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The Sociology of Deviance
An Introduction

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Virtually all societies everywhere and throughout recorded time have established and promulgated rules or *norms* – including codified laws – that demarcate the good from the bad: the true from the false, desirable from undesirable, acceptable from unacceptable, legal from illegal, licit from illicit, legitimate from illegitimate, and behavior, beliefs, and characteristics that are valued from those that are disvalued. Likewise, all societies have spelled out sanctions, punishments – appropriate reactions that audiences and agents of social control should invoke or apply against violators of those rules. And all societies invoke such sanctions against miscreants variably according to the nature of the violation – its degree of seriousness and whether it is the breach of formal or informal norms, whether it becomes widely known, what the circumstances of the violation are, and who the violators are – for instance, their age, social rank, and their degree of intimacy with relevant audiences. At the same time, remarkably, the sanctioning of putative wrongdoers is both erratic and patterned: deviants often, though not always, bring forth censure, condemnation, and punishment, and the reasons why they do – or don't – is sociologically problematic and often revealing. And all complex, contemporary societies are arranged in such a way that collectivities within them vary considerably as to what is considered wrongful, making the investigation of deviance very complicated indeed.

Who are these audiences that do, or would – or could – condemn or censure normative violations? They include lawmakers and enforcers and functionaries of the criminal justice system, officials, politicians, the general public, parents and other relatives, friends, lovers, and other intimates, professionals (such as teachers, physicians, and psychiatrists), religious figures, members of the media – just about any collectivity whose members interact, whether directly or indirectly, with anyone who might violate the law or a social norm. In other words, deviance comes into being as a result of *moral enterprise*. That is, first, a rule is *defined* as deviant, and second, a particular audience *reacts to* a

given violation *as* a case of deviance (Becker, 1963, pp. 147–163). Some rules are ancient and nearly universal, but from a constructionist or interactionist perspective, to be deviant a violation must be reacted to – whether directly or indirectly – by a given audience. Note that not all audiences, and not all members of any given audience, necessarily agree on what is deviant or wrong; what is considered wrongful is debated, contested, reevaluated, and argued about. At the same time, *some* norms are so strongly held that the likelihood is extremely high that one or more members of these collectivities will react to such a violation in a negative, censorious, rebukeful way; other norms are very nearly matters of indifference, or are held by such a small number of members of a given society, or collectivities within a given society, that negative reactions to their violation are extremely unlikely, or are likely to be weak. Clearly, *deviance is a matter of degree.*

Sociologists define "deviant" behavior or "deviance" as *acts, beliefs, and characteristics that violate major social norms and attract, or are likely to attract, condemnation, stigma, social isolation, censure, and/or punishment by relevant audiences* (Clinard, 1957, p. vii; Clinard & Meier, 2011; Goode, 2015, Chapter 1). "Deviance" is behavior, beliefs, and characteristics, and are *disvalued* or stigmatized, and a "deviant" is a disvalued person, someone who is, and who members of a particular society or social circle are told *should* be, isolated, rejected, avoided, stigmatized, and censured, or otherwise treated in a negative fashion (Sagarin, 1975). Again, what is considered deviant varies from one audience, social circle, or collectivity to another, one setting, circumstance, and situation to another, and according to protagonist and antagonist. It *almost* goes without saying that what is considered deviant varies by society and historical time period. And, to repeat, what is considered deviant is a matter of degree; the key here is the *likelihood* of attracting censure, and the quantum of censure ranges from mild to extreme, from a negative remark to social isolation, rejection, hostility, condemnation, and denunciation – and, at its most extreme end point, execution by the state or, at one time, a lynch mob. Extreme deviance is the end point along a continuum. At its mildest, one could say, the deviance is us; at its most extreme, the deviant is widely considered society's worst enemy. More to the point, deviance is defined by a diversity of collectivities, each one of which regards wrongness somewhat differently, only some of which wield the hegemony or dominance to define what is bad or wrong for the society as a whole. Perhaps most importantly: the more seriously deviant an act or a belief – and in all likelihood, a physical condition – is, the rarer it is.

Sociologically, minority or variant interpretations and practices of right and wrong are as consequential and revealing to the sociologist as majority or dominant ones; hence, as students of deviance, we have to pay close attention to *whether*, *to what extent*, and *how* hegemony is achieved, how other interpretations *fail* to become dominant, and the ways in which the entrenched morality, cosmology, ideology, religion, or ways of doing things are challenged. Especially in a large, complex society, collectivities of people who do not share the dominant view are common, and they mingle, accommodate to, jostle and clash with, and often subvert, majority perspectives and ways of behaving and believing. Deviance is a concept with one foot in the attempt to understand and explain the institutionalization of conventionality – and consequently, deviantization as well – and one foot in the processes of tolerance versus anathemization, assimilation versus subversion, centrality versus marginalization, separate-but-equal versus separate-and-despised treatment, "let a thousand flowers bloom" versus "crush the dissidents." How do minority

ways of life or subcultures become *deviant*? Or, alternatively, how does a statistical minority of the population come to dominate, rule, and exert influence over the culturally marginal but numerically large majority? When do once-deviant views and practices become *un*objectionable, tolerated – embraced as coequal among members of the dominant sector of the society? How do disparate practices that are viewed as "less than" by the majority become acceptable options, behavioral peers in a conglomerate society? When and where do these things happen, and under what circumstances does it not happen at all? These are some of the central issues that the sociology of deviance addresses, and how these factors and forces play themselves out in and among specific groups, categories, social circles, and collectivities is a matter to be investigated, not assumed beforehand. Many behaviors, beliefs, and even physical conditions that the majority or dominant sectors of society consider deviant or unconventional are interpreted *positively* among certain circles or groups, and this tension sets in motion social dynamics that add up to intriguing developments that sociologists would like to understand better.

One of the most remarkable shifts in the history of thinking about putative wrongdoing was the movement *away* from regarding it as an intrinsic or essentialistic evil, and/or a harmful, damaging, pathological action, *to* seeing it as the violation of a constructed social norm or law. At the same time, the Hobbesian equation stands athwart all theoretical considerations of deviance: societies could not long endure if they failed to punish, and hence discourage, truly harmful behavior, such as rape, robbery, and murder. *Some* actions and beliefs are toxic to the society at large; they tear at the social order, the common weal. Any society accepting them as normative would be equivalent to signing a suicide pact. And yet, harm and deviance are not isometrically related; in some societies at certain times, many harmful actions and beliefs have been normative and conventional – consider anti-Semitism and racism. Likewise, many deviant actions and beliefs, such as tattooing, belief in aliens, and multiple sexual variants, are not harmful, and some – certain types of altruism, scientific innovation, and participation in certain progressive social movements – are actually beneficial. Societies disvalue and censure a substantial number of actions that neither directly harm anyone nor threaten the society with chaos and disintegration.

Not only is what's deviant socially constructed, but even the constituent behaviors and beliefs that make up the generic category of "deviance" are themselves socially constructed. What is *considered* rape, robbery, and murder varies both societally and historically. Most norms are intended to make a statement about what is deemed – by some, many, or most members of a society – to be right, good, and proper. Presumably, these norms fit hand-in-glove with a network of beliefs and practices that underpin a way of life; many members of the society imagine that, if tolerated, particular deviant practices will subvert the society as a whole, causing a general collapse much like a pile of pick-up-sticks when one stick is removed. These norms embody certain generic principles of moral correctness separate and independent from what they do for the society's physical survival; it is putative *morality* and *decency* that deviance presumably challenges, not necessarily the physical lives of the people themselves. There is implicit in norms and their enforcement a version of moral correctness, an ethos – a whole way of life that is an *end in itself*. We are expected to do and believe certain things because they are *right*, because *that's the way things should be done*. A substantial number of norms anathemize actions

and beliefs because many members of the society feel that they represent threats to a way of life, a social and cultural order, a sense of moral and ethical propriety. By punishing parties they consider deviants, collective representatives protect a "moral canopy" (Berger, 1967), an invisible but very palpable interpretation of rectitude. Likewise, societies positively or negatively value certain appearances, traits, and conditions; consequently, the ugly, the disabled, and the sick become "involuntary deviants" (Sagarin, 1975, p. 201). No one wants to possess these characteristics, and the physical presence of those who do is thought to contaminate the whole and the healthy. Though such categories of humanity are no longer as reviled or vilified as they once were, even today they are often shunned, avoided, pitied, and socially isolated. But everywhere, members of such categories remind "normals" (Goffman, 1963a, p. 5) – persons who do not embody the relevant stigmatizing trait – of the corrosive vulnerability of their own flesh.

