killed repeatedly, or (as in my own military service) indirectly supported mass killings in wartime, in ways acceptable to our nation’s standards. Thus, sociologists recognize that it is not the act of killing itself that is deviant but the interpretation or label society chooses to put on an act that counts.

These labels and social contexts are interpreted very differently from culture to culture, which demonstrates how arbitrary the concept of deviance really is. The Bolivian woman my son photographed selling coca in streets of La Paz (pictured earlier) is regarded as an everyday citizen in her own culture. There is no attachment of stigma to her behavior, as there would be in the USA. If anything, she is viewed positively, for coca is highly prized in Bolivia as an acceptable mild stimulant tea or chew. U.S. citizens cannot bring a single coca leaf back through U.S. Customs without risking arrest on arrival. Yet we are free to smoke ourselves to death with tobacco at a rate 20 times in excess of those who die from all illegal drugs in our nation. Clearly, our concept of deviance is not based in logic.
The interpretation of acts as legal or illegal, moral or immoral, sane or insane is almost totally relative to the culture that analyzes it. Four-star U.S. General Tommy Franks (pictured below) was admired in the USA as our military leader in charge of the war in Iraq. Citizens of the United States are more likely than others to view him as an outstanding citizen, for we have a long and familiar history of military intervention and we live inside a culture that might be seen to benefit from his activities in some important ways. But in many parts of the world, especially the Islamic world, General Franks might be widely considered a mass murderer and war criminal for his management in that conflict.

"We don't do body counts." --Gen. Tommy Franks, Chief of Military Command responding to reporters' inquiries on Iraqi civilian casualties in 2004.

SCIENTIFIC EXPLANATIONS OF DEVIANCE

There are three basic approaches to understanding deviance from a scientific perspective: biological, psychological and sociological. All three have merit. However, biology and psychology focus primarily within the individual to explain crime. This leaves cultural and large group influences outside the individual mostly to sociology. Although some biological and psychological factors clearly do affect behavior, sociologists point to the vast differences in definitions and rates of deviance between nations as evidence that deviance is primarily a cultural phenomenon.
So then, compared to other disciplines, we sociologists turn the tables, and study cultural institutions rather than individuals to understand and reduce deviance. Here are some examples of the sociological approach:

We study why governments create laws, which often “create” deviants where none previously existed, e.g., Prohibition of alcohol and marijuana in the last century.

We study how crime is defined to see who benefits from these definitions.

We study the validity of labels, to evaluate which “illnesses” in the USA, are not even considered illnesses in other nations, e.g., Attention Deficit Disorder.

We study the impact of stigma that first-time offenders experience, to see why labeling offenders often encourages a self-fulfilling prophecy: more deviance.

We study the impact of membership in corporations, the military, street gangs etc., to measure group loyalty influences on problematic individual behavior.

We study economic inequality, which creates desperation and hopelessness in oppressed groups and neighborhoods and leads to higher crime rates.

We study justice systems, to detect unfairness and biases which foster hostile attitudes towards law enforcement within affected communities.

We study conditions in prison systems to determine why many inmates become more criminal after prison than before.

We study cultural myths and ideas on punishment that support the mass demonization of certain people, groups or acts.

We study the social policies of other wealthy democracies to find better and more humane ways to reduce crime and incarceration.

In other words, we study individual deviance by looking at it from the outside in, generally the reverse of biology and psychology. We do this because we have found that what surrounds us explains so much more than can be discovered by genetic and psychological research on what is inside us.

In fact, we sociologists routinely step outside our own culture to compare statistics from other modern democracies to see what puzzle pieces we can add to solve the mysteries of the day. For example, why are our homicide rates in the USA so spectacularly elevated compared to all other wealthy democratic nations?
Although the reaction to the three images above would encourage many to feel that the problem in the USA is mainly the presence of too many guns, sociologists widen their perspective with international data. We find that Canadians and other western democracies like Switzerland have very high gun ownership rates similar to the USA. Yet their gun homicide rates are quite low. That tells us that while the presence of guns certainly play a major role in homicide, guns are not the only major variable.
A fairly popular (but clearly racist) theory blames the USA’s higher proportion of minorities for our elevated rates of murder. Sociologists note, however, that Canada has a very substantial minority population including many whose enslaved ancestors fled from the USA on the Underground Railroad. However, Canada’s racial minorities don’t kill at anywhere near the rate minorities - or whites - kill in the USA. Therefore, this theory is not supported by logic. Sociologists, on the other hand, have shown repeatedly that extreme levels of economic inequality and low levels of social support create a social environment of smoldering rage and hopelessness that is guaranteed to trigger high levels of violence.\[1\]

THREE SOCIOLOGICAL THEORIES ON CRIMINAL DEVIANCE

We can only look so deeply into the subject matter of deviance in an introductory text. But a few examples of theory are provided here below to give the reader a taste of how sociologists’ explanations (theories) have evolved. Note that no single theory explains all of deviance, for criminal behavior is a vast and complex domain. But several theories can be linked together to explain a large portion of it, especially the violence in societies.