Practically all of us learn an enormous number of unwritten, informal, commonsensical rules that govern everyday life. By a certain age, most of us take the routine observance of these rules for granted, and anyone's violation of them is highly likely to attract criticism or censure from others. These rules govern social interaction: what we are permitted and not permitted to do with, and in the presence of, others. The list is long, detailed, and the acceptability and unacceptability of the behavior that is spelled out is implicitly agreed-upon. In public, under most circumstances, we are told, don't pick your nose; don't put your hand on your crotch; don't expose private portions of your anatomy; if someone is speaking to you, try to pay attention and make eye contact; don't stand uncomfortably close to others; speak clearly enough for them to hear what you are saying; don't talk to yourself; bathe frequently enough that your body doesn't become offensive to others; do not stare at strangers; do not become unacceptably quarrelsome or argumentative; respect the rights of others to enter and exit from social interactions in an appropriate manner; and so on and so forth (Goffman, 1963b). It is virtually impossible to spell out all the rules that violate everyday norms, but by adolescence, most members of the society observe them and sanction persons who do not, and regard the behavior that these norms sanction as non-normative, even deviant. Of course, such rules vary in seriousness, and the acceptance and observance of some of them vary from one society to another and one situational context to another. Between the late nineteenth and the early twentieth centuries, numerous American municipalities enacted "ugly laws" – ordinances that prohibited poor and disabled people who were considered "unsightly" from appearing in public (Schweik, 2009); these statutes remind us of the instability of judgments of deviance and the vulnerability of persons with undesirable characteristics, as well as the altruism of parties who struggled to abolish such harsh, unjust laws. Such laws and norms – and, if put into effect, such judgments – remind us of the time-and-place particularity of social and legal reactions to behavior, beliefs, and conditions.

The Scope of the Sociology of Deviance

Most works on deviance discuss *only* behavior. To the extent that beliefs are expressed, they can be thought of as a form of behavior (no one is supposed to *say* certain things, so speaking is a kind of act); to the extent that they are not spoken, they represent

potential behavior. But as we have just seen, involuntarily-acquired traits and physical characteristics are also likely to attract negative reactions such as derision and censure. Some sociologists believe that because such traits are not motivated – not the "fault" of the individual – they are not a form of deviance at all (Polsky, 1998, pp. 202–203). In contrast, most other sociologists point out the strong parallels between the condemnation and punishment of behavioral deviance and the "grading system" that assigns stigma to persons with certain bodily and ethnic characteristics, not to mention mental conditions, and hence, these observers argue, all of these should be considered forms of deviance (Goffman, 1963a; Sagarin, 1975). However, none of the traditional sociological explanations or "theories" of deviant behavior apply to physical characteristics (Sagarin, 1975, p. 203), nor do they apply to race, ethnicity, and religion – additional potential sources of stigma and disparagement, which Goffman calls "tribal stigma," stigma that are transmitted through "lineages" (Goffman, 1963a, p. 4; Goode, 2015, pp. 304–332). By including beliefs and physical characteristics, sociologists have hugely expanded the scope of deviance. It designates who – or what – is disvalued or disparaged by designated audiences.

Social control is made up of the efforts that members of collectivities make to ensure conformity to group and societal norms. These efforts include both positive and negative sanctions: rewards for approved behavior, and punishments for behavior that is disapproved of. *Formal* social control is made up mainly of the criminal justice system, that is, the law, the police, the courts, jails and prisons, and parole and probation – the state's apparatus of defining, reacting to, and punishing crime. *Informal* social control includes all the interpersonal pressures and sanctions that individuals apply to people who violate social norms. In the cases of bodily abominations and tribal stigmata, mainstream society is not trying to "control" the possession of the traits that are disvalued, but the reactions of "normals" *to* the persons who possess them. The violation and prosecution of criminal law are what make a given action a crime; crimes call for *formal* sanctions – arrest, prosecution, imprisonment. Most criminologists are interested in the creation of the criminal law, its violations, its execution, characteristics, and the motivations of the actors who violate the law, as well as reactions to the enactment of the behavior that is defined as illegal. However, as we saw, in the contemporary era most forms of deviance are not crimes, though they do put their enactors, believers, and possessors in an inferior social position. Clearly, therefore, deviance encompasses a much broader territory than crime. Crime is a subset or type of deviance, but most deviance is not criminal. In the case of undesired physical characteristics, social control entails conventional society's efforts to ensure that the disabled "know their place."

The Two Sociologies of Deviance: An Introduction

Some members of *all* societies – and this varies from one society to another and from one social category to another – violate the rules by engaging in behavior, holding beliefs, or possessing traits that are considered unacceptable to specific social circles or collectivities. Members of the society, or members of relevant "audiences," express their disapproval of unacceptable actions by reacting to violators in a negative fashion – reporting,

arresting, prosecuting, slapping, ignoring, snubbing, ridiculing, insulting, taunting, gossiping about, humiliating, frowning at, denouncing, reprimanding, condemning, anathemizing, criticizing, stigmatizing, showing contempt or scorn toward, the actor, believer, or possessor.

The sociology of deviance is made up of two distinct but interlocking enterprises – *explanatory* or positivistic theories, and interactionist or *constructionist* theories. The explanatory theories represent scientifically-grounded efforts to understand and account for *why* some people, under certain circumstances, engage in behavior many others consider deviant, or why deviance is more likely to take place under certain societal arrangements than others. "Explaining" deviance in a cause-and-effect fashion entails attempting to answer the "why do they do it?" question, and in order to answer this question, the social scientist makes an assumption of commonalities in the phenomena "deviance" and "crime." Note that explanatory theories are specifically directed at *acts* that an audience considers deviant, rarely beliefs, and never physical conditions or traits. All explanatory theorists know that crime and deviance are socially constructed, but they argue that acts that are referred to *as* deviance and crime share enough in common in material or real-world terms for social scientists to be able to account for or explain them. If "deviance" is different from non-deviance, there must be something *different* about the persons who engage in it in comparison with those who do not – at least there must be something different about the social and societal conditions that foster such forms of behavior versus those conditions that tend to inhibit it.

In contrast, *constructionist* theories (also referred to as "phenomenalist" and "subjectivist" perspectives) are concerned with how *judgments of deviance come about* – how certain behavior, beliefs, and characteristics come to attract condemnation, and how specific persons come to be censured and stigmatized. Jack Gibbs (1966) referred to the explanatory or positivist approach as the "old" conception of deviance, and the interactionist or constructionist approach as the "new" conception. The questions that explanatory theories ask are radically different from, though not necessarily contradictory with, those the constructionist approach asks; in fact, ideally, the two should be much like jigsaw puzzle pieces that fit into and complement one another. Explanatory theories argue that certain kinds of people commit, or certain kinds of social structures or settings are more likely to call forth, certain kinds of acts ("deviance" and "crime"), and accounting for or explaining how and why they do so is the sociologist's and the criminologist's primary concern. In contrast, constructionism regards the process by which the act and the person are judged and reacted to *as* deviant, and with what consequences, as their primary mission. But all sociologists believe that, to a major extent, behavior follows cause-and-effect principles, so how we classify the work of sociologists as one or the other is largely a matter of emphasis.

Hence, we can divide the sociology of deviance into two emphases. One school (positivism) regards deviance as "*objectively given*." Such sociologists regard a significant departure from society's norms as deviant, assuming widespread consensus or agreement regarding what constitutes a normative violation. And if a given behavior is objectively real (although socially defined in a certain way), it can be explained or accounted for by the social-scientific observer. The second school or approach (constructionism) sees deviance as "*subjectively problematic*." Its proponents challenge the view that we can

automatically classify specific instances of behavior (or beliefs, or traits) *as* forms of deviance. Audiences raise questions about acts, attitudes, and characteristics they encounter. Should a given act be considered wrongful? Should someone who possesses a given condition be stigmatized? The sociologist who adopts the "subjectively problematic" stance toward deviance regards the answers to these questions as highly variable from one society to another and from one collectivity or "audience" to another. What defines an act, a belief, or a condition *as* deviant is the judgment that different audiences make, not their objective characteristics (Rubington & Weinberg, 2008).

Explanatory approaches

What is the explanatory approach? *It is the application of the scientific method to the study of human behavior*. Its practitioners maintain that sociology and criminology are not radically different from the natural sciences. They regard deviance and crime *as a type of behavior* with specific, objectively-given features that the social scientist can study in much the same way that the natural scientist can study phenomena such as stars, chemicals, organisms, and ocean tides – of course, making the necessary adjustments in research methods, degrees of predictability, and agency. Explaining the origin or cause of deviance and crime entails making three fundamental assumptions: *objectivism*; *empiricism*; and *determinism*.

Objectivism. Adopting the position that social behavior can be explained by cause-and-effect mechanisms is based on the assumption that the behavior one explains is *objectively real* and possesses certain internally consistent characteristics that distinguish it from other forms of behavior. Hence, the social scientist adopting the objectivist position believes that we can distinguish deviant behavior from conventional, conforming behavior, or criminal from law-abiding behavior. This assumption holds that the many forms of deviant and criminal behavior share a *common thread*, a *differentiating trait* that distinguishes them from conventional, conforming, legal behavior; it *rejects* the notion that definitions of right or wrong are as relative as constructionist sociologists of deviance argue. Public perceptions of right and wrong do not vary a great deal across societal and social lines; there *is* a "common core" from society to society regarding what is deviant (Gottfredson & Hirschi, 1990; Newman, 1976; Rossi, Waite, Bose, & Berk, 1974). Some observers have claimed that that "common core" is *harm*: behavior that is harmful to the society constitutes deviance or wrongdoing (Costello, 2006). *All* positivists or explanatory theorists know that deviance and crime are socially constructed, but they must minimize their "artificial" quality to account for them *as a form of behavior*.

Empiricism. To offer up a cause-and-effect explanation about a broad swathe of human behavior assumes that the scientist can know the social world through one or more of the five senses; this assumption is referred to as empiricism. All of us are empiricists to some degree; the assumption that the world is materially real is necessary to the survival of every one of us. Empiricism is the belief that seeing, feeling, hearing, tasting, and smelling

convey information that gives the observer sense impressions of the way things are. Often, these senses must be aided by instruments (such as a microscope, a telescope, or an oscilloscope). Many phenomena – such as historical and geological events – cannot be directly observed, and hence reasoning about them entails inferring from the *indirect* data that are available to the scientist. For example, it is impossible to "see" the process of evolution take place, so biologists and geologists infer its occurrence by means of fossil and DNA evidence. Likewise, we can't directly observe phenomena such as quarks, the Higgs boson, mesons, "dark matter," or black holes; to do so indirectly, scientists need powerful telescopes, electron microscopes, particle accelerators, and other such sophisticated instruments. While all of us must be empiricists, virtually no scientist insists that all phenomena must be directly observed to know that they exist or take place.

The fact that certain things cannot be directly observed by the scientist is especially crucial for the sociologist and the criminologist because *most* human behavior cannot be seen at the moment it is enacted. Instead, social scientists must infer what happened through a variety of *indirect* indicators, including the answers to questions about the behavior of subjects, informants, and interviewees. Researchers have developed a variety of methods to determine the validity of answers to questions about behavior, and some of them get very close to the reality they are attempting to describe. Some research methods *do* entail direct observation – participant observation as well as field and laboratory experiments, for instance. But *most* social science research methods must rely on indirect indicators, and here, to obtain valid and reliable valid research data, the researcher must be skeptical, clever, and resourceful.

In contrast with the phenomena that scientists study, some issues cannot be expressed in empirical form; no amount of evidence can answer them. For instance, contrary to the beliefs of many ancient Greek philosophers, whether a given work of art, poetry, form of behavior, belief, or political regime is "good" or whether or not a painting or a musical composition is "beautiful" or well-wrought, or whether or not God exists, are considered *non-empirical,* and hence, *unscientific*, questions. The social-scientific enterprise is amoral; matters of good and evil are analytically separate from matters of empirical truth or falsity. It *is* true, however, that brutal political regimes that exhibit high rates of violence and a weak collective conscience are less viable than those whose governments are more benevolent, peaceful, and cooperative, and presumably the latter qualities are "good" in this specific sense – they lead to a longer life and more pleasing quality of life. But whether *most* behaviors, beliefs, or physical traits that are judged negatively are "bad" in the abstract is a social construction.

The same principle applies to crime. While explanatory criminologists agree that there is no "essence," no common core, to criminal behavior, they nonetheless regard correlations between this entity, this phenomenon or *thing* – that is, crime – and key sociological characteristics, as extremely important. They see crime as a *type of behavior*, a reality in the social and behavioral world that makes statistical relationships with key variables such as race, socioeconomic status, gender, and residence possible and scientifically meaningful. There *is* a materiality to crime, above and beyond social and legal definitions. Crime is much more than a mere social construction, explanatory criminologists argue; the observer can locate an identifiable behavior core (a kind of "essence") to criminal behavior. Likewise, the objectivist would stress, definitions

of mental illness are far from arbitrary. There is a common thread to mental disorder, and the principle of relativity does *not* apply to mental illness. Yes, the mentally disordered are diagnosed and dealt with differently in societies around the world and throughout historical time, but mental disorder is an identifiable biochemical and psychological condition in the world and not simply the imposition of a socially constructed definition. Says Gwynn Nettler, an outspoken advocate of the positivistic position in the study of deviance: "Some people are more crazy than others; we can tell the difference and calling lunacy a name does not cause it" (Nettler, 1974, p. 894).

Criminologists and sociologists of deviance recognize that *all* forms of crime and deviance are socially constructed; hence, they are technically relativistic and socially constructed. However, all scientific sociologists also believe – and *must* believe, in order for their enterprise to be legitimate – that deviance and crime are united by an objective common core or common thread, otherwise there would be nothing to explain. No cause-and-effect or etiological sociologist believes that deviance and crime are "just" a matter of social convention or construction, possessing no objective or concrete quality in common. To put the matter another way, the sociologists who regard their investigations as grounded in natural science methodology are *more likely to stress* the essential, indwelling characteristics common to all phenomena called "deviance" and "crime." In contrast, constructionists do not deny this common thread, but they investigate the process by which certain things *come to be regarded and judged as crime and deviance*, deeming this issue as intellectually problematic and worthy of study. Moreover, the constructionist argues, the way members of a given society treat and interact with people who are designated as wrongdoers, criminals, mentally disordered, physically impaired, or belonging to certain racial categories, *does* vary enormously over time and from one society to another. Being "crazy," as Nettler says, may be a definable condition, but not all crazy people are treated in the same way everywhere or throughout historical time; they are put to death, treated with chemicals, confined to institutions, cared for by their family members, or socially isolated – at different times and places. And *that* is the constructionist's subject matter, which differs markedly from the mission of sociologists who attempt to explain *why* some people violate norms and laws.

Determinism. The third assumption that causal theorists make is determinism. They ask: what *causes* the enactment of deviant and criminal behavior? What's the cause-and-effect mechanism that brings about the enactment of deviance and crime? For centuries, members of societies have asked the "why do they do it?" question about persons who stray beyond society's moral or legal boundaries. What is it that causes or influences some people to violate society's norms – the Ten Commandments, for example – while the rest of us do not? Or, taking the question to a structural, society-wide, or categorical level, what is it about certain societies or categories of people that leads to higher rates of deviance and crime among their ranks than other societies, or other categories that have lower rates? Do specific societal *conditions* (such as anomie) encourage deviance? Do other conditions, such as societal cohesion and integration, inhibit it? Are certain immediate *contexts* or *situations* more likely to call forth normative or legal violations? These questions ask for an explanation of deviance *as a certain type of action or behavior*.

Scientists seek *naturalistic* explanations, that is, they stress the cause-and-effect relationships that the observer can discover in the material world. They avoid spiritual or supernatural explanations for causality. Philosophers of science refer to the assumption that the world works in a cause-and-effect fashion as *determinism*. And an explanation for a general class of phenomena or events is called a *theory*. The natural science model assumes that the phenomena and events of the world do not take place at random, by accident; there is a *reason* for their patterning. A theory addresses the question: *why are things the way they are?* How do they *come* to be so? This means that we must seek the reasons for the regularities we observe. When we discover that men are more likely to violate society's norms than women, we want to find out *why* this is the case. Urbanization increases rates of drug abuse: again, *why*? Conditions or factors such as gender and urbanism *cause* or *influence* specific forms of behavior – deviance and crime included. It is the scientist's job to locate the dynamics of the cause-and-effect sequences that exist in the material and social world.

Some scientific approaches are *individualistic* (or "micro"): they focus on the characteristics of categories of individuals who violate norms or break the law. They argue that deviants share a trait or characteristic in common that non-deviants usually lack, and which they can locate, that will help provide an explanation or account for deviance. Other such approaches are *structural* (or "macro"). These approaches look at the "big picture" and argue that certain *deviance-inducing conditions* share a common thread that they can discover and explain or account for by means of factors such as urbanism, anomie, and society-wide income distributions.