Social Disorganization Theory - Sociologists Clifford Shaw and Henry McKay linked the environment of slum areas to higher rates of street crime in Chicago during several decades of research beginning in the 1920s.[2] They mapped juvenile delinquency incidents from the inner-city core to the suburbs and found that the inner city youth were always more likely to be involved in crime. A racist explanation had previously suggested that this was due to the inferior ethnic or racial makeup of persons in the inner city. But Shaw and McKay’s study continued across so many years that the races and ethnicities changed frequently as new migrants entered Chicago's inner city through the Great Lakes passageway. Their findings indicated that it did not matter which race or ethnicity was dominant in the inner city, for at all times, the delinquency patterns remained about the same. Shaw and McKay concluded that the disorganization, hopelessness and violence in transitional, poor and rundown neighborhoods encouraged crime for those surrounded by it, regardless of who they were. Many modern democratic nations have used similar research to justify shifting a greater share of their nation’s wealth to lower and middle classes through higher taxation of their upper-class citizenry.

Differential Association Theory - Sociologist Edwin Sutherland developed this theory to demonstrate the power of learning deviant behaviors from others around us.[3] The term "differential association" is used to acknowledge that we are all surrounded by a variety of influences that could lead us into conformist or non-conformist behaviors. An example: Three brothers from the same poor household might go very different directions based on the unique influences around them. The eldest may have had the talent to focus his goals on high school sports; the second had a classmate who invited him to slip into a local hip-hop band that sustained him economically, while the youngest was forced into joining a gang when his parents broke up and left him unsupported. These differential peer
associations will have profound impacts on their behavior. All three boys may break some significant norms in their lifetime. But the severity and frequency will vary with differential peer associations. It’s not hard to guess which of the brothers is at greatest risk of arrest.

Who in our society decided what would be defined as legal before the Civil War? This old advertisement tells the story. A criminal act in those days was defined as running away to freedom as a slave. The sale of black citizens may have ended but discrimination is still rampant in criminal justice statistics.

One of the enduring myths over the last century has been the portrayal of extreme criminality within Latino immigrant populations who cross over the Mexican border into the USA. Here the conservative Cato Institute’s research profoundly contradicts that myth with facts. Both categories of immigrants are substantially more law-abiding than native-born citizens! Nevertheless, the myth’s xenophobic appeal to large segments of the dominant population has survived for generations in the USA.
Differential Association Theory is useful because it could explain different outcomes for the above three individuals who would otherwise appear to have had similar genes, the same neighborhood and economic background. Membership in street gangs, the military, church groups or corporations are examples of associations with huge impacts on behavior. These organizations seem to function at times like separate tribal subgroups, with radically different norms. Some of us might criticize this theory by saying that an individual chooses these associations. But our incredibly high homicide rate–year after year–cannot logically be blamed on “a society of bad choosers.” As noted in previous chapters, our "choices" are largely pre-determined by social context with a bit of random chance mixed in. For poorly supported youth in tough areas, membership in a street gang has some real benefits. Membership, in fact, may be virtually required. The consequences (including survival or perhaps death) may have little to do with choice.

Labeling Theory - Sociologists like Howard Becker[4] and Harold Garfinkel[5] have explained deviance as a process whereby citizens are arrested in deviant acts and then defined (labeled) as deviant by the legal system. Unlike others who may also occasionally act criminally but do not get caught, convicted citizens undergo a series of degrading rituals (arrest, arraignment, prosecution, incarceration). The stigma from these public rituals reduces the arrestees’ potential for a "good" public identity and increases the chances that they will become chronic offenders.

This theory seems weak in that it appears to overlook the original deviant act that earned the label for the individual. But Becker reminds us that most youth violate significant laws in the 15-25 age bracket without being caught. And much of the misbehavior of young arrestees is often temporary or somewhat trivial: use or sale of drugs, vandalism, shoplifting, simple forms of assault, or taking a joy-ride with a friend in a stolen car. Once arrested in these activities however, their new identity will be anchored to a deviant label. The individual will be known primarily as a "thief," or a "doper," etc., and may even accept that narrow new identity as his/her own. In any event, a felony label will restrict many opportunities for employment, voting and other lawful or appropriate behaviors that encourage individuals to commit to becoming responsible adults. Thus, labels may become a self-fulfilling prophecy, actually increasing the chances for future involvement in serious deviance. Labeling theorists have successfully persuaded most states to conceal criminal records of juveniles which might have further damaged the futures of these youth.

How to Link These Three Theories - Now imagine yourself as a sociologist, trying to explain the high levels of deviance by inner city youth with the influences that surround them. You might do this by linking the three theories above in time order. Note how the theories actually lead into one another: Social Disorganization Theory suggests poor neighborhoods are hopeless and poorly organized, areas with fewer successful role models. Youth in poor neighborhoods often form street gangs to support themselves, socially and economically. Recruitment into street gang membership is a powerful influence that is best explained by Differential Association Theory. Finally, because street gang members are more heavily monitored by police and rarely protected by private
attorneys, they are far more likely to get caught, prosecuted and labeled than non-gang youth in more organized higher-class neighborhoods. So then...by the degrading effects of inequality, fewer opportunities to associate with successful role models and the effect of public labeling, youth in particular neighborhoods are disproportionately more likely to become problematic citizens. Each stage of the creation of deviance by cultural factors is thereby tied together with three solid sociological theories. Note that these theories do not contradict each other; they support each other as steps in a process.

### TABLE 7.1 LINKING THREE SOCIOLOGICAL THEORIES OF STREET CRIME

<table>
<thead>
<tr>
<th>Poor, Hopeless Neighborhood</th>
<th>Problematic Peers</th>
<th>Arrest &amp; Processing Labels</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Social Disorganization]</td>
<td>[Differential Association]</td>
<td>[Labeling Effects]</td>
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### TYPES OF CRIME

An act requires a law to contravene it before it can become “criminal.” We would like to think that laws and the threat of incarceration improve our society, but this is not always so. Tens of millions of formerly law-abiding U.S. citizens were suddenly defined as “criminal” from years 1919 - 1933 after the Prohibition against alcohol was passed. Another example: Law abiding people in our nation became criminals under vagrancy laws merely for being poor and homeless within the jurisdiction of a particular law. They were considered criminals even without the performance of any act. Laws are not always created for the public good. Some laws have been used to protect slavery, to steal American Indian lands, to support segregation and to silence social critics (see photo below right.)

![Policemen pouring alcohol during Prohibition](image1.png)  
![One of many arrests of Dr. Martin Luther King Jr.](image2.png)
Yet all of us agree that society needs protection against certain crimes. Organizing a rational criminal justice system requires that we understand the basic types of crime, and design a system that deals fairly and rationally with each type.

**Street Crimes**

When asked to define “crime,” most people mention **street crimes**: crimes usually committed by low status (poor) persons. “Street” crimes typically include murder, rape, robbery, assault, burglary, larceny, arson, auto theft, illicit drug sales, vandalism and shoplifting. The Federal Bureau of Investigation (FBI) keeps an extremely detailed record of street crime called the **Uniform Crime Report - UCR - which is an annual compilation of crime statistics by the FBI**. The nation's vast population of law enforcement personnel are directed towards policing **street criminals**.

**Our culture's extreme emphasis on street crimes has resulted in jails and prisons overflowing with “street” criminals who tend to be poor people and minorities.** The USA has the highest incarceration rate in the world.[6] Roughly 80% of convicted citizens were high school dropouts now sitting in prisons and jails for “street” offenses.[7] The nightly news shows focus heavily on street crimes. Popular television series like *Cops* (finally canceled in the year 2020 after 33 consecutive seasons) reinforced the negative stereotypes of poor or black citizens as exceptionally crime prone.

For all these reasons, **street crimes are highly visible crimes to the public.** Many citizens consciously or subconsciously come to associate crime primarily with the lower economic classes of our society. **Yet street crimes cost our nation far less than crimes committed by “white collar” criminals: the wealthy criminal elite.**

**White-Collar Crime**

Peering through the pages of the UCR, we find that the FBI has gathered very little data on the type of crime that costs this nation the most in damages: **white-collar crime (crimes committed by high status persons).** And very few law enforcement personnel are hired to police it, the opposite of what might be expected given the higher social costs compared to street crimes. Thus, **white collar crimes are highly invisible to the public.** Most new students in my classes cannot even name a white-collar crime, and none have ever been able to name more than two. This is usually true of law enforcement majors in my classes as well.