All explanatory sociologists seek broad, general patterns. This means that social scientists are not satisfied with explanations of specific, particular, or unique events. The goal of every scientist is to explain as many observations in the material world as possible. This means that they all look for *regularities* in the material world. When criminologists study criminal violence in one delinquent gang, they are seeking patterns of criminal violence in *all* delinquent gangs, for gangs *in general*. According to the natural science model, a case study of one prostitute is meaningful only insofar as it sheds light on *all* prostitutes, or the institution of prostitution *as a whole*. Social and natural scientists are not interested in particulars or specifics for their own sake. They want to know how and to what extent these particulars fall into recognizable *patterns* that will enable scientists to make generalizations about how the world works.

Constructionism

As Joel Best pointed out (2004, pp. 3, 4, 5), during most of the first half of the twentieth century sociologists did not write or speak of deviance in the way that we do today. They wrote of "troubling" behaviors – social pathology, social problems, degeneracy, yes, but not "deviance." Robert Merton (1938) mentioned "deviate" behavior, "antisocial" behavior – he uses the term *antisocial* eight times – "aberrant" conduct, "illegitimate" and "illicit" techniques, but again, in that classic article, *deviance* in the contemporary sense of the term does not make an appearance, and he nowhere uses "deviant" as an

adjective. Seven decades ago, the concept seemed trapped in the chrysalis of harm, pathology, and degeneracy.

Neither social disorganization theory, which had its heyday during the 1920s and 1930s, nor Merton's anomie theory, evidences an appreciation for diversity or deviance; a disorganized neighborhood and an anomic society are unhealthy places in which to live. Even Edwin Sutherland's differential association theory, formulated in the third edition of his *Principles of Criminology* (1939), was missing the "human recasting of the subject" in his (or her) "active creation of meaning" (Matza, 1969, pp. 107–109). But something quite miraculous took place in the late 1940s and early 1950s: "deviance" began crawling out of that chrysalis of pathology and disorder into the open light of value neutrality and the appreciation for diversity. While still clinging to the social pathology terminology, at a meeting of the Pacific Sociological Association held in Santa Barbara, California, on the last day of May, 1948, and a few months later, in an obscure publication of that association (1948a, 1948b), Edwin Lemert dismissed the conceptualization of the "older" pathologists and referred to "deviation" as behavior that is "*effectively* disapproved." A year later, in 1949, in a revision of his anomie article that he reprinted in the first edition of his collection of essays, *Social Theory and Social Structure,* Robert Merton used the term "deviant" fluently and frequently, and in its current meaning. In the early to mid-1950s, in two articles on marijuana use (1953, 1955) – which he later incorporated, as chapters, into his book, *Outsiders* (1963, pp. 41–58, 59–78) – Howard Becker used the term "deviant behavior" as non-normative, socially disvalued conduct. And in 1957, in the inaugural and mainstream deviance text, Marshall Clinard defined deviance as "certain deviations from social norms which encounter disapproval" (p. vii). Hence, by the late 1950s, in effect, a new field of sociology had been born – the study of "deviant behavior" or "social deviance." Though an approximation of what sociologists came to call "deviance" had been studied before, they had transformed its very meaning, and within the space of a year or two. The term "deviance" came to mean behavior and, later, beliefs and characteristics as well, which are not necessarily harmful or pathological, but are, from someone's point of view, *disvalued* (Sagarin, 1975; Schur, 1971). Social deviance came to be regarded sociologically as a *constructed* rather than, by their very nature, a materially and socially real, essentialistic phenomenon.

Constructionism downplays the "pregiven" or "objective" features of deviance and crime and emphasizes how they are conceptualized, seen, judged, evaluated, and reacted to. According to the constructionist perspective, the mechanism or medium by which deviance comes into being – what defines, embodies, or *constitutes* deviance sociologically – are the concrete or potential *reactions of audiences*. An act, a belief, or a trait or characteristic, is deviant *to the extent that* it generates actual or potential negative reactions among one or more audiences or social circles (Erikson, 1962, p. 308; Kitsuse, 1962; Schur, 1971, pp. 12–13). The stronger the reaction and the larger the audience, the more certain sociologists are that they have an instance of deviance on their hands. Audiences over historical time, and from one social, cultural, and geopolitical place to another, vary in their construction of the reprehensibility of acts, beliefs, and characteristics which they observe or hear about, and they vary with respect to their reactions to them as well. In the urbanized, industrialized West, even within the

same society, not all audiences react in the same way; there exists no dominant ideology concerning what is deviant that rules the feelings or reactions of everyone. At the same time, in spite of such variability, we notice that, in a given society, consistently, most audiences tend to judge and react to *certain* actions, beliefs, and physical characteristics negatively – regarding them, by the sociologists' and their own lights, as deviant or wrongful. These are the ones that sociologists typically discuss in their articles and books as exemplifications of deviance.

Constructionism does not insist that other views of reality are wrong or fallacious, but it does argue that reality is constructed by various actors and audiences in various ways. For instance, if we were to look at news as "constructed," we would notice that the way that magazines, newspapers, the broadcast media, and so on, report the events of the day demonstrates that they *devise* and *present* these events in certain ways. No constructionist says that such constructionists are factually *wrong*, only that they are not definitive, the final word, factually exhaustive, or the only possible interpretation on these events. The media present or construct the events of the day in a certain way – and different media outlets present and construct them in somewhat different ways as well – just as the man and woman in the street interpret, present, and construct them in certain ways. Hence, we see a "social construction of history" (and different social *constructionists* of history, according to who is doing the constructing), a "social construction of mental illness," a "social construction of geography," and so on. Some of these constructions can be falsified, *as interpreted by the empirical, scientific construction of reality*, but the resonance of various constructions is only loosely related to what scientists refer to as "factually true." Not all constructions are created equal – some are more equal than others – and not all encounter the bedrock of empirical reality in the same way, but most have an emotional and cultural resonance that is unrelated to bedrock encounters, and most audiences are not persuaded by every such encounter. Everyone accepts certain empirical, scientific cause-and-effect principles as valid; we take planes to fly to Paris, not magic carpets. Still, even flying to Paris on a plane is "constructed" in a certain fashion.

To fully grasp these two sociologies of deviance, it is crucial that we distinguish between *constructionism* and *labeling theory*. Humans socially construct all phenomena; that is, we put everything in conceptual boxes, lay out its dimensions, size, and shape, and make judgments about its degree of desirability. All the terms humans use to describe things are legally, socially, and individually formulated and composed in a certain fashion. "That's not music, it's noise," someone will say in response to an atonal composition. "Just because he has sex with women doesn't mean he's not queer," another pontificates. Even *murder* is constructed – defined in a certain way by the law and by social audiences. "All war is murder," a minority believes. (Murder is by definition a wrongful killing – but not all killing is murder, and audiences define or *construct* murder in different ways.) "Alcohol's not a drug, it's a beverage," many will claim. These are social constructions about material-world phenomena some others may share and others reject; they entail putting persons or things into conceptual and evaluative categories.

In sharp contrast, labeling theory is a prediction about what people are likely to do as a result of being stigmatized by audiences, formal or informal. Becker (1963, pp. 9, 11) explained that "social groups create deviance by making the rules whose infraction

constitutes deviance" and applying a sanction against an offender of those rules; whether an act is deviant "depends on how other people react to it." Here, Becker (1963) spelt out the social construction of deviance. But he then goes on to say: "One of the most crucial steps in the process of building a stable pattern of deviant behavior is likely to be the experience of being caught and publicly labeled a deviant." Though, he qualifies, this is "not always or necessarily the case" (p. 31), "being caught and branded as deviant has important consequences for one's further social participation and self-image" (pp. 31–32). This is a very different kind of statement, a succinct formulation of labeling theory. It is not about how to think about how the world is conceptualized, but what will happen under certain conditions. Labeling theory is an explanation of human behavior; constructionism is a way of looking at the world. Thomas Scheff (1966, 1984, 1999) denied being a constructionist, but he *is* a labeling theorist in that he argues that, in a crisis, persons who engage in "residual rule-breaking" – non-normative behavior for which there is no specific term – who are publicly labeled as mentally ill "may accept the proffered role of the insane as the only alternative" (1999, p. 89). But to Scheff, mental illness is more than a label, it is a real-world condition that causes specific forms of behavior.