**White collar crime examples include corporate pollution, money laundering, false advertising, unnecessary hospital surgeries, health care fraud, stock manipulation, price fixing, price gouging, product safety violation, workplace safety violation, bank fraud, corruption of public officials and insider trading.** Together, the typical cost to the nation of these crimes add up to about $600 billion each year. Comparatively,
All conventional street crimes cost the public only $16 billion, about 37 times less than white-collar crimes.[8]

Some observers of these figures have tried to justify the present emphasis on street crime "because street crime is more violent than white-collar crime." However, just one white collar crime, product safety violations, kills far more people than all street crimes in our nation: misrepresenting health effects of cigarettes. Tobacco-related deaths result in nearly half a million unnecessary deaths each year according to the Center for Disease Control. This figure by itself is roughly 20 times all forms of street homicide combined.

Tobacco executives have never spent time behind bars, despite secretly adding nicotine to their products, decades of concealing evidence of extreme health effects, deliberately targeting juveniles in cigarette ads, and perjury under oath in Congressional hearings. If deaths related to intentional corporate pollution, intentional workplace safety violations and intentional product safety violations are combined, all conventional street homicides could be viewed as a relatively minor fraction of unnecessary deaths. In 2016, criminologist Steven Barkan put together and published a street crime vs, white collar crime comparison of deaths which unfortunately excluded food industry and tobacco-related deaths. It is still a revealing conclusion (Table 7.2 below).

| TABLE 7.2: DEATHS FROM STREET CRIMES VS. WHITE-COLLAR CRIMES |
| UCR estimate for ALL street murder & non-negligent manslaughter: 16,272 |
| Selected white-collar crime estimates: |
| Workplace safety related...............................................................................................................51,300 |
| Unsafe products, excluding tobacco............................................................................................9,500 |
| Environmental Pollution..............................................................................................................35,000 |
| Unnecessary surgeries..................................................................................................................14,000 |
| Total white-collar related deaths.........................................................................................109,800 |

When sociologists analyze crime statistics, we find that poverty is strongly associated with higher rates of crime. But this is partly because the justice system places so much enforcement effort on street crimes compared to white-collar crimes. White collar crime is very lightly monitored, rarely prosecuted or not even defined as crime. This certainly skews the statistics. Greed at the top of the economic ladder appears to be every bit as common as at the bottom, and it has been a lot more profitable.
Most soft drinks contain roughly one teaspoon of liquified sugar per ounce. The 30 ounces promoted in this Subway ad certainly won’t help the nation in its struggle with diabetes which kills many times more people each year than all illegal drugs and car accidents combined. One half of the citizens in the USA are now either diabetic or pre-diabetic already. Why aren’t dangerous food-industry products defined as crimes?

Teens are the only age group naïve enough to start smoking. These ads are therefore aimed at youth that are eager to promote an exciting self-image. The industry has also paid teens’ favorite actors to smoke in movies. It works. Tobacco is as addicting as heroin and kills many times more people each year than all illegal drugs combined. The logical disconnects in the Justice system are many. All are a key focus of sociologists. A crime requires three elements: harm, a motive and intent. Here we have deaths, profits and decades of baiting youth to known hazards. But no indictments.
Should the commercial removal of trees that began growing thousands of years ago be considered a crime? Although many of us may think so, it is not defined as an environmental crime. Yet minor acts of littering may trigger a serious sanction for individual citizens.

The poor have few opportunities to fix product prices, to evade major taxes or manipulate the stock market; they are generally limited to low-yield/high-risk acts like petty drug sales, burglary and larceny. By contrast, the wealthy have the ability to access criminal options with highest-yield/lowest-risk outcomes. More importantly, the monitoring, imprisonment or conviction of wealthy violators is rare.

For example, one of the most expensive crimes in the history of the world was the S&L banking scandal which began during President Reagan’s administration in the 1980s. This single white-collar crime cost our nation over $600 billion from stolen banking assets that the federal government had guaranteed. At the time, this figure was many times the total sum of all the conventional "street" bank robberies in all of our history combined. But many rich and powerful citizens, including several senators from both political parties, were involved. Only a tiny fraction of stolen assets were recovered, few offenders were prosecuted, and the majority of convicted offenders merely received probation.[9] A similar outcome occurred during the banking scandals that rocked the entire world economy in years 2007-9.

The fact that few resources are expended to monitor and prosecute the most destructive crimes committed by wealthy criminals is a measure of how thoroughly our views on crime are shaped by culture. Our law enforcement personnel (generally from middle to poor backgrounds) are almost exclusively policing street criminals (also from middle to poor
backgrounds). This has led some sociologists to suggest that the upper class in our nation has cleverly succeeded in turning the classes beneath them against each other.[10]

"Consensual" Crimes. A debate exists over whether any crime is completely victimless. However, there are several crimes which are less victim-intensive. The term "consensual crimes" may be defined as crimes committed by consenting adults in private places. In other words, these are crimes from which few people suffer directly other than (potentially) the offenders themselves. Prostitution and illegal drug use are examples of crimes that generally do not intentionally injure others. Yet these crimes account for at least half of police arrests and most of our prison population.