Sociologically, four ingredients define deviance: (1) a rule or norm; (2) one or more individuals who violate – or are thought to violate – that norm; (3) an "audience," persons who judge the normative violation to be wrong; and (4) the likelihood or actuality of a negative reaction – criticism, condemnation, censure, stigma, disapproval, punishment, and the like – *by* that audience. Though sociologists imply no taint of pathology, disapproval, or stigma when they use these terms, they do notice when and where members of certain collectivities or social circles react in such a negative fashion. Indeed, they would not be doing their sociological job if they *failed* to notice such reactions. Deviance – and reactions to deviance – are universal or pan-human phenomena; they occur in all societies, and in all social groupings in every society. All societies spell out what they consider deviant or unacceptable behavior, beliefs, and traits, and *some* members of all societies react negatively to such behavior, beliefs, and traits. No historical society has *called* such behavior "deviance"; sociologists invented the term in the mid-twentieth century. But earlier societies did refer to wrongdoers (or supposed wrongdoers) with derogatory names: heretic, blasphemer, idolater, traitor, murderer, thief, criminal, cheat, drunkard, adulterer, fornicator, liar, and so on – in a word, a *deviant*.

Societal deviance. Kenneth Plummer (1979, pp. 98–99) distinguished between "societal" and "situational" deviance. There are two aspects to judgments of deviance. One is its vertical or hierarchical quality: audiences with more power, or greater numbers, decide what is deviant because they influence the climate of opinion and have more influence in the political and legislative realms; how they feel about right and wrong is more likely to result in judgments of deviance in real-life instances. This differential influence is a sociological fact and not a matter of the opinion of anyone putting particular behaviors, beliefs, or characteristics into the category of deviance; it is a prediction of what is likely to happen across the board to someone who violates the norms. The other aspect of deviance is its horizontal or "grass-roots" aspect, the feature that says that deviance can

be anything that *any* collectivity or social circle reacts to negatively, regardless of how much or how little power they have.

   "Societal" deviance is composed of those actions and conditions that are widely recognized, in advance and in general, to be deviant. There is a high degree of consensus regarding the identification of certain categories of deviance. In this sense, rape, robbery, murder, terrorism, and incest are deviant because they are reacted to as unacceptable or reprehensible to the majority of the members of this society. These are examples of "high consensus" deviance, in that a substantial proportion of the population disapproves of them, and, in addition, if someone is observed or known to have engaged in one of them, this would result in negative reactions from most members of the society. Even though *not all* instances of such behavior are condemned or punished, *in general*, the members of this society see them as serious normative violations. "Societal" judgments of deviance represent the *hierarchical* side of deviance.

   Looking at deviance from a vertical, hierarchical, or societal perspective raises the question of the *dominance* of one stratum, category, or collectivity over another. That is, even though different groups, categories, social circles, and societies hold different views of what is deviant, some of them are more powerful, influential, and numerous than others. In the social science vocabulary, a dominant belief or institution is *hegemonic*: it holds sway over those beliefs or practices of the less powerful social groupings in the society. The "vertical" conception of deviance is obviously compatible with the "societal" definition of deviance; it is the hegemonic view – what the majority or the most influential segments of the society regard as deviant. Most of the time, we see widespread agreement as to their deviant character. As we saw, such behaviors include *high-consensus* deviance.

Situational deviance. On the other hand, "situational" deviance is not defined by a general or society-wide consensus, but manifests itself in actual, concrete social gatherings, circles, or settings. We can locate two different types of "situational" deviance: one that violates the norms dictating what one may and may not do *within a certain social or physical setting*; and one that violates the norms *within certain social circles or groups*. The type of situational deviance that is dependent on *setting* is fairly simple to understand and illustrate. You may take your clothes off in your bedroom but not in public, in the street. (But think of the exceptions – in a nudist camp, during certain bacchanalian festivals, in certain utopian communes, and so on.) You may shout and cheer at a basketball game, but not at a funeral or a wake. Boxers punch one another at will, but outside of the ring, trying to knock someone out is usually illegal, and could result in your being arrested. Willfully and violently taking a human life, during warfare, if committed in accordance with the widely accepted protocols, is regarded by members of most collectivities as acceptable; in contrast, an unprovoked, unauthorized homicide, especially today, is likely to be judged a murder – dastardly, criminal, and most decidedly deviant. In such cases, the norms condemning certain behaviors apply *only within specific contexts* and not others; the behavior that these norms condemn is *situationally*, not *societally*, deviant.

   The social definition of deviance also varies by the group, collectivity, or social circle within which behavior is enacted, beliefs are expressed, or traits are known about.

For instance, in certain cities or communities in the US, homosexuality is accepted by the majority; hence, in such cities or communities, homosexuality *is not deviant*. But in the country *as a whole*, the majority still disapproves of it, although that disapproval is declining over time; homosexuality is "exiting" from deviance – it is no longer *as* deviant as it once was, and the social circles in which it is are rapidly shrinking. Sexual abstinence is the norm among Roman Catholic priests and nuns; sexual activity of any kind is frowned upon – a violation of the rules governing the sexual behavior of Catholic functionaries. Among *haredi* or ultra-Orthodox Jews, *reporting* certain crimes to the police results in social isolation, censure, chastisement, punishment. In the general population, *not* reporting to the police may itself be a crime, and is widely disapproved of. Again, behavior that is widely condemned may be seen as wrong only *among certain social circles in the society* – not in the society as a whole.

Acknowledging societal and situational relativity signifies that deviance is not a definite, distinct, or concrete phenomenon with clear-cut lineaments or features. The constructionist and interactionist approaches consider deviance as *embodied* in the definitional and reactive processes. In other words, there is no deviance in the abstract. It was not God or nature or cosmic or spiritual forces that brought the reality of deviance out of the void into the real world – it was the mind and social web of humanity. To claim that deviance is a pregiven, identifiable form of behavior, a particular type of act, a "thing" in the world, is to fall victim to the *fallacy of reification* – to claim that something that is abstract, contingent, and created by social processes actually has a particular corporeal, definable, objective reality. What is deviant does *not* have a concrete reality; it is brought into being only when collectivities of humans define and react to other humans in a certain way, under certain conditions. What sets constructionists and interactionists apart from essentialists (and most positivists) is that they believe that definitions and reactions *constitute* deviance – no definitions or reactions, no deviance. Wrongfulness or evil does not exist until humans define it as such. Essentialists argue that deviance can be defined in advance, independent of human judgments and reactions. Keep in mind, however, that everything social is a matter of degree; all constructionists know that there is a *common core* of acts, beliefs, and conditions that are everywhere judged negatively. Having open sores and rotting teeth, or willfully killing a baby in its crib, or wantonly killing members of one's own collectivity, are disvalued or considered wrongful everywhere. Likewise, all essentialists and all positivists know that deviance and crime are socially constructed. The difference between these perspectives, as with everything else in society, is a matter of emphasis.

The distinction between "societal" deviance (acts, beliefs, and traits that are considered bad or wrong in a society generally) and "situational" deviance (acts, beliefs, and traits that are considered bad or wrong specifically within a particular group, social circle, setting, or within a specific context) casts doubt on the cliché, "everything is relative – therefore anything can be deviant." It is true that *almost* (but not quite) anything can be regarded as deviant – to *someone* – but that is not a very useful statement, since, societally, certain acts (like breathing) are universally considered acceptable, while certain others (like murdering an infant in its crib) stand a *very* high likelihood of being condemned pretty much everywhere. What is the likelihood that audiences will approve or condemn certain behavior? The difference is statistical rather

than absolute. Understanding the dynamics of deviance demands that we make the distinction between societal and situational (or localistic) deviance. It also frees us from making the equally silly, meaningless, and indefensible statement that unless complete consensus exists about the rules, there is no such thing as deviance (Sumner, 1994). What is important here is that *deviance is a matter of degree*. Some acts are highly *likely* to attract condemnation and censure, while others are extremely *unlikely* to do so – or likely only in certain settings or among certain collectivities.

The "horizontal" or "grass-roots" property of deviance refers to the fact that a given act, belief, or trait represents a normative violation in one group, category, or society, but is conformist in another. This quality of deviance allows us to see society, or different societies, as a kind of "mosaic" or a loose assemblage of separate and independent collectivities of people who do not influence one another. Here, we have a jumble of side-by-side audiences evaluating behavior, beliefs, and traits only within their own category, independent of what is going on in other categories. Enacting certain behavior, holding a certain belief, possessing a certain characteristic, makes someone a conformist in one setting and a deviant in another. Such a view does not examine the impact of these settings, groups, or societies upon one another. Clearly, the "horizontal" approach to deviance is compatible with the "situational" definition of deviance. Acts, beliefs, and conditions that are situationally, but not societally, deviant may be regarded as *low-consensus* deviance, in that public opinion is *divided* about their deviant status. What fetches condemnation in one social circle produces indifference or even praise in another.

David Sibley (1995) argues that the concept of deviance embraces a spatial or *geographical* component; the community "replicates the territorial divisions" which creates "a clear policy of separation for the mentally ill, mentally disabled or criminal" from the so-called "normal." In spatial divisions, we observe "inside/outside, pure/defiled" distinctions. The residential locale as well as the actual person of the conventional, law-abiding are "polluted by the presence of non-conforming people" (Sibley, 1995, p. 91). Respectable members of the society activate "processes of control to exclude those people whom they judge to be deviant, imperfect or marginal" (p. xv). His analysis extends to members of ethnic groups such as the Gypsies or Roma people, who are often stereotyped and excluded from settling in many communities (pp. 102–106), as are persons belonging to other ethnic categories, including immigrants and persons of African descent (pp. 106–112). Hence, spatial distance reinforces moral distance. However, communities vary with respect to their ability to separate the respectable from the disreputable; such separation is more possible in manicured, middle-class, all-white suburban enclaves, and virtually impossible in many neighborhoods of large cities such as New York. Parks, squares, and plazas – for instance, Washington Square Park, located in an affluent neighborhood of New York's Greenwich Village – attract substantial numbers of the city's poor, homeless, disordered down-and-outers, who live elsewhere, that the usual mechanisms of social control cannot exclude.

One last qualification about constructionism before we venture into this realm that sociologists refer to as "deviance." It is necessary to make two crucial distinctions here – that between "vulgar" constructionism and "sophisticated" constructionism, and that between "strict" constructionism and "contextual" constructionism. "Vulgar" constructionism would argue that referring to a phenomenon or an assertion as

"a construction" indicates that it is invalid; for instance, to say that stories of UFO abductions are "mere" social constructions, as opposed to "genuine" social problems such as poverty, which are real. Referring to the account of a phenomenon as a "construction" is to "cast doubt" on its existence – "to discredit the belief" (Best, 2008, p. 45). This is not how contemporary sociologists use the term "constructionism." *All* phenomena are socially constructed. Modern chemistry, as it is taught in colleges and universities, is "constructed" in a certain way, "as was Aristotle's model of a world composed of four elements," but scientific chemistry not only has more predictive value than Aristotle's model, it is a lot more useful in manufacturing products. Sociologists do not mean *wrong* or *invalid* when they use the word "constructed"; they mean that the account of a phenomenon is verbally formulated and thought about and reacted to in a certain fashion – arranged and narrated in one way rather than other. The "story" of deviance can be told in many ways, and constructionists emphasize the fact that acts are not intrinsically or inherently wrongful, and that norms dictating wrongfulness are a social product. All sociologists of deviance know this fact, and in this sense, all of us are constructionists, but not all emphasize it to the degree that constructionists – who make that fact the centerpiece of their analysis – do. Constructionists are interested in how certain social constructions come about and what consequences they have; positivists, who investigate the causes of certain types of acts, do not make such questions the focus of their research. The 1980s controversy over whether determining the empirical truth value of one claim over another is "ontological gerrymandering" (Woolgar & Pawluch, 1985) is not something contemporary social problems theorists or sociologists of deviance concern themselves with.

Demarcating "societal" deviance from "situational," "local," "regional," or any other kind of deviance is crucial because this dispels the silly and misinformed view that sociologists rely on a monolithic, hegemonic definition of deviance. In fact, a certain behavior, belief, or trait can be reacted to in one way in a particular locale, and in a very different way in another. In Greenwich Village or San Francisco, homosexuality is a completely acceptable lifestyle; in rural and small-town America, especially among fundamentalist and evangelical Christians, homosexuality is an abomination, a condition to be excised from the social body. Hence, homosexuality is conventional, normative, and acceptable in one locale, and decidedly *deviant* in others. The notion that an act has to be considered wrongful everywhere to be considered sociologically deviant is contrary to every constructionist's way of thinking; total hegemony need not prevail for us to understand the dynamics of social deviance. In fact, in a large, complex, heterogeneous, multicultural society, hegemony or widespread or virtually total agreement on wrongfulness prevails only for the most serious of sins.

To extend the point even further, even in the same locale, among different social collectivities, definitions of deviance vary to the point that collectivities can engage in *mutual deviantization*. For instance, among creationists, belief in evolution is deviant; among evolutionists, belief in creationism is deviant. Someone who advocates creationism – the belief that God brought the universe, including Earth and all the creatures on it, into being out of nothing in six earthly days less than 10,000 years ago – is contrary to what nearly all biologists and geologists believe to be true; an avowed creationist could not get a job teaching biology or geology at an accredited university,

and an outspoken evolutionist could not get a job teaching the relevant subjects at a "Bible" college. Advocates of the two positions anathemize the opposite point of view and the persons who advocate them. Likewise, jihadists – Muslim fundamentalists who advocate armed struggle against what they perceive as Islam's enemies – anathemize the secular West, all it stands for, and its inhabitants as well, while secular Westerners express an analogous sentiment, in words and deeds, toward the militant followers of Muhammad. Again, we have an example of mutual deviantization – social circles condemning the opposite of what they believe, advocate, and practice. Clearly, the sociological definition of deviance does not promulgate a monolithic, reified, fixed view of the phenomenon, but one that is living and dynamic, based on the views and reactions of *particular* circles, collectivities, and groups – including, regarding the most serious normative violations, the society as a whole. Deviance makes sense only with reference to the beliefs and practices and reactions of certain audiences. What is considered right, good, and proper in a collectivity may be regarded as wrong, unacceptable, and deviant in another. To the atheist, fundamentalist Christians are ignorant and narrow-minded; to the fundamentalist Christian, the atheist is the spawn of Satan. The two collectivities "diabolize" one another as "the enemy" (Aho, 1994, p. 62).

Delineating Crime from Deviance

The sociology of deviance is not coterminous with the field of criminology. The two fields study different but overlapping phenomena. Some critics claim that the topics covered by deviance texts are too repetitive with the topics that are covered in criminology texts (Bader, Becker, & Desmond, 1996). Approximately half the behavioral topics discussed in many such texts, these critics say, deal with criminal acts. The instructor of deviance should ensure that students do not receive "the same information" in both courses (p. 319). They suggest that a discussion of the usual crimes be dropped and propose a wider range of non-criminal but deviant phenomena be substituted, including unconventional political and religious beliefs, a variety of conditions, both psychic (mental illness) and physical (obesity, physical disability, AIDS), nudism, homelessness, and suicide.

One reason why all crime cannot be dropped out of deviance texts is that certain concepts that center on defining deviance – deviant labeling, stigma, acquiring an unconventional identity, the neutralization of deviant definitions, deviant "careers," and exiting from deviance – are as relevant for legal violations (that is, "crimes") as for normative violations ("deviance"). In making a point about a *concept*, it may be necessary to refer to its relevance to certain types of criminal *behavior*. Benson's "Denying the guilty mind" (1985) discusses how white-collar criminals explain or justify their involvement in the behavior for which they were convicted and imprisoned. Hence, that article is *primarily* about deviance neutralization, and only technically and *secondarily* about white-collar crime. The same applies to Scully and Marolla's "Convicted rapists' vocabulary of motives" (1984); the *subject* is rape – a criminal act – but the relevant analytic *concept* is deviance neutralization. Excising the criminology curriculum from the deviance curriculum cannot be achieved at the expense of cutting

out major conceptual and theoretical tissue (Kunkel, 1999). When the observer focuses on theoretical and analytical concepts, the subjects "deviance" and "crime" only superficially discuss the same topics. They discuss the "same" topics *from a different point of view*. Crime can be discussed *as a form of deviance*, which is different from discussing it *as crime*. The etiological and criminal justice adjudication of cases of rape are topics that belong to the field of criminology; the social construction of rape and the stigma that attaches to the rapist – and the rape victim – are more likely to be investigated by sociologists of deviance. Does the sociological observer look at an act as *crime*, or treat it as *deviance*?

Moreover, crime is a form of deviance – a specific *type* of deviance – because it generates condemnation and punishment. Crime elicits both formal and informal condemnation, and so it deserves at least some discussion in any deviance text. A study of "conventional" crime – that is, the kinds of criminal acts that come to mind when the word "crime" is encountered – is instructive for both the explanatory theorist and the constructionist. "Crime" is both an objective reality whose causes and consequences can be investigated *and* a concept that people have in their heads, a subject about which people talk and try to do something, spelled out in the legal statutes and punished by the criminal justice system. At once, crime is both objectively (that is, essentialistically) and conceptually, as well as behaviorally, real. Hence, it is of interest to both the explanatory social scientist and the constructionist.