There is little evidence of any enforcement success in reducing these very common human activities, and the monitoring and prosecution of these activities has been extremely expensive.

In fact, sociologists have long suggested that criminalizing popular consensual behaviors is actually counter-productive. Illegal drug arrests are by far the largest contributor to our nation's embarrassing rate of incarceration. But drug availability generally continues to increase, and drugs are as cheap as ever, despite decades of exhaustive attempts at interdiction. Keeping these activities illegal places the production and distribution in the hands of organized crime; the basis of organized crime is the provision of goods and services that are otherwise unavailable.

Above left - a woman in Somalia openly markets Kat, a popular stimulant chew in East Africa. Kat is legal in that region although most citizens admit its use can be problematic. The question is whether the population would be better off criminalizing Kat. So far, it has not done so.

Above right - when the USA tried to arrest Panamanian dictator Manuel Noreiga - a drug lord and CIA operative - he fled the scene. President George H. Bush ordered our military to bomb parts of Panama’s capital city trying to kill him. Instead, 3000 innocent civilians were killed by bombs and fires. Noreiga later surrendered. The unintended negative consequences of the Drug War have been enormous.
Prostitutes, illegal drug users and sellers tend to be poor and less educated but otherwise rather typical citizens. Once incarcerated however, they are more likely to engage in secondary deviance – additional forms of deviance new to their experience when they exit prison environments. Imprisonment tends to expand their criminal boundaries.

Europe, Canada and New Zealand have therefore eliminated most penalties for consensual crimes. This is defined as “decriminalization.” Happily, this reduces incarceration rates and the profits to organized crime. It also allows the public regulation of drug and sex-worker activities for better health. And it then becomes possible to tax prostitution and drug use to pay for treatment programs and other potential remedies to self-destructive behavior. Our nation could do the same, but moralistic attitudes have tended to block decriminalization efforts in the USA.

Some critics of today’s drug war have asked whether law enforcement is pointed towards the key actors responsible for the damage done to citizens by drugs in the USA. CNN’s Chief medical reporter (and renowned brain surgeon) Dr. Sanjay Gupta reported on 8/11/2017 that 4 out of 5 opioid addicts became addicted first - not by illegal drug dealers - but by physicians who grossly over-prescribe legal drugs. Gupta also estimated that the USA is using 80% of global opiate drugs even though we are less than 5% of the world’s population. Physicians have become the primary drug connection for the most deadly drugs of our times. Yet our prisons are definitely not filling up with rogue physicians despite the fact that opiates are the nation’s most deadly drug problem; physicians face very little monitoring, prosecution, stigma or labeling.

**CORRECTIONS**

*Corrections are sanctions that society applies to convicted criminals:* Prison, probation or parole. The term "corrections" suggests that these **sanctions - rewards or punishments for conformity or non-conformity** - somehow 'correct' or improve the criminal who receives the sanctions. At this point in this text, the reader is well aware that time spent in a prison, a **total institution**, usually fails to improve the behavior of the people who enter it.

How should sociologists objectively measure the level of success or failure of a corrections system? One measure stands out as the most useful and widely accepted: the rate of **recidivism - repeat crime that returns a convicted criminal back into incarceration after being re-arrested.** In 2019, the recidivism rate for state prisoners was 83% in a nine-year period and 64% for violent federal prisoners over eight years after being released. But it usually doesn't take that long. About half of all prisoners are re-arrested in the first year of release. And since it may be assumed that some released convicts do not get caught when they re-offend, the actual failure rate in the corrections system is even higher.[11] It would be difficult to find a government program with a worse outcome for all parties. Sociologists therefore suggest we focus on **prevention of crime** rather than incarceration or retribution.
Traveling through Guyana in 2012, I came across this headline in the *Kaieteur News*, that nation's primary daily newspaper. Reporters had discovered that $90 million of U.S. drug war funds had somehow vanished. The money was to have been used by U.S. special operations soldiers to train Guyanese police as shown in the photograph. It is widely understood throughout Guyana that drug lords have paid off the enforcers, and little is being accomplished. The same scenario played out in the USA during Prohibition, when the nation attempted to end the use of alcohol. Before returning home from Guyana, I came across a later issue of the *Kaieteur News* that indicated that the government had decided against doing an investigation of the missing $90 million.
Retribution

Few government programs continue for long with such dismal outcomes. But the term "corrections" conceals what many sociologists assume is the latent cultural purpose of incarceration. The "corrections" system is not primarily focused on correcting criminals, but on retribution: revenge through punishment. A very long history of barbaric retribution may be traced back to ancient religious traditions and is still popular in the USA.

Yet retribution triggers a cycle of increasing harm. For example, executions often trigger a mild increase in homicides in regions where they are publicized, which is referred to as the "brutalization effect."[12] Apparently, a state's use of execution (however justified it may seem for a vicious killer) establishes killing as a legitimate option in the minds of some individuals. As Mahatma Gandhi once wisely noted, "An 'eye for an eye' will merely end up making the whole world blind."

Human rights advocates and sociological researchers have demonstrated the futility of engaging in retribution, an illogical concept with intensely problematic consequences. Most modern democratic governments now recognize this as a fact. As Table 7.4 in the pages ahead demonstrates, every Western democracy has eliminated capital punishment with the exception of the USA.

Racism in the Criminal Justice System

The process of becoming a labeled criminal requires many steps through the criminal justice system: passing laws, police monitoring and detention, arrest, arraignment, possible pre-trial release, provision of attorney, verdict/adjudication, sentencing, probation and eventual opportunity for parole. At nearly every step of the process there is the potential for racism to affect outcomes.

The issue of justice system bias sprung to life during the Civil Rights battles of the 1960s. In an analysis of executions for the crime of rape in the state of Virginia, Donald Partington studied 2800 cases of men from all races that had been convicted over a half century, ending in the year 1963. Of those convicted, a total of just 54 men had been executed for rape or attempted rape in that half century. Not a single one of the executed convicts had been white.[13]

As evidence like this was publicized in academic journals, the Supreme Court felt compelled to rule by 1972 that the death penalty was unconstitutional as applied at that time, and executions were temporarily stopped across the nation. However, by 1977, new laws were put in place to reduce racial bias and executions again became commonplace in the USA.
Unfortunately, racial bias is still strongly in evidence. Even though blacks are only 13% of our nation’s population, they constitute about half the population of death row as well as the nation’s prison population. Nearly one-third of black men ages 20-29 are either behind bars or on probation or parole, and more black men today are behind bars than are in college.[14] It is a sad reality that - in terms of funding - incarceration has become the dominant “youth program” for young black men in the USA.

**Numerous studies demonstrate the continued existence of flagrant racial bias in the U.S. criminal justice system, especially in regards to the race of the victim.** A typical example comes from research in Georgia where prosecutors only sought the death penalty in 15% of murder cases with black victims, but did so in 45% of cases with white victims, an alarming 300% difference. Juries in the same study were 700% more likely to impose death penalties on black defendants than white defendants.[15]

Racial bias is not merely a problem for the southern states, however. In year 2001, Minnesota did its own study of police contacts with citizens of various races over a one-year period. The results were shocking, especially since the data was gathered by the police departments. **Minnesota’s black citizens were 42 times more likely than whites to be arrested for not having a valid driver’s license, and 27 times more likely than whites to be arrested for “lurking.”**[16] This may explain why Minnesota blacks are behind bars at a rate 12 times the rate for Minnesota whites.
THE MEDICALIZATION OF DEVIANCE

The concept of deviance has evolved through three basic stages in the history of Western civilization. As noted earlier, traditional religious views from many centuries ago originally defined deviance in the stark terms of good and evil. By the 1700s, psychologists were offering a popular alternative view; that deviants were not evil, but mentally “ill.” That is, bizarre or criminal behavior was considered a medical problem rather than a matter of wickedness, witchcraft or demonic possession.

The psychological perspective was an advance towards a more humane solution, as centuries of intensely cruel religious persecution of unpopular or unusual people began a permanent decline that continues today. But sociology as a discipline arrived on the academic scene later, and when it did, it had its own perspective.

Sociology objects to some aspects of both the religious and psychological models of deviance because they focus too much on the individual, and not enough on defective cultural institutions that actually trigger stress and problematic behavior in individuals. The sociological model is more popular in Europe and Canada than in the United States where its approach has faced cultural resistance.

<table>
<thead>
<tr>
<th>TABLE 7.3  THE EVOLVING CONCEPT OF DEVIANCE: THREE MODELS</th>
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</thead>
<tbody>
<tr>
<td>“Deviants are evil.”                       “Deviants are ill.”           “Deviants are created by illogical social institutions.”</td>
</tr>
<tr>
<td>“Punish/execute them.”                     “Treat them.”                 “Improve the institutions.”</td>
</tr>
</tbody>
</table>

In the USA, the psychological perspective has gradually overtaken religious perspectives in the field of deviance. But in both religion and psychology, a vast range of problematic behavior – from gambling to alcoholism, over-eating, shoplifting, depression, anorexia, hyperactivity in children, etc. – is still seen as embedded mostly within individuals.