Many deviant acts are not criminal. Obesity, being a creep, a loser, a geek, an eccentric, an atheist, or an alcoholic, are all deviant – but they are not crimes. In other words, crime is not a precondition for deviance.

What about the other way around? Are all crimes deviant? The word "crime" bears at least two different meanings: acts that are illegal, or that violate the law, as opposed to acts that stand a relatively high likelihood of arrest and prosecution. Illegal actions may or may not result in arrest or prosecution, but all acts that generate police and court attention are against the law. *Many* acts that are on the books as illegal are never prosecuted. Search for "dumb" or "silly" laws on the Internet and you'll come up with hundreds of them. In at least one jurisdiction it is (or was) technically against the law to: ride a bicycle in a swimming pool; hum on the street on Sunday; sing in the bathtub; knit while fishing; catch a fish with your hands; carry wire cutters in your pocket; or tickle a woman. Engaging in behavior that violates such silly laws is not what sociologists – or anyone else – mean by a *crime*. To most of us, a "crime" is an act that stands a reasonably high likelihood of arrest and prosecution. The conventional or mainstream public regards having been convicted of and, even more so, imprisoned for a crime as stigmatizing. Engaging in "criminal" acts is usually stigmatizing or deviant – but not necessarily. Many white-collar crimes are not seriously deviant, and are typically of interest only to specialized white-collar crime divisions of federal law enforcement. True, in some social circles being an ex-convict brings a certain measure of hip, edgy, romantic cachet. But the more conventional the audience, the more discrediting someone having been imprisoned is likely to be regarded. In that sense, yes – though, again, crime is not a defining criterion of deviance – criminality is one specific *type* of deviance. By itself, *being* a criminal is deviant because it can stigmatize a person in the eyes of some others.

But *independent* of its stigmatizing character, is violating the criminal code a form of deviance? Are laws a type of norm the violation of which constitutes deviance? Sociologists answer this question in two different ways.

First, a broad definition of deviance sees *any and all* punishing or condemnatory reactions – regardless of whether it comes from a friend or the criminal justice system – as the defining criterion of deviance. According to this definition, a crime is a violation of one *specific* kind of norm – a law – which generates formal sanctions, state-supported sanctions, including prosecution, conviction, and imprisonment. Clearly then, according to this definition, *all* crime is deviant. (Of course, some laws are not enforced; hence, they are not actionable crimes in the sense that their violation does not generate formal sanctions.) But again, the reverse does not hold: Crime does not *define* deviance. Instead, this definition sees laws as a *type* of norm, and criminal punishment a type of condemnation or punishment. Hence, crime is a *form* or *subtype* of deviance. Crime is sufficient for deviance to exist, but it is not necessary.

A second, somewhat different definition of deviance is offered by other sociologists. By this definition, deviance is *solely and exclusively* informal and interpersonal in nature, while crime is *specifically* the violation of formal norms, and hence is conceptually *separate* and *distinct* from deviance. According to this definition, crime is *not* deviance. Crime and deviance are two different and separate phenomena. Of course, once again, the *informal* stigma that the status of being a criminal tends to generate is a separate matter; to the extent that criminality is stigmatizing, crime is a form of deviance by any definition.

To sum up, then: (1) criminality is not a *necessary* defining criterion of deviance according to *any* definition; (2) to the extent that crime is stigmatizing, it is a form of deviance by *all* definitions; and (3) according to *some* definitions of deviance, crime is a form or variety of deviance, and according to *others*, crime is separate and distinct from deviance. Clearly, then, deviance and crime intertwine in interesting and important ways. They overlap, but imperfectly.

The *analytic* or *theoretical* concepts that run through any conceptualization of deviance may also apply to any number of illegal actions. As I've said, such concepts include the social construction of reality, deviance neutralization, vocabularies of motive, stigma, stigma management, condemnation, identity, subculture, moral entrepreneurs, power, social conflict, and contingency. In addition, many theories of deviance are *also* theories of crime, for example. The most important thing about both deviance and crime is not the specific details of each activity – important though they may be – but the insight that studying them gives us concerning how society works. What the study of both deviance and crime are "about" is primarily the dynamics of normative violations, and ultimately the glue of social life generally. The details about each form of behavior should serve the concepts, not the other way around.

In short, there is a kind of rough "division of labor" between the fields of the sociology of crime and the sociology of deviance. By that I mean that different sets of scholars focus on somewhat different subject matters. Specialists in crime, often referred to as criminologists, tend to focus on behavior (almost never beliefs, and *never* physical conditions) that generate *formal* sanctioning, as well as the origin, dynamics, and consequences of the formal sanctioning itself (e.g., Adler, Mueller, & Laufer, 2012;

Siegel, 2013). In contrast, deviance specialists tend to focus on behavior, beliefs, and conditions that generate *informal* sanctioning, as well as the origin, dynamics, and consequences of the informal sanctioning itself (e.g., Adler & Adler, 2012; Rubington & Weinberg, 2008.)

Institutional Violence: Deviance and Harm

Over four decades ago, the left-leaning critic Alexander Liazos (1972) charged sociologists of deviance with an ideological bias. They focused their attention, he claimed, on "nuts, sluts, and deviated preverts"; that is, powerless, marginal actors who are stigmatized, rather than on powerful institutional actors who inflict the most serious harm. While I agree that it is frustrating for the progressive analyst of deviance to be forced to side-step what Liazos referred to as "covert institutional violence," I disagree that this focus derives from bias. Instead, it is inherent in the constructionist's definition of deviance, which adopts the perspective of relevant audiences: how do they feel and how do they react? This definition often leaves aside individuals who collectively engage, willfully or unwittingly, in consequentially violent or harmful behavior by carrying out the mandates of the major institutions they belong to or work for. The history of the world is clotted with prodigiously harmful, even lethal deeds committed by actors *on behalf of* and *at the behest of* major institutions – corporations, agencies, armies, militias, governments, nation-states, whole societies – entities larger than individual or micro-level actors. The *agency* of these actors – their motivation, why they engage in such actions – is institutional, not individual, and the *social construction* of their actions is, at least within the offending institutions, corporations, societies, and nations, more normative than transgressive. My position is this: rather than jimmying or fiddling or monkeying with our definition of deviance to incorporate "institutional violence" – a facile, slippery, and conceptually evasive exercise – we should find these contradictions intriguing and in need of an explanation.

Consider *mass death*. Some of the perpetrators of mass death *intend* their henchmen's actions to be harmful to certain sectors of the population, while others result in unintended or *collateral* harm. According to the latest research, human activity releases dust, soot, and smoke – pollution – into the atmosphere, which causes millions of deaths worldwide every year, and some 200,000 in the US alone. Automobile pollution kills more people than car accidents, scientists say. Who is called to account for this "institutional violence"? Is capitalism *itself* a form of institutional violence or genocide, as some have claimed (Leech, 2012)? Not many would agree, but the question should be raised. These are *unintended but calculable* harms. Who here is the "deviant"? Industry provides benefits, we all agree – but at what cost? Should we even ask such questions, weigh one consequence against the other? Or contemplate safer alternatives? Add-on, extra-cost automobile anti-pollutants are not popular with consumers; should auto-manufacturers *force* purchasers to pay for non-polluting cars? What about the products that corporate polluters manufacture? How much of an increase in cost are we willing to pay? What are we willing to do to lower levels of pollution, and hence mass death? The answer to these questions is controversial and far from straightforward.

Consider the now-defunct colonial enterprise – the conquest, acquisition, and exploitation of one nation or society by another. Tens of millions of Native American Indians died as a result of warfare and other slaughter, as well as disease and alcoholism, in the mass migration of Europeans to, and the colonization of, the lands of the Western hemisphere. The devastation this misadventure wrought on Native America was incalculable – the destruction of most of the population of a major swathe of humanity and the virtual annihilation of multiple ways of life. Yet Americans, including some historians, once referred to the westward sweep of Europeans into the "new world" as *manifest destiny*. It brought, they said, progress and civilization to the native population – but mostly what it brought was death. Who was responsible for this catastrophe? Before 1890, the US Cavalry killed many Indians in battle; these soldiers considered their combatants to be enemies, and they *meant* to cause their deaths. But most North American Indians died of disease and dislocation, not as a result of warfare. Wherein can we locate the *deviance* in this holocaust of harm? Back then, among the vast majority of whites, such actions were normatively endorsed. By the lights of European or Caucasian American audiences in centuries past, the actors responsible for these developments did *not* engage in deviant behavior; indeed, to most of their peers, these people were heroes – explorers, pioneers, conquerors, warriors, tamers of a continent. But to many indigenous Americans – and to many contemporary observers – these whites were the invaders, destroyers, outsiders, the "other side"; in a word, *deviants*.