Instead of redesigning institutions, some psychiatrists “treat” their patients’ symptoms with electric shock “therapy” that may cause memory loss or by prescribing drugs that may be habit-forming and/or trigger powerful negative side effects. Sociologists seek to avoid such measures. As you’ll see in the pages ahead, we focus on prevention so that significant symptoms and self-destructive behaviors are less likely to develop in the first place.
Mental Illness as Potential Myth

In the latter half of the 20th century sociology began to get some support for its perspective from Thomas Szasz[17], an influential psychologist who criticized his own discipline of psychology in a series of books, including *The Myth of Mental Illness* and *Ideology and Insanity*. Szasz agreed with sociologists that psychology's focus on individuals overlooked the institutional origins of deviance. Szasz further agreed that psychological approaches covered up embarrassing institutional failures, and even threatened to become a form of tyranny.

But Szasz's critique went even farther. After a career in prestigious psychiatric positions, he claimed that psychiatry was incapable of making *objective* scientific diagnoses, that it used pretentious labels to build a veneer of scientific respectability around itself. He suggested that what are called "mental illnesses" are not illnesses or diseases at all. Behaviors that are labeled quirky, manic, depressive, explosive, brutal, paranoid, self-destructive, inappropriately sexual or extremely detached are driven by impulses that we all have, but which only some of us can keep within normal limits on an everyday basis. These behaviors should therefore not be defined as *disease*, he claimed.

According to Szasz, the difference in whether these behaviors can be kept under control by any individual is largely due to the unique social history *around* each individual, and not factors *within* individuals. These problem behaviors are not usually seen as *illness* until they inconvenience others in significant ways. Instead of working on the social world to support individuals, the psychological model tries to "treat" individuals for what is really a social problem.

This might explain why we often see little improvement in psychologically "treated" persons, for the problem is not located *within* them. Drugs, electro-shock treatment and lobotomies (now rarely performed) often merely reduce or distort an individual's brain functions to a point at which they may no longer inconvenience others. The social situations that created their misbehaviors are not improved by these treatments.

Szasz's perspective was surprisingly sociological, but a significant number of psychologists agree with most or part of it today. In a hopeful sign of progress, some psychologists have shifted their counseling priorities from the individual to the family, a step in the right direction according to sociologists.

In fairness to psychology, it should be noted that organic brain malfunctions *do* occur that are totally unrelated to the social environment, and can certainly affect behavior in bizarre and problematic ways. Example: brain damage due to accidental trauma or strokes. Medication can be useful in these cases. But sociologists would point out that these are *physical* disorders, not diseases, *per se*.
The nation moved away from the electric chair after several horribly botched executions. Reviewing the electrocution of several inmates, Florida Supreme Court Justice Leander Shaw claimed the method was, “more befitting a violent murderer than a civilized state.” But today’s lethal injections can be botched as well. For more on this and similar issues visit www.deathpenaltyinformation.org

TABLE 7.4 A TIMELINE OF DEATH PENALTY ABOLISHMENT IN DEMOCRACIES
Source: Amnesty International

<table>
<thead>
<tr>
<th>Wealthy Democratic Nations</th>
<th>Death Penalty Abolished</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada, United Kingdom, Switzerland, Ireland, Spain</td>
<td>1990s</td>
</tr>
<tr>
<td>New Zealand, Germany, Australia, France, Netherlands</td>
<td>1980s</td>
</tr>
<tr>
<td>Luxembourg, Norway, Denmark, Finland, Sweden, Austria</td>
<td>1970s</td>
</tr>
</tbody>
</table>
Institutional Design and Mental Disorders

Sociologists suggest that most mental disorders (a more appropriate term than mental "illness," which implies actual disease) are actually very crude attempts by individuals at coping behaviors. Mentally disordered individuals adopt problematic coping behaviors as a means of dealing with or avoiding external stresses that threaten to overwhelm them. This stress comes from the illogical design and ideology of institutions that promote fear, shame, guilt, hatred, jealousy, excessive competition, frustration or other emotions through illogical designs, unrealistic rules, dubious labels, demands or expectations.

We typically fail to notice these negative influences of institutions. After all, they have been around us our entire lifetimes; they precede our own existence. The role institutions play in mental disorder is thereby overlooked. So few of us question these institutional arrangements that these institutions remain defective, and continue to create more mentally disordered individuals.

Consider the design of our nation's elementary and high schools as an example. Unlike schools in many nations, our public school environments tend to be very impersonal, crowded, extremely competitive and authoritarian. **Our elementary school class sizes - which are nearly double Europe’s class sizes - leave our children with much less care, supervision and support from teachers.**

This contributes to emotional stress in students. Overburdened teachers (also highly stressed as a result) are then forced to remove disruptive students quickly from such a heavily populated environment, because the teachers have less time to devote to each student’s special needs. These are *institutional failures* that could be fixed.

Some primary school students obtain a diagnosis like “Attention Deficit Disorder” (ADD/ADHD) very quickly in overcrowded classrooms. And that likelihood has been increased in recent years by reducing or eliminating art and music classes and/or recess options in which children may relax or blow off steam during their day. In an attempt to increase school scores on nationwide testing by shifting student leisure time to study time, hourly breaks also have been reduced in some schools down to as little as 3 minutes.

This means that students in primary and secondary schools are forced to remain seated and silent almost continuously for their entire school day, an obvious fundamental contradiction of their social and biological requirements. Why would we not expect problematic coping behaviors to arise in these social circumstances?
Irish kids at recess, blowing off steam in a healthy way. The primary school classrooms I visited never had more than 14 students in them, about half the class size found in similar schools in the USA.

U.S. students who react badly to any of these or other illogical school arrangements, or who just cannot be quiet and hold still for eight hours are often labeled as having a “disease” and often forced to take drugs. Our nation’s children now consume five times more Ritalin than all other students in the entire rest of the world combined. A 2019 analysis indicated that we are only 4% of the world population taking 83% of manufactured Ritalin and over $20 billion is spent on drugging kids just for ADD.[18 ] This excess has drawn criticism from the World Health Organization. Yet we continue to force these drugs on our children while carrying out “just say no” campaigns regarding illicit drugs in the very same education environments.

Unequal opportunity in education also contributes to student anger and misbehavior. For example, some popular after-school activities are unavailable to students who cannot afford fees to participate. The constant testing and ranking of students in academics and sports establishes an informal hierarchy of student statuses which discourages those at the bottom from participation and recognition.

Those on the lower end of that rank order are the most likely candidates to be school dropouts, or involved in school shootings. When those shootings occur in the USA, the vast majority of our nation's citizens and leaders are tempted to point the finger at the
“deranged killers,” and their families. But this ignores the pressures of the institutional environment that may foster the behavior. Presently, educational failures including mass killings continue in the USA at rates far higher than in similar nations.

A typical class size for struggling readers in Trinidad, Cuba, 2005. Students that get this much attention early in their school years are more likely to learn and behave well. Ritalin is not used here, or needed.

The paragraphs above actually understate the overall emotional challenge faced by both children and adults. Irrationality within our educational processes is just one aspect of many institutional threats to our mental health. We live our lives in a virtual crossfire of institutional irrationality. Most of us are forced to balance several stressful situations on any given day, and most of us can handle this burden most of the time. However, the probability of behavioral disorder or emotional collapse in multi-stress contexts is higher for every institutional failure we overlook.

Sociologists hold that institutional failure is the primary source of criminal deviance and mental disorder. This perspective explains why rates and types of deviance vary so much from nation to nation. Sociological solutions like expanding early childhood education or reducing class size could make a substantial difference in the lives of individuals, and in national statistics regarding problematic and criminal behavior.
The students at the Salbyia Indian Elementary School on the island nation of Dominica live in a much less stressful classroom environment than students in the USA. They are allowed to stand at their desks, they may walk around as they please to help or work with each other on projects and may take personal items like teddy bears and other objects to school. And since their class size is half that of the typical class in our nation, the teacher has more time to keep everyone up to speed. This insures that students are not left behind as is typical in our presently overcrowded classrooms. Not surprisingly, the principal of the Salbyia School reported that none of her students needed to be drugged to control their behavior.

However, resistance to sociological solutions is traditionally very high in the USA. We live in a nation that does not think in cultural terms. Many citizens view the costs of public education as already too expensive. They do not seem to make the connection with the vast negative financial consequences of operating inadequate institutions. Mentally disordered children, high school dropouts and juvenile delinquents trigger much higher long-term incarceration costs to a nation than the costs of operating logically designed educational institutions.

Societies face choices. Shall we make our institutions even more punitive…or more supportive? **Sociology makes prevention through proper institutional support the highest priority.** Prevention works better than treatment or punishment because it is usually cheaper, more humane and less likely to be racist or classist. The idea is to redesign our institutions to make ourselves happier, healthier, safer, more creative, more free, intelligent and comfortable with each other.

It’s time to rethink our institutional design. Other nations have done this. We can too.
This half-century old cigarette ad was probably unfair to doctors; it has doubtful claims.

Yet how will the over-prescribing drugs by today’s doctors be viewed 50 years from now?
REFERENCES