What of the monstrous institution of slavery? During the eighteenth and nineteenth centuries, slavery was the basis of a major sector of the economy of much of North and South America and the Caribbean world. Records indicate that about 12 million Africans – men, women, and children, but mostly men – were captured, sold, put in chains in the holds of ships, and sent to the Western hemisphere, the property of anyone with the money to buy them, and forced into a system of lifelong servitude. According to historical research, roughly 10 million Africans arrived in the New World – about 4 million in Brazil, not quite 3.5 million in the Caribbean, roughly 1.7 million in Spanish America, and just under 600,000 in North America, mainly the US. Between 1.5–2 million Africans died in this brutal journey. "However high the mortality rates, however cruel the management of the slaves," states James Walvin (2006), a British historian, the "sole purpose" of the slavers was: "…to make profitable trade in African humanity. Slave deaths cut into the slavers' profits. Slavers did not intend or plan to harm or kill their human cargoes. Quite the opposite." Though most survived, for all who endured it, the trip was vastly more brutal than for any other variety of passage in the history of transatlantic sailing, including that of indentured and convict labor. For any and all other unwilling travelers, "human misery came nowhere near the levels of suffering endured by the slaves" (Walvin, 2006, pp. 65, 66).

And yet, prior to the 1860s – though the institution of slavery was denounced in the North of the US by abolitionists – slavery was justified by many Northern clergy, professors, intellectuals, and most Southerners, as well as a substantial number of Europeans and white residents of the Caribbean (Faust, 1981; Lyman, 1985; McKitrick, 1963; Tise, 1987). To many Americans, slavery was far from a deviant practice. In fact, the authors of a torrent of pamphlets, magazine and newspaper articles, and books, as well as numberless pontificators in speeches, lectures, sermons, and everyday statements

by the man and woman in the street considered slavery natural, godly, justified by the pseudo-science at the time, custom, common sense, and Scripture, a positive good, vindicated by history, almost universal (and therefore acceptable), the destiny of blacks, and even merciful, since African-Americans were intellectually inferior and incapable of surviving on their own. Abolition, these declarations alleged, would release a shiftless, dependent population into society at large, many of whom would kill, maim, rape, and pillage peaceful whites. One of the founders of the University of Georgia School of Law placed an illuminated placard on his Athens home that stated: "RESISTANCE TO ABOLITION IS OBEDIENCE TO GOD." Everything the white majority thought back then was wrong, but conventional norms and attitudes are not simple matters of scientific fact. One might think an institution so heinous, loathsome, and abominable as taking a human being into chattel would be considered wrongful everywhere, but one would be wrong; slavery was not only ideologically supported by parties who profited by it – it was, in all likelihood, acceptable and normative to the population at large, certainly in the South, and very possibly in major sectors among Northerners as well. Today, virtually everyone recognizes the horror inherent in the system of slavery; would all whites today have been so wise and compassionate had we lived in the 1800s?

Consider likewise *intended* harms to innocent victims or opponents of a particular regime. Was the condemnation of brutal dictatorships past and present and their attendant mass killings *proportional* to the repugnance of the deeds they aided and abetted? Not really. State-sponsored imprisonments, wars, rapes during warfare, terror, famines, gulags, "ethnic cleansing," death squads, torture, execution – all of which have resulted in uncountable bloody trails of slaughter – were not, for the most part, carried out by any causal mechanism spelled out by conventional theories of deviance; indeed, they were normative to the representatives and the majority or dominant populations of the regimes in power. Moreover, again, these atrocities generally engendered disproportionally light condemnation or punishment. Throughout the historical record and across the globe, governments, regimes, and militias have slipped the rabid dogs of mass murder: during the Belgian occupation of the Congo (owned outright by King Leopold II between the 1880s and 1906, then a colony of Belgium until 1960); Stalin's Soviet Union (1924–1953); Hitler's Nazi Germany (1933–1945); Pol Pot's Khmer Rouge regime in Kampuchea in the late 1970s; the Republic of Rwanda in 1994, by Hutu militias against the Tutsi majority; and in Darfur, Western Sudan, in 2003, by the Janjaweed militia. And yet among sociologists of deviance, mass death goes virtually unmentioned. The staggering death toll from such murders would be impossible on a one-to-one basis; in these cases, leaders gave orders to officials, who gave orders to operatives, who gave orders to underlings, subordinates, guards, foot-soldiers – the men who pulled the trigger on their AK-47s, wielded the club, thrust the knife, or turned on the gas. The fact is, institutional violence, mass killing – and their loathsome cognate enterprises – have been largely ignored by criminologists and sociologists of deviance (Alvarez, 2010; Liazos, 1972; Rymond-Richmond, 2014; Yacoubian, 2000).

The historical and sociological importance of institutional violence and mass death is immense, but the conventional theories of deviant behavior are powerless to explain them, and constructionism stands mute before their mind-numbing horror. In spite of

their prodigious destructiveness, in theoretically important respects they are, technically and conceptually, not forms of deviance. The world *outside* their scope judges these killings to be appalling and hideous crimes – deviance in the extreme – and even within their society's borders, oppositional or non-dominant forces struggle to define them as supremely wrongful. But many of these regimes seized internal hegemony, and their definition of right and wrong holds sway at that time and place. When the military of other nations march in, defeat the government in power, and grasp the reigns of power, it is then *they* who demarcate the lineaments of justice. In other words, judgments of deviance are inherently historically and culturally bound. But sadly, even when such tribunals are rendered, they frequently fail to administer what we today, in the Western world, in our putative righteousness, regard as true lawfulness. The Nuremberg trials, a series of military tribunals following World War II conducted by the Allied occupation, prosecuted some of the worst offenses of the Third Reich. Though vastly more successful than any such effort in the history of humanity, it nonetheless remained a pitifully puny effort at retribution for the largest mass slaughter in human history. For most genocides, the heavens do not cry out in horror at the atrocities, and justice does not roll down from the hills like God's thunder. Even today, the perpetrators of multiple loathsome deeds remain largely unpunished; the blood of most of their martyrs silently soaks into the earth, and their deaths go unmarked, unremembered, unrequited. In August 1939, just before his invasion of Poland, Adolf Hitler stated, "Who, after all, speaks of the annihilation of the Armenians?" The vast majority of our contemporaries today judge Hitler in the harshest possible terms, but throughout a major swathe of history, brutal armies inflicted mass-scale institutional violence upon innocent victims, and the voices of those victims and the witnesses and perpetrators of those horrific acts alike were silenced for all time.

Concluding Remarks

Sociologists define *deviance* as disvalued behavior, beliefs, or traits, those that violate the norms of a social collectivity, and which tend to attract disapproval, stigma, censure, and/or punishment. Deviance is a universally applicable, trans-historical, cross-cultural concept. Many works on deviance are essentialistic in that they regard deviance as a particular type of behavior, an *action* about which widespread agreement exists. This approach is positivistic in that it attempts to account for why particular actors engage in it, or why certain social conditions encourage it – the "it" being an illegitimate, harmful, or pathological form of behavior. In contrast, constructionism, which emerged in the late 1940s to the early 1950s and was fully developed by the mid-1960s, is not based on a consensus view of deviance, but takes definitions and reactions as problematic, something to be accounted for – in a word, a *constructed* phenomenon. Before 1948, sociologists did not refer to "deviant" behavior; instead, some of the more common terms were "antisocial," "deviate," and "aberrant" conduct. Interestingly, in "Social structure and anomie" (1938), Merton straddled essentialistic and constructed approaches by also using "nonconformist" once, "nonconformity" once, and "proscribed" once. Any approach that seeks an explanation of why deviance is enacted, by its very nature, stresses

the hierarchical, societal nature of deviance, while constructionism is more likely to focus on its horizontal, mosaic, interactional, processual features.

Over time, some behaviors, beliefs, and characteristics have been defined "down," that is, are more likely to be tolerated, while others have been defined "up," or are less likely to be tolerated. The sociology of deviance is a productive and useful but limited perspective, in that many of the most harmful acts in human history – those that comprise institutional violence – do not always fall neatly within its purview, or are not condemned in proportion to the harm they cause. For the most part, practitioners of the field do not offer a theory or explanation of them, and, in the locales in which they are inflicted, they do not attract censure even remotely proportional to the damage they cause.

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